



Received
NOV 08 2017
Spencer J. Cox
Lieutenant Governor

November 8, 2017

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

RE: Count My Vote citizens' initiative petition

Lieutenant Governor Cox,

We, the sponsors of the new Count My Vote citizens' initiative petition, recently held public hearings throughout the state to share information and seek feedback on our initiative. Based on important feedback from Utah voters, we have updated and refined our initiative language. We herewith deliver our final application for our initiative as required by Utah law.

This initiative's purpose is to institute direct primary elections that will improve voter participation, enhance candidates' access to the ballot, require nominees to show a sufficiently broad level of support, and ensure the integrity and reliability of the election process.

As we deliberated internally and considered the positive public input we received, it became clear to us that, in general, the compromise we forged in 2014 has worked well. This initiative will enhance and protect our 2014 compromise for the future, and will provide Utah voters, political parties, and candidates with more choice and increased access to the ballot. Our updated initiative language simplifies and preserves the caucus and convention method of party nomination for a candidate's placement on the primary election ballot. Candidates in Utah will be free to choose between accessing the primary election ballot by gathering signatures, through placement by a political party, or both.

This issue has been debated publicly for many years, but now is the time for the People of Utah to decide.

We appreciate your service and look forward to your response.

Thank you,

Michael O. Leavitt
Norma W. Matheson
Gail Miller
Ben McAdams
Rich McKeown

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, Michael O. Leavitt

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.

1441 East Fairfax Road

Residence Address

Michael O. Leavitt
Sponsor's Signature

Salt Lake City, UT 84103

City, State, Zip

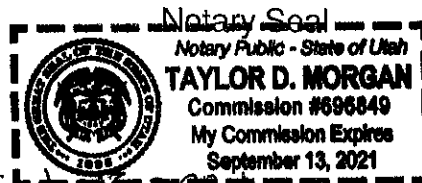
(801) 538-5082

Phone Number

Subscribed and affirmed before me this 6 day of November 2017

Taylor D. Morgan
Notary Public

My commission expires Sept. 13, 2021



Sponsor Statement

I, Rich McKeown

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.

560 East South Temple Street, #501

Residence Address

Rich McKeown
Sponsor's Signature

Salt Lake City, UT 84102

City, State, Zip

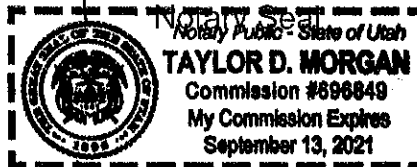
(801) 538-5082

Phone Number

Subscribed and affirmed before me this 6 day of November 2017

Taylor D. Morgan
Notary Public

My commission expires Sept. 13, 2021



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

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NOV 08 2017

Spencer J. Cox
Lieutenant Governor

Date Received

Application for an Initiative or Referendum

Utah Code 20A-7-202

Name of Organization

Received

NOV 08 2017

Sponsor Statement

Spencer J. Cox
Lieutenant Governor

I, Ben McAdams affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

2205 South 1000 East
Residence Address

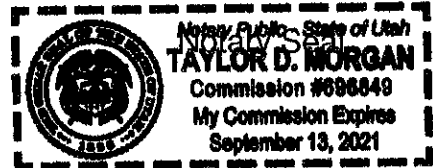
Salt Lake City, UT 84106
City, State, Zip

(801) 618-1946
Phone Number

Subscribed and affirmed before me this 6 day of November 20 17

Sponsor's Signature

Ben McAdams



Taylor D. Morgan
Notary Public

My commission expires Sept. 13, 2021

Sponsor Statement

I, Norma W. Matheson affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

2253 East Hubbard Ave
Residence Address

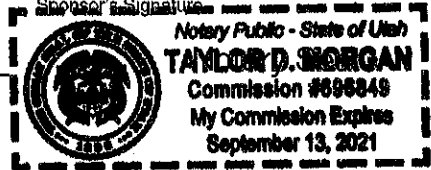
Salt Lake City, UT 84108
City, State, Zip

(801) 582-4451
Phone Number

Subscribed and affirmed before me this 6 day of November 20 17

Sponsor's Signature

Norma W. Matheson



Taylor D. Morgan
Notary Public

My commission expires Sept. 13, 2021

Sponsor Statement

I, Gail Miller affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

99 West South Temple Street, #2800
Residence Address

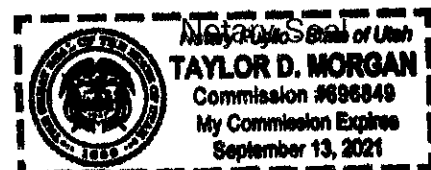
Salt Lake City, UT 84101
City, State, Zip

(801) 563-4100
Phone Number

Subscribed and affirmed before me this 6 day of November 20 17

Sponsor's Signature

Gail Miller



Taylor D. Morgan
Notary Public

My commission expires Sept. 13, 2021

DIRECT PRIMARY ELECTION

1 LONG TITLE

2 General Description:

3 This Initiative amends Title 20A (Election Code) of the Utah Code to implement a direct
4 vote of the people in a regular primary election to select political-party nominees to appear as
5 such on the general-election ballot. Specifically, this Initiative does so by repealing provisions
6 related to qualified political parties, preserving a “dual path” for candidates to access the
7 primary-election ballot through gathering signatures or through placement by a political party,
8 and retaining the direct primary election process that exists in current law for registered political
9 parties to nominate candidates.

