

Representative Brad M. Daw proposes the following substitute bill:

POLITICAL ACTIVITY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions of the Election Code and the Lobbyist Disclosure and Regulation Act.

Highlighted Provisions:

This bill:

- ▶ defines and amends terms;
- ▶ amends and corrects provisions relating to primary elections;
- ▶ changes the date on which a county clerk is required to provide an election notice;
- ▶ modifies the political party registration petition;
- ▶ modifies provisions relating to a declaration of candidacy;
- ▶ amends provisions relating to notifications that a qualified political party is required to provide to the lieutenant governor;
- ▶ amends ballot provisions;
- ▶ modifies provisions relating to rulemaking authority;
- ▶ amends provisions relating to candidate nomination and certification;
- ▶ amends provisions relating to nomination petitions;
- ▶ amends provisions relating to straight party voting;
- ▶ modifies requirements relating to reporting by a corporation or a lobbyist;



- 26 ▶ removes the requirements relating to lobbyist nametags; and
- 27 ▶ makes technical and conforming amendments.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 35 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320
- 36 **20A-3-106**, as last amended by Laws of Utah 2006, Chapter 326
- 37 **20A-5-101**, as last amended by Laws of Utah 2014, Chapters 17 and 362
- 38 **20A-6-303**, as last amended by Laws of Utah 2014, Chapter 17
- 39 **20A-6-304**, as last amended by Laws of Utah 2014, Chapter 17
- 40 **20A-9-101**, as last amended by Laws of Utah 2014, Chapter 17
- 41 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17
- 42 **20A-9-202**, as last amended by Laws of Utah 2014, Chapter 17
- 43 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17
- 44 **20A-9-406**, as enacted by Laws of Utah 2014, Chapter 17
- 45 **20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17
- 46 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 47 **20A-9-701**, as last amended by Laws of Utah 2014, Chapter 17
- 48 **20A-11-701**, as last amended by Laws of Utah 2013, Chapters 318 and 420
- 49 **36-11-201**, as last amended by Laws of Utah 2010, Chapter 325
- 50 **36-11-305.5**, as enacted by Laws of Utah 2014, Chapter 335

51 ENACTS:

- 52 **20A-9-408.5**, Utah Code Annotated 1953
- 53 **20A-9-411**, Utah Code Annotated 1953
- 54 **20A-11-705**, Utah Code Annotated 1953



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

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

58 **20A-1-102. Definitions.**

59 As used in this title:

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

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

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

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

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

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

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

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

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

75 (b) a constitutional amendment;

76 (c) an initiative;

77 (d) a referendum;

78 (e) a bond proposition;

79 (f) a judicial retention question;

80 (g) an incorporation of a city or town; or

81 (h) any other ballot question specifically authorized by the Legislature.

82 (6) "Ballot sheet":

83 (a) means a ballot that:

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

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

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

87 (7) "Bind," "binding," or "bound" means securing more than one piece of paper

88 together with a staple or stitch in at least three places across the top of the paper in the blank
89 space reserved for securing the paper.

90 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
91 [20A-4-306](#) to canvass election returns.

92 (9) "Bond election" means an election held for the purpose of approving or rejecting
93 the proposed issuance of bonds by a government entity.

94 (10) "Book voter registration form" means voter registration forms contained in a
95 bound book that are used by election officers and registration agents to register persons to vote.

96 (11) "Business reply mail envelope" means an envelope that may be mailed free of
97 charge by the sender.

98 (12) "By-mail voter registration form" means a voter registration form designed to be
99 completed by the voter and mailed to the election officer.

100 (13) "Canvass" means the review of election returns and the official declaration of
101 election results by the board of canvassers.

102 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
103 the canvass.

104 (15) "Contracting election officer" means an election officer who enters into a contract
105 or interlocal agreement with a provider election officer.

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

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

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

112 (19) "Counting poll watcher" means a person selected as provided in Section
113 [20A-3-201](#) to witness the counting of ballots.

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

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

- 119 (22) "Date of the election" or "election day" or "day of the election":
120 (a) means the day that is specified in the calendar year as the day that the election
121 occurs; and
122 (b) does not include:
123 (i) deadlines established for absentee voting; or
124 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
125 Voting.
126 (23) "Elected official" means:
127 (a) a person elected to an office under Section 20A-1-303;
128 (b) a person who is considered to be elected to a municipal office in accordance with
129 Subsection 20A-1-206(1)(c)(ii); or
130 (c) a person who is considered to be elected to a local district office in accordance with
131 Subsection 20A-1-206(3)(c)(ii).
132 (24) "Election" means a regular general election, a municipal general election, a
133 statewide special election, a local special election, a regular primary election, a municipal
134 primary election, and a local district election.
135 (25) "Election Assistance Commission" means the commission established by Public
136 Law 107-252, the Help America Vote Act of 2002.
137 (26) "Election cycle" means the period beginning on the first day persons are eligible to
138 file declarations of candidacy and ending when the canvass is completed.
139 (27) "Election judge" means a poll worker that is assigned to:
140 (a) preside over other poll workers at a polling place;
141 (b) act as the presiding election judge; or
142 (c) serve as a canvassing judge, counting judge, or receiving judge.
143 (28) "Election officer" means:
144 (a) the lieutenant governor, for all statewide ballots and elections;
145 (b) the county clerk for:
146 (i) a county ballot and election; and
147 (ii) a ballot and election as a provider election officer as provided in Section
148 20A-5-400.1 or 20A-5-400.5;
149 (c) the municipal clerk for:

- 150 (i) a municipal ballot and election; and
- 151 (ii) a ballot and election as a provider election officer as provided in Section
- 152 [20A-5-400.1](#) or [20A-5-400.5](#);
- 153 (d) the local district clerk or chief executive officer for:
- 154 (i) a local district ballot and election; and
- 155 (ii) a ballot and election as a provider election officer as provided in Section
- 156 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 157 (e) the business administrator or superintendent of a school district for:
- 158 (i) a school district ballot and election; and
- 159 (ii) a ballot and election as a provider election officer as provided in Section
- 160 [20A-5-400.1](#) or [20A-5-400.5](#).
- 161 (29) "Election official" means any election officer, election judge, or poll worker.
- 162 (30) "Election results" means:
- 163 (a) for an election other than a bond election, the count of votes cast in the election and
- 164 the election returns requested by the board of canvassers; or
- 165 (b) for bond elections, the count of those votes cast for and against the bond
- 166 proposition plus any or all of the election returns that the board of canvassers may request.
- 167 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 168 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 169 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 170 form, and the total votes cast form.
- 171 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 172 device or other voting device that records and stores ballot information by electronic means.
- 173 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 174 or logically associated with a record and executed or adopted by a person with the intent to sign
- 175 the record.
- 176 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 177 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 178 (35) "Inactive voter" means a registered voter who has:
- 179 (a) been sent the notice required by Section [20A-2-306](#); and
- 180 (b) failed to respond to that notice.

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

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

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

186 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
187 Local Government Entities - Local Districts, and includes a special service district under Title
188 17D, Chapter 1, Special Service District Act.

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

191 (41) "Local election" means a regular county election, a regular municipal election, a
192 municipal primary election, a local special election, a local district election, and a bond
193 election.

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

196 (43) "Local special election" means a special election called by the governing body of a
197 local political subdivision in which all registered voters of the local political subdivision may
198 vote.

199 (44) "Municipal executive" means:

200 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

201 or

202 (b) the mayor in the council-manager form of government defined in Subsection
203 [10-3b-103\(6\)](#).

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

207 (46) "Municipal legislative body" means the council of the city or town in any form of
208 municipal government.

209 (47) "Municipal office" means an elective office in a municipality.

210 (48) "Municipal officers" means those municipal officers that are required by law to be
211 elected.

