

Application for an Initiative or Referendum

Utah Code 20A-7-202



PLEASE NOTE: A copy of the proposed law must be attached to this application along with a statement indicating whether or not signature gatherers will be paid for their services.

Please type or print

Application must be completed by five sponsors

Sponsor Statement

I, Mac W. Sims

Name of Sponsor (please type or print)

880 W. 875 S.

Residence Address

Lehi, Utah 84043

City, State, Zip

affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

801-999-8622

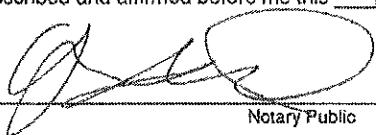
Phone Number

Sponsor's Signature

Notary Seal

NOTARY PUBLIC
MELINDA COOK HICKEN
STATE OF UTAH
COMMISSION #675399
COMM EXP 06-03-2018

Subscribed and affirmed before me this 8th day of January 2018



Notary Public

My commission expires 6-3-2018

Sponsor Statement

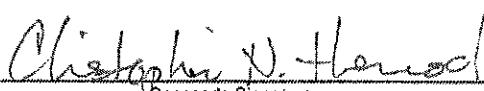
I, CHRIS N. HERED

Name of Sponsor (please type or print)

affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

4125 N. CRESTVIEW AVE

Residence Address



Sponsor's Signature

PROVO, UTAH 84604

City, State, Zip

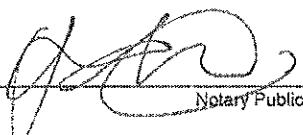
801-368-3117

Phone Number

Notary Seal

NOTARY PUBLIC
MELINDA COOK HICKEN
STATE OF UTAH
COMMISSION #675399
COMM EXP 06-03-2018

Subscribed and affirmed before me this 9th day of January 2018



Notary Public

My commission expires 6-3-2018

To File this Form

Mail or deliver to

Lieutenant Governor's Office

Utah State Capitol

Suite 220

Salt Lake City, UT 84114-2325

Fax (801) 538-1133

For More Information call

(801) 538-1041

1-800-995-VOTE (8683)

elections@utah.gov

For Office Use Only

Entered _____
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Received

JAN 09 2018

Spencer J. Cox
Lieutenant Governor

Date Received

Application for an Initiative or Referendum

Utah Code 20A-7-202

Name of Organization

Sponsor Statement

I, Jacqueline B. Smith

Name of Sponsor (please type or print)

1965 S. Hoytsville Road

Residence Address

Coalville, Utah 84017

801-898-1222

City, State, Zip

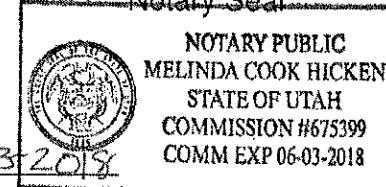
Phone Number

Subscribed and affirmed before me this 3rd day of January 2018

Notary Public

Sponsor's Signature

Notary Seal



Sponsor Statement

I, Jonathan E. Johnson

Name of Sponsor (please type or print)

2070 Arbor Lane

Residence Address

Holladay, Utah 84117

801-580-6277

City, State, Zip

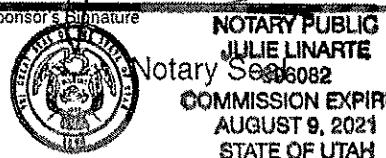
Phone Number

Subscribed and affirmed before me this 5th day of January 2018

Notary Public

Sponsor's Signature

Notary Seal



My commission expires 8/9/2021

Application for an Initiative or Referendum

Utah Code 20A-7-202



PLEASE NOTE: A copy of the proposed law must be attached to this application along with a statement indicating whether or not signature gatherers will be paid for their services.

Please type or print

Application must be completed by five sponsors

Sponsor Statement

I, Dave J. Bateman

Name of Sponsor (please type or print)

affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

4203 N. Red Maple Ct.

Residence Address

Sponsor's Signature

Lehi, Utah 84043

City, State, Zip

801-318-6385

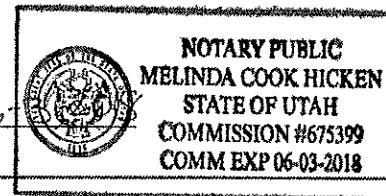
Phone Number

Notary Seal

Subscribed and affirmed before me this 4th day of January 20 18

Notary Public

My commission expires 6/30/2018





January 9, 2018

The Honorable Spencer Cox
Utah Lieutenant Governor's Office
Utah State Capitol Building, Suite 220
Salt Lake City, UT 84114

RE: Keep My Voice Citizens' Initiative Application

Dear Lieutenant Governor Cox,

As the sponsors of the Keep My Voice Citizens' Initiative, we submit this application to your office to commence circulating a statewide initiative petition.

The purpose of the Keep My Voice initiative is to: 1) safeguard the right of the people of Utah to associate freely with the political party of their choosing, 2) protect the people's and their political parties' rights in nominating and selecting the candidates and leaders of their choosing, and 3) insure that the right of the people to meaningfully assemble in their local communities and neighborhood caucuses is preserved.

These fundamental rights have already been significantly diminished with the passage of Utah Senate Bill 54 in 2014 and are further put in jeopardy by its "Direct Primary" companion initiative sponsored by Count My Vote. The damage that has already been done to Utah's historic neighborhood caucus system, that is driven so heavily by neighborhood elected delegates, disenfranchises thousands of grassroots participants and voters who have willingly and diligently engaged in that political process for almost a century.

For these and the following reasons, Keep My Voice feels impelled to introduce the Freedom of Association Initiative.

CAUCUSES ARE A FUNDAMENTALLY AMERICAN METHOD OF PRESERVING REPUBLICAN GOVERNMENT

Alexander Hamilton, in a speech urging ratification of the U.S. Constitution, boldly challenged any notion that America was intended to be a direct democracy. He remarked that, “[i]t has been observed that a pure democracy if it were practicable would be the most perfect government. Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure deformity.”¹

Supporting this repudiation of direct democracy, Benjamin Franklin, after the Constitutional convention, famously remarked to the attendant crowd that America was “[a] Republic, if you can keep it.”²

Caucuses and conventions, as historic methods of representative selection, go hand in hand with our Republic and are older than the United States herself. Author and historian William Hogeland observed that American founders such as Samuel Adams and John Adams used caucuses to organize local governing bodies that the governor could not shut down.³ These same caucuses would be used to organize the American Revolution itself.⁴

Town and neighborhood caucuses would become woven into the very fabric of American political organization. After his presidency, Thomas Jefferson made it his political goal and passion to divide the nation into small “wards.” He reflected that when each person shared in the direction of his “ward-republic” they would “...let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or Bonaparte.”⁵

By wards, Jefferson was not thinking in LDS congregational terms but of a politically empowered system of mini-republics within every American community. Not coincidentally, the LDS people were similarly committed to this type of political organizing and after arriving in the Salt Lake valley quickly set up a system of town and local caucuses.⁶

¹ Moore, Frank. New York: D. Appleton and Company, 1880. Print.

