

ELECTION PROCESS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the conduct of elections.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes four types of registered political parties, as follows:
 - a class A registered political party, that chooses a nominee by convention only if the convention agrees to send the top two nominees at convention to a primary unless one state receives at least two-thirds of the votes cast at convention;
 - a class B registered political party, that chooses a nominee by allowing a member of the registered political party to seek the nomination by the nominee failing to gather signatures, seek nomination in the registered political party's convention, or both;
 - a class C registered political party that chooses a nominee by gathering signatures only; and
 - a class D registered political party that chooses a nominee by a method other than the method required for a class A, B, or C registered political party;
- ▶ requires a registered political party to:
 - certify to the lieutenant governor the class that the registered political party will use in the upcoming regular general election; and



28 • comply with the candidate nomination requirements relating to the class
29 certified by the registered political party;
30 ▸ provides that a registered political party that fails to timely certify a class is a class
31 D registered political party;
32 ▸ provides that only a class A, B, or C registered political party:
33 • may participate in a regular primary election; or
34 • have the registered political party's nominees appear on the general election
35 ballot with an indication of party affiliation;
36 ▸ establishes other requirements for a registered political party and for particular
37 classes of registered political parties; and
38 ▸ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 20A-1-201.5, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
46 20A-1-501, as last amended by Laws of Utah 2019, Chapter 349
47 20A-1-503, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
48 20A-5-101, as last amended by Laws of Utah 2019, Chapter 255
49 20A-6-301, as last amended by Laws of Utah 2020, Chapters 31, 49, and 344
50 20A-6-302, as last amended by Laws of Utah 2020, Chapter 31
51 20A-6-304, as last amended by Laws of Utah 2020, Chapter 31
52 20A-8-103, as last amended by Laws of Utah 2019, Chapter 255
53 20A-9-101, as last amended by Laws of Utah 2020, Chapter 344
54 20A-9-201, as last amended by Laws of Utah 2020, Chapter 22
55 20A-9-202, as last amended by Laws of Utah 2020, Chapter 22
56 20A-9-403, as last amended by Laws of Utah 2020, Chapter 22
57 20A-9-405, as last amended by Laws of Utah 2018, Chapter 281
58 20A-9-406, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49

59 **20A-9-407**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
60 **20A-9-408**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
61 **20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296
62 **20A-9-409**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
63 **20A-9-504**, as last amended by Laws of Utah 2019, Chapter 255
64 **20A-9-601**, as last amended by Laws of Utah 2019, Chapters 142, 255, and 279
65 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296
66 **63I-2-220**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17

67 ENACTS:

68 **20A-9-102**, Utah Code Annotated 1953
69 **20A-9-402.5**, Utah Code Annotated 1953
70 **20A-9-402.7**, Utah Code Annotated 1953
71 **20A-9-403.5**, Utah Code Annotated 1953
72 **20A-9-403.7**, Utah Code Annotated 1953
73 **20A-9-409.5**, Utah Code Annotated 1953

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

75 Section 1. Section **20A-1-201.5** is amended to read:

76 **20A-1-201.5. Primary election dates.**

77 (1) The regular primary election shall be held throughout the state on the fourth
78 Tuesday of June of each even numbered year [as provided in Section **20A-9-403**, **20A-9-407**,
79 or **20A-9-408**, as applicable,] to nominate [persons] individuals for:

80 (a) national, state, school board, and county offices; and
81 (b) offices for a metro township, city, or town incorporated under Section **10-2a-404**.

82 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
83 following the first Monday in August before the regular municipal election to nominate persons
84 for municipal offices.

85 (3) A presidential primary election shall be held throughout the state on the first
86 Tuesday in March in the year in which a presidential election will be held.

87 Section 2. Section **20A-1-501** is amended to read:

88 **20A-1-501. Candidate vacancies -- Procedure for filling.**

96 (a) for a registered political party that will have a candidate on a ballot in a primary
97 election, after the close of the period for filing a declaration of candidacy and continuing
98 through the day before the day on which the lieutenant governor provides the list described in
99 Subsection [20A-9-403(4)(a)] 20A-9-403.7(1)(a):

100 (i) only one or two candidates from that party have filed a declaration of candidacy for
101 that office; and

102 (ii) one or both:

103 (A) dies;

104 (B) resigns because of acquiring a physical or mental disability, certified by a physician
105 or physician assistant, that prevents the candidate from continuing the candidacy; or

106 (C) is disqualified by an election officer for improper filing or nominating procedures;

107 (b) for a registered political party that does not have a candidate on the ballot in a

108 primary, but that will have a candidate on the ballot for a general election, after the close of the
109 period for filing a declaration of candidacy and continuing through the day before the day on
110 which the lieutenant governor makes the certification described in Section [20A-5-409](#), the
111 party's candidate:

112 (i) dies;

113 (ii) resigns because of acquiring a physical or mental disability as certified by a
114 physician or physician assistant;

115 (iii) is disqualified by an election officer for improper filing or nominating procedures;
116 or

117 (iv) resigns to become a candidate for president or vice president of the United States;

118 or

119 (c) for a registered political party with a candidate certified as winning a primary
120 election, after the deadline described in Subsection (1)(a) and continuing through the day

121 before that day on which the lieutenant governor makes the certification described in Section
122 **20A-5-409**, the party's candidate:

123 (i) dies;
124 (ii) resigns because of acquiring a physical or mental disability as certified by a
125 physician or physician assistant;
126 (iii) is disqualified by an election officer for improper filing or nominating procedures;
127 or
128 (iv) resigns to become a candidate for president or vice president of the United States.

129 (2) If no more than two candidates from a registered political party have filed a
130 declaration of candidacy for an office elected at a regular general election and one resigns to
131 become the party candidate for another position, the state central committee of that registered
132 political party, for candidates for governor, lieutenant governor, attorney general, state
133 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
134 more than one county, and the county central committee of that registered political party, for all
135 other party candidates, may certify the name of another candidate to the appropriate election
136 officer.

137 (3) Each replacement candidate shall file a declaration of candidacy as required by
138 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

139 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
140 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

141 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
142 described in Subsection (1)(b) may not appear on the general election ballot.

143 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
144 described in Subsection (1)(c) may not appear on the general election ballot.

145 (5) A registered political party may not replace a candidate who is disqualified for
146 failure to timely file a campaign disclosure financial report under Title 20A, Chapter 11,
147 Campaign and Financial Reporting Requirements, or Section **17-16-6.5**.

148 Section 3. Section **20A-1-503** is amended to read:

149 **20A-1-503. Midterm vacancies in the Legislature.**

150 (1) As used in this section:

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

- (i) a declaration of candidacy as provided in Section 20A-9-202; and
- (ii) a certificate of nomination as provided in Section 20A-9-503.

(b) "Party liaison" means the registered political party officer designated to serve as a with the lieutenant governor on all matters relating to the registered political party's nship with the state as required by Section 20A-8-401.

(2) When a vacancy occurs for any reason in the office of representative in the
Senate, the governor shall fill the vacancy by immediately appointing the [person]
individual whose name was submitted by the party liaison of the same registered political party
of the prior representative.

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

(b) The governor shall fill the vacancy until the next regular general election by immediately appointing the [person] individual whose name was submitted by the party liaison to the same registered political party as the prior senator.

(4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but August 31 of an even-numbered year in which the term of office does not expire, the ant governor shall:

(i) establish a date and time, which is before the date for a candidate to be certified for lot under Section 20A-9-701 and no later than 21 days after the day on which the y occurred, by which [a person] an individual intending to obtain a position on the ballot vacant office shall file:

- (A) a declaration of candidacy; or
- (B) a certificate of nomination; and

(ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(1):

- (A) on the lieutenant governor's website; and
- (B) to each registered political party.

(b) [A person] An individual intending to obtain a position on the ballot for the vacant shall:

(i) before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter

183 9, Candidate Qualifications and Nominating Procedures; and
184 (ii) run in the regular general election if:
185 (A) nominated as a party candidate; or
186 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
187 Qualifications and Nominating Procedures.

188 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
189 Subsection 20A-9-202[(1)(b)](2)(b)(ii) or (3)(b) and before August 31, of an even-numbered
190 year in which the term of office does not expire, a party liaison from each registered political
191 party may submit a name of [a person] an individual described in Subsection (4)(b) to the
192 lieutenant governor before 5 p.m. no later than August 30 for placement on the regular general
193 election ballot.

194 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
195 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the
196 unexpired term by immediately appointing the [person] individual whose name was submitted
197 by the party liaison of the same registered political party as the prior senator.

198 Section 4. Section 20A-5-101 is amended to read:

199 **20A-5-101. Notice of election.**

200 (1) On or before November 15 in the year before each regular general election year, the
201 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

202 (a) designates the offices to be filled at the next year's regular general election;
203 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
204 certifying nomination petition signatures, as applicable, [under Sections 20A-9-403,
205 20A-9-407, and 20A-9-408] for those offices; and
206 (c) contains a description of any ballot propositions to be decided by the voters that
207 have qualified for the ballot as of that date.

208 (2) No later than seven business days after the day on which the lieutenant governor
209 transmits the written notice described in Subsection (1), each county clerk shall publish notice,
210 in accordance with Subsection (3):

211 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in
212 each voting precinct within the county; and
213 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places

214 where the notice was posted;

215 (b) (i) in a newspaper of general circulation in the county;

216 (ii) if there is no newspaper of general circulation within the county, in addition to the

217 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice

218 per 2,000 population of the county, in places within the county that are most likely to give

219 notice of the election to the voters in the county; or

220 (iii) by mailing notice to each registered voter in the county;

221 (c) on the Utah Public Notice Website created in Section [63F-1-701](#), for seven days

222 before the day of the election;

223 (d) in accordance with Section [45-1-101](#), for seven days before the day of the election;

224 and

225 (e) on the county's website for seven days before the day of the election.

226 (3) The notice described in Subsection (2) shall:

227 (a) designate the offices to be voted on in that election; and

228 (b) identify the dates for filing a declaration of candidacy for those offices.

229 (4) Except as provided in Subsection (6), before each election, the election officer shall

230 give printed notice of the following information:

231 (a) the date of election;

232 (b) the hours during which the polls will be open;

233 (c) the polling places for each voting precinct, early voting polling place, and election

234 day voting center;

235 (d) the address of the Statewide Electronic Voter Information Website and, if available,

236 the address of the election officer's website, with a statement indicating that the election officer

237 will post on the website any changes to the location of a polling place and the location of any

238 additional polling place;

239 (e) a phone number that a voter may call to obtain information regarding the location of

240 a polling place; and

241 (f) the qualifications for persons to vote in the election.

242 (5) To provide the printed notice described in Subsection (4), the election officer shall

243 publish the notice:

244 (a) (i) in a newspaper of general circulation in the jurisdiction to which the election

245 pertains at least two days before the day of the election;

246 (ii) if there is no newspaper of general circulation in the jurisdiction to which the
247 election pertains, at least two days before the day of the election, by posting one notice, and at
248 least one additional notice per 2,000 population of the jurisdiction, in places within the
249 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or
250 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to
251 which the election pertains at least five days before the day of the election;

252 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for two days
253 before the day of the election;

254 (c) in accordance with Section [45-1-101](#), for two days before the day of the election;
255 and

256 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before
257 the day of the election.

258 (6) Instead of including the information described in Subsection (4) in the notice, the
259 election officer may give printed notice that:

260 (a) is entitled "Notice of Election";

261 (b) includes the following: "A [indicate election type] will be held in [indicate the
262 jurisdiction] on [indicate date of election]. Information relating to the election, including
263 polling places, polling place hours, and qualifications of voters may be obtained from the
264 following sources:"; and

265 (c) specifies the following sources where an individual may view or obtain the
266 information described in Subsection (4):

267 (i) if the jurisdiction has a website, the jurisdiction's website;

268 (ii) the physical address of the jurisdiction offices; and

269 (iii) a mailing address and telephone number.