212 (49) "Municipal primary election" means an election held to nominate candidates for
213 municipal office.

214 (50) "Official ballot" means the ballots distributed by the election officer to the poll
215 workers to be given to voters to record their votes.

216 (51) "Official endorsement" means:

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

218 (i) the ballot as an official ballot;

219 (ii) the date of the election; and

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

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

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

223 (ii) the ballot number.

224 (52) "Official register" means the official record furnished to election officials by the
225 election officer that contains the information required by Section [20A-5-401](#).

226 (53) "Paper ballot" means a paper that contains:

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

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

231 (54) "Pilot project" means the election day voter registration pilot project created in
232 Section [20A-4-108](#).

233 (55) "Political party" means an organization of registered voters that has qualified to
234 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
235 and Procedures.

236 (56) "Pollbook" means a record of the names of voters in the order that they appear to
237 cast votes.

238 (57) "Polling place" means the building where voting is conducted.

239 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
240 election, voting, or counting votes.

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

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

243 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
244 in which the voter marks the voter's choice.

245 (60) "Primary convention" means the political party conventions held during the year
246 of the regular general election.

247 (61) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

250 (62) "Provider election officer" means an election officer who enters into a contract or
251 interlocal agreement with a contracting election officer to conduct an election for the
252 contracting election officer's local political subdivision in accordance with Section
253 [20A-5-400.1](#).

254 (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

261 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the
262 duties of the position for which the person was elected.

263 (66) "Receiving judge" means the poll worker that checks the voter's name in the
264 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
265 after the voter has voted.

266 (67) "Registration form" means a book voter registration form and a by-mail voter
267 registration form.

268 (68) "Regular ballot" means a ballot that is not a provisional ballot.

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

272 (70) "Regular primary election" means the election on the fourth Tuesday of June of
273 each even-numbered year, to nominate candidates of political parties and candidates for

274 nonpartisan local school board positions to advance to the regular general election.

275 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

276 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed
277 and distributed as provided in Section 20A-5-405.

278 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or
279 punch the ballot for one or more candidates who are members of different political parties or
280 who are unaffiliated.

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

284 (75) "Special election" means an election held as authorized by Section 20A-1-203.

285 (76) "Spoiled ballot" means each ballot that:

286 (a) is spoiled by the voter;

287 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

288 (c) lacks the official endorsement.

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

291 (78) "Stub" means the detachable part of each ballot.

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

294 (80) "Ticket" means each list of candidates for each political party or for each group of
295 petitioners.

296 (81) "Transfer case" means the sealed box used to transport voted ballots to the
297 counting center.

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

301 (83) "Valid voter identification" means:

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

304 (i) a currently valid Utah driver license;

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

- 336 (xiii) a current Utah vehicle registration.
- 337 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
338 candidate by following the procedures and requirements of this title.
- 339 (85) "Voter" means a person who:
- 340 (a) meets the requirements for voting in an election;
- 341 (b) meets the requirements of election registration;
- 342 (c) is registered to vote; and
- 343 (d) is listed in the official register book.
- 344 (86) "Voter registration deadline" means the registration deadline provided in Section
345 [20A-2-102.5](#).
- 346 (87) "Voting area" means the area within six feet of the voting booths, voting
347 machines, and ballot box.
- 348 (88) "Voting booth" means:
- 349 (a) the space or compartment within a polling place that is provided for the preparation
350 of ballots, including the voting machine enclosure or curtain; or
- 351 (b) a voting device that is free standing.
- 352 (89) "Voting device" means:
- 353 (a) an apparatus in which ballot sheets are used in connection with a punch device for
354 piercing the ballots by the voter;
- 355 (b) a device for marking the ballots with ink or another substance;
- 356 (c) an electronic voting device or other device used to make selections and cast a ballot
357 electronically, or any component thereof;
- 358 (d) an automated voting system under Section [20A-5-302](#); or
- 359 (e) any other method for recording votes on ballots so that the ballot may be tabulated
360 by means of automatic tabulating equipment.
- 361 (90) "Voting machine" means a machine designed for the sole purpose of recording
362 and tabulating votes cast by voters at an election.
- 363 (91) "Voting poll watcher" means a person appointed as provided in this title to
364 witness the distribution of ballots and the voting process.
- 365 (92) "Voting precinct" means the smallest voting unit established as provided by law
366 within which qualified voters vote at one polling place.

367 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
368 poll watcher, and a testing watcher.

369 (94) "Western States Presidential Primary" means the election established in Chapter 9,
370 Part 8, Western States Presidential Primary.

371 (95) "Write-in ballot" means a ballot containing any write-in votes.

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

374 Section 2. Section **20A-1-201.5** is amended to read:

375 **20A-1-201.5. Primary election dates.**

376 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
377 of June of each even numbered year as provided in Section [20A-9-403](#), [20A-9-407](#), or
378 [20A-9-408](#), as applicable, to nominate persons for national, state, school board, and county
379 offices.

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

383 (3) If the Legislature makes an appropriation for a Western States Presidential Primary
384 election, the Western States Presidential Primary election shall be held throughout the state on
385 the first Tuesday in February in the year in which a presidential election will be held.

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

387 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**
388 **of unnecessary marking of cross.**

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

391 (a) mark in the circle or position above that political party;

392 (b) mark in the squares or position opposite the names of all candidates for that party
393 ticket; or

394 (c) make both markings.

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

397 (i) mark the selected party on the straight party page or section; or

- 398 (ii) mark the name of each candidate from that party.
- 399 (b) To vote for candidates from two or more political parties, the voter may:
- 400 (i) mark in the squares or positions opposite the names of the candidates for whom the
- 401 voter wishes to vote without marking in any circle; or
- 402 (ii) indicate [~~his~~] the voter's choice by:
- 403 (A) marking in the circle or position above one political party; and
- 404 (B) marking in the squares or positions opposite the names of desired candidates who
- 405 are members of any party, are unaffiliated, or are listed without party name.
- 406 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the
- 407 candidates who are listed on the ballot as being from any one registered political party may:
- 408 (i) select that party on the straight party selection area; or
- 409 (ii) select the name of each candidate from that party.
- 410 (b) To vote for candidates from two or more political parties, the voter may:
- 411 (i) select the names of the candidates for whom the voter wishes to vote without
- 412 selecting a political party in the straight party selection area; or
- 413 (ii) (A) select a political party in the straight party selection area; and
- 414 (B) select the names of the candidates for whom the voter wishes to vote who are
- 415 members of any party, are unaffiliated, or are listed without party name.
- 416 (4) In any election other than a primary election, if a voter voting a ballot has selected
- 417 or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote
- 418 for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall
- 419 select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.
- 420 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:
- 421 (i) by entering the name of a valid write-in candidate:
- 422 (A) by writing the name of a valid write-in candidate in the blank write-in section of
- 423 the ballot; or
- 424 (B) by affixing a sticker with the office and name of the valid write-in name printed on
- 425 it in the blank write-in part of the ballot; and
- 426 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's
- 427 vote.
- 428 (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person

429 whose name is written or whose sticker appears in the blank write-in part of the ballot, if a
430 mark is made opposite that name.

431 (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on
432 the ticket below the marked circle does not affect the validity of the vote.

433 (6) The voter may cast a write-in vote on an electronic ballot by:

434 (a) marking the appropriate position opposite the area for entering a write-in candidate
435 for the office sought by the candidate for whom the voter wishes to vote; and

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

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

438 **20A-5-101. Notice of election.**

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

441 (a) designates the offices to be filled at the next year's regular general election;

442 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
443 certifying nomination petition signatures, as applicable, under [Section] Sections [20A-9-403](#),
444 [20A-9-407](#), and [20A-9-408](#) for those offices;

445 (c) includes the master ballot position list for the next year and the year following as
446 established under Section [20A-6-305](#); and

447 (d) contains a description of any ballot propositions to be decided by the voters that
448 have qualified for the ballot as of that date.