² The Records of the Federal Convention of 1787, ed. Max Farrand, vol. 3, appendix A, p. 85 (1911, reprinted 1934).

³ Hogeland, William. New York: Simon & Schuster, 2010. Print.

⁴ *Id.*

⁵ The Writings of Thomas Jefferson. Edited by Andrew A. Lipscomb and Albert Ellery Bergh. 20 vols. Washington: Thomas Jefferson Memorial Association, 1905.

⁶ Whitney, Orson F. Salt Lake City: George Q. Cannon & Sons Co., vol. 4, p. 302 (1904. Print).

Utah has ever been a caucus state except for one historical lapse when for approximately a decade the state shifted to a direct primary system. After twice running and losing his party nomination then state Senator Herbert Maw promoted legislation that mandated direct primaries. Not coincidentally, he subsequently won the nomination for Governor of Utah.⁷

Within a decade of the implementation of this direct primary experiment in the 1940's, cries arose for its repeal. The Deseret News editorial board lamented that the cost of primary runoffs was high and voter participation had dropped to a historic low.⁸ They further observed that the direct primary system had made it possible for "political machines to select candidates..." who "...do not adequately represent the party whose standards they bear."⁹ Without some form of caucus and convention system the state risked "crooks and rogues" being "swept into office."¹⁰

SB 54 AND COUNT MY VOTE WOULD ELIMINATE UTAH'S HISTORICAL CAUCUS TRADITION

Despite Utah's and America's deep foundation in the caucus system there are those who seek to replay Utah's failed affair with direct primaries. A group calling themselves Count My Vote ("CMV") has lobbied heavily for the elimination of Utah's historic caucus system and seeks to once again implement a direct primary. Count My Vote (also going by the name of Alliance for Good Government, CMV PAC and Friends of Count My Vote) is a veritable who's who list of political power brokers and high dollar political donors.

CMV has tried to convince Utah, contrary to historical experience, that their efforts would increase voter participation.¹¹ They have also tried to package their effort as expansive of party and voter choice rather than as a restrictive mandate.

⁷ Sobel, Robert, and John Raimo, eds. Biographical Directory of the Governors of the United States, 1789-1978, Vol. IV. Westport, CT: Meckler Books, 1978. 4 vols.

⁸ *Our Primary Law is Like the Weather*, Deseret News, Salt Lake City, 22 August 1946

⁹ *Id.*

¹⁰ *Id.*

¹¹ Leavitt, Michael, Matheson, Norma, Miller, Gail. "Count My Vote citizen's initiative petition." Letter to The Honorable Spencer Cox. 8 Nov. 2017. MS. Salt Lake City, Utah.

While CMV's marketing efforts have been silent about the desire to narrowly craft Utah's laws to restrict free association of parties they have not been shy about their method of doing so, i.e. seeking to implement through legislation or initiative a "direct primary election."¹²

Count My Vote has found friends in the Utah Legislature to help them implement their direct primary plan. In 2014, as a direct result of the efforts of CMV, the Utah Legislature passed Senate Bill 54 (SB 54)¹³. Not coincidentally, the sponsor of that bill, in one year alone, received \$7500.00 directly from Count My Vote's political action committee and \$18,500.00 total from their financial backers.¹⁴

Many of the political parties in Utah have leveled legal challenges at SB 54 as violative of their freedom of association. Particularly, the Utah Republican Party (the "Utah GOP") is locked in a legal battle with the State of Utah before the United States Tenth Circuit Court of Appeals over the constitutionality of SB 54. The Utah GOP argues that SB 54 is unconstitutional and that it has "burdened its rights by imposing a candidate-selection procedure that contradicts the URP's established procedures."¹⁵

CMV's false pretense of increased choice quickly fell away under legal scrutiny. After the adoption of SB 54 government lawyers from the State of Utah affirmatively represented to the US District Court that parties could choose between a nomination convention or a primary petition method but later argued the exact opposite admitting that the purpose of SB 54 was forced compliance into one system and one system only.¹⁶

The U.S. District Court of Utah and the Utah Supreme Court have both acknowledged that SB 54 did mandate compliance from Utah's political parties. The U.S. District Court stated

¹² Birkenstock, Joseph M., Kirk L. Jowers, and Bryson B. Morgan. "Initiative to Reform Utah's Process for Selecting Party Nominees to Appear on the General-Election Ballot." Letter to The Honorable Gregory S. Bell. 25 Sept. 2013. MS. Washington D.C., Washington D.C.

¹³ Elections Amendments, S.B. 54, General Session, 60th Leg. State of Utah (2014).

¹⁴ "Lieutenant Governor's Office - Public Search." State of Utah: State of Utah, 5 Jan. 2018, Addisclosures.utah.gov/Search/PublicSearch/FolderDetails/1010.

¹⁵ Brief of Plaintiff-Apellant at 28-29, Utah Republican Party, et. al v. Spencer J. Cox, No. 16-4091 (10th Cir. Dec. 13, 2016).

¹⁶ *Utah Republican Party v. Gary R. Herbert, et. al.* No. 2:16-cv-00038. U.S. District Court, District of Utah (Central). 9 December 2016. "The qualified political party – let me go back to that – under 12(d), has to permit the member to do one or both of the petition method or nomination through the convention method. So, if they only permit nomination by convention, they would be a QPP under 12(d)." To which Defendants' counsel answered: "Yes," later confirming: "You can be a QPP by providing either of those methods or both." (20. Id. at 35:23, 36:8-10. Defendants' counsel stated that he viewed § 101(d) as conflicting with another provision from SB54, § 20A-9-406(3), which he argued, "reaffirm[ed] the right of the individual," explaining how he anticipated that would "be the next lawsuit." Id. at 35:4-15, 35:24-36:5.

that a Utah political party “...**must** permit its members to seek its nomination “by either or both” the convention and the signature process.” Utah Republican Party v. Cox, 2016 UT 17, ¶ 4, 373 P.3d 1286, 1287 (emphasis added).

This acknowledgment by the Court of this mandate is no surprise to anyone who has followed the less than public workings of Count My Vote or read their current proposed initiative that further exacerbates the problems of SB 54 with even more heavy handed and opportunistic mandates including provisions that are likely unconstitutional when viewed in light of the most recent United States Supreme Court rulings.