270 Section 5. Section **20A-6-301** is amended to read:

271 **20A-6-301. Manual ballots -- Regular general election.**

272 (1) Each election officer shall ensure that:

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

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

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

276 a registered political party that has, by timely certifying as a class A, B, or C registered political
277 party under Section 20A-9-102, chosen to nominate [its] the registered political party's
278 candidates in accordance with [Section 20A-9-403] the requirements applicable to the class
279 certified under Section 20A-9-102; and

280 (iii) no indication that a candidate for elective office has been nominated by, or has
281 been endorsed by, or is in any way affiliated with a political party or group, unless the
282 candidate has been nominated by a class A, B, or C registered political party in accordance
283 with [Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] the requirements applicable to the
284 class certified under Section 20A-9-102;

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

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

287 (ii) the date of the election; and

288 (iii) the words "certified by the Clerk of _____ County" or, as applicable, the
289 name of a combined office that includes the duties of a county clerk;

290 (c) unaffiliated candidates, candidates not affiliated with a registered political party,
291 and all other candidates for elective office who were not nominated by a class A, B, or C
292 registered political party in accordance with [Subsection 20A-9-202(4) or Subsection
293 20A-9-403(5)] the requirements applicable to the registered political party's class, are listed
294 with the other candidates for the same office in accordance with Section 20A-6-305, without a
295 party name or title;

296 (d) each ticket containing the lists of candidates, including the party name and device,
297 are separated by heavy parallel lines;

298 (e) the offices to be filled are plainly printed immediately above the names of the
299 candidates for those offices;

300 (f) the names of candidates are printed in capital letters, not less than one-eighth nor
301 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
302 lines or rules three-eighths of an inch apart; and

303 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in
304 which a write-in candidate is qualified under Section 20A-9-601:

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

311 (2) An election officer shall ensure that:

312 (a) each individual nominated by [any registered political party under Subsection
313 20A-9-202(4) or Subsection 20A-9-403(5)] a class A, B, or C registered political party in
314 accordance with the requirements applicable to the registered political party's class, and no
315 other individual, is placed on the ballot:

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

317 (ii) under the title of the registered political party [as] designated by [them in their
318 certificates] the individual in the individual's certificate of nomination or petition, or, if none is
319 designated, then under some suitable title;

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

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

324 (d) the ballots contain no other names.

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

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

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

330 (c) the words, "Vote for one" or "Vote for up to ____ (the number

331 which the voter may vote)" extend to the extreme right of the column;
332 (d) the nonpartisan candidates are grouped according to the office for which they are

333 candidates;
334 (c) the minimum value of $1 - \frac{1}{2} \ln(1 - \frac{1}{2})$ is $\frac{1}{2} \ln 2$. Section 20A.6.20

337 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of

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

339 (4) Each election officer shall ensure that:

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

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

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

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

347 **20A-6-302. Manual ballots -- Placement of candidates' names.**

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

349 (a) each candidate is listed by party, if nominated by a class A, B, or C registered
350 political party [~~under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)~~] in accordance
351 with the requirements applicable to the registered political party's class;

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

354 (c) the names of candidates are placed on the ballot in the order specified under Section
355 20A-6-305.

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

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

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

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

369 received for the office of county attorney.

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

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

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

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

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

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

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

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

398 (e) If no qualified individual files for the office of district attorney, or if the only
399 candidate is not elected by the voters under this subsection, the county legislative body shall

400 appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.

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

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

412 Section 7. Section 20A-6-304 is amended to read:

413 20A-6-304. Regular general election -- Mechanical ballots.

414 (1) Each election officer shall ensure that:

415 (a) the format and content of a mechanical ballot is arranged in approximately the same
416 order as manual ballots;

417 (b) the titles of offices and the names of candidates are displayed in vertical columns or
418 in a series of separate displays;

419 (c) the mechanical ballot is of sufficient length to include, after the list of candidates:

420 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

421 (ii) any ballot propositions submitted to the voters for their approval or rejection;

422 (d) the office titles are displayed above or at the side of the names of candidates so as
423 to indicate clearly the candidates for each office and the number to be elected;

424 (e) the party designation of each candidate who has been nominated by a class A, B, or
425 C registered political party [under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] in
426 accordance with the requirements applicable to the registered political party's class is displayed
427 adjacent to the candidate's name; and

428 (f) if possible, all candidates for one office are grouped in one column or upon one
429 display screen.

430 (2) Each election officer shall ensure that:

437 Section 8. Section **20A-8-103** is amended to read:

20A-8-103. Petition procedures -- Criminal penalty.

439 (1) As used in this section, the proposed name or emblem of a registered political party
440 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
441 difference between the proposed name or emblem and any name or emblem currently being
442 used by another registered political party.

443 (2) To become a registered political party, an organization of registered voters that is
444 not a continuing political party shall:

445 (a) circulate a petition seeking registered political party status beginning no earlier than
446 the date of the statewide canvass held after the last regular general election and ending before 5
447 p.m. no later than November 30 of the year before the year in which the next regular general
448 election will be held;

449 (b) file a petition with the lieutenant governor that is signed, with a holographic
450 signature, by at least 2,000 registered voters before 5 p.m. no later than November 30 of the
451 year in which a regular general election will be held; and

452 (c) file, with the petition described in Subsection (2)(b), a document certifying:

453 (i) the identity of one or more registered political parties whose members may vote for
454 the organization's candidates;

455 (ii) whether unaffiliated voters may vote for the organization's candidates; and

456 (iii) whether, for the next election, the organization [intends to nominate the
457 organization's candidates in accordance with the provisions of Section 20A-9-406] will be a
458 class A, B, C, or D registered political party.

459 (3) The petition shall:

460 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

461 (b) be ruled with a horizontal line $\frac{3}{4}$ inch from the top, with the space above that line

462 blank for the purpose of binding;

463 (c) contain the name of the political party and the words "Political Party Registration

464 Petition" printed directly below the horizontal line;

465 (d) contain the word "Warning" printed directly under the words described in

466 Subsection (3)(c);

467 (e) contain, to the right of the word "Warning," the following statement printed in not

468 less than eight-point, single leaded type:

469 "It is a class A misdemeanor for anyone to knowingly sign a political party registration

470 petition signature sheet with any name other than the individual's own name or more than once

471 for the same party or if the individual is not registered to vote in this state and does not intend

472 to become registered to vote in this state before the petition is submitted to the lieutenant

473 governor.";

474 (f) contain the following statement directly under the statement described in Subsection

475 (3)(e):

476 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,

477 Lieutenant Governor:

478 We, the undersigned citizens of Utah, seek registered political party status for _____

479 (name);

480 Each signer says:

481 I have personally signed this petition with a holographic signature;

482 I am registered to vote in Utah or will register to vote in Utah before the petition is

483 submitted to the lieutenant governor;

484 I am or desire to become a member of the political party; and

485 My street address is written correctly after my name.";

486 (g) be vertically divided into columns as follows:

487 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be

488 headed with "For Office Use Only," and be subdivided with a light vertical line down the

489 middle;

490 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed

491 Name (must be legible to be counted)";

492 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of

493 Registered Voter";

494 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

495 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip

496 Code"; and

497 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age

498 information is not required, but it may be used to verify your identity with voter registration

499 records. If you choose not to provide it, your signature may not be certified as a valid signature

500 if you change your address before petition signatures are certified or if the information you

501 provide does not match your voter registration records.";

502 (h) have a final page bound to one or more signature sheets that are bound together that

503 contains the following printed statement:

504 "Verification

505 State of Utah, County of ____

506 I, _____, of ____, hereby state that:

507 I am a Utah resident and am at least 18 years old;

508 All the names that appear on the signature sheets bound to this page were signed by

509 individuals who professed to be the individuals whose names appear on the signature sheets,

510 and each individual signed the individual's name on the signature sheets in my presence;

511 I believe that each individual has printed and signed the individual's name and written

512 the individual's street address correctly, and that each individual is registered to vote in Utah or

513 will register to vote in Utah before the petition is submitted to the lieutenant governor.

514

515 (Signature) (Residence Address) (Date)"; and

516 (i) be bound to a cover sheet that:

517 (i) identifies the political party's name, which may not exceed four words, and the

518 emblem of the party;

519 (ii) states the process that the organization will follow to organize and adopt a

520 constitution and bylaws; and

521 (iii) is signed by a filing officer, who agrees to receive communications on behalf of

522 the organization.

523 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual

524 in whose presence each signature sheet is signed:
525 (a) is at least 18 years old;
526 (b) meets the residency requirements of Section [20A-2-105](#); and
527 (c) verifies each signature sheet by completing the verification bound to one or more
528 signature sheets that are bound together.

529 (5) An individual may not sign the verification if the individual signed a signature
530 sheet bound to the verification.

531 (6) The lieutenant governor shall:
532 (a) determine whether the required number of voters appears on the petition;
533 (b) review the proposed name and emblem to determine if they are "distinguishable"
534 from the names and emblems of other registered political parties; and
535 (c) certify the lieutenant governor's findings to the filing officer described in
536 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

537 (7) (a) If the lieutenant governor determines that the petition meets the requirements of
538 this section, and that the proposed name and emblem are distinguishable, the lieutenant
539 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the
540 prospective political party.

541 (b) If the lieutenant governor finds that the name, emblem, or both are not
542 distinguishable from the names and emblems of other registered political parties, the lieutenant
543 governor shall notify the filing officer that the filing officer has seven days to submit a new
544 name or emblem to the lieutenant governor.

545 (8) A registered political party may not change its name or emblem during the regular
546 general election cycle.

547 (9) (a) It is unlawful for an individual to:
548 (i) knowingly sign a political party registration petition;
549 (A) with any name other than the individual's own name;
550 (B) more than once for the same political party; or
551 (C) if the individual is not registered to vote in this state and does not intend to become
552 registered to vote in this state before the petition is submitted to the lieutenant governor; or
553 (ii) sign the verification of a political party registration petition signature sheet if the
554 individual:

555 (A) does not meet the residency requirements of Section 20A-2-105;
556 (B) has not witnessed the signing by those individuals whose names appear on the
557 political party registration petition signature sheet; or
558 (C) knows that an individual whose signature appears on the political party registration
559 petition signature sheet is not registered to vote in this state and does not intend to become
560 registered to vote in this state.

561 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.
562 Section 9. Section **20A-9-101** is amended to read:

20A-9-101. Definitions.

564 As used in this chapter:

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

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

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

570 (ii) presidential elector:

571 (iii) any political party offices; and

572 (iv) municipal or local district offices

573 (2) "Class A registered political party" means a registered political party that, by timely
574 certifying as a class A registered political party under Section 20A-9-102, voluntarily agrees:

575 (a) to permit a member of the registered political party to seek the registered political
576 party's nomination for any elective office via party convention only; and

577 (b) that the two candidates who receive the highest number of votes for each office at
578 convention will compete for the nomination in a primary election unless one candidate receives
579 at least two-thirds of the votes cast at convention for that office.

580 (3) "Class B registered political party" means a registered political party that, by timely
581 certifying as a class B registered political party under Section 20A-9-102, voluntarily agrees:

582 (a) (i) to permit a delegate for the registered political party to vote on a candidate
583 nomination in the registered political party's convention remotely; or

584 (ii) to provide a procedure for designating an alternate delegate if a delegate is not
585 present at the registered political party's convention;

586 (b) to hold the registered political party's convention no earlier than the fourth Saturday
587 in March of an even-numbered year; and

588 (c) to permit a member of the registered political party to seek the registered political
589 party's nomination for any elective office by the member choosing to seek the nomination by
590 either or both of the following methods:

591 (i) seeking the nomination through the registered political party's convention process,
592 in accordance with the provisions of Section 20A-9-407; or

593 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
594 of Section 20A-9-408.

595 (4) "Class C registered political party" means a registered political party that, by timely
596 certifying as a class C registered political party under Section 20A-9-102, voluntarily agrees to
597 permit a member of the registered political party to seek the registered political party's
598 nomination for any elective office by signature only, in accordance with Section 20A-9-403.