449 (2) (a) No later than ~~November 15 in the year before the regular general election year~~
450 seven business days after the day on which the lieutenant governor transmits the written notice
451 described in Subsection (1), each county clerk shall:

452 (i) publish a notice:

453 (A) once in a newspaper published in that county; and

454 (B) as required in Section [45-1-101](#); or

455 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
456 give notice of the election to the voters in each voting precinct within the county; and

457 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
458 where the notice was posted.

459 (b) The notice required by Subsection (2)(a) shall:

- 460 (i) designate the offices to be voted on in that election; and
461 (ii) identify the dates for filing a declaration of candidacy for those offices.
462 (3) Before each election, the election officer shall give written or printed notice of:
463 (a) the date and place of election;
464 (b) the hours during which the polls will be open;
465 (c) the polling places for each voting precinct;
466 (d) an election day voting center designated under Section 20A-3-703; and
467 (e) the qualifications for persons to vote in the election.
468 (4) To provide the notice required by Subsection (3), the election officer shall publish
469 the notice at least two days before the election:
470 (a) in a newspaper of general circulation common to the area or in which the election is
471 being held; and
472 (b) as required in Section 45-1-101.
473 Section 5. Section 20A-6-303 is amended to read:
474 **20A-6-303. Regular general election -- Ballot sheets.**
475 (1) Each election officer shall ensure that:
476 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
477 approximately the same order as paper ballots;
478 (b) the titles of offices and the names of candidates are printed in vertical columns or in
479 a series of separate pages;
480 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
481 include, after the list of candidates:
482 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
483 (ii) any ballot propositions submitted to the voters for their approval or rejection;
484 (d) (i) a voting square or position is included where the voter may record a straight
485 party ticket vote for all the candidates ~~[of]~~ who are listed on the ballot as being from one party
486 by one mark or punch; and
487 (ii) the name of each political party listed in the straight party selection area includes
488 the word "party" at the end of the party's name;
489 (e) the tickets are printed in the order specified under Section 20A-6-305;
490 (f) the office titles are printed immediately adjacent to the names of candidates so as to

491 indicate clearly the candidates for each office and the number to be elected;

492 (g) the party designation of each candidate who has been nominated by a registered
493 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is printed
494 immediately adjacent to the candidate's name; and

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

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

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

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

503 (2) Each election officer shall ensure that:

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

506 (b) ballot propositions submitted to the voters are listed in accordance with Section
507 20A-6-107; and

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

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

511 **20A-6-304. Regular general election -- Electronic ballots.**

512 (1) Each election officer shall ensure that:

513 (a) the format and content of the electronic ballot is arranged in approximately the
514 same order as paper ballots;

515 (b) the titles of offices and the names of candidates are displayed in vertical columns or
516 in a series of separate display screens;

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

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

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

520 (d) (i) a voting square or position is included where the voter may record a straight

521 party ticket vote for all the candidates [of] who are listed on the ballot as being from one party

522 by making a single selection; and

523 (ii) the name of each political party listed in the straight party selection area includes
524 the word "party" at the end of the party's name;

525 (e) the tickets are displayed in the order specified under Section 20A-6-305;

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

528 (g) the party designation of each candidate who has been nominated by a registered
529 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed
530 adjacent to the candidate's name; and

531 (h) if possible, all candidates for one office are grouped in one column or upon one
532 display screen.

533 (2) Each election officer shall ensure that:

534 (a) proposed amendments to the Utah Constitution are displayed in accordance with
535 Section 20A-6-107;

536 (b) ballot propositions submitted to the voters are displayed in accordance with Section
537 20A-6-107; and

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

540 Section 7. Section 20A-9-101 is amended to read:

541 **20A-9-101. Definitions.**

542 As used in this chapter:

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

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

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

548 (ii) presidential elector;

549 (iii) any political party offices; and

550 (iv) municipal or local district offices.

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

553 (3) "Continuing political party" is as defined in Section [20A-8-101](#).

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

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

557 (i) the office of justice or judge of any court of record or not of record;

558 (ii) the office of presidential elector;

559 (iii) any political party offices;

560 (iv) any municipal or local district offices; and

561 (v) the office of United States Senator and United States Representative.

562 (5) "Federal office" means an elective office for United States Senator and United
563 States Representative.

564 (6) "Filing officer" means:

565 (a) the lieutenant governor, for:

566 (i) the office of United States Senator and United States Representative; and

567 (ii) all constitutional offices;

568 (b) the county clerk, for county offices and local school district offices, and the county
569 clerk in the filer's county of residence, for multicounty offices;

570 (c) the city or town clerk, for municipal offices; and

571 (d) the local district clerk, for local district offices.

572 (7) "Local district office" means an elected office in a local district.

573 (8) "Local government office" includes county offices, municipal offices, and local
574 district offices and other elective offices selected by the voters from a political division entirely
575 within one county.

576 (9) (a) "Multicounty office" means an elective office where the office holder is selected
577 by the voters from more than one county.

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

579 (i) a county office;

580 (ii) a federal office;

581 (iii) the office of justice or judge of any court of record or not of record;

582 (iv) the office of presidential elector;

583 (v) any political party offices; and

584 (vi) any municipal or local district offices.
585 (10) "Municipal office" means an elective office in a municipality.
586 (11) (a) "Political division" means a geographic unit from which an office holder is
587 elected and that an office holder represents.
588 (b) "Political division" includes a county, a city, a town, a local district, a school
589 district, a legislative district, and a county prosecution district.
590 (12) "Qualified political party" means a registered political party that:
591 (a) permits voters who are unaffiliated with any political party to vote for the registered
592 political party's candidates in a primary election;
593 (b) (i) permits a delegate for the registered political party to vote on a candidate
594 nomination in the registered political party's convention remotely; or
595 (ii) provides a procedure for designating an alternate delegate if a delegate is not
596 present at the registered political party's convention;
597 (c) does not hold the registered political party's convention before ~~[April 1]~~ the fourth
598 Saturday in March of an even-numbered year;
599 (d) permits a member of the registered political party to seek the registered political
600 party's nomination for any elective office by the member choosing to seek the nomination by
601 either or both of the following methods:
602 (i) seeking the nomination through the registered political party's convention process,
603 in accordance with the provisions of Section [20A-9-407](#); or
604 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
605 of Section [20A-9-408](#); and
606 (e) (i) if the registered political party is a continuing political party, no later than 5 p.m.
607 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
608 election in the following year, the registered political party intends to nominate the registered
609 political party's candidates in accordance with the provisions of ~~[Sections [20A-9-407](#) and~~
610 [20A-9-408](#).] Section [20A-9-406](#); or
611 (ii) if the registered political party is a not a continuing political party, certifies at the
612 time that the registered political party files the petition described in Section [20A-8-103](#) that, for
613 the next election, the registered political party intends to nominate the registered political
614 party's candidates in accordance with the provisions of Section [20A-9-406](#).

615 Section 8. Section 20A-9-201 is amended to read:

616 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
617 **more than one political party prohibited with exceptions -- General filing and form**
618 **requirements -- Affidavit of impecuniosity.**

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

620 (a) be a United States citizen;

621 (b) meet the legal requirements of that office; and

622 (c) if seeking a registered political party's nomination as a candidate for elective office,

623 [~~designate that registered political party as their preferred party affiliation on their declaration~~
624 ~~of candidacy.~~] state:

625 (i) the registered political party of which the person is a member; or

626 (ii) that the person is not a member of a registered political party.