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COUNT MY VOTE HAS CAUSED UNPRECEDENTED DIVISIVENESS, CONFUSION AND SEEKS TO STIFLE FIRST AMENDMENT RIGHTS

CMV’s hallmark thus far has been divisiveness and discord. Not only does it uproot a fundamental aspect of American representative democracy, but it has created unprecedented discord among the organizations it claims to want to help. It has touted publicly its desire to provide “more choice” for political parties and candidates and to “enhance candidate access” to the ballot but their latest initiative pushes over the line into impermissible intrusions into the constitutional rights of free associations while also creating an entirely new and costly election between the primary and the general election called a runoff election. This is an unnecessary waste of taxpayer money.

The CMV initiative eliminates the substantive participation of Utah’s neighborhood delegates via the historic caucus system that was first set up as part of the territorial governance of Utah by early Latter Day Saint leaders. Specifically, it forces an elections officer to prevent any candidate from listing their party’s endorsement unless that candidate has been nominated under the CMV direct primary system. Under CMV’s initiative, Utah’s historic neighborhood caucus system will be rendered meaningless as the traditional state and county delegates will no longer serve any practical function in screening and selecting candidates. State and county delegate driven nominating conventions, for accessing the general election ballot, are neither recognized nor allowed under CMV’s proposed law.

To add insult to injury, CMV’s latest initiative seeks also to force government elections officers to designate a certain individual as a member of a political party even if the political

party disagrees.¹⁷ This is where CMV most expressly pushes the bounds of legality under the First Amendment.

By forcing election officers to list non-party selected candidates with the party name on the ballot, the proposed law fails to clearly convey that the listed candidates and their preferred parties are not necessarily associated. This strikes against the Supreme Court's recent decision in *Washington State Grange v. Washington State Republican Party*, 128 S. Ct. 1184 (2008). The Respondents in *Washington State Grange* (the Washington State Republican Party) asserted that under a CMV-like candidate party preference scheme, voters would assume that candidates on the ballot were the party's preferred nominee; or that the voters would assume that the parties associate with, and approve of, the nominees. *Id* at 1186.

Justice Thomas, delivering the opinion of the Court, indicated that such a concern was not ripe, it was still speculative but in their concurrence Justices Roberts and Alito observed that “[i]f the ballot is designed in such a manner that no reasonable voter would believe that the candidates listed there are nominees or members of, or otherwise associated with, the parties the candidates claimed to “prefer,” the I-872 primary system would likely pass constitutional muster. However, “...if the ballot merely lists the candidates' preferred parties next to the candidates' names, or otherwise fails clearly to convey that the parties and the candidates are not necessarily associated, the I-872 system would not survive a First Amendment challenge.” *Id* at 1197.

The CMV initiative, stacked upon SB 54, creates this very quandary discussed above and fails to protect the first amendment rights of Utah's citizens and free associations. Utah need not invite any further divisiveness in this regard.

Government mandates that override a citizen's free participation in a political party, and the oxymoronic regulation of the free association of political parties themselves is not new in the American political arena. Ever since the early mid twentieth century, when the Progressive Party exerted its' influence (so aptly seen in California) to use direct primaries as a “vital weapon” in their battle against traditional caucuses and conventions, states like California have slipped further and further into the type of direct democracy so abhorred by our Founding Fathers.¹⁸

¹⁷ Leavitt, Michael, Matheson, Norma, Miller, Gail. "Count My Vote citizen's initiative petition." Letter to The Honorable Spencer Cox. 8 Nov. 2017. MS. Salt Lake City, Utah.

¹⁸ *Lightfoot v. Eu*, 964 F.2d 865, 872–73 (9th Cir. 1992), as amended (July 6, 1992)

Such meddling is not in accord with Utah's history, Utah's respect for original constitutional republicanism, or with longstanding constitutional principles.

**THE KEEP MY VOICE INITIATIVE WILL RESTORE AND SAFEGUARD
FREE ASSOCIATION AND ALLOW FOR THE CONTINUANCE OF
MEANINGFUL NEIGHBORHOOD CAUCUSES**

Keep My Voice seeks to restore Utah's ability to meaningfully gather in their political associations and neighborhood meeting without undue government mandates and influence. Because the legislature has not acted to correct their error and instead has combined with large money special interest donors to diminish our constitutionally protected rights to freely assemble and associate with the political organizations of our choice, we believe it is imperative to repeal SB 54, which is the purpose of this initiative.

Sincerely,

Dave Bateman

Jonathan Johnson

Chris Herrod

Jacqueline Smith

Mac Sims

FREEDOM OF ASSOCIATION INITIATIVE

1 LONG TITLE

2 General Description:

3 This bill amends provisions relating to elections.

4 Statement of Intent:

5 For generations Utah communities have gathered every two years in their local neighborhood caucus
6 meeting to discuss, deliberate and vote for the delegates who will accept the responsibility to serve their local
7 community in thoroughly reviewing candidates for elected office. The neighborhood caucus system requires
8 candidates to speak directly to voters and assures that political party nominees are sufficiently vetted and
9 supported by people not special interest.

10 In direct primary elections candidates are required to reach tens of thousands of people in a very short
11 period. This is impossible and so candidates are forced to raise large sums of money, primarily from lobbyists
12 and special interest groups, which in turn spawns impersonal campaigns that focus on television ads, automated
13 phone calls and junk mail instead of on direct contact between real people. The result is a system of special
14 interest and election profiteering. Government should not be in the business of dictating how constitutionally
15 protected organizations and associations govern their membership and process.

16 Utah citizens should remain free to choose how they participate in their political party of choice, how
17 they govern their party and in turn the method by which they select their candidates for elected office. The
18 people and their political parties should not be forced to choose how their candidates will access the primary-
19 election ballot. This initiative will allow the people of Utah, in their respective political parties, to determine
20 how their party's nomination for elective office may be sought. It will also remove the forced provision that
21 members of registered political parties must allow the political party's nomination to be obtained by signature
22 collection.

23 Utah's neighborhood caucus system is a civic tradition that has served our state well in producing
24 responsible government and maximizing grassroots citizen participation. It merits protection and preservation
25 and the citizens of this state will make their voice heard on this Utah tradition through this initiative.

26 **Highlighted Provisions:**

27 This initiative:

28 - defines terms and modifies defined terms;

29 - Modifies a severability clause;

30 - modifies dates and provisions relating to notice of election;

31 - allows a ballot or ballot sheet to indicate that a candidate may be associated with a political party;

32 - changes dates relating to the publication of the master ballot position list;

33 - removes provisions relating to qualified political parties;

34 - permits members of registered political parties to seek the registered political party's nomination for
35 elective office by seeking the nomination through the convention process;

36 - repeals the forced provision that members of registered political parties must allow the political party's

37 nomination to be obtained by signature collection;

38 - modifies provisions and dates relating to a declaration of candidacy;

39 - repeals forced provision that candidates for elective office shall be nominated in direct primary

40 elections

41 - modifies provisions relating to the conduct of a primary election;

42 - repeals provisions regarding petition requirements for appearing on a primary election ballot for

43 nomination as a candidate for a political party;

44 - repeals rulemaking authority;

45 - describes duties of the election officers in relation to the provisions of this bill; and

46 - repeals requirements and exceptions for a qualified political party.