599 (5) "Class D registered political party" means a registered political party that:

600 (a) by timely certifying as a class D registered political party under Section 20A-9-102,
601 voluntarily agrees:

602 (i) to permit a member of the registered political party to seek the registered political
603 party's nomination for any elective office by a means other than the means required for a class
604 A, B, or C registered political party;

605 (ii) that the registered political party will not participate in the regular primary election;
606 and

607 (iii) that the registered political party's nominees will appear on the general election
608 ballot without any indication of party affiliation or affiliation with any other political group; or

609 (b) by failing to timely certify as a class A, B, C, or D registered political party under
610 Section 20A-9-102, is not entitled to, and is not permitted to:

611 (i) participate in the regular primary election; or

612 (ii) have the registered political party's nominees appear on the general election ballot
613 with any indication of party affiliation or affiliation with any other political group.

614 [~~(2)~~] (6) "Constitutional office" means the state offices of governor, lieutenant
615 governor, attorney general, state auditor, and state treasurer.

616 [~~(3)~~] (7) "Continuing political party" means the same as that term is defined in Section

617 20A-8-101.

618 [¶] (8) (a) "County office" means an elective office where the officeholder is selected
619 by voters entirely within one county.

620 (b) "County office" does not mean:

- 621 (i) the office of justice or judge of any court of record or not of record;
- 622 (ii) the office of presidential elector;
- 623 (iii) any political party offices;
- 624 (iv) any municipal or local district offices; and
- 625 (v) the office of United States Senator and United States Representative.

626 [¶] (9) "Federal office" means an elective office for United States Senator and United
627 States Representative.

628 [¶] (10) "Filing officer" means:

- 629 (a) the lieutenant governor, for:
 - 630 (i) the office of United States Senator and United States Representative; and
 - 631 (ii) all constitutional offices;
- 632 (b) for the office of a state senator or state representative, the lieutenant governor or the
633 applicable clerk described in Subsection [¶] (10)(c) or (d);
- 634 (c) the county clerk, for county offices and local school district offices;
- 635 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 636 (e) the city or town clerk, for municipal offices; or
- 637 (f) the local district clerk, for local district offices.

638 [¶] (11) "Local district office" means an elected office in a local district.

639 [¶] (12) "Local government office" includes county offices, municipal offices, and
640 local district offices and other elective offices selected by the voters from a political division
641 entirely within one county.

642 [¶] (13) (a) "Multicounty office" means an elective office where the officeholder is
643 selected by the voters from more than one county.

644 (b) "Multicounty office" does not mean:

- 645 (i) a county office;
- 646 (ii) a federal office;
- 647 (iii) the office of justice or judge of any court of record or not of record;

648 (iv) the office of presidential elector;

649 (v) any political party offices; or

650 (vi) any municipal or local district offices.

651 ~~[¶]~~ (14) "Municipal office" means an elective office in a municipality.

652 ~~[¶]~~ (15) (a) "Political division" means a geographic unit from which an officeholder
653 is elected and that an officeholder represents.

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

656 ~~[¶]~~ (12) "Qualified political party" means a registered political party that:]

657 ~~[¶]~~ (a) (i) ~~permits a delegate for the registered political party to vote on a candidate
658 nomination in the registered political party's convention remotely; or]~~

659 ~~[¶]~~ (ii) ~~provides a procedure for designating an alternate delegate if a delegate is not
660 present at the registered political party's convention;]~~

661 ~~[¶]~~ (b) ~~does not hold the registered political party's convention before the fourth Saturday
662 in March of an even-numbered year;]~~

663 ~~[¶]~~ (c) ~~permits a member of the registered political party to seek the registered political
664 party's nomination for any elective office by the member choosing to seek the nomination by
665 either or both of the following methods:]~~

666 ~~[¶]~~ (i) ~~seeking the nomination through the registered political party's convention process,
667 in accordance with the provisions of Section 20A-9-407; or]~~

668 ~~[¶]~~ (ii) ~~seeking the nomination by collecting signatures, in accordance with the provisions
669 of Section 20A-9-408; and]~~

670 ~~[¶]~~ (d) (i) ~~if the registered political party is a continuing political party, no later than 5
671 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
672 election in the following year, the registered political party intends to nominate the registered
673 political party's candidates in accordance with the provisions of Section 20A-9-406; or]~~

674 ~~[¶]~~ (ii) ~~if the registered political party is not a continuing political party, certifies at the
675 time that the registered political party files the petition described in Section 20A-8-103 that, for
676 the next election, the registered political party intends to nominate the registered political
677 party's candidates in accordance with the provisions of Section 20A-9-406.]~~

678 Section 10. Section 20A-9-102 is enacted to read:

679 **20A-9-102. Certification of registered political party class -- Effect of certification**
680 **or failure to timely certify.**

681 (1) A registered political party that is a continuing political party shall, no later than 5
682 p.m. on September 30 of an odd-numbered year, certify to the lieutenant governor, in writing:

683 (a) whether the registered political party will be a class A, class B, class C, or class D
684 registered political party during the following even-numbered year; and

685 (b) for a class A, class B, or class C registered political party:

686 (i) the name of one or more registered political parties whose members may vote for
687 the registered political party's candidates in the regular primary election; and

688 (ii) whether individuals identified as unaffiliated with a registered political party may
689 vote for the registered political party's candidates in the regular primary election.

690 (2) A registered political party that is not a continuing political party, shall, at the time
691 that the registered political party files the petition described in Section 20A-8-103, certify to
692 the lieutenant governor, in writing:

693 (a) whether the registered political party will be a class A, class B, class C, or class D
694 registered political party during the following even-numbered year; and

695 (b) for a class A, class B, or class C registered political party:

696 (i) the name of one or more registered political parties whose members may vote for
697 the registered political party's candidates in the regular primary election; and

698 (ii) whether individuals identified as unaffiliated with a registered political party may
699 vote for the registered political party's candidates in the regular primary election.

700 (3) A registered political party that fails to timely provide the certification described in
701 Subsection (1) or (2) is a class D registered political party during the even-numbered year
702 following the applicable deadline described in Subsection (1) or (2).

703 (4) If a registered political party certifies as a class A, class B, class C, or class D
704 registered political party:

705 (a) the registered political party may not, after certifying, change the registered political
706 party's class for purposes of an election during the even-numbered year following the
707 applicable deadline described in Subsection (1) or (2); and

708 (b) any action taken by the registered political party that is intended to, or may have the
709 effect of, changing the class of the registered political party or interfering with the election

710 process provided by law for the class of the registered political party will not be given legal
711 effect by the state for an election in the even-numbered year following the deadline described
712 in Subsection (1) or (2).

713 (5) If a registered political party becomes a class D registered political party by failing
714 to timely provide the certification described in Subsection (1) or (2):

715 (a) the registered political party may not, after the applicable deadline described in
716 Subsection (1) or (2), change the registered political party's class for purposes of an election
717 during the even-numbered year following the applicable deadline described in Subsection (1)
718 or (2); and

719 (b) any action taken by the registered political party that is intended to change, or that
720 may have the effect of changing, the class of the registered political party or interfere with the
721 election process provided by law for a class D registered political party will not be given legal
722 effect by the state for an election in the even-numbered year following the applicable deadline
723 described in Subsection (1) or (2).

724 Section 11. Section **20A-9-201** is amended to read:

725 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
726 **more than one political party prohibited with exceptions -- General filing and form**
727 **requirements -- Affidavit of impecuniosity.**

728 (1) Before filing a declaration of candidacy for election to any office, an individual
729 shall:

730 (a) be a United States citizen;
731 (b) meet the legal requirements of that office; and
732 (c) if seeking a registered political party's nomination as a candidate for elective office,
733 state:

734 (i) the registered political party of which the individual is a member; or
735 (ii) that the individual is not a member of a registered political party.

736 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

737 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
738 Utah during any election year;
739 (ii) appear on the ballot as the candidate of more than one political party; or
740 (iii) file a declaration of candidacy for a registered political party of which the

741 individual is not a member, except to the extent that the registered political party permits
742 otherwise in the registered political party's bylaws.

743 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
744 president or vice president of the United States and another office, if the individual resigns the
745 individual's candidacy for the other office after the individual is officially nominated for
746 president or vice president of the United States.

747 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
748 than one justice court judge office.

749 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
750 the individual filed a declaration of candidacy for another office in the same election year if the
751 individual withdraws as a candidate for the other office in accordance with Subsection
752 [20A-9-202](#)(6) before filing the declaration of candidacy for lieutenant governor.

753 (3) (a) Except for a candidate for president or vice president of the United States,
754 before the filing officer may accept any declaration of candidacy, the filing officer shall:

755 (i) read to the individual the constitutional and statutory qualification requirements for
756 the office that the individual is seeking;

757 (ii) require the individual to state whether the individual meets the requirements
758 described in Subsection (3)(a)(i); [and]

759 (iii) if the declaration of candidacy is for a county office, inform the individual that an
760 individual who holds a county elected office may not, at the same time, hold a municipal
761 elected office~~[.]~~; and

762 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
763 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
764 or trust, under authority of the United States or Utah, from being a member of the Legislature.

765 (b) Before accepting a declaration of candidacy for the office of county attorney, the
766 county clerk shall ensure that the individual filing that declaration of candidacy is:

767 (i) a United States citizen;

768 (ii) an attorney licensed to practice law in the state who is an active member in good
769 standing of the Utah State Bar;

770 (iii) a registered voter in the county in which the individual is seeking office; and

771 (iv) a current resident of the county in which the individual is seeking office and either

772 has been a resident of that county for at least one year or was appointed and is currently serving
773 as county attorney and became a resident of the county within 30 days after appointment to the
774 office.

775 (c) Before accepting a declaration of candidacy for the office of district attorney, the
776 county clerk shall ensure that, as of the date of the election, the individual filing that
777 declaration of candidacy is:

778 (i) a United States citizen;

779 (ii) an attorney licensed to practice law in the state who is an active member in good
780 standing of the Utah State Bar;

781 (iii) a registered voter in the prosecution district in which the individual is seeking
782 office; and

783 (iv) a current resident of the prosecution district in which the individual is seeking
784 office and either will have been a resident of that prosecution district for at least one year as of
785 the date of the election or was appointed and is currently serving as district attorney and
786 became a resident of the prosecution district within 30 days after receiving appointment to the
787 office.

788 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
789 county clerk shall ensure that the individual filing the declaration:

790 (i) is a United States citizen;

791 (ii) is a registered voter in the county in which the individual seeks office;

792 (iii) (A) has successfully met the standards and training requirements established for
793 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
794 Certification Act; or

795 (B) has met the waiver requirements in Section [53-6-206](#);

796 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
797 [53-13-103](#); and

798 (v) as of the date of the election, will have been a resident of the county in which the
799 individual seeks office for at least one year.

800 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
801 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
802 Education member, the filing officer shall ensure[:(i)] that the individual filing the declaration

803 of candidacy also makes the conflict of interest disclosure required by Section 20A-11-1603[; and].

805 [((ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
806 individual provides the conflict of interest disclosure form to the lieutenant governor in
807 accordance with Section 20A-11-1603.]

808 (4) If an individual who files a declaration of candidacy does not meet the qualification
809 requirements for the office the individual is seeking, the filing officer may not accept the
810 individual's declaration of candidacy.

811 (5) If an individual who files a declaration of candidacy meets the requirements
812 described in Subsection (3), the filing officer shall:

813 (a) inform the individual that:

814 (i) the individual's name will appear on the ballot as the individual's name is written on
815 the individual's declaration of candidacy;

816 (ii) the individual may be required to comply with state or local campaign finance
817 disclosure laws; and

818 (iii) the individual is required to file a financial statement before the individual's
819 political convention under:

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

821 (B) Section 20A-11-303 for a candidate for the Legislature; or

822 (C) local campaign finance disclosure laws, if applicable;

823 (b) except for a presidential candidate, provide the individual with a copy of the current
824 campaign financial disclosure laws for the office the individual is seeking and inform the
825 individual that failure to comply will result in disqualification as a candidate and removal of
826 the individual's name from the ballot;

827 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
828 Electronic Voter Information Website Program and inform the individual of the submission
829 deadline under Subsection 20A-7-801(4)(a);

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

832 (i) signing the pledge is voluntary; and

833 (ii) signed pledges shall be filed with the filing officer;

834 (e) accept the individual's declaration of candidacy; and
835 (f) if the individual has filed for a partisan office, provide a certified copy of the
836 declaration of candidacy to the chair of the county or state political party of which the
837 individual is a member.