627 (2) (a) Except as provided in Subsection (2)(b), [~~a person~~] an individual may not:

628 (i) file a declaration of candidacy for, or be a candidate for, more than one office in

629 Utah during any election year; [~~or~~]

630 (ii) appear on the ballot as the candidate of more than one political party[~~;~~]; or

631 (iii) file a declaration of candidacy for a registered political party of which the

632 individual is not a member, except to the extent that the registered political party permits

633 otherwise in the registered political party's bylaws.

634 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president

635 or vice president of the United States and another office, if the person resigns the person's

636 candidacy for the other office after the person is officially nominated for president or vice

637 president of the United States.

638 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than

639 one justice court judge office.

640 (iii) A person may file a declaration of candidacy for lieutenant governor even if the

641 person filed a declaration of candidacy for another office in the same election year if the person

642 withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6)

643 before filing the declaration of candidacy for lieutenant governor.

644 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any

645 declaration of candidacy, the filing officer shall:

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

648 (B) require the candidate to state whether or not the candidate meets those
649 requirements.

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

652 (A) a United States citizen;

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

655 (C) a registered voter in the county in which the person is seeking office; and

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

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

663 (A) a United States citizen;

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

666 (C) a registered voter in the prosecution district in which the person is seeking office;
667 and

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

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

674 (A) as of the date of filing:

675 (I) is a United States citizen;

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

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

680 (Bb) has met the waiver requirements in Section 53-6-206; and

681 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
682 53-13-103; and

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

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

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

690 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
691 provided to the lieutenant governor according to the procedures and requirements of Section
692 20A-11-1603.

693 (b) If the prospective candidate states that the qualification requirements for the office
694 are not met, the filing officer may not accept the prospective candidate's declaration of
695 candidacy.

696 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
697 requirements of candidacy are met, the filing officer shall:

698 (i) inform the candidate that:

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

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

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

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

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

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

708 (ii) except for a presidential candidate, provide the candidate with a copy of the current
709 campaign financial disclosure laws for the office the candidate is seeking and inform the
710 candidate that failure to comply will result in disqualification as a candidate and removal of the
711 candidate's name from the ballot;

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

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

717 (A) signing the pledge is voluntary; and

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

719 (v) accept the candidate's declaration of candidacy; and

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

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

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

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

729 (4) (a) Except for presidential candidates, the form of the declaration of candidacy
730 shall:

731 (i) be substantially as follows:

732 "State of Utah, County of ____

733 I, _____, declare my candidacy for the office of _____, seeking the
734 nomination of the _____ party[~~, which is my preferred political party affiliation~~]. I do
735 solemnly swear that: I will meet the qualifications to hold the office, both legally and
736 constitutionally, if selected; I reside at _____ in the City or Town of _____,
737 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
738 campaigns and elections; I will file all campaign financial disclosure reports as required

739 by law; and I understand that failure to do so will result in my disqualification as a candidate
740 for this office and removal of my name from the ballot. The mailing address that I designate
741 for receiving official election notices is _____.

742 _____

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

744 Notary Public (or other officer qualified to administer oath.)"; and

745 (ii) require the candidate to state, in the sworn statement described in Subsection

746 (4)(a)(i):

747 (A) the registered political party of which the candidate is a member; or

748 (B) that the candidate is not a member of a registered political party.

749 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202
750 may not sign the form described in Subsection (4)(a).

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

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

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

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

758 (i) who is disqualified; or

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

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

762 (ii) The lieutenant governor shall:

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

765 (B) ensure that each county receives that proportion of the total amount paid to the
766 lieutenant governor from the congressional district that the total vote of that county for all
767 candidates for representative in Congress bears to the total vote of all counties within the
768 congressional district for all candidates for representative in Congress.

769 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy

770 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
771 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
772 a financial statement filed at the time the affidavit is submitted.

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

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

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

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

782 "Affidavit of Impecuniosity

783 Individual Name

784 _____ Address _____

785 Phone Number _____

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

789 Date _____ Signature _____

790 Affiant

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

792 _____
793 (signature)

794 Name and Title of Officer Authorized to Administer Oath _____"

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

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

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

804 (6) (a) If there is no legislative appropriation for the Western States Presidential
805 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
806 president of the United States who is affiliated with a registered political party and chooses to
807 participate in the regular primary election shall:

808 (i) file a declaration of candidacy, in person or via a designated agent, with the
809 lieutenant governor:

810 (A) on a form developed and provided by the lieutenant governor; and

811 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
812 March before the next regular primary election;

813 (ii) identify the registered political party whose nomination the candidate is seeking;

814 (iii) provide a letter from the registered political party certifying that the candidate may
815 participate as a candidate for that party in that party's presidential primary election; and

816 (iv) pay the filing fee of \$500.

817 (b) An agent designated to file a declaration of candidacy may not sign the form
818 described in Subsection (6)(a)(i)(A).

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

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

823 Section 9. Section **20A-9-202** is amended to read:

824 **20A-9-202. Declarations of candidacy for regular general elections.**

825 (1) (a) Each person seeking to become a candidate for an elective office that is to be
826 filled at the next regular general election shall:

827 (i) file a declaration of candidacy in person with the filing officer on or after January 1
828 of the regular general election year, and, if applicable, before the candidate circulates
829 nomination petitions under Section [20A-9-405](#); and

830 (ii) pay the filing fee.

831 (b) Each county clerk who receives a declaration of candidacy from a candidate for

832 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
833 candidacy to the lieutenant governor within one working day after it is filed.

834 (c) Each day during the filing period, each county clerk shall notify the lieutenant
835 governor electronically or by telephone of candidates who have filed in their office.

836 (d) Each person seeking the office of lieutenant governor, the office of district attorney,
837 or the office of president or vice president of the United States shall comply with the specific
838 declaration of candidacy requirements established by this section.

839 (2) (a) Each person intending to become a candidate for the office of district attorney
840 within a multicounty prosecution district that is to be filled at the next regular general election
841 shall:

842 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
843 creating the prosecution district on or after January 1 of the regular general election year, and
844 before the candidate circulates nomination petitions under Section 20A-9-405; and

845 (ii) pay the filing fee.

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

849 (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each
850 lieutenant governor candidate shall:

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

852 (ii) pay the filing fee; and

853 (iii) submit a letter from a candidate for governor who has received certification for the
854 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
855 as a joint-ticket running mate.

856 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
857 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
858 candidate.

859 (4) Each registered political party shall:

860 (a) certify the names of its candidates for president and vice president of the United
861 States to the lieutenant governor no later than August 31; or

862 (b) provide written authorization for the lieutenant governor to accept the certification

863 of candidates for president and vice president of the United States from the national office of
864 the registered political party.

865 (5) (a) A declaration of candidacy filed under this section is valid unless a written
866 objection is filed with the clerk or lieutenant governor within five days after the last day for
867 filing.

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

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

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

872 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
873 problem by amending the declaration or petition within three days after the objection is
874 sustained or by filing a new declaration within three days after the objection is sustained.

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

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

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

880 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
881 filing a written affidavit with the clerk.

882 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
883 in this section to file a declaration of candidacy in person, a person may designate an agent to
884 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

885 (a) the person is located outside the state during the filing period because:

886 (i) of employment with the state or the United States; or

887 (ii) the person is a member of:

888 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
889 Coast Guard of the United States who is on active duty;

890 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
891 commissioned corps of the National Oceanic and Atmospheric Administration of the United
892 States; or

893 (C) the National Guard on activated status;

894 (b) the person communicates with the filing officer using an electronic device that
895 allows the person and filing officer to see and hear each other; and

896 (c) the person provides the filing officer with an email address to which the filing
897 officer may send the copies described in Subsection 20A-9-201(3).