47 **Money Appropriated in this Initiative:**

48 None

49 **Other Special Clauses:**

50 None

51 **Utah Code Sections Affected:**

52 AMENDS:

53 20A-1-103, as last amended by Laws of Utah 2015, Chapter 258

54 20A-1-201.5, as last amended by Laws of Utah 2015, Chapters 296 and 352

55 20A-1-501, as last amended by Laws of Utah 2016, Chapter 16

56 20A-5-101, as last amended by Laws of Utah 2017, Chapters 251 and 267

57 20A-6-301, as last amended by Laws of Utah 2016, Chapter 66

58 20A-6-302, as last amended by Laws of Utah 2014, Chapter 17

59 20A-6-303, as last amended by Laws of Utah 2016, Chapter 66

60 20A-6-304, as last amended by Laws of Utah 2016, Chapter 66

61 20A-6-305, as last amended by Laws of Utah 2017, Chapter 275

62 20A-8-103, as last amended by Laws of Utah 2017, Chapter 91

63 20A-9-101, as last amended by Laws of Utah 2016, Chapter 16

64 20A-9-202, as last amended by Laws of Utah 2017, Chapter 63

65 20A-9-403, as last amended by Laws of Utah 2017, Chapter 91

66 20A-9-701 as last amended by Laws of Utah 2015, Chapter 296

67 REPEALS:

68 20A-9-405, as last amended by Laws of Utah 2014, Chapter 17

69 20A-9-406, as last amended by Laws of Utah 2017, Chapter 91

70 20A-9-407, as last amended by Laws of Utah 2017, Chapter 91

71 20A-9-408, as last amended by Laws of Utah 2017, Chapter 91

72 20A-9-408.5, as last amended by Laws of Utah 2015, Chapter 296

73 20A-9-409, as last amended by Laws of Utah 2017, Chapters 54 and 91

74 20A-9-410, as last amended by Laws of Utah 2014, Chapter 17

75 20A-9-411, as last amended by Laws of Utah 2015, Chapter 296

76 *Be It enacted by the People of the State of Utah:*

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

78 **20A-1-103. Severability clause.**

79 If any provision of [Laws of Utah 2014, Chapter 17] this Freedom of Association Initiative, or the
80 application of any provision of [Laws of Utah 2014, Chapter 17] this Freedom of Association Initiative, to any
81 person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of
82 [Laws of Utah 2014, Chapter 17] this Freedom of Association Initiative, shall be given effect without the
83 invalid provision or application. The provisions of [Laws of Utah 2014, Chapter 17] this Freedom of
84 Association Initiative, are severable.

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

86 **20A-1-201.5. Primary election dates.**

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

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

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

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

97 Section 3. Section **20A-1-501** is amended to read:

98 **20A-1-501 Candidate vacancies -- Procedure for filling.**

99 (1) The state central committee of a political party, for candidates for United States senator, United
100 States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
101 legislative candidates whose legislative districts encompass more than one county, and the county central
102 committee of a political party, for all other party candidates seeking an office elected at a regular general
103 election, may certify the name of another candidate to the appropriate election officer if:

104 (a) for a registered political party that will have a candidate on a ballot in a primary election, after the
105 close of the period for filing a declaration of candidacy and continuing through the day before the day on which
106 the lieutenant governor [provides the list] makes the certification described in Subsection 20A-9-
107 403[~~(4)(a)~~(2)(c):

108 (i) only one or two candidates from that party have filed a declaration of candidacy for that office; and
109 (ii) one or both:

110 (A) dies;

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

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

114 (b) for a registered political party that does not have a candidate on the ballot in a primary, but that will
115 have a candidate on the ballot for a general election, after the close of the period for filing a declaration of
116 candidacy and continuing through the day before the day on which the lieutenant governor makes the
117 certification described in Section 20A-5-409, the party's candidate:

118 (i) dies;

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

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

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

122 (c) for a registered political party with a candidate certified as winning a primary election, after the

123 deadline described in Subsection (1)(a) and continuing through the day before that day on which the lieutenant
124 governor makes the certification described in Section 20A-5-409, the party's candidate:

125 (i) dies;

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

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

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

129 (2) If no more than two candidates from a political party have filed a declaration of candidacy for an

130 office elected at a regular general election and one resigns to become the party candidate for another position,
131 the state central committee of that political party, for candidates for governor, lieutenant governor, attorney
132 general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
133 more than one county, and the county central committee of that political party, for all other party candidates,
134 may certify the name of another candidate to the appropriate election officer.

135 (3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9,

136 Part 2, Candidate Qualifications and Declarations of Candidacy.

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

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

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

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

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

147 **20A-5-101 Notice of election.**

148 (1) On or before [November 15] February 1 in [~~the year before~~] each regular general election year, the
149 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

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

151 (b) identifies the dates for filing a declaration of candidacy[~~, and for submitting and certifying~~

152 ~~nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408~~] for those
153 offices;

154 (c) includes the master ballot position list for the current year and the next year [~~and the year following~~]
155 as established under Section 20A-6-305; and

156 (d) contains a description of any ballot propositions to be decided by the voters that have qualified for

157 the ballot as of that date.

158 (2)(a) No later than seven business days after the day on which the lieutenant governor transmits the

159 written notice described in Subsection (1), each county clerk shall:

160 (i) publish a notice:

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

162 (B) as required in Section 45-1-101; or

163 (ii)(A) cause a copy of the notice to be posted in a conspicuous place most likely to give notice of the

164 election to the voters in each voting precinct within the county; and

165 (B) prepare an affidavit of that posting, showing a copy of the notice and the places where the notice

166 was posted.

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

168 (i) designate the offices to be voted on in that election; and

169 (ii) identify the dates for filing a declaration of candidacy for those offices.

170 (3) Before each election, the election officer shall give printed notice of the following information, or

171 printed notice of a website where the following information can be obtained:

172 (a) the date of election;

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

174 (c) the polling places for each voting precinct, early voting polling place, and election day voting center;

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

176 the election officer's website, with a statement indicating that the election officer will post on the website any

177 changes to the location of a polling place and the location of any additional polling place;

178 (e) a phone number that a voter may call to obtain information regarding the location of a polling place;

179 and

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

181 (4) To provide the printed notice described in Subsection (3), the election officer shall:

182 (a) publish the notice at least two days before election day:
183 (i) in a newspaper of general circulation common to the area to which the election pertains; and
184 (ii) as required in Section 45-1-101; or
185 (b) mail the notice to each registered voter who resides in the area to which the election pertains at least
186 five days before election day.