838 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
839 officer shall:

840 (a) accept the candidate's pledge; and
841 (b) if the candidate has filed for a partisan office, provide a certified copy of the
842 candidate's pledge to the chair of the county or state political party of which the candidate is a
843 member.

844 (7) (a) Except for a candidate for president or vice president of the United States, the
845 form of the declaration of candidacy shall:
846 (i) be substantially as follows:
847 "State of Utah, County of _____
848 I, _____, declare my candidacy for the office of _____, seeking the
849 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
850 hold the office, both legally and constitutionally, if selected; I reside at _____
851 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
852 knowingly violate any law governing campaigns and elections; if filing via a designated
853 agent, I will be out of the state of Utah during the entire candidate filing period; I will
854 file all campaign financial disclosure reports as required by law; and I understand that
855 failure to do so will result in my disqualification as a candidate for this office and
856 removal of my name from the ballot. The mailing address that I designate for receiving
857 official election notices is _____.

859 Subscribed and sworn before me this _____ (month\day\year).
860 Notary Public (or other officer qualified to administer oath)."; and
861 (ii) require the candidate to state, in the sworn statement described in Subsection
862 (7)(a)(i):
863 (A) the registered political party of which the candidate is a member; or
864 (B) that the candidate is not a member of a registered political party.

865 (b) An agent designated under Subsection 20A-9-202~~(1)(e)~~(4) to file a declaration of
866 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

867 (8) (a) Except for a candidate for president or vice president of the United States, the
868 fee for filing a declaration of candidacy is:

869 (i) \$50 for candidates for the local school district board; and

870 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
871 person holding the office for all other federal, state, and county offices.

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

874 (i) who is disqualified; or

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

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

878 (ii) The lieutenant governor shall:

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

881 (B) ensure that each county receives that proportion of the total amount paid to the
882 lieutenant governor from the congressional district that the total vote of that county for all
883 candidates for representative in Congress bears to the total vote of all counties within the
884 congressional district for all candidates for representative in Congress.

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

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

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

893 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
894 considered an offense under this title for the purposes of assessing the penalties provided in
895 Subsection 20A-1-609(2).

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

898 "Affidavit of Impecuniosity

899 Individual Name

900 _____ Address _____

901 Phone Number _____

902 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
903 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
904 law.

905 Date _____ Signature _____

906 Affiant

907 Subscribed and sworn to before me on _____ (month\day\year)

908 _____
909 _____ (signature)

910 Name and Title of Officer Authorized to Administer Oath _____".

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

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

917 (vi) The filing officer may request that a person who makes a claim of impecuniosity
918 under this Subsection (8)(d) file a financial statement on a form prepared by the election
919 official.

920 (9) An individual who fails to file a declaration of candidacy or certificate of
921 nomination within the time provided in this chapter is ineligible for nomination to office.

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

924 Section 12. Section 20A-9-202 is amended to read:

925 **20A-9-202. Declarations of candidacy for regular general elections.**

926 [¶] (a) An individual seeking to become a candidate for an elective office that is to be

927 filled at the next regular general election shall:]

928 [~~(i) except as provided in Subsection (1)(c), file a declaration of candidacy in person~~
929 ~~with the filing officer on or after January 1 of the regular general election year, and, if~~
930 ~~applicable, before the individual circulates nomination petitions under Section 20A-9-405, and]~~

931 [~~(ii) pay the filing fee.~~]

932 [~~(b) Unless expressly provided otherwise in this title, for a registered political party~~
933 ~~that is not a qualified political party, the deadline for filing a declaration of candidacy for an~~
934 ~~elective office that is to be filled at the next regular general election is 5 p.m. on the first~~
935 ~~Monday after the third Saturday in April.~~]

936 (1) An individual seeking to become a candidate for an elective office that is to be
937 filled at the next regular general election shall:

938 (a) file a declaration of candidacy in accordance with Subsection (2) or (3), as
939 applicable; and

940 (b) pay the filing fee at the time of filing.

941 (2) If an individual described in Subsection (1) will seek to become a candidate by
942 gathering signatures under Section 20A-9-403 or 20A-9-408, the individual shall, except as
943 provided in Subsection (4), file a declaration of candidacy in person with the filing officer:

944 (a) on or after January 1 of the regular general election year; and

945 (b) before the earlier of:

946 (i) before the individual circulates nomination petitions under Section 20A-9-403 or
947 20A-9-408; or

948 (ii) 5 p.m. on the third Thursday in March before the next regular general election.

949 (3) If an individual described in Subsection (1) will not seek to become a candidate by
950 gathering signatures under Section 20A-9-403 or 20A-9-408, the individual shall, except as
951 provided in Subsection (4), file a declaration of candidacy in person with the filing officer:

952 (a) on or after the second Friday in March before the next regular general election; and

953 (b) before 5 p.m. on the third Thursday in March before the next regular general
954 election.

955 [~~(c)~~] (4) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent
956 to file a declaration of candidacy with the filing officer if:

957 [~~(i)~~] (a) the individual is located outside of the state during the entire filing period;

958 [~~(ii)~~] (b) the designated agent appears in person before the filing officer;

959 [~~(iii)~~] (c) the individual communicates with the filing officer using an electronic device
960 that allows the individual and filing officer to see and hear each other; and

961 [~~(iv)~~] (d) the individual provides the filing officer with an email address to which the
962 filing officer may send the individual the copies described in Subsection 20A-9-201(5).

963 [~~(d)~~] (5) (a) Each county clerk who receives a declaration of candidacy from a
964 candidate for multicounty office shall transmit the filing fee and a copy of the candidate's
965 declaration of candidacy to the lieutenant governor within one business day after the candidate
966 files the declaration of candidacy.

967 [~~(e)~~] (b) Each day during the filing period, each county clerk shall notify the lieutenant
968 governor electronically or by telephone of candidates who have filed a declaration of candidacy
969 with the county clerk.

970 [~~(f)~~] (c) Each individual seeking the office of lieutenant governor, the office of district
971 attorney, or the office of president or vice president of the United States shall comply with the
972 specific declaration of candidacy requirements established by this section.

973 [~~(2)~~] (6) (a) Each individual intending to become a candidate for the office of district
974 attorney within a multicounty prosecution district that is to be filled at the next regular general
975 election shall:

976 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
977 creating the prosecution district on or after January 1 of the regular general election year, and
978 before the earlier of:

979 (A) before the individual circulates nomination petitions under Section 20A-9-405;
980 [and] or

981 (B) 5 p.m. on the third Thursday in March before the next regular general election; and

982 (ii) pay the filing fee.

983 (b) The designated clerk shall provide to the county clerk of each county in the
984 prosecution district a certified copy of each declaration of candidacy filed for the office of
985 district attorney.

986 [~~(3)~~] (7) (a) Before the applicable deadline described in Subsection [~~(1)(b)~~] (2) or (3),
987 each lieutenant governor candidate shall:

988 (i) file a declaration of candidacy with the lieutenant governor;

989 (ii) pay the filing fee; and
990 (iii) submit a letter from a candidate for governor who has received certification for the
991 primary-election ballot under Section 20A-9-403, 20A-9-407, 20A-9-408, or 20A-9-409.5 that
992 names the lieutenant governor candidate as a joint-ticket running mate.

993 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

994 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
995 replace the disqualified candidate.

996 [44] (8) Before 5 p.m. no later than August 31, each registered political party shall:

997 (a) certify the names of the political party's candidates for president and vice president
998 of the United States to the lieutenant governor; or

999 (b) provide written authorization for the lieutenant governor to accept the certification
1000 of candidates for president and vice president of the United States from the national office of
1001 the registered political party.

[5] (9) (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the last day for filing.

1005 (b) If an objection is made, the clerk or lieutenant governor shall:

1006 (i) mail or personally deliver notice of the objection to the affected candidate
1007 immediately; and

1008 (ii) decide any objection within 48 hours after [it] the objection is filed.

(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition before 5 p.m. within three days after the day on which the objection is sustained or by filing a new declaration before 5 p.m. within three days after the day on which the objection is sustained.

1013 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1014 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1015 by a district court if prompt application is made to the court.

1016 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1017 of its discretion, agrees to review the lower court decision.

[1018] [t6] (10) Any person who [filed] files a declaration of candidacy may withdraw as a
[1019] candidate by filing a written affidavit with the clerk.

1020 [§7] (11) (a) Except for a candidate who is certified by a registered political party
1021 under Subsection [§4] (8), and except as provided in Section 20A-9-504, before 5 p.m. no later
1022 than August 31 of a general election year, each individual running as a candidate for vice
1023 president of the United States shall:

1024 (i) file a declaration of candidacy, in person or via a designated agent, on a form
1025 developed by the lieutenant governor, that:

1026 (A) contains the individual's name, address, and telephone number;

1027 (B) states that the individual meets the qualifications for the office of vice president of
1028 the United States;

1029 (C) names the presidential candidate, who has qualified for the general election ballot,
1030 with which the individual is running as a joint-ticket running mate;

1031 (D) states that the individual agrees to be the running mate of the presidential candidate
1032 described in Subsection [§7] (11)(a)(i)(C); and

1033 (E) contains any other necessary information identified by the lieutenant governor;

1034 (ii) pay the filing fee; and

1035 (iii) submit a letter from the presidential candidate described in Subsection [§7]

1036 (11)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice presidential
1037 candidate.

1038 (b) A designated agent described in Subsection [§7] (11)(a)(i) may not sign the
1039 declaration of candidacy.

1040 (c) A vice presidential candidate who fails to meet the requirements described in this
1041 Subsection [§7] (11) may not appear on the general election ballot.

1042 [§8] (12) An individual filing a declaration of candidacy for president or vice president
1043 of the United States shall pay a filing fee of \$500.

1044 Section 13. Section 20A-9-402.5 is enacted to read:

1045 **20A-9-402.5. Indication of affiliation on regular general election ballot.**

1046 (1) Each registered political party that chooses to have the names of the registered
1047 political party's candidates for elective office featured with party affiliation on the ballot at a
1048 regular general election shall timely certify as a class A, B, or C registered political party under
1049 Section 20A-9-102 and comply with the requirements of this chapter in relation to the class
1050 certified by the registered political party.

1051 (2) A filing officer may not permit an official ballot at a regular general election to be
1052 produced or used if the ballot denotes affiliation between a political party or any other political
1053 group and a candidate for elective office unless the candidate is:

1054 (a) a member of a class A, B, or C registered political party; and

1055 (b) nominated by the candidate's registered political party in the manner specified for
1056 the class certified by the candidate's registered political party.

1057 (3) This section does not affect a candidate's ability to qualify for a regular general
1058 election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a
1059 regular general election as a write-in candidate under Section 20A-9-601.