898 Section 10. Section 20A-9-403 is amended to read:

899 **20A-9-403. Regular primary elections.**

900 (1) (a) Candidates for elective office that are to be filled at the next regular general
901 election shall be nominated in a regular primary election by direct vote of the people in the
902 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
903 designated as regular primary election day. Nothing in this section shall affect a candidate's
904 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
905 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
906 Section 20A-9-601.

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

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

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

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

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

922 (ii) if the registered political party participates in the upcoming regular primary
923 election, identify one or more registered political parties whose members may vote for the
924 registered political party's candidates and whether or not persons identified as unaffiliated with

925 a political party may vote for the registered political party's candidates[~~;~~ and].

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

929 (b) (i) A registered political party that is a continuing political party must file the
930 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
931 November 15 of each odd-numbered year.

932 (ii) An organization that is seeking to become a registered political party under Section
933 [20A-8-103](#) must file the statement described in [~~Subsection (2)(b) no later than 5 p.m. on~~
934 ~~February 15]~~ Subsection (2)(a) at the time that the registered political party files the petition
935 described in Section [20A-8-103](#).

936 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
937 declaration of candidacy under Section [20A-9-202](#) shall appear as a candidate for elective
938 office on the regular primary ballot of the registered political party listed on the declaration of
939 candidacy only if the person is certified by the appropriate filing officer as having submitted a
940 set of nomination petitions that was:

941 (i) circulated and completed in accordance with Section [20A-9-405](#); and

942 (ii) signed by at least two percent of the registered political party's members who reside
943 in the political division of the office that the person seeks.

944 (b) A candidate for elective office shall submit nomination petitions to the appropriate
945 filing officer for verification and certification no later than 5 p.m. on the final day in March.
946 Candidates may supplement their submissions at any time on or before the filing deadline.

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

953 (d) The filing officer shall:

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

955 (ii) for all qualifying candidates for elective office who submitted nomination petitions

956 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
957 the first Monday after the third Saturday in April;

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

959 (iv) consider a person who signs a nomination petition a member of a registered
960 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
961 political party as ~~[their preferred party affiliation on their]~~ the person's party membership on the
962 person's voter registration form [prior to 5 p.m. on the final day in March]; and

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

967 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
968 lieutenant governor may appear on the regular primary ballot of a registered political party
969 without submitting nomination petitions if the candidate files a declaration of candidacy and
970 complies with Subsection [20A-9-202\(3\)](#).

971 ~~[(f) The lieutenant governor shall issue rules that]~~

972 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
973 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

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

975 (A) filing officers are required to use to verify signatures under Subsection (3)(d)[-

976 The statistical sampling procedures shall]; and

977 (B) reflect a bona fide effort to determine the validity of a candidate's entire
978 submission, using widely recognized statistical sampling techniques[- The lieutenant governor
979 may also issue supplemental rules and guidance that]; and

980 (ii) provide for the transparent, orderly, and timely submission, verification, and
981 certification of nomination petition signatures.

982 (g) The county clerk shall:

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

985 (ii) place the names of all candidates who have filed a declaration of candidacy for a
986 local board of education seat on the nonpartisan section of the ballot if more than two

987 candidates have filed for the same seat; and

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

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

992 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
993 county offices who have received certifications under Subsection (3), along with instructions
994 on how those names shall appear on the primary-election ballot in accordance with Section
995 20A-6-305; and

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

999 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1000 joint-ticket running mates shall appear jointly on the primary-election ballot.

1001 (c) After the county clerk receives the certified list from the lieutenant governor under
1002 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1003 substantially the following form:

1004 "Notice is given that a primary election will be held Tuesday, June ____,
1005 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1006 local school board positions listed on the primary ballot. The polling place for voting precinct
1007 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1008 Attest: county clerk."

1009 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
1010 votes cast for each office at the regular primary election are nominated by their registered
1011 political party for that office or are nominated as a candidate for a nonpartisan local school
1012 board position.

1013 (b) If two or more candidates, other than presidential candidates, are to be elected to
1014 the office at the regular general election, those party candidates equal in number to positions to
1015 be filled who receive the highest number of votes at the regular primary election are the
1016 nominees of their party for those positions.

1017 (c) A candidate who is unopposed for an elective office in the regular primary election

1018 of a registered political party is nominated by the party for that office without appearing on the
1019 primary ballot~~[, provided that the party has chosen to nominate unopposed candidates under~~
1020 ~~Subsection (2)(a)(iii)]~~. A candidate is "unopposed" if no person other than the candidate has
1021 received a certification under Subsection (3) for the regular primary election ballot of the
1022 candidate's registered political party for a particular elective office.

1023 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1024 office that represents more than one county, the governor, lieutenant governor, and attorney
1025 general shall, at a public meeting called by the governor and in the presence of the candidates
1026 involved, select the nominee by lot cast in whatever manner the governor determines.

1027 (b) When a tie vote occurs in any primary election for any county office, the district
1028 court judges of the district in which the county is located shall, at a public meeting called by
1029 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1030 whatever manner the judges determine.

1031 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1032 primary election provided for by this section, and all expenses necessarily incurred in the
1033 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1034 county or state, in the same manner as for the regular general elections.

1035 (8) An individual may not file a declaration of candidacy for a registered political party
1036 of which the individual is not a member, except to the extent that the registered political party
1037 permits otherwise under the registered political party's bylaws.

1038 Section 11. Section **20A-9-406** is amended to read:

1039 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1040 The following provisions apply to a qualified political party:

1041 (1) the qualified political party shall ~~[certify to the lieutenant governor]~~₂ no later than 5
1042 p.m. on March 1 of each even-numbered year~~[:-(a)]~~, certify to the lieutenant governor the
1043 identity of one or more registered political parties whose members may vote for the qualified
1044 political party's candidates; ~~[and]~~

1045 ~~[(b) whether the qualified political party chooses to nominate unopposed candidates~~
1046 ~~without the names of the candidates appearing on the ballot, as described in Subsection~~
1047 ~~20A-9-403(5)(c);]~~

1048 (2) the provisions of Subsections **20A-9-403(1)** through (4)(a), Subsection

1049 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
1050 political party;

1051 (3) an individual may only ~~[obtain a]~~ seek the nomination ~~[for]~~ of the qualified
1052 political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both;

1053 (4) the qualified political party shall comply with the provisions of Sections
1054 20A-9-407, 20A-9-408, and 20A-9-409;

1055 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
1056 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a
1057 qualified political party ~~[under Section 20A-9-407 or 20A-9-408]~~:

1058 (a) under the qualified political party's name and emblem, if any; or

1059 (b) under the title of the qualified registered political party as designated by the
1060 qualified political party in the certification described in Subsection (1), or, if none is
1061 designated, then under some suitable title;

1062 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
1063 paper ballots in regular general elections, that each candidate who is nominated by the qualified
1064 political party is listed by party;

1065 (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure that
1066 the party designation of each candidate who is nominated by the qualified political party is
1067 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

1068 (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that
1069 the party designation of each candidate who is nominated by the qualified political party is
1070 displayed adjacent to the candidate's name on an electronic ballot;

1071 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
1072 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1073 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1074 multicounty office, or county office;

1075 (10) an individual who is nominated by, or seeking the nomination of, the qualified
1076 political party is not required to comply with Subsection 20A-9-201(1)(c);

1077 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1078 to have each of the qualified political party's candidates for elective office appear on the
1079 primary ballot of the qualified political party with an indication that each candidate is a

1080 candidate for the qualified political party;

1081 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
1082 on the list provided by the lieutenant governor to the county clerks:

1083 (a) the names of all candidates of the qualified political party for federal, constitutional,
1084 multicounty, and county offices; and

1085 (b) the names of unopposed candidates for elective office who have been nominated by
1086 the qualified political party and instruct the county clerks to exclude such candidates from the
1087 primary-election ballot;

1088 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
1089 elective office in the regular primary election of the qualified political party is nominated by
1090 the party for that office without appearing on the primary ballot[, provided that the party has
1091 chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii)]; and

1092 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
1093 20A-9-405, the qualified political party is entitled to have the names of its candidates for
1094 elective office featured with party affiliation on the ballot at a regular general election.