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

188 **20A-6-301 Paper ballots -- Regular general election.**

189 (1) Each election officer shall ensure that:

190 (a) all paper ballots furnished for use at the regular general election contain:

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

192 ~~[(ii) no symbols, markings, or other descriptions of a political party or group, except for a registered~~

193 ~~political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and~~

194 ~~(iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or~~

195 ~~is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered~~

196 ~~political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).]~~

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

199 (ii) the ballot number and the words “Poll Worker’s Initial ____” are printed on the stub; and

200 (iii) ballot stubs are numbered consecutively;

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

203 (i) “Official Ballot for ____ County, Utah”;

204 (ii) the date of the election; and

205 (iii) the words “Clerk of _____ County” or, as applicable, the name of a combined office that
206 includes the duties of a county clerk;

207 (d) the party name or title is printed in capital letters not less than one-fourth of an inch high;

208 (e) unaffiliated candidates, candidates not affiliated with a registered political party, and all other
209 candidates for elective office who were not nominated by a registered political party in accordance with
210 Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in
211 accordance with Section 20A-6-305, without a party name or title, and with a mark referencing the following
212 statement at the bottom of the ticket: "This candidate is not affiliated with, or does not qualify to be listed on the
213 ballot as affiliated with, a political party.";

214 (f) each ticket containing the lists of candidates, including the party name and device, are separated by
215 heavy parallel lines;

216 (g) the offices to be filled are plainly printed immediately above the names of the candidates for those
217 offices;

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

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

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

225 (ii) for the offices of president and vice president and governor and lieutenant governor, the ballot
226 includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed
227 above the other, to enable the entry of two valid write-in candidates.

228 (2) Each election officer shall ensure that:

229 (a) each person nominated by any [registered] political party or group of petitioners ~~under Subsection~~
230 ~~20A-9-202(4) or Subsection 20A-9-403(5), and no other person,~~ is placed on the ballot:

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

232 (ii) under the title of the [registered political] party or group as designated by them in their certificates of
233 nomination or petition, or, if none is designated, then under some suitable title;

234 (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5,

235 Candidates not Affiliated with a Party, are placed on the ballot;

236 (c) the names of the candidates for president and vice president are used on the ballot instead of the

237 names of the presidential electors; and

238 (d) the ballots contain no other names.

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

240 (a) the designation of the office to be filled in the election and the number of candidates to be elected are

241 printed in type not smaller than eight point;

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

243 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter
244 may vote)" extend to the extreme right of the column;

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

246 (e) the names in each group are placed in the order specified under Section 20A-6-305 with the

247 surnames last; and

248 (f) each group is preceded by the designation of the office for which the candidates seek election, and

249 the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote),"
250 according to the number to be elected.

251 (4) Each election officer shall ensure that:

252 (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section
253 20A-6-107;

254 (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-
255 107; and

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

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

259 **20A-6-302 Paper ballots -- Placement of candidates' names.**

260 (1) Each election officer shall ensure, for paper ballots in regular general elections, that:
261 (a) each candidate is listed by party, [if nominated by a registered political party under Subsection 20A-
262 9-202(4) or Subseetion 20A-9-403(5)];

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

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

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

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

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

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

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

280 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under
281 Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately
282 preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that
283 candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for
284 another office, unless a petition is filed with the county clerk before the date of that year's primary election that:

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

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

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

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

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

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

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

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

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

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

311 Section 7. Section **20A-6-303** is amended to read:

312 **20A-6-303 Regular general election -- Ballot sheets.**

313 (1) Each election officer shall ensure that:

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

316 (b) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list
317 of candidates:

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

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

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

322 (d) the party designation of each candidate [~~who has been nominated by a registered political party~~

323 ~~under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)~~] is printed immediately adjacent to the candidate's
324 name; and

325 (e)(i) if possible, all candidates for one office are grouped in one column or upon one page;

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

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

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

330 (2) Each election officer shall ensure that:

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

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

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

335 Section 8. Section **20A-6-304** is amended to read:

336 **20A-6-304 Regular general election -- Electronic ballots.**

337 (1) Each election officer shall ensure that:

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

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

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

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

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

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

347 (e) the party designation of each candidate [~~who has been nominated by a registered political party under~~
348 ~~Subsection 20A-9-202(4) or Subsection 20A-9-403(5)~~] is displayed adjacent to the candidate's name; and

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

350 (2) Each election officer shall ensure that:

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

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

353 (c) bond propositions that have qualified for the ballot are displayed under the title assigned to each

354 bond proposition under Section 11-14-206.

355 Section 9. Section **20A-6-305** is amended to read:

356 **20A-6-305 Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -**
357 **- Exemptions -- Ballot order.**

358 (1) As used in this section, "master ballot position list" means an official list of the 26 characters in the
359 alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).

360 (2) The lieutenant governor shall:

361 (a) within 30 days after the candidate filing deadline in each even-numbered year, conduct a random
362 selection to create a master ballot position list for all elections in accordance with procedures established under
363 Subsection (2)(c);

364 (b) publish the master ballot position list on the lieutenant governor's election website no later than 15

365 days after creating the list; and

366 (c) establish written procedures for:

367 (i) the election official to use the master ballot position list; and

368 (ii) the lieutenant governor in:

369 (A) conducting the random selection in a fair manner; and

370 (B) providing a record of the random selection process used.

371 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer

372 shall use the master ballot position list for the current year to determine the order in which to list candidates on

373 the ballot for an election held during the year.

374 (4) To determine the order in which to list candidates on the ballot required under Subsection (3), the

375 election officer shall apply the randomized alphabet using:

376 (a) the candidate's surname;

377 (b) for candidates with a surname that has the same spelling, the candidate's given name;

378 (c) the surname of the president and the surname of the governor for an election for the offices of

379 president and vice president and governor and lieutenant governor; and

380 (d) if the ballot provides for a ticket or a straight party ticket, the registered political party name.

381 (5) Subsections (1) through (4) do not apply to:

382 (a) an election for an office for which only one candidate is listed on the ballot; or

383 (b) a judicial retention election under Section 20A-12-201.