1060 Section 14. Section 20A-9-402.7 is enacted to read:

1061 **20A-9-402.7. Class D registered political party -- Requirements -- Duties of**
1062 **lieutenant governor.**

1063 The following provisions apply to a class D registered political party:

1064 (1) an individual may only seek the nomination of the registered political party using
1065 the internal process designated by the registered political party;

1066 (2) (a) by timely certifying as a class D registered political party under Section
1067 20A-9-102, the registered political party voluntarily agrees:

1068 (i) to permit a member of the registered political party to seek the registered political
1069 party's nomination for any elective office by a means other than the means required for a class
1070 A, B, or C registered political party;

1071 (ii) that the registered political party will not participate in the regular primary election;
1072 and

1073 (iii) that the registered political party's nominees will appear on the general election
1074 ballot without any indication of party affiliation or affiliation with any other political group; or

1075 (b) by failing to timely certify as a class A, B, C, or D registered political party under
1076 Section 20A-9-102, is not entitled to, and is not permitted to:

1077 (i) participate in the regular primary election; or

1078 (ii) have the registered political party's nominees appear on the general election ballot
1079 with any indication of party affiliation or affiliation with any other political group;

1080 (3) the registered political party shall, before the deadline described in Subsection
1081 20A-9-202(3)(b), certify to the lieutenant governor the registered political party's nominee for

1082 each office; and

1083 (4) the lieutenant governor shall include the registered political party's nominee for
1084 each office on the general election ballot without any indication of party affiliation or
1085 affiliation with any other political group.

1086 Section 15. Section **20A-9-403** is amended to read:

1087 **20A-9-403. Regular primary elections for class C registered political party.**

1088 ~~[(1)(a) Candidates for elective office that are to be filled at the next regular general~~
1089 ~~election shall be nominated in a regular primary election by direct vote of the people in the~~
1090 ~~manner prescribed in this section. The regular primary election is held on the date specified in~~
1091 ~~Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a~~
1092 ~~regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to~~
1093 ~~participate in a regular general election as a write-in candidate under Section 20A-9-601.]~~

1094 ~~[(b) Each registered political party that chooses to have the names of the registered~~
1095 ~~political party's candidates for elective office featured with party affiliation on the ballot at a~~
1096 ~~regular general election shall comply with the requirements of this section and shall nominate~~
1097 ~~the registered political party's candidates for elective office in the manner described in this~~
1098 ~~section.]~~

1099 ~~[(c) A filing officer may not permit an official ballot at a regular general election to be~~
1100 ~~produced or used if the ballot denotes affiliation between a registered political party or any~~
1101 ~~other political group and a candidate for elective office who is not nominated in the manner~~
1102 ~~prescribed in this section or in Subsection 20A-9-202(4).]~~

1103 ~~[(d) Unless noted otherwise, the dates in this section refer to those that occur in each~~
1104 ~~even-numbered year in which a regular general election will be held.]~~

1105 ~~[(2)(a) Each registered political party, in a statement filed with the lieutenant governor,~~
1106 ~~shall:]~~

1107 ~~[(i) either declare the registered political party's intent to participate in the next regular~~
1108 ~~primary election or declare that the registered political party chooses not to have the names of~~
1109 ~~the registered political party's candidates for elective office featured on the ballot at the next~~
1110 ~~regular general election; and]~~

1111 ~~[(ii) if the registered political party participates in the upcoming regular primary~~
1112 ~~election, identify one or more registered political parties whose members may vote for the~~

1113 registered political party's candidates and whether individuals identified as unaffiliated with a
1114 political party may vote for the registered political party's candidates.]

1115 [(b) (i) A registered political party that is a continuing political party shall file the
1116 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1117 November 30 of each odd-numbered year.]

1118 [(ii) An organization that is seeking to become a registered political party under
1119 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the
1120 registered political party files the petition described in Section 20A-8-103.]

1121 [(3) (a) Except]

1122 The following provisions apply to a class C registered political party:

1123 (1) by timely certifying as a class C registered political party under Section 20A-9-102,
1124 the registered political party voluntarily agrees to permit a member of the registered political
1125 party to seek the registered political party's nomination for any elective office by signature
1126 only, in accordance with this section;

1127 (2) except as provided in Subsection [(3)(e)] (6), an individual who submits a
1128 declaration of candidacy under Section 20A-9-202 for a class C registered political party shall
1129 appear as a candidate for elective office on the regular primary ballot of the registered political
1130 party listed on the declaration of candidacy only if the individual is certified by the appropriate
1131 filing officer as having submitted a set of nomination petitions that was:

1132 [(i) (a) circulated and completed in accordance with Section 20A-9-405; and

1133 [(ii) (b) signed by at least 2% of the registered political party's members who reside in
1134 the political division of the office that the individual seeks[.];

1135 [(b) (i) (3) [A] a candidate for elective office for a class C registered political party:

1136 (a) shall submit nomination petitions to the appropriate filing officer for verification
1137 and certification no later than 5 p.m. on the final day in March[.]; and

1138 [(ii) A candidate] (b) may supplement the candidate's submissions at any time on or
1139 before the filing deadline[.];

1140 [(e) (i) The] (4) the lieutenant governor shall:

1141 (a) determine for each elective office the total number of signatures that must be
1142 submitted under Subsection [(3)(a)(ii)] (2)(b) or 20A-9-408[(8)] (6) by counting the aggregate
1143 number of individuals residing in each elective office's political division who have designated a

1144 particular registered political party on the individuals' voter registration forms on or before
1145 November 15 of each odd-numbered year[.]; and

1146 [~~(ii) The lieutenant governor shall~~] (b) publish the determination for each elective
1147 office no later than November 30 of each odd-numbered year[.];

1148 [~~(d) The~~] (5) the filing officer shall:

1149 [~~(i)~~] (a) verify signatures on nomination petitions in a transparent and orderly manner,
1150 no later than 14 days after the day on which a candidate submits the signatures to the filing
1151 officer;

1152 [~~(ii)~~] (b) for all qualifying candidates for elective office who submit nomination
1153 petitions to the filing officer, issue certifications referenced in Subsection [~~(3)(a)~~] (2) no later
1154 than the deadline described in Subsection 20A-9-202[~~(4)(b)~~] (3);

1155 [~~(iii)~~] (c) consider active and inactive voters eligible to sign nomination petitions;

1156 [~~(iv)~~] (d) consider an individual who signs a nomination petition a member of a
1157 registered political party for purposes of Subsection [~~(3)(a)(ii)~~] (2)(b) if the individual has
1158 designated that registered political party as the individual's party membership on the
1159 individual's voter registration form; and

1160 [~~(v)~~] (e) utilize procedures described in Section 20A-7-206.3 to verify submitted
1161 nomination petition signatures[~~, or use statistical sampling procedures to verify submitted~~
1162 nomination petition signatures in accordance with rules made under Subsection ~~(3)(f)~~]; and

1163 [~~(e) Notwithstanding~~] (6) notwithstanding any other provision in this [Subsection ~~(3)~~
1164 section, a candidate for lieutenant governor may appear on the regular primary ballot of a class
1165 C registered political party without submitting nomination petitions if the candidate files a
1166 declaration of candidacy and complies with Subsection 20A-9-202[~~(3)~~] (7).

1167 [~~(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
1168 ~~director of elections, within the Office of the Lieutenant Governor, may make rules that:~~]

1169 [~~(i) provide for the use of statistical sampling procedures that:~~]

1170 [~~(A) filing officers are required to use to verify signatures under Subsection ~~(3)(d)~~;~~
1171 ~~and~~]

1172 [~~(B) reflect a bona fide effort to determine the validity of a candidate's entire~~
1173 ~~submission, using widely recognized statistical sampling techniques; and~~]

1174 [~~(ii) provide for the transparent, orderly, and timely submission, verification, and~~

1175 certification of nomination petition signatures.]

1176 [(g) The county clerk shall:]

1177 [(i) review the declarations of candidacy filed by candidates for local boards of
1178 education to determine if more than two candidates have filed for the same seat;]

1179 [(ii) place the names of all candidates who have filed a declaration of candidacy for a
1180 local board of education seat on the nonpartisan section of the ballot if more than two
1181 candidates have filed for the same seat; and]

1182 [(iii) determine the order of the local board of education candidates' names on the
1183 ballot in accordance with Section 20A-6-305.]

1184 [(4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
1185 governor shall provide to the county clerks:]

1186 [(i) a list of the names of all candidates for federal, constitutional, multi-county, single
1187 county, and county offices who have received certifications under Subsection (3), along with
1188 instructions on how those names shall appear on the primary election ballot in accordance with
1189 Section 20A-6-305; and]

1190 [(ii) a list of unopposed candidates for elective office who have been nominated by a
1191 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
1192 unopposed candidates from the primary election ballot.]

1193 [(b) A candidate for lieutenant governor and a candidate for governor campaigning as
1194 joint-ticket running mates shall appear jointly on the primary election ballot.]

1195 [(c) After the county clerk receives the certified list from the lieutenant governor under
1196 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1197 substantially the following form:]

1198 ["Notice is given that a primary election will be held Tuesday, June ___,
1199 _____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1200 local school board positions listed on the primary ballot. The polling place for voting precinct
1201 ___ is ___. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1202 Attest: county clerk."]

1203 [(5) (a) A candidate who, at the regular primary election, receives the highest number
1204 of votes cast for the office sought by the candidate is:]

1205 [(i) nominated for that office by the candidate's registered political party, or]

1206 [((ii) for a nonpartisan local school board position, nominated for that office.)]

1207 [((b) If two or more candidates are to be elected to the office at the regular general
1208 election, those party candidates equal in number to positions to be filled who receive the
1209 highest number of votes at the regular primary election are the nominees of the candidates'
1210 party for those positions.)]

1211 [(c) (i) As used in this Subsection (5)(e), a candidate is "unopposed" if:]

1212 [(A) no individual other than the candidate receives a certification under Subsection (3)
1213 for the regular primary election ballot of the candidate's registered political party for a
1214 particular elective office; or]

1215 [(B) for an office where more than one individual is to be elected or nominated, the
1216 number of candidates who receive certification under Subsection (3) for the regular primary
1217 election of the candidate's registered political party does not exceed the total number of
1218 candidates to be elected or nominated for that office.)]

1219 [(ii) A candidate who is unopposed for an elective office in the regular primary election
1220 of a registered political party is nominated by the party for that office without appearing on the
1221 primary election ballot.]

1222 [(6) (a) When a tie vote occurs in any primary election for any national, state, or other
1223 office that represents more than one county, the governor, lieutenant governor, and attorney
1224 general shall, at a public meeting called by the governor and in the presence of the candidates
1225 involved, select the nominee by lot cast in whatever manner the governor determines.]

1226 [(b) When a tie vote occurs in any primary election for any county office, the district
1227 court judges of the district in which the county is located shall, at a public meeting called by
1228 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1229 whatever manner the judges determine.]

1230 [(7) The expense of providing all ballots, blanks, or other supplies to be used at any
1231 primary election provided for by this section, and all expenses necessarily incurred in the
1232 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1233 county or state, in the same manner as for the regular general elections.]

1234 [(8) An individual may not file a declaration of candidacy for a registered political
1235 party of which the individual is not a member, except to the extent that the registered political
1236 party permits otherwise under the registered political party's bylaws.]

1237 Section 16. Section **20A-9-403.5** is enacted to read:

1238 **20A-9-403.5. Local boards of education -- Ballot placement.**

1239 The county clerk shall:

1240 (1) review the declarations of candidacy filed by candidates for local boards of

1241 education to determine if more than two candidates have filed for the same seat;

1242 (2) place the names of all candidates who have filed a declaration of candidacy for a

1243 local board of education seat on the nonpartisan section of the ballot if more than two

1244 candidates have filed for the same seat; and

1245 (3) determine the order of the local board of education candidates' names on the ballot

1246 in accordance with Section [20A-6-305](#).

1247 Section 17. Section **20A-9-403.7** is enacted to read:

1248 **20A-9-403.7. List of qualified candidates for primary election ballot -- Notice of**

1249 **primary election -- Nominee selected at primary election -- Election expenses -- Party**

1250 **membership.**

1251 (1) (a) Before the deadline described in Subsection [20A-9-409\(4\)\(c\)](#), the lieutenant

1252 governor shall provide to the county clerks:

1253 (i) a list of the names of all candidates for federal, constitutional, multi-county, single

1254 county, and county offices who have qualified for placement on the primary election ballot,

1255 along with instructions on how those names shall appear on the ballot in accordance with

1256 Section [20A-6-305](#); and

1257 (ii) a list of unopposed candidates for elective office who have been nominated by a

1258 registered political party under Subsection (2)(c) and instruct the county clerks to exclude the

1259 unopposed candidates from the primary election ballot.