1095 Section 12. Section 20A-9-407 is amended to read:

1096 **20A-9-407. Convention process to seek the nomination of a qualified political**
1097 **party.**

1098 (1) This section describes the requirements for a member of a qualified political party
1099 who is seeking the nomination of a qualified political party for an elective office through the
1100 qualified political party's convention [nomination] process.

1101 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
1102 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1103 the nomination of, the qualified political party under this section shall be substantially as
1104 [follows:] described in Section 20A-9-408.5.

1105 ["State of Utah, County of _____]

1106 [I, _____, declare my intention of becoming a candidate for the office of
1107 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
1108 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
1109 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
1110 any law governing campaigns and elections; I will file all campaign financial disclosure reports

1111 as required by law, and I understand that failure to do so will result in my disqualification as a
1112 candidate for this office and removal of my name from the ballot. The mailing address that I
1113 designate for receiving official election notices is

1114 _____
1115 _____

1116 _____ Subscribed and sworn before me this _____ (month\day\year). Notary Public (or
1117 other officer qualified to administer oath)."]

1118 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
1119 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
1120 nomination of the qualified political party for an elective office that is to be filled at the next
1121 general election, shall:

1122 (a) file a declaration of candidacy in person with the filing officer on or after the
1123 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1124 regular general election; and

1125 (b) pay the filing fee.

1126 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1127 party who, under this section, is seeking the nomination of the qualified political party for the
1128 office of district attorney within a multicounty prosecution district that is to be filled at the next
1129 general election shall:

1130 (a) file a declaration of candidacy with the county clerk designated in the interlocal
1131 agreement creating the prosecution district on or after the second Friday in March and before 5
1132 p.m. on the third Thursday in March before the next regular general election; and

1133 (b) pay the filing fee.

1134 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
1135 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1136 political party, under this section, for the office of governor shall submit a letter from the
1137 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
1138 mate.

1139 (6) (a) A qualified political party that nominates a candidate under this section shall
1140 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
1141 after the fourth Saturday in April.

1142 [(6)] (b) The lieutenant governor shall ensure that the certification described in
1143 Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified
1144 political party under this section.

1145 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1146 is nominated by a qualified political party under this section, designate the qualified political
1147 party that nominated the candidate.

1148 Section 13. Section 20A-9-408 is amended to read:

1149 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
1150 **political party.**

1151 (1) This section describes the requirements for a member of a qualified political party
1152 who is seeking the nomination of the qualified political party for an elective office through the
1153 signature-gathering [nomination] process described in this section.

1154 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
1155 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1156 the nomination of, the qualified political party under this section shall be substantially as
1157 [follows:] described in Section 20A-9-408.5.

1158 ["State of Utah, County of _____
1159 _____ I, _____, declare my intention of becoming a candidate for the office of
1160 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
1161 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
1162 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
1163 any law governing campaigns and elections; I will file all campaign financial disclosure reports
1164 as required by law; and I understand that failure to do so will result in my disqualification as a
1165 candidate for this office and removal of my name from the ballot. The mailing address that I
1166 designate for receiving official election notices is

1167 _____
1168 _____.

1169 _____ Subscribed and sworn before me this _____ (month\day\year). Notary Public (or
1170 other officer qualified to administer oath)."]

1171 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
1172 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the

1173 nomination of the qualified political party for an elective office that is to be filled at the next
1174 general election shall:

1175 (a) within the period beginning on January 1 before the next regular general election
1176 and ending on the third Thursday in March of the same year, and before gathering signatures
1177 under this section, file with the filing officer on a form approved by the lieutenant governor a
1178 notice of intent to gather signatures for candidacy that includes:

1179 (i) the name of the member who will attempt to become a candidate for a registered
1180 political party under this section;

1181 (ii) the name of the registered political party for which the member is seeking
1182 nomination;

1183 (iii) the office for which the member is seeking to become a candidate;

1184 (iv) the address and telephone number of the member; and

1185 (v) other information required by the lieutenant governor;

1186 (b) file a declaration of candidacy, in person, with the filing officer on or after the
1187 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1188 regular general election; and

1189 (c) pay the filing fee.

1190 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political
1191 party who, under this section, is seeking the nomination of the qualified political party for the
1192 office of district attorney within a multicounty prosecution district that is to be filled at the next
1193 general election shall:

1194 (a) on or after January 1 before the next regular general election, and before gathering
1195 signatures under this section, file with the filing officer on a form approved by the lieutenant
1196 governor a notice of intent to gather signatures for candidacy that includes:

1197 (i) the name of the member who will attempt to become a candidate for a registered
1198 political party under this section;

1199 (ii) the name of the registered political party for which the member is seeking
1200 nomination;

1201 (iii) the office for which the member is seeking to become a candidate;

1202 (iv) the address and telephone number of the member; and

1203 (v) other information required by the lieutenant governor;

1204 (b) file a declaration of candidacy, in person, with the filing officer on or after the
1205 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1206 regular general election; and

1207 (c) pay the filing fee.

1208 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
1209 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1210 political party, under this section, for the office of governor shall submit a letter from the
1211 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
1212 mate.

1213 (6) The lieutenant governor shall ensure that the certification described in Subsection
1214 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1215 under this section.

1216 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1217 is nominated by a qualified political party under this section, designate the qualified political
1218 party that nominated the candidate.

1219 (8) A member of a qualified political party may seek the nomination of the qualified
1220 political party for an elective office by:

1221 (a) complying with the requirements described in this section; and

1222 (b) collecting signatures, on a form approved by the lieutenant [~~governor's office~~]
1223 governor, during the period beginning on January 1 of an even-numbered year and ending 14
1224 days before the day on which the qualified political party's convention for the office is held, in
1225 the following amounts:

1226 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1227 permitted by the qualified political party to vote for the qualified political party's candidates in
1228 a primary election;

1229 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1230 residents of the congressional district and are permitted by the qualified political party to vote
1231 for the qualified political party's candidates in a primary election;

1232 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1233 residents of the state Senate district and are permitted by the qualified political party to vote for
1234 the qualified political party's candidates in a primary election;

1235 (iv) for a state House district race, 1,000 signatures of registered voters who are
1236 residents of the state House district and are permitted by the qualified political party to vote for
1237 the qualified political party's candidates in a primary election; and

1238 (v) for a county office race, signatures of 3% of the registered voters who are residents
1239 of the area permitted to vote for the county office and are permitted by the qualified political
1240 party to vote for the qualified political party's candidates in a primary election.

1241 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1242 for the qualified political party's nomination for an elective office under this section, the
1243 member shall:

1244 (i) collect the signatures on a form approved by the lieutenant [~~governor's office~~]
1245 governor, using the same circulation and verification requirements described in Sections
1246 [~~20A-7-304 and 20A-7-305~~] 20A-7-204 and 20A-7-205; and

1247 (ii) submit the signatures to the election officer no later than 14 days before the day on
1248 which the qualified political party holds its convention to select candidates, for the elective
1249 office, for the qualified political party's nomination.

1250 (b) An individual may not gather signatures under this section until after the individual
1251 files a notice of intent to gather signatures for candidacy described in this section.