384 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately,

385 in the following order:

386 (a) a straight party ticket, where the voter may, with one mark, vote for all candidates of one political

387 party;

388 (b) for federal office:

389 (i) president and vice president of the United States;

- 390 (ii) United States Senate office; and
- 391 (iii) United States House of Representatives office;
- 392 (c) for state office:
- 393 (i) governor and lieutenant governor;
- 394 (ii) attorney general;
- 395 (iii) state auditor;
- 396 (iv) state treasurer;
- 397 (v) state Senate office;
- 398 (vi) state House of Representatives office; and
- 399 (vii) State Board of Education member;
- 400 (d) for county office:
- 401 (i) county executive office;
- 402 (ii) county legislative body member;
- 403 (iii) county assessor;
- 404 (iv) county or district attorney;
- 405 (v) county auditor;
- 406 (vi) county clerk;
- 407 (vii) county recorder;
- 408 (viii) county sheriff;
- 409 (ix) county surveyor;
- 410 (x) county treasurer; and
- 411 (xi) local school board member;
- 412 (e) for municipal office:
- 413 (i) mayor; and
- 414 (ii) city or town council member;
- 415 (f) elected planning and service district council member;

416 (g) judicial retention questions; and

417 (h) ballot propositions not described in Subsection (6)(g).

418 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest
419 ballot ticket position that is reserved for an office that is subsumed in the combined office.

420 (b) Each ticket, other than a ticket described in Subsection (6)(g), shall list:

421 (i) each candidate in accordance with Subsections (1) through (4); and

422 (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's
423 name.

424 Section 10. Section **20A-8-103** is amended to read:

425 **20A-8-103 Petition procedures -- Criminal penalty.**

426 (1) As used in this section, the proposed name or emblem of a registered political party is

427 "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the
428 proposed name or emblem and any name or emblem currently being used by another registered political party.

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

431 (a) circulate a petition seeking registered political party status beginning no earlier than the date of the
432 statewide canvass held after the last regular general election and ending no later than November 30 of the year
433 before the year in which the next regular general election will be held;

434 (b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least
435 2,000 registered voters on or before November 30 of the year in which a regular general election will be held;

436 and

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

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

440 (ii) whether unaffiliated voters may vote for the organization's candidates[; and].

441 [(iii) whether, for the next election, the organization intends to nominate the organization's candidates in

442 accordance with the provisions of Section 20A-9-406.]

443 (3) The petition shall:

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

445 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the

446 purpose of binding;

447 (c) contain the name of the political party and the words "Political Party Registration Petition" printed

448 directly below the horizontal line;

449 (d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);

450 (e) contain, to the right of the word "Warning," the following statement printed in not less than eight-

451 point, single leaded type: "It is a class A misdemeanor for anyone to knowingly sign a political party

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

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

454 to vote in this state before the petition is submitted to the lieutenant governor.";

455 (f) contain the following statement directly under the statement described in Subsection (3)(e):

456 "POLITICAL PARTY REGISTRATION PETITION To the Honorable ____ , Lieutenant

457 Governor:

458 We, the undersigned citizens of Utah, seek registered political party status for ____ (name);

459 Each signer says:

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

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

462 the lieutenant governor;

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

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

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

466 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For

467 Office Use Only," and be subdivided with a light vertical line down the middle;

468 (ii) the next column shall be 2-1/2 inches wide, headed “Registered Voter’s Printed Name (must be
469 legible to be counted)”;

470 (iii) the next column shall be 2-1/2 inches wide, headed “Holographic Signature of Registered Voter”;

471 (iv) the next column shall be one inch wide, headed “Birth Date or Age (Optional)”;

472 (v) the final column shall be 4-3/8 inches wide, headed “Street Address, City, Zip Code”; and

473 (vi) at the bottom of the sheet, contain the following statement: “Birth date or age information is not

474 required, but it may be used to verify your identity with voter registration records. If you choose not to provide
475 it, your signature may not be certified as a valid signature if you change your address before petition signatures
476 are certified or if the information you provide does not match your voter registration records.”;

477 (h) have a final page bound to one or more signature sheets that are bound together that contains the
478 following printed statement:

479 “Verification

480 State of Utah, County of _____

481 I, _____, of _____, hereby state that:

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

483 All the names that appear on the signature sheets bound to this page were signed by individuals
484 who professed to be the individuals whose names appear on the signature sheets, and each individual
485 signed the individual’s name on the signature sheets in my presence;

486 I believe that each individual has printed and signed the individual’s name and written the
487 individual’s street address correctly, and that each individual is registered to vote in Utah or will register
488 to vote in Utah before the petition is submitted to the lieutenant governor.

489 _____
490 (Signature) (Residence Address) (Date)”; and

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

492 (i) identifies the political party’s name, which may not exceed four words, and the emblem of the party;

493 (ii) states the process that the organization will follow to organize and adopt a constitution and bylaws;

494 and

495 (iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.

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

497 presence each signature sheet is signed:

498 (a) is at least 18 years old;

499 (b) meets the residency requirements of Section 20A-2-105; and

500 (c) verifies each signature sheet by completing the verification bound to one or more signature sheets

501 that are bound together.

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

503 verification.

504 (6) The lieutenant governor shall:

505 (a) determine whether the required number of voters appears on the petition;

506 (b) review the proposed name and emblem to determine if they are “distinguishable” from the names

507 and emblems of other registered political parties; and

508 (c) certify the lieutenant governor’s findings to the filing officer described in Subsection (3)(i)(iii) within

509 30 days of the filing of the petition.

510 (7)(a) If the lieutenant governor determines that the petition meets the requirements of this section, and

511 that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer

512 described in Subsection (3)(i)(iii) to organize the prospective political party.

513 (b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the

514 names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer

515 that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.

516 (8) A registered political party may not change its name or emblem during the regular general election

517 cycle.

518 (9)(a) It is unlawful for an individual to:

519 (i) knowingly sign a political party registration petition;

520 (A) with any name other than the individual's own name;
521 (B) more than once for the same political party; or
522 (C) if the individual is not registered to vote in this state and does not intend to become registered to
523 vote in this state before the petition is submitted to the lieutenant governor; or
524 (ii) sign the verification of a political party registration petition signature sheet if the individual:
525 (A) does not meet the residency requirements of Section 20A-2-105;
526 (B) has not witnessed the signing by those individuals whose names appear on the political party
527 registration petition signature sheet; or
528 (C) knows that an individual whose signature appears on the political party registration petition
529 signature sheet is not registered to vote in this state and does not intend to become registered to vote in this
530 state.

531 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

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

533 **20A-9-101 Definitions.**

534 As used in this chapter:

535 (1)(a) "Candidates for elective office" means persons selected by a registered political party as party
536 candidates [who file a declaration of candidacy under Section 20A-9-202] to run in a regular general election
537 [~~for a federal office, constitutional office, multicounty office, or county office~~].

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

539 (i) justice or judge of court of record or not of record;
540 (ii) presidential elector;
541 (iii) any political party offices; and
542 (iv) municipal or local district offices.