1260 (b) A candidate for lieutenant governor and a candidate for governor campaigning as

1261 joint-ticket running mates shall appear jointly on the primary election ballot.

1262 (c) After the county clerk receives the certified list from the lieutenant governor under

1263 Subsection (1)(a), the county clerk shall post or publish a primary election notice in

1264 substantially the following form:

1265 "Notice is given that a primary election will be held Tuesday, June _____,

1266 _____ (year), to nominate party candidates for the parties and candidates for nonpartisan

1267 local school board positions listed on the primary ballot. The polling place for voting precinct

1268 is . The polls will open at 7 a.m. and remain open until 8 p.m. of the same day.

1269 Attest: county clerk."

1270 (2) (a) A candidate who, at the regular primary election, receives the highest number of
1271 votes cast for the office sought by the candidate is:

1272 (i) nominated for that office by the candidate's registered political party; or

1273 (ii) for a nonpartisan local school board position, nominated for that office.

1274 (b) If two or more candidates are to be elected to the office at the regular general
1275 election, those party candidates equal in number to positions to be filled who receive the
1276 highest number of votes at the regular primary election are the nominees of the candidates'
1277 party for those positions.

1278 (c) (i) As used in this Subsection (2)(c), a candidate is "unopposed" if:

1279 (A) no individual other than the candidate qualifies for placement on the regular
1280 primary election ballot for the candidate's registered political party for a particular elective
1281 office; or

1282 (B) for an office where more than one individual is to be elected or nominated, the
1283 number of candidates who qualify for the regular primary election ballot for the candidate's
1284 registered political party does not exceed the total number of candidates to be elected or
1285 nominated for that office.

1286 (ii) A candidate who is unopposed for an elective office in the regular primary election
1287 of a registered political party is nominated by the party for that office without appearing on the
1288 primary election ballot.

1289 (3) (a) When a tie vote occurs in any primary election for any national, state, or other
1290 office that represents more than one county, the governor, lieutenant governor, and attorney
1291 general shall, at a public meeting called by the governor and in the presence of the candidates
1292 involved, select the nominee by lot cast in whatever manner the governor determines.

1293 (b) When a tie vote occurs in any primary election for any county office, the district
1294 court judges of the district in which the county is located shall, at a public meeting called by
1295 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1296 whatever manner the judges determine.

1297 (4) The expense of providing all ballots, blanks, or other supplies to be used at any
1298 primary election provided for by this section, and all expenses necessarily incurred in the

1299 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1300 county or state, in the same manner as for the regular general elections.

1301 (5) An individual may not file a declaration of candidacy for a registered political party
1302 of which the individual is not a member, except to the extent that the registered political party
1303 permits otherwise under the registered political party's bylaws.

1304 Section 18. Section **20A-9-405** is amended to read:

1305 **20A-9-405. Nomination petitions for regular primary elections.**

1306 (1) This section shall apply applies to the form and circulation of nomination
1307 petitions for regular primary elections [described in Subsection 20A-9-403(3)(a)] for a class B
1308 or C registered political party.

1309 (2) A candidate for elective office, and the agents of the candidate, may not circulate
1310 nomination petitions until the candidate [has submitted] submits a declaration of candidacy in
1311 accordance with Subsection **20A-9-202**[(1)](2).

1312 (3) The nomination petitions shall be in substantially the following form:

1313 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;
1314 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the
1315 space above that line blank for purposes of binding;

1316 (c) the petition shall be headed by a caption stating the purpose of the petition and the
1317 name of the proposed candidate;

1318 (d) the petition shall feature the word "Warning" followed by the following statement
1319 in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to
1320 knowingly sign a certificate of nomination signature sheet with any name other than the
1321 person's own name or more than once for the same candidate or if the person is not registered
1322 to vote in this state and does not intend to become registered to vote in this state before
1323 signatures are certified by a filing officer.;"

1324 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively
1325 numbered one through 10;

1326 (f) the signature portion of the petition shall be divided into columns headed by the
1327 following titles:

1328 (i) Registered Voter's Printed Name;
1329 (ii) Signature of Registered Voter;

1330 (iii) Party Affiliation of Registered Voter;
1331 (iv) Birth Date or Age (Optional);
1332 (v) Street Address, City, Zip Code; and
1333 (vi) Date of Signature; and
1334 (g) a photograph of the candidate may appear on the nomination petition.

1335 (4) If one or more nomination petitions are bound together, a page shall be bound to
1336 the nomination petition(s) that features the following printed verification statement to be signed
1337 and dated by the petition circulator:

1338 "Verification
1339 State of Utah, County of _____
1340 I, _____, of _____, hereby state that:
1341 I am a Utah resident and am at least 18 years old;
1342 All the names that appear on the signature sheets bound to this page were, to the best of
1343 my knowledge, signed by the persons who professed to be the persons whose names appear on
1344 the signature sheets, and each of them signed the person's name on the signature sheets in my
1345 presence;
1346 I believe that each has printed and signed the person's name and written the person's
1347 street address correctly, and that each signer is registered to vote in Utah or will register to vote
1348 in Utah before the county clerk certifies the signatures on the signature sheet."
1349 (5) The lieutenant governor shall prepare and make public model nomination petition
1350 forms and associated instructions.
1351 (6) A nomination petition circulator must be at least 18 years old and a resident of the
1352 state, but may affiliate with any political party.
1353 (7) It is unlawful for any a person to:
1354 (a) knowingly sign the nomination petition sheet described in Subsection (3):
1355 (i) with any name other than the person's own name;
1356 (ii) more than once for the same candidate; or
1357 (iii) if the person is not registered to vote in this state and does not intend to become
1358 registered to vote in this state prior to 5 p.m. on the final day in March;
1359 (b) sign the verification of a certificate of nomination signature sheet described in
1360 Subsection (4) if the person:

1371 (8) Any person violating Subsection (7) is guilty of a class A misdemeanor.

1372 [(9) ~~Withdrawal of petition signatures shall not be permitted.~~]

1373 (9) An individual who signs a petition described in this section may not withdraw the

1374 individual's signature from the petition.

1375 Section 19. Section **20A-9-406** is amended to read:

20A-9-406. Class B registered political party.

1377 The following provisions apply to a [qualified] class B registered political party:

1378 [(1) the qualified political party shall, no later than 5 p.m. on November 30 of each
1379 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
1380 political parties whose members may vote for the qualified political party's candidates and
1381 whether unaffiliated voters may vote for the qualified political party's candidates;]

1382 [(2) the following provisions do not apply to a nomination for the qualified political
1383 party.]

1384 [(a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);]

1385 [(b) Subsection 20A-9-403(5)(c); and]

1386 [(e) Section 20A-9-405;]

[3] (1) an individual may only seek the nomination of the [qualified] registered political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both; (2) by timely certifying as a class B registered political party under Section 20A-9-102, the political party voluntarily agrees:

1301 (a) (i), to permit a delegate for the registered political party to vote on a candidate.

1392 nomination in the registered political party's convention remotely; or
1393 (ii) to provide a procedure for designating an alternate delegate if a delegate is not
1394 present at the registered political party's convention;
1395 (b) to hold the registered political party's convention no earlier than the fourth Saturday
1396 in March of an even-numbered year; and
1397 (c) to permit a member of the registered political party to seek the registered political
1398 party's nomination for any elective office by the member choosing to seek the nomination by
1399 either or both of the following methods:
1400 (i) seeking the nomination through the registered political party's convention process,
1401 in accordance with the provisions of Section 20A-9-407; or
1402 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
1403 of Section 20A-9-408;
1404 [¶] (3) the [qualified] registered political party shall comply with the provisions of
1405 Sections 20A-9-407, 20A-9-408, and 20A-9-409; and
1406 [¶] notwithstanding Subsection 20A-6-301(1)(a), (1)(c), or (2)(a), each election officer
1407 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
1408 by a qualified political party:]
1409 [¶] (a) under the qualified political party's name, if any, or]
1410 [¶] (b) under the title of the qualified registered political party as designated by the
1411 qualified political party in the certification described in Subsection (1), or, if none is
1412 designated, then under some suitable title;]
1413 [¶] (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure,
1414 for ballots in regular general elections, that each candidate who is nominated by the qualified
1415 political party is listed by party,]
1416 [¶] (7) notwithstanding Subsection 20A-6-304(1)(c), each election officer shall ensure
1417 that the party designation of each candidate who is nominated by the qualified political party is
1418 displayed adjacent to the candidate's name on a mechanical ballot;]
1419 [¶] (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
1420 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1421 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1422 multicounty office, or county office;]

1423 [9) an individual who is nominated by, or seeking the nomination of, the qualified
1424 political party is not required to comply with Subsection 20A-9-201(1)(c);]

1425 [10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1426 to have each of the qualified political party's candidates for elective office appear on the
1427 primary ballot of the qualified political party with an indication that each candidate is a
1428 candidate for the qualified political party;]

1429 [11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall
1430 include on the list provided by the lieutenant governor to the county clerks:]

1431 [a) the names of all candidates of the qualified political party for federal,
1432 constitutional, multicounty, and county offices; and]

1433 [b) the names of unopposed candidates for elective office who have been nominated
1434 by the qualified political party and instruct the county clerks to exclude such candidates from
1435 the primary-election ballot;]

1436 [12) notwithstanding Subsection 20A-9-403(5)(c),]

1437 (4) a candidate who is unopposed for an elective office in the regular primary election
1438 of the [qualified] registered political party is nominated by the registered political party for that
1439 office without appearing on the primary ballot[; and].

1440 [13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
1441 20A-9-405, the qualified political party is entitled to have the names of its candidates for
1442 elective office featured with party affiliation on the ballot at a regular general election.]

1443 Section 20. Section 20A-9-407 is amended to read:

1444 **20A-9-407. Convention process to seek the nomination of a class B registered
1445 political party.**

1446 (1) This section describes the requirements for a member of a [qualified] class B
1447 registered political party who is seeking the nomination of [a qualified] the registered political
1448 party for an elective office through the [qualified] registered political party's convention
1449 process.

1450 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
1451 candidacy for a member of a [qualified] class B registered political party who is nominated by,
1452 or who is seeking the nomination of, the [qualified] registered political party under this section
1453 shall be substantially as described in Section 20A-9-408.5.

1454 [3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in
1455 Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is
1456 seeking the nomination of the qualified political party for an elective office that is to be filled at
1457 the next general election, shall:]

1458 [(a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy
1459 in person with the filing officer on or after the second Friday in March and before 5 p.m. on the
1460 third Thursday in March before the next regular general election; and]

1461 [(b) pay the filing fee.]

1462 [(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1463 party who, under this section, is seeking the nomination of the qualified political party for the
1464 office of district attorney within a multicounty prosecution district that is to be filled at the next
1465 general election shall:]

1466 [(a) file a declaration of candidacy with the county clerk designated in the interlocal
1467 agreement creating the prosecution district on or after the second Friday in March and before 5
1468 p.m. on the third Thursday in March before the next regular general election; and]

1469 [(b) pay the filing fee.]

1470 [(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
1471 who files as the joint ticket running mate of an individual who is nominated by a qualified
1472 political party, under this section, for the office of governor shall, before the deadline described
1473 in Subsection 20A-9-202(1)(b), file a declaration of candidacy and submit a letter from the
1474 candidate for governor that names the lieutenant governor candidate as a joint ticket running
1475 mate.]

1476 [(6)] (3) (a) A [qualified] class B registered political party that nominates a candidate
1477 under this section shall certify the name of the candidate to the lieutenant governor before the
1478 deadline described in Subsection 20A-9-202[(1)(b)](3).

1479 (b) The lieutenant governor shall include, in the primary ballot certification or, for a
1480 race where a primary is not held because the candidate is unopposed, in the general election
1481 ballot certification, the name of each candidate nominated by a [qualified] class B registered
1482 political party under this section.