1252 (c) An individual who files a notice of intent to gather signatures for candidacy,
1253 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1254 the notice of intent to gather signatures for candidacy:

1255 (i) required to comply with the reporting requirements that a candidate for office is
1256 required to comply with; and

1257 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1258 apply to a candidate for office in relation to the reporting requirements described in Subsection
1259 (9)(c)(i).

1260 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1261 election officer shall, no later than one day before the day on which the qualified political party
1262 holds the convention to select a nominee for the elective office to which the signature packets
1263 relate:

1264 (i) check the name of each individual who completes the verification for a signature
1265 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1266 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1267 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1268 (iii) determine whether each signer is a registered voter who is qualified to sign the
1269 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
1270 on a petition;

1271 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1272 signature packet; and

1273 (v) notify the qualified political party and the lieutenant governor of the name of each
1274 member of the qualified political party who qualifies as a nominee of the qualified political
1275 party, under this section, for the elective office to which the convention relates.

1276 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1277 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1278 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1279 posts a declaration of candidacy.

1280 Section 14. Section 20A-9-408.5 is enacted to read:

1281 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

1282 The declaration of candidacy form described in Sections 20A-9-407 and 20A-9-408

1283 shall:

1284 (1) be substantially as follows:

1285 "State of Utah, County of

1286 I, _____, declare my intention of becoming a candidate for the office of
1287 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
1288 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
1289 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
1290 any law governing campaigns and elections; I will file all campaign financial disclosure reports
1291 as required by law; and I understand that failure to do so will result in my disqualification as a
1292 candidate for this office and removal of my name from the ballot. The mailing address that I
1293 designate for receiving official election notices is

1294 _____
1295 _____.

1296 Subscribed and sworn before me this _____ (month\day\year). Notary Public (or

1297 other officer qualified to administer oath).";

1298 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

1299 (a) the registered political party of which the candidate is a member; or

1300 (b) that the candidate is not a member of a registered political party; and

1301 (3) direct the candidate to indicate whether the candidate is seeking the nomination

1302 using:

1303 (a) the convention process described in Section [20A-9-407](#);

1304 (b) the signature-gathering process described in Section [20A-9-408](#); or

1305 (c) both processes described in Subsections (3)(a) and (b).

1306 Section 15. Section **20A-9-411** is enacted to read:

1307 **20A-9-411. Signing multiple nomination petitions.**

1308 (1) An individual who signs a petition, described in Section [20A-9-403](#) or [20A-9-408](#),

1309 to nominate a candidate may not sign a petition to nominate another candidate for the same

1310 office.

1311 (2) If an individual signs more than one petition in violation of Subsection (1), the

1312 election officer may only count the signature on the first petition that the election officer

1313 reviews for that office.

1314 Section 16. Section **20A-9-701** is amended to read:

1315 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1316 (1) No later than August 31 of each regular general election year, the lieutenant

1317 governor shall certify to each county clerk, for offices to be voted upon at the regular general

1318 election in that county clerk's county:

1319 (a) the names of each candidate nominated under Subsection [20A-9-202](#)(4) or

1320 Subsection [20A-9-403](#)(5) [~~for offices to be voted upon at the regular general election in that~~

1321 county clerk's county.]; and

1322 (b) the names of the candidates for president and vice president that are certified by the

1323 registered political party as the party's nominees.

1324 (2) The names shall be certified by the lieutenant governor and shall be displayed on

1325 the ballot as they are provided on the candidate's declaration of candidacy. No other names

1326 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered

1327 political party, political party, or other political group.

1328 Section 17. Section 20A-11-701 is amended to read:

1329 **20A-11-701. Campaign financial reporting by** ~~H~~→ ~~[political purpose]~~ ←~~H~~

1329a **corporations --**

1330 **Filing requirements -- Statement contents -- Donor reporting and notification required.**

1331 (1) (a) Each corporation that has made expenditures for political purposes that total at
1332 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
1333 governor's office:

1334 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1335 (ii) seven days before the state political convention for each major political party;

1336 (iii) seven days before the regular primary election date;

1337 (iv) on August 31; and

1338 (v) seven days before the regular general election date.

1339 (b) The corporation shall report:

1340 (i) a detailed listing of all expenditures made since the last financial statement;

1341 (ii) for financial statements filed under Subsections (1)(a)(ii) through (v), all
1342 expenditures as of five days before the required filing date of the financial statement; and

1343 (iii) whether the corporation, including an officer of the corporation, director of the
1344 corporation, or person with at least 10% ownership in the corporation:

1345 (A) has bid since the last financial statement on a contract, as defined in Section
1346 [63G-6a-103](#), in excess of \$100,000;

1347 (B) is currently bidding on a contract, as defined in Section [63G-6a-103](#), in excess of
1348 \$100,000; or

1349 (C) is a party to a contract, as defined in Section [63G-6a-103](#), in excess of \$100,000.

1350 (c) The corporation need not file a financial statement under this section if the
1351 corporation made no expenditures during the reporting period.

1352 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
1353 reporting entity that the reporting entity is required to include in a financial statement described
1354 in this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1355 (2) The financial statement shall include:

1356 (a) the name and address of each reporting entity that received an expenditure from the
1357 corporation, and the amount of each expenditure;

1358 (b) the total amount of expenditures disbursed by the corporation:

- 1359 (i) since the last financial statement; and
- 1360 (ii) during the calendar year;
- 1361 (c) (i) a statement that the corporation did not receive any money from any donor
- 1362 during the calendar year or the previous calendar year that the corporation has not reported in a
- 1363 previous financial statement; or
- 1364 (ii) a report, described in Subsection (3), of the money received from donors during the
- 1365 calendar year or the previous calendar year that the corporation has not reported in a previous
- 1366 financial statement; and
- 1367 (d) a statement by the corporation's treasurer or chief financial officer certifying the
- 1368 accuracy of the financial statement.
- 1369 (3) (a) The report required by Subsection (2)(c)(ii) shall include:
- 1370 (i) the name and address of each donor;
- 1371 (ii) the amount of the money received by the corporation from each donor; and
- 1372 (iii) the date on which the corporation received the money.
- 1373 (b) A corporation shall report money received from donors in the following order:
- 1374 (i) first, beginning with the least recent date on which the corporation received money
- 1375 that the corporation has not reported in a previous financial statement, the money received from
- 1376 a donor that:
- 1377 (A) requests that the corporation use the money to make an expenditure;
- 1378 (B) gives the money to the corporation in response to a solicitation indicating the
- 1379 corporation's intent to make an expenditure; or
- 1380 (C) knows that the corporation may use the money to make an expenditure; and
- 1381 (ii) second, divide the difference between the total amount of expenditures made since
- 1382 the last financial statement and the total amount of money reported under Subsection (3)(b)(i)
- 1383 on a proration basis between all donors that:
- 1384 (A) are not described in Subsection (3)(b)(i);
- 1385 (B) gave at least \$50 during the calendar year or previous calendar year; and
- 1386 (C) have not been reported in a previous financial statement.
- 1387 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
- 1388 expenditures made since the last financial statement, the financial statement shall contain a
- 1389 statement that the corporation has reported all donors that gave money, and all money received

1390 by donors, during the calendar year or previous calendar year that the corporation has not
1391 reported in a previous financial statement.

1392 (d) The corporation shall indicate on the financial statement that the amount attributed
1393 to each donor under Subsection (3)(b)(ii) is only an estimate.

1394 (e) (i) For all individual donations of \$50 or less, the corporation may report a single
1395 aggregate figure without separate detailed listings.

1396 (ii) The corporation:

1397 (A) may not report in the aggregate two or more donations from the same source that
1398 have an aggregate total of more than \$50; and

1399 (B) shall separately report donations described in Subsection (3)(e)(ii)(A).