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

545 (3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

546 (4)(a) "County office" means an elective office where the officeholder is selected by voters entirely

547 within one county.

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

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

550 (ii) the office of presidential elector;

551 (iii) any political party offices;

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

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

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

555 (6) "Filing officer" means:

556 (a) the lieutenant governor, for:

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

558 (ii) all constitutional offices;

559 (b) the county clerk, for county offices and local school district offices, and the county clerk in the filer's

560 county of residence, for multicounty offices;

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

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

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

564 (8) "Local government office" includes county offices, municipal offices, and local district offices and

565 other elective offices selected by the voters from a political division entirely within one county.

566 (9)(a) "Multicounty office" means an elective office where the officeholder is selected by the voters

567 from more than one county.

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

569 (i) a county office;

570 (ii) a federal office;

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

572 (iv) the office of presidential elector;

573 (v) any political party offices; and

574 (vi) any municipal or local district offices.

575 (10) "Municipal office" means an elective office in a municipality.

576 (11)(a) "Political division" means a geographic unit from which an officeholder is elected and that an
577 officeholder represents.

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

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

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

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

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

587 [~~(e) permits a member of the registered political party to seek the registered political party's nomination
588 for any elective office by the member choosing to seek the nomination by either or both of the following
589 methods:~~]

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

592 [~~(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-
593 9-408; and~~]

594 [~~(d)(i) if the registered political party is a continuing political party, no later than 5 p.m. on September
595 30 of an odd numbered year, certifies to the lieutenant governor that, for the election in the following year, the
596 registered political party intends to nominate the registered political party's candidates in accordance with the
597 provisions of Section 20A-9-406; or~~]

598 [if the registered political party is not a continuing political party, certifies at the time that the
599 registered political party files the petition described in Section 20A-8-103 that, for the next election, the
600 registered political party intends to nominate the registered political party's candidates in accordance with the
601 provisions of Section 20A-9-406.]

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

603 **20A-9-202 Declarations of candidacy for regular general elections.**

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

606 (i) file a declaration of candidacy in person with the filing officer [on or after January 1 of the regular
607 general election year, and, if applicable, before the candidate circulates nomination petitions under Section
608 20A-9-405; and] on or after the second Friday in March and before 5 p.m. on the third Thursday in March
609 before the next regular general election; and

610 (ii) pay the filing fee.

611 (b) Each person intending to become a candidate for any legislative office or multicounty office that is
612 to be filled at the next regular general election shall:

613 (i) file a declaration of candidacy in person with the filing officer in the candidate's county of residence
614 on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular
615 general election; and

616 (ii) pay the filing fee.

617 [(b)] (c) Each county clerk who receives a declaration of candidacy from a candidate for multicounty
618 office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant
619 governor within one working day after it is filed.

620 [(e)] (d) Each day during the filing period, each county clerk shall notify the lieutenant governor
621 electronically or by telephone of candidates who have filed in their office.

622 [(d)] (e) Each person seeking the office of lieutenant governor, the office of district attorney, or the
623 office of president or vice president of the United States shall comply with the specific declaration of candidacy

624 requirements established by this section.

625 (2)(a) Each person intending to become a candidate for the office of district attorney within a

626 multicounty prosecution district that is to be filled at the next regular general election shall:

627 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the
628 prosecution district on or after [January 1 of the regular general election year, and before the candidate
629 circulates nomination petitions under Section 20A-9-405] the second Friday in March and before 5 p.m. on the
630 third Thursday in March before the next regular general election; and

631 (ii) pay the filing fee.

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

634 (3)(a) [On or before 5 p.m. on the first Monday after the third Saturday in April] Within five working
635 days of nomination, each lieutenant governor candidate shall:

636 (i) file a declaration of candidacy with the lieutenant governor; and
637 (ii) pay the filing fee[; and].

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

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

643 (4) On or before August 31, each registered political party shall:

644 (a) certify the names of its candidates for president and vice president of the United States to the
645 lieutenant governor; or

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

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

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

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

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

653 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by

654 amending the declaration or petition within three days after the objection is sustained or by filing a new

655 declaration within three days after the objection is sustained.

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

657 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district

658 court if prompt application is made to the court.

659 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion,

660 agrees to review the lower court decision.

661 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written

662 affidavit with the clerk.

663 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement in this section to

664 file a declaration of candidacy in person, a person may designate an agent to file the form described in

665 Subsection 20A-9-201(4) in person with the filing officer if:

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

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

668 (ii) the person is a member of:

669 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of

670 the United States who is on active duty;

671 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned

672 corps of the National Oceanic and Atmospheric Administration of the United States; or

673 (C) the National Guard on activated status;

674 (b) the person communicates with the filing officer using an electronic device that allows the person and

675 filing officer to see and hear each other; and

676 (c) the person provides the filing officer with an email address to which the filing officer may send the

677 copies described in Subsection 20A-9-201(3).

678 (8)(a) Except for a candidate who is certified by a registered political party under Subsection (4), and

679 except as provided in Section 20A-9-504, on or before August 31 of a general election year, each individual

680 running as a candidate for vice president of the United States shall:

681 (i) file a declaration of candidacy, in person or via designated agent, on a form developed by the

682 lieutenant governor, that:

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

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

685 (C) names the presidential candidate, who has qualified for the general election ballot, with which the

686 individual is running as a joint-ticket running mate;

687 (D) states that the individual agrees to be the running mate of the presidential candidate described in

688 Subsection (8)(a)(i)(C); and

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

690 (ii) pay the filing fee, if applicable; and

691 (iii) submit a letter from the presidential candidate described in Subsection (8)(a)(i)(C) that names the

692 individual as a joint-ticket running mate as a vice presidential candidate.

693 (b) A designated agent described in Subsection (8)(a)(i) may not sign the declaration of candidacy.

694 (c) A vice presidential candidate who fails to meet the requirements described in this Subsection (8) may

695 not appear on the general election ballot.

696 Section 13. Section **20A-9-403** is amended to read:

697 **20A-9-403 Regular primary elections.**

698 (1)(a) [Candidates for elective office that are to be filled at the next regular general election shall be]

699 nominated in a regular primary election by direct vote of the people in the manner prescribed in this section.]