1483 [(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate
1484 who is nominated by a qualified political party under this section, designate the qualified

1485 political party that nominated the candidate.]

1486 Section 21. Section **20A-9-408** is amended to read:

1487 **20A-9-408. Signature-gathering process to seek the nomination of a class B**
1488 **registered political party.**

1489 (1) This section describes the requirements for a member of a [qualified] class B
1490 registered political party who is seeking the nomination of the [qualified] registered political
1491 party for an elective office through the signature-gathering process described in this section.

1492 (2) Notwithstanding Subsection **20A-9-201**(7)(a), the form of the declaration of
1493 candidacy for a member of a [qualified] class B registered political party who is nominated by,
1494 or who is seeking the nomination of, the [qualified] registered political party under this section
1495 shall be substantially as described in Section **20A-9-408.5**.

1496 (3) [Notwithstanding Subsection **20A-9-202**(1)(a), and except] Except as provided in
1497 Subsection **20A-9-202**(4)(8), a member of a [qualified] class B registered political party who,
1498 under this section, is seeking the nomination of the [qualified] registered political party for an
1499 elective office that is to be filled at the next general election shall[:(a)] within the period
1500 beginning on January 1 before the next regular general election and ending at 5 p.m. on the
1501 third Thursday in March of the same year, and before gathering signatures under this section,
1502 file with the filing officer on a form approved by the lieutenant governor a notice of intent to
1503 gather signatures for candidacy that includes:

1504 [i] (a) the name of the member who will attempt to become a candidate for [a] the
1505 registered political party under this section;

1506 [ii] (b) the name of the registered political party for which the member is seeking
1507 nomination;

1508 [iii] (c) the office for which the member is seeking to become a candidate;

1509 [iv] (d) the address and telephone number of the member; and

1510 [v] (e) other information required by the lieutenant governor[;].

1511 [b] except as provided in Subsection **20A-9-202**(1)(c), file a declaration of candidacy,
1512 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
1513 the third Thursday in March before the next regular general election; and]

1514 [c] pay the filing fee.]

1515 (4) [Notwithstanding Subsection **20A-9-202**(2)(a), a] A member of a [qualified] class

1516 B registered political party who, under this section, is seeking the nomination of the [qualified]
1517 registered political party for the office of district attorney within a multicounty prosecution
1518 district that is to be filled at the next general election shall[:(a)] on or after January 1 before the
1519 next regular general election, and before gathering signatures under this section, file with the
1520 filing officer on a form approved by the lieutenant governor a notice of intent to gather
1521 signatures for candidacy that includes:

1522 [¶] (a) the name of the member who will attempt to become a candidate for [a] the
1523 registered political party under this section;

1524 [¶] (b) the name of the registered political party for which the member is seeking
1525 nomination;

1526 [¶] (c) the office for which the member is seeking to become a candidate;

1527 [¶] (d) the address and telephone number of the member; and

1528 [¶] (e) other information required by the lieutenant governor[;].

1529 [¶] (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
1530 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
1531 the third Thursday in March before the next regular general election; and]

1532 [¶] (c) pay the filing fee.]

1533 (5) [Notwithstanding Subsection 20A-9-202(3)(a)(iii), a] A lieutenant governor
1534 candidate who files as the joint-ticket running mate of an individual who is nominated by a
1535 [qualified] class B registered political party, under this section, for the office of governor shall,
1536 before the deadline described in Subsection 20A-9-202[(1)(b)](2), file a declaration of
1537 candidacy and submit a letter from the candidate for governor that names the lieutenant
1538 governor candidate as a joint-ticket running mate.

1539 [¶] (6) The lieutenant governor shall ensure that the certification described in Subsection
1540 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1541 under this section.]

1542 [¶] (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate
1543 who is nominated by a qualified political party under this section, designate the qualified
1544 political party that nominated the candidate.]

1545 [¶] (8) (6) A member of a [qualified] class B registered political party may seek the
1546 nomination of the [qualified] registered political party for an elective office by:

1547 (a) complying with the requirements described in this section; and
1548 (b) collecting signatures, on a form approved by the lieutenant governor, during the
1549 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before
1550 the day on which the [qualified] registered political party's convention for the office is held, in
1551 the following amounts:

1552 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1553 permitted by the [qualified] registered political party to vote for the [qualified] registered
1554 political party's candidates in a primary election;

1555 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1556 residents of the congressional district and are permitted by the [qualified] registered political
1557 party to vote for the [qualified] registered political party's candidates in a primary election;

1558 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1559 residents of the state Senate district and are permitted by the [qualified] registered political
1560 party to vote for the [qualified] registered political party's candidates in a primary election;

1561 (iv) for a state House district race, 1,000 signatures of registered voters who are
1562 residents of the state House district and are permitted by the [qualified] registered political
1563 party to vote for the [qualified] registered political party's candidates in a primary election;

1564 (v) for a State Board of Education race, the lesser of:

1565 (A) 2,000 signatures of registered voters who are residents of the State Board of
1566 Education district and are permitted by the [qualified] registered political party to vote for the
1567 [qualified] registered political party's candidates in a primary election; or

1568 (B) the signatures of 3% of the registered voters [of the qualified political party] who
1569 are residents of the [applicable] State Board of Education district and are permitted by the
1570 registered political party to vote for the registered political party's candidates in a primary
1571 election; and

1572 (vi) for a county office race, signatures of 3% of the registered voters who are residents
1573 of the area permitted to vote for the county office and are permitted by the [qualified]
1574 registered political party to vote for the [qualified] registered political party's candidates in a
1575 primary election.

1576 [9] (7) (a) In order for a member of the [qualified] class B registered political party to
1577 qualify as a candidate for the [qualified] registered political party's nomination for an elective

1578 office under this section, the member shall:

1579 (i) collect the signatures on a form approved by the lieutenant governor, using the same
1580 circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

1581 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days
1582 before the day on which the [qualified] registered political party holds the registered political
1583 party's convention to select candidates, for the elective office, for the [qualified] registered
1584 political party's nomination.

1585 (b) An individual may not gather signatures under this section until after the individual
1586 files a notice of intent to gather signatures for candidacy described in this section.

1587 (c) An individual who files a notice of intent to gather signatures for candidacy,
1588 described in Subsection (3)[(a)] or (4)[(a)], is, beginning on the day on which the individual
1589 files the notice of intent to gather signatures for candidacy:

1590 (i) required to comply with the reporting requirements that a candidate for office is
1591 required to comply with; and

1592 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1593 apply to a candidate for office in relation to the reporting requirements described in Subsection
1594 [(9)] (7)(c)(i).

1595 (d) Upon timely receipt of the signatures described in Subsections [(8) and (9)] (6) and
1596 (7)(a), the election officer shall, no later than the earlier of 14 days after the day on which the
1597 election officer receives the signatures, or one day before the day on which the [qualified] class
1598 B registered political party holds the convention to select a nominee for the elective office to
1599 which the signature packets relate:

1600 (i) check the name of each individual who completes the verification for a signature
1601 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1602 (ii) submit the name of each individual described in Subsection [(9)] (7)(d)(i) who is
1603 not a Utah resident or who is not at least 18 years old to the attorney general and the county
1604 attorney;

1605 (iii) determine whether each signer is a registered voter who is qualified to sign the
1606 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
1607 on a petition; and

1608 (iv) certify whether each name is that of a registered voter who is qualified to sign the

1609 signature packet.

1610 (e) Upon timely receipt of the signatures described in Subsections [(8) and (9)] (6) and
1611 (7)(a), the election officer shall, no later than one day before the day on which the [qualified]
1612 class B registered political party holds the convention to select a nominee for the elective office
1613 to which the signature packets relate, notify the [qualified] registered political party and the
1614 lieutenant governor of the name of each member of the [qualified] registered political party
1615 who qualifies as a nominee of the [qualified] registered political party, under this section, for
1616 the elective office to which the convention relates.

1617 (f) Upon receipt of a notice of intent to gather signatures for candidacy described in
1618 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1619 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1620 posts a declaration of candidacy.

1621 Section 22. Section **20A-9-408.5** is amended to read:

20A-9-408.5. Declaration of candidacy form for class B registered political party.

1623 [The] Notwithstanding Subsection 20A-9-201(7)(a), the declaration of candidacy form
1624 described in Sections 20A-9-407 and 20A-9-408] for a class B registered political party shall:

1625 (1) be substantially as follows:

1626 "State of Utah, County of ____

1627 I, _____, declare my intention of becoming a candidate for the office of
1628 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
1629 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
1630 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
1631 any law governing campaigns and elections; I will file all campaign financial disclosure reports
1632 as required by law; and I understand that failure to do so will result in my disqualification as a
1633 candidate for this office and removal of my name from the ballot. The mailing address that I
1634 designate for receiving official election notices is

1635 _____
1636 _____.

1637 Subscribed and sworn before me this _____(month\day\year). Notary Public (or
1638 other officer qualified to administer oath).";

1639 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

1640 (a) the registered political party of which the candidate is a member; or
1641 (b) that the candidate is not a member of a registered political party; and
1642 (3) direct the candidate to indicate whether the candidate is seeking the nomination
1643 using:

1644 (a) the convention process described in Section 20A-9-407;
1645 (b) the signature-gathering process described in Section 20A-9-407;
1646 (c) both processes described in Subsections (3)(a) and (b).

1647 Section 23. Section **20A-9-409** is amended to read:

1648 **20A-9-409. Primary election provisions relating to class B registered political**
1649 **party.**

20A-9-409. Primary election provisions relating to class B registered political

1650 (1) The regular primary election is held on the date specified in Section 20A-1-201

1651 (2) (a) A [qualified] class B registered political party that nominates one or more
1652 candidates for an elective office under Section 20A-9-407 and does not have a candidate
1653 qualify as a candidate for that office under Section 20A-9-408, may, but is not required to,
1654 participate in the primary election for that office.

1655 (b) A [qualified] class B registered political party that has only one candidate qualify as
1656 a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate
1657 for that office under Section 20A-9-407, may, but is not required to, participate in the primary
1658 election for that office.

1659 (c) A [qualified] class B registered political party that nominates one or more
1660 candidates for an elective office under Section 20A-9-407 and has one or more candidates
1661 qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary
1662 election for that office.

1663 (d) A [qualified] class B registered political party that has two or more candidates
1664 qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a
1665 candidate for that office under Section 20A-9-407 shall participate in the primary election for
1666 that office.

(3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201 or 17-52a-202, a [qualified] class B registered political party shall participate in the primary election for a county commission office if:

1670 (a) there is more than one:

1671 (i) open position as defined in Section 17-52a-201; or
1672 (ii) midterm vacancy as defined in Section 17-52a-201; and
1673 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
1674 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number
1675 of respective open positions or midterm vacancies.

1676 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1677 (i) no individual other than the candidate receives a certification, from the appropriate
1678 filing officer, for the regular primary election ballot of the candidate's registered political party
1679 for a particular elective office; or

1680 (ii) for an office where more than one individual is to be elected or nominated, the
1681 number of candidates who receive certification, from the appropriate filing officer, for the
1682 regular primary election of the candidate's registered political party does not exceed the total
1683 number of candidates to be elected or nominated for that office.

1684 (b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:

1685 (i) provide to the county clerks:

1686 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1687 county, and county offices who have received certifications from the appropriate filing officer,
1688 along with instructions on how those names shall appear on the primary election ballot in
1689 accordance with Section [20A-6-305](#); and

1690 (B) a list of unopposed candidates for elective office who have been nominated by a
1691 registered political party; and

1692 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1693 election ballot.

1694 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
1695 the third Saturday in April.