1400 (4) If a corporation makes expenditures that total at least \$750 during a calendar year,
1401 the corporation shall notify a person giving money to the corporation that:

1402 (a) the corporation may use the money to make an expenditure; and

1403 (b) the person's name and address may be disclosed on the political purpose
1404 corporation's financial statement.

1405 Section 18. Section **20A-11-705** is enacted to read:

1406 **20A-11-705. Notice of in-kind contributions.**

1407 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
1408 accordance with Subsection (2), provide the reporting entity a written notice that includes:

1409 (a) the name and address of the corporation;

1410 (b) the date of the in-kind expenditure;

1411 (c) a description of the in-kind expenditure; and

1412 (d) the value, in dollars, of the in-kind expenditure.

1413 (2) A corporation shall provide the written notice described in Subsection (1) to the
1414 reporting entity:

1415 (a) except as provided in Subsection (2)(b), within 30 days after the day on which the
1416 corporation makes the in-kind contribution; or

1417 (b) within three business days after the day on which the corporation makes the in-kind
1418 contribution, if:

1419 (i) the in-kind contribution is to a candidate who is contested in a convention and the
1420 corporation makes the in-kind contribution within 30 days before the day on which the

1421 convention is held;

1422 (ii) the in-kind contribution is to a candidate who is contested in a primary election and
1423 the corporation makes the in-kind contribution within 30 days before the day on which the
1424 primary election is held; or

1425 (iii) the in-kind contribution is to a candidate who is contested in a general election and
1426 the corporation makes the in-kind contribution within 30 days before the day on which the
1427 general election is held.

1428 (3) A corporation that provides, and a reporting entity that receives, the written notice
1429 described in Subsection (1) shall retain a copy of the notice for five years after the day on
1430 which the written notice is provided to the reporting entity.

1431 (4) A corporation or reporting entity that fails to comply with the requirements of this
1432 section is guilty of a class B misdemeanor.

1433 (5) A person that intentionally or knowingly provides, or conspires to provide, false
1434 information on a written notice described in this section is guilty of a class B misdemeanor.

1435 Section 19. Section **36-11-201** is amended to read:

1436 **36-11-201. Lobbyist, principal, and government officer financial reporting**
1437 **requirements -- Prohibition for related person to make expenditures.**

1438 (1) (a) (i) [~~A~~] Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial
1439 reports with the lieutenant governor on or before the due dates specified in Subsection (2).

1440 (ii) [~~If a~~] A lobbyist who has not made an expenditure during [the] a quarterly reporting
1441 period[~~, the lobbyist shall file a financial report listing the amount of expenditures as "none."~~]
1442 is not required to file a quarterly financial report for that quarterly reporting period.

1443 (iii) A lobbyist who is not required to file any quarterly reports under this section for a
1444 calendar year shall, on or before January 10 of the following year, file a financial report listing
1445 the amount of the expenditures for the entire preceding year as "none."

1446 (b) A government officer or principal that makes an expenditure during any of the
1447 quarterly reporting periods under Subsection (2)(a) shall file a financial report with the
1448 lieutenant governor on or before the date that a report for that quarter is due.

1449 (2) (a) A financial report is due quarterly on the following dates:

1450 (i) April 10, for the period of January 1 through March 31;

1451 (ii) July 10, for the period of April 1 through June 30;

- 1452 (iii) October 10, for the period of July 1 through September 30; and
1453 (iv) January 10, for the period of October 1 through December 31 of the previous year.
1454 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,
1455 the report is due on the next succeeding business day.
1456 (c) A financial report is timely filed if it is filed electronically before the close of
1457 regular office hours on or before the due date.
1458 (3) A financial report shall contain:
1459 (a) the total amount of expenditures made to benefit any public official during the
1460 quarterly reporting period;
1461 (b) the total amount of expenditures made, by the type of public official, during the
1462 quarterly reporting period;
1463 (c) for the financial report due on January 10:
1464 (i) the total amount of expenditures made to benefit any public official during the last
1465 calendar year; and
1466 (ii) the total amount of expenditures made, by the type of public official, during the last
1467 calendar year;
1468 (d) a disclosure of each expenditure made during the quarterly reporting period to
1469 reimburse or pay for travel or lodging for a public official, including:
1470 (i) each travel destination and each lodging location;
1471 (ii) the name of each public official who benefitted from the expenditure on travel or
1472 lodging;
1473 (iii) the public official type of each public official named;
1474 (iv) for each public official named, a listing of the amount and purpose of each
1475 expenditure made for travel or lodging; and
1476 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
1477 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the
1478 quarterly reporting period including:
1479 (i) the date and purpose of the expenditure;
1480 (ii) the location of the expenditure;
1481 (iii) the name of any public official benefitted by the expenditure;
1482 (iv) the type of the public official benefitted by the expenditure; and

- 1483 (v) the total monetary worth of the benefit that the expenditure conferred on any public
1484 official;
- 1485 (f) for each public official who was employed by the lobbyist, principal, or government
1486 officer, a list that provides:
- 1487 (i) the name of the public official; and
1488 (ii) the nature of the employment with the public official;
- 1489 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,
1490 principal, or government officer made an expenditure to a public official;
- 1491 (h) a description of each executive action on behalf of which the lobbyist, principal, or
1492 government officer made an expenditure to a public official;
- 1493 (i) the general purposes, interests, and nature of the entities that the lobbyist, principal,
1494 or government officer filing the report represents; and
- 1495 (j) for a lobbyist, a certification that the information provided in the report is true,
1496 accurate, and complete to the lobbyist's best knowledge and belief.
- 1497 (4) A related person may not, while assisting a lobbyist, principal, or government
1498 officer in lobbying, make an expenditure that benefits a public official under circumstances that
1499 would otherwise fall within the disclosure requirements of this chapter if the expenditure was
1500 made by the lobbyist, principal, or government officer.
- 1501 (5) The lieutenant governor shall:
- 1502 (a) (i) develop a preprinted form for a financial report required by this section; and
1503 (ii) make copies of the form available to a lobbyist, principal, or government officer
1504 who requests a form; and
- 1505 (b) provide a reporting system that allows a lobbyist, principal, or government officer
1506 to submit a financial report required by this chapter via the Internet.
- 1507 (6) (a) A lobbyist and a principal shall continue to file a financial report required by
1508 this section until the lobbyist or principal files a statement with the lieutenant governor that:
- 1509 (i) states:
- 1510 (A) for a lobbyist, that the lobbyist has ceased lobbying activities; or
1511 (B) for a principal, that the principal no longer employs an individual as a lobbyist;
1512 (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's
1513 license;

1514 (iii) contains a listing, as required by this section, of all previously unreported
1515 expenditures that have been made through the date of the statement; and

1516 (iv) states that the lobbyist or principal will not make any additional expenditure that is
1517 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and
1518 licensing requirements of this chapter.

1519 (b) [A] Except as provided in Subsection (1)(a)(ii), a person that fails to renew the
1520 lobbyist's license or otherwise ceases to be licensed is required to file a financial report
1521 quarterly until the person files the statement required by Subsection (6)(a).

1522 Section 20. Section **36-11-305.5** is amended to read:

1523 **36-11-305.5. Lobbyist requirements.**

1524 [~~(1) The lieutenant governor shall issue to each lobbyist a name tag that includes:]~~

1525 [~~(a) the word "Lobbyist" in at least 18-point type; and]~~

1526 [~~(b) the first and last name of the lobbyist, in at least 18-point type.]~~

1527 [~~(2) Beginning on August 1, 2014, a lobbyist may not lobby a public official while the~~
1528 lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in
1529 Subsection (1) in plain view.]

1530 [(3)] A lobbyist shall, at the beginning of making a communication to a public official
1531 that constitutes lobbying, inform the public official of the identity of the principal on whose
1532 behalf the lobbyist is lobbying.