700 The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

701 [Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an]

702 ~~unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in~~
703 ~~candidate under Section 20A-9-601.]~~

704 (b) Each registered political party that chooses to ~~[have the names]~~ use the primary election process to
705 nominate some or all of the registered political party's candidates [for elective office featured with party-
706 ~~affiliation on the ballot at a regular general election]~~ shall comply with the requirements of this section ~~[and-~~
707 ~~shall nominate the registered political party's candidates for elective office in the manner described in this-~~
708 ~~section].~~

709 ~~[(e) A filing officer may not permit an official ballot at a regular general election to be produced or used-~~
710 ~~if the ballot denotes affiliation between a registered political party or any other political group and a candidate-~~
711 ~~for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-~~
712 ~~202(4).]~~

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

715 (2)(a) ~~[Each]~~ As a condition for using the state's election system, each registered political party[, in a-
716 ~~statement filed with the lieutenant governor]~~ that wishes to participate in the primary election, shall:

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

720 (ii) ~~[if the registered political party participates in the upcoming regular primary election,]~~ identify one
721 or more registered political parties whose members may vote for the registered political party's candidates and
722 whether individuals identified as unaffiliated with a political party may vote for the registered political party's
723 candidates.

724 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-
725 numbered year.

726 (b) As a condition for using the state's election system, each registered political party that wishes to
727 participate in the primary election shall:

728 [i) A registered political party that is a continuing political party shall file the statement described in

729 Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.

730 [ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall

731 file the statement described in Subsection (2)(a) at the time that the registered political party files the petition

732 described in Section 20A-8-103.]

733 [i) certify the name and office of all the registered political party's candidates to the lieutenant governor

734 no later than 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and

735 indicate which of the candidates will be on the primary ballot; and

736 [ii) certify the name and office of each of its county candidates to the filing officer by 5 p.m. on the first

737 Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will

738 be on the primary ballot.

739 [c) By 5 p.m. on the first Wednesday after the third Saturday in April of each even-numbered year, the

740 lieutenant governor shall send the county clerks a certified list of the names of all statewide candidates,

741 multicounty candidates, or single county candidates that shall be printed on the primary ballot and the order the

742 candidates are to appear on the ballot in accordance with Section 20A-6-305.

743 [d) Except for presidential candidates, if a registered political party does not wish to participate in the

744 primary election, it shall submit the names of its county candidates to the county clerks and the names of all its

745 candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

746 [(3)[(a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy

747 under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the

748 registered political party listed on the declaration of candidacy only if the individual is certified by the

749 appropriate filing officer as having submitted a set of nomination petitions that was:]

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

751 [(ii) signed by at least 2% of the registered political party's members who reside in the political division

752 of the office that the individual seeks.]

753 [(b)][(i) A candidate for elective office shall submit nomination petitions to the appropriate filing officer

754 for verification and certification no later than 5 p.m. on the final day in March.]

755 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing
756 deadline.

757 [e][i] The lieutenant governor shall determine for each elective office the total number of signatures
758 that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number of individuals residing in
759 each elective office's political division who have designated a particular registered political party on the
760 individuals' voter registration forms on or before November 15 of each odd numbered year.]

761 [ii] The lieutenant governor shall publish the determination for each elective office no later than
762 November 30 of each odd numbered year.]

763 [(d) The filing officer shall:]

764 [i] verify signatures on nomination petitions in a transparent and orderly manner;]

765 [ii] for all qualifying candidates for elective office who submit nomination petitions to the filing officer,
766 issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the first Monday after the third
767 Saturday in April;]

768 [iii] consider active and inactive voters eligible to sign nomination petitions;]

769 [iv] consider an individual who signs a nomination petition a member of a registered political party for
770 purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the
771 individual's party membership on the individual's voter registration form; and]

772 [v] utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition
773 signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in
774 accordance with rules made under Subsection (3)(f).]

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

778 [f] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of
779 elections, within the Office of the Lieutenant Governor, shall make rules that:]

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

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

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

784 [~~(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.~~]

786 [~~(g)~~](a) The county clerk shall:

787 (i) review the declarations of candidacy filed by candidates for local boards of education to determine if 788 more than two candidates have filed for the same seat;

789 (ii) place the names of all candidates who have filed a declaration of candidacy for a local board of 790 education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat;

791 and

792 (iii) determine the order of the local board of education candidates' names on the ballot in accordance 793 with Section 20A-6-305.

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

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

799 (~~ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsektion (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.~~

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

804 [~~(e)~~](b) After the county clerk receives the certified list from a registered political party[the lieutenant governor under Subsektion (4)(a)], the county clerk shall post or publish a primary election notice in

806 substantially the following form:

807 “Notice is given that a primary election will be held Tuesday, June ____, _____ (year), to
808 nominate party candidates for the parties and candidates for nonpartisan local school board positions
809 listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at
810 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk.”

811 (5)(a) A candidate, other than a presidential candidate, who, at the regular primary election, receives the
812 highest number of votes cast for the office sought by the candidate is:

- 813 (i) nominated for that office by the candidate’s [registered political] party; or
814 (ii) for a nonpartisan local school board position, nominated for that office.

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

818 (c)(i) [~~As used in this Subsection (5)(c), a candidate is “unopposed” if:~~]

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

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

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

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

831 (b) When a tie vote occurs in any primary election for any county office, the district court judges of the

832 district in which the county is located shall, at a public meeting called by the judges and in the presence of the
833 candidates involved, select the nominee by lot cast in whatever manner the judges determine.

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

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

841 **Section 14. Repeater.**

842 This initiative repeals:

843 **Section 20A-9-405, Nomination petitions for regular primary elections.**

844 **Section 15. Repeater.**

845 This initiative repeals:

846 **Section 20A-9-406, Qualified political party -- Requirements and exemptions.**

847 **Section 16. Repeater.**

848 This initiative repeals:

849 **Section 20A-9-407, Convention process to seek the nomination of a qualified political party.**

850 **Section 17. Repeater.**

851 This initiative repeals:

852 **Section 20A-9-408, Signature-gathering process to seek the nomination of a qualified political
853 party.**

854 **Section 18. Repeater.**

855 This initiative repeals:

856 **Section 20A-9-408.5, Declaration of candidacy form for qualified political party.**

857 **Section 19. Repeater.**

This initiative repeals:

Section 20A-9-409, Primary election provisions relating to qualified political party.

Section 20. Repealer.

This initiative repeals:

Section 20A-9-410, Rulemaking authority.

Section 21. Repealer.

This initiative repeals:

Section 20A-9-411, Signing multiple nomination petitions.

Section 22. Section **20A-9-701** is amended to read:

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

(1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to

869 each county clerk, for offices to be voted upon at the regular general election in that county clerk's county:

(a) the names of each candidate nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

including the names of the candidates for president and vice president that are certified by the registered

al party as the party's nominees.

(2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they

~~provided on the candidate's declaration of candidacy. No other names may appear on the ballot as affiliated~~

~~ndorsed by, or nominated by any other registered political party, political party, or other political group.~~

END OF FREEDOM OF ASSOCIATION INITIATIVE

Persons gathering signatures for the petition may be paid for doing so.