1696 Section 24. Section **20A-9-409.5** is enacted to read:

1697 **20A-9-409.5. Class A registered political party -- Requirements -- Duties of**
1698 **lieutenant governor.**

1699 The following provisions apply to a class A registered political party:

1700 (1) an individual may only seek the nomination of the registered political party using
1701 the registered political party's convention process;

1702 (2) by timely certifying as a class A registered political party under Section 20A-9-102,
1703 the registered political party voluntarily agrees:

1704 (a) to permit a member of the registered political party to seek the registered political
1705 party's nomination for any elective office via party convention only; and

1706 (b) that the two candidates who receive the highest number of votes for each office at
1707 convention will compete for the nomination in a primary election unless one candidate receives
1708 at least two-thirds of the votes cast at convention for that office;

1709 (3) the registered political party shall, before the deadline described in Subsection
1710 20A-9-202(3), certify to the lieutenant governor:

1711 (a) the two candidates who receive the highest number of votes for each office at
1712 convention to compete for the nomination in a primary election; or

1713 (b) if one candidate receives at least two-thirds of the votes cast at convention for that
1714 office, the name of that candidate as the nominee of the registered political party for that office;
1715 and

1716 (4) the lieutenant governor shall include:

1717 (a) on the regular primary election ballot for the registered political party, for the
1718 office, the two candidates described in Subsection (3)(a); or

1719 (b) if one candidate receives at least two-thirds of the votes cast at convention for the
1720 office, that candidate as the registered political party's nominee on the regular general election
1721 ballot for that office.

1722 Section 25. Section 20A-9-504 is amended to read:

1723 **20A-9-504. Unaffiliated candidates -- Governor and president of the United**
1724 **States.**

1725 (1) (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than July 1
1726 of the regular general election year, select a running mate to file as an unaffiliated candidate for
1727 the office of lieutenant governor.

1728 (b) The unaffiliated lieutenant governor candidate shall, before 5 p.m. no later than
1729 July 1 of the regular general election year, file as an unaffiliated candidate by following the
1730 procedures and requirements of this part.

1731 (2) (a) Each unaffiliated candidate for president of the United States shall, before 5
1732 p.m. no later than August 15 of a regular general election year, select a running mate to file as

1733 an unaffiliated candidate for the office of vice president of the United States.

1734 (b) Before 5 p.m. no later than August 15 of a regular general election year, the
1735 unaffiliated candidate for vice president of the United States described in Subsection (2)(a)
1736 shall comply with the requirements of Subsection 20A-9-202[~~(7)~~](11).

1737 Section 26. Section 20A-9-601 is amended to read:

1738 **20A-9-601. Qualifying as a write-in candidate.**

1739 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a
1740 valid write-in candidate shall file a declaration of candidacy in person, or through a designated
1741 agent for a candidate for president or vice president of the United States, with the appropriate
1742 filing officer before 5 p.m. no later than 65 days before the regular general election or a
1743 municipal general election in which the individual intends to be a write-in candidate.

1744 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1745 declaration of candidacy for president of the United States.

1746 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
1747 declaration of candidacy with the appropriate filing officer if:

1748 (A) the individual is located outside of the state during the entire filing period;
1749 (B) the designated agent appears in person before the filing officer; and
1750 (C) the individual communicates with the filing officer using an electronic device that
1751 allows the individual and filing officer to see and hear each other.

1752 (2) (a) The form of the declaration of candidacy for a write-in candidate for all offices,
1753 except president or vice president of the United States, is substantially as follows:

1754 "State of Utah, County of ____

1755 I, _____, declare my intention of becoming a candidate for the office of
1756 _____ for the _____ district (if applicable). I do solemnly swear that: I will meet the
1757 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
1758 _____ in the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will
1759 not knowingly violate any law governing campaigns and elections; if filing via a designated
1760 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all
1761 campaign financial disclosure reports as required by law; and I understand that failure to do so
1762 will result in my disqualification as a candidate for this office and rejection of any votes cast
1763 for me. The mailing address that I designate for receiving official election notices is

1764 _____.

1765 _____

1766 Subscribed and sworn before me this _____ (month\day\year).

1767 Notary Public (or other officer qualified to administer oath)."

1768 (b) The form of the declaration of candidacy for a write-in candidate for president of
1769 the United States is substantially as follows:

1770 "State of Utah, County of _____

1771 I, _____, declare my intention of becoming a candidate for the office of the
1772 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
1773 the office, both legally and constitutionally, if selected; I reside at _____ in the City
1774 or Town of ____, State ____, Zip Code ____, Phone No. ____; I will not knowingly violate
1775 any law governing campaigns and elections. The mailing address that I designate for receiving
1776 official election notices is _____. I designate _____ as
1777 my vice presidential candidate.

1778 _____

1779 Subscribed and sworn before me this _____ (month\day\year).

1780 Notary Public (or other officer qualified to administer oath)."

1781 (c) A declaration of candidacy for a write-in candidate for vice president of the United
1782 States shall be in substantially the same form as a declaration of candidacy described in
1783 Subsection 20A-9-202[~~(7)~~](11).

1784 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
1785 Subsection (2)(a) or (b).

1786 (3) (a) The filing officer shall:

1787 (i) read to the candidate the constitutional and statutory requirements for the office;

1788 (ii) ask the candidate whether the candidate meets the requirements; and

1789 (iii) if the declaration of candidacy is for a legislative office, inform the individual that
1790 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
1791 or trust, under authority of the United States or Utah, from being a member of the Legislature.

1792 (b) If the candidate cannot meet the requirements of office, the filing officer may not
1793 accept the write-in candidate's declaration of candidacy.

1794 (4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to

1795 Subsection 20A-9-201(8).

1796 (b) A write-in candidate for president of the United States is subject to Subsection
1797 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

1798 (5) By November 1 of each regular general election year, the lieutenant governor shall
1799 certify to each county clerk the names of all write-in candidates who filed their declaration of
1800 candidacy with the lieutenant governor.

1801 Section 27. Section 20A-9-701 is amended to read:

20A-9-701. Certification of party candidates to county clerks -- Display on ballot.

1802 (1) No later than August 31 of each regular general election year, the lieutenant
1803 governor shall certify to each county clerk, for offices to be voted upon at the regular general
1804 election in that county clerk's county:

1805 (a) the names of each candidate nominated [~~under Subsection 20A-9-202(4) or~~
1806 ~~Subsection 20A-9-403(5)~~] by a registered political party; and

1807 (b) the names of the candidates for president and vice president that are certified by the
1808 registered political party as the party's nominees.

1809 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1810 the ballot as they are provided on the candidate's declaration of candidacy.

1811 (3) (a) Only candidates nominated by a class A, B, or C registered political party, in
1812 accordance with the requirements for the class of the registered political party, may appear on
1813 the ballot as affiliated with, endorsed by, or nominated by a political party or other political
1814 group.

1815 (b) No [other] names, other than the names of the candidates described in Subsection
1816 (3)(a), may appear on the ballot as affiliated with, endorsed by, or nominated by [any other
1817 registered political party,] a political party[;] or other political group.

1818 Section 28. Section 63I-2-220 is amended to read:

63I-2-220. Repeal dates -- Title 20A.

[~~(1) On January 1, 2021;~~]

[~~(a) Subsection 20A-1-201.5(1), the language that states "Except as provided in~~
1822 ~~Subsection (4)," is repealed.~~]

[~~(b) Subsection 20A-1-201.5(4) is repealed.~~]

[~~(c) Subsections 20A-1-204(1)(a)(i) through (iii) are repealed and replaced with the~~

1826 following:]

1827 ["(i) the fourth Tuesday in June; or]

1828 [(ii) the first Tuesday after the first Monday in November.".]

1829 [(d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),

1830 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection
1831 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.]

1832 [(e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:]

1833 ["(b) Unless expressly provided otherwise in this title, for a registered political party
1834 that is not a qualified political party, the deadline for filing a declaration of candidacy for an
1835 elective office that is to be filled at the next regular general election is 5 p.m. on the first
1836 Monday after the third Saturday in April.";]

1837 [(f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:]

1838 ["(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
1839 the third Saturday in April.".]

1840 (1) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
1841 repealed January 1, 2026.

1842 [(2) Subsection 20A-5-803(8) is repealed July 1, 2023.

1843 [(3) Section 20A-5-804 is repealed July 1, 2023.

1844 [(4) On January 1, 2026:]

1845 [(a) In Subsection 20A-1-102(18)(a), the language that states "or Chapter 4, Part 6,
1846 Municipal Alternate Voting Methods Pilot Project" is repealed.]

1847 [(b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
1848 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1849 repealed.]

1850 [(c) In Section 20A-1-304, the language that states "Except for a race conducted by
1851 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
1852 Pilot Project," is repealed.]

1853 [(d) In Subsection 20A-3a-204(1)(a), (c), or (d), the language that states "except as
1854 provided in Subsection (6)," is repealed.]

1855 [(e) Subsection 20A-3a-204(5)(b), the language that states "subject to Subsection (6),"
1856 is repealed.]

1857 [((f) Subsection ~~20A-3a-204~~(6) is repealed and the remaining subsections in Section
1858 ~~20A-3a-204~~ are renumbered accordingly.]

1859 [((g) In Subsection ~~20A-4-101~~(2)(c), the language that states "Except as provided in
1860 Subsection (2)(f)," is repealed.]

1861 [((h) Subsection ~~20A-4-101~~(2)(f) is repealed.]

1862 [((i) Subsection ~~20A-4-101~~(3) is repealed and replaced with the following:]

1863 ["(3) To resolve questions that arise during the counting of ballots, a counting judge
1864 shall apply the standards and requirements of Section ~~20A-4-105~~.".]

1865 [((j) In Subsection ~~20A-4-102~~(1)(b), the language that states "or a rule made under
1866 Subsection ~~20A-4-101~~(2)(f)(i)" is repealed.]

1867 [((k) Subsection ~~20A-4-102~~(1)(c) is repealed and replaced with the following:]

1868 ["(b) To resolve questions that arise during the counting of ballots, a counting judge
1869 shall apply the standards and requirements of Section ~~20A-4-105~~.".]

1870 [((l) In Subsection ~~20A-4-102~~(6)(a), the language that states ", except as provided in
1871 Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection
1872 ~~20A-4-101~~(2)(f)(i)" is repealed.]

1873 [((m) In Subsection ~~20A-4-105~~(1)(a), the language that states ", except as otherwise
1874 provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1875 [((n) In Subsection ~~20A-4-105~~(2), the language that states "Subsection ~~20A-3a-204~~(6),
1876 or Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1877 [((o) In Subsections ~~20A-4-105~~(3), (4), and (11), the language that states "Except as
1878 otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1879 [((p) In Subsection ~~20A-4-106~~(2), the language that states "or Title 20A, Chapter 4, Part
1880 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]

1881 [((q) In Subsection ~~20A-4-304~~(1)(a), the language that states "except as provided in Part
1882 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1883 [((r) Subsection ~~20A-4-304~~(2)(e) is repealed and replaced with the following:]

1884 ["(v) from each voting precinct:]

1885 [((A) the number of votes for each candidate; and]

1886 [((B) the number of votes for and against each ballot proposition, ".)]

1887 [((s) Subsection ~~20A-4-401~~(1)(a) is repealed, the remaining subsections in Subsection

1888 (1) are renumbered accordingly, and the cross-references to those subsections are renumbered
1889 accordingly.]

1890 [(t) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
1891 repealed.]

1892 [(u) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local
1893 political subdivision to conduct an election, is repealed.]

1894 [(v) In Section 20A-5-802, relating to the certification of voting equipment:]

1895 [(i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of
1896 Subsection (2), and]

1897 [(ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered
1898 accordingly.]

1899 [(w) Section 20A-6-203.5 is repealed.]

1900 [(x) In Subsections 20A-6-402(1) and (2), the language that states "Except as otherwise
1901 required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
1902 Municipal Alternate Voting Methods Pilot Project," is repealed.]

1903 [(y) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter
1904 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]

1905 [(z) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in
1906 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1907 [(aa) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
1908 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]

1909 [(bb) In Subsection 20A-9-404(2), the language that states "Except as otherwise
1910 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1911 repealed.]

1912 [(5) Section 20A-7-407 is repealed January 1, 2021.]

1913 [(6) Section 20A-1-310 is repealed January 1, 2021.]