10 Statement of Intent and Subject Matter:

11 Political party-affiliated candidates on the general-election ballot should be chosen
12 through a direct primary election where all party voters have an opportunity to vote. Candidates
13 should remain free to choose between accessing the primary-election ballot by gathering
14 signatures, through a political party convention, or both. Current law requires changes to enhance
15 and preserve Utah’s system. A vote of the people is necessary to demonstrate citizen preference
16 of this dual system of qualification for political party candidates.

17 A direct primary election will improve voter participation, enhance party candidates’
18 access to the primary-election ballot, and assure that political party nominees have sufficiently
19 broad support to appear with party affiliation on the general-election ballot. It would also ensure
20 the integrity and reliability of the election process through a uniformly administered state-run
21 primary election. This Initiative will clearly express the voice of the people on a matter than has
22 been widely debated.

23 Highlighted Provisions:

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This Initiative:

- Provides for a direct primary election to serve as the mechanism through which political-party nominees for Utah’s federal-, state-, and county-level public offices are selected and subsequently featured on the general election ballot with political party affiliation;
- Enacts changes related to definitions, election dates, and other provisions necessary to implement a direct primary election;
- Reduces required signature thresholds for candidates to access the ballot in direct primary elections;
- Preserves political party placement as a method for candidates to access the ballot in direct primary elections;
- Repeals provisions associated with the caucus-convention method of nominating political candidates;
- Adjusts deadlines and filing requirements associated with candidate ballot access;
- Establishes a run-off election, when necessary; and
- Enacts a severability clause.

40 **Monies Appropriated in this Initiative:**

41 None

42 **Utah Code Sections Affected:**

43 **AMENDS:**

- 44 ▪ **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52
- 45 ▪ **20A-1-103**, as last amended by Laws of Utah 2015, Chapter 258
- 46 ▪ **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapter 352

- 47 ▪ **20A-3-308**, as last amended by Laws of Utah 2017, Chapter 235
- 48 ▪ **20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377
- 49 ▪ **20A-4-306**, as last amended by Laws of Utah 2011, Chapter 2
- 50 ▪ **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92
- 51 ▪ **20A-4-403**, as last amended by Laws of Utah 2007, Chapter 238
- 52 ▪ **20A-5-101**, as last amended by Laws of Utah 2017, Chapter 267
- 53 ▪ **20A-6-203**, as last amended by Laws of Utah 2016, Chapter 326
- 54 ▪ **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91
- 55 ▪ **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16
- 56 ▪ **20A-9-202**, as last amended by Laws of Utah 2017, Chapter 63
- 57 ▪ **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91
- 58 ▪ **20A-9-405**, as last amended by Laws of Utah 2017, Chapter 17

59 **REPEALS:**

- 60 ▪ **20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91
- 61 ▪ **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91
- 62 ▪ **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91
- 63 ▪ **20A-9-408.5**, as last amended by Laws of Utah 2015, Chapter 296
- 64 ▪ **20A-9-409**, as last amended by Laws of Utah 2017, Chapter 91
- 65 ▪ **20A-9-411**, as last amended by Laws of Utah 2015, Chapter 296

66 **ENACTS:**

- 67 ▪ **20A-1-104**, Utah Code Annotated 1953
- 68 ▪ **20A-5-411**, Utah Code Annotated 1953

69 **Other Special Clauses:**

70 None

71

72 *Be It Enacted by the People of the State of Utah:*

73

74 SECTION 1. SECTION 20A-1-102 IS AMENDED TO READ:

75 **20A-1-102. Definitions.**

76 ...

77 (24) "Election" means a regular general election, a municipal general election, a
78 statewide special election, a local special election, a regular primary election, a runoff election, a
79 municipal primary election, and a local district election.

80 ...

81 (80) "Ticket" means a list of:

82 (a) registered political parties that have chosen to nominate all candidates for elective
83 office through direct primary election pursuant to Section 20A-9-403;

84 (b) candidates for an office; or

85 (c) ballot propositions.

86 ...

87

88 SECTION 2. SECTION 20A-1-103 IS AMENDED TO READ:

89 **20A-1-103. Severability clause.**

90 If any provision of the Direct Primary Election Initiative of 2018 [~~Laws of Utah 2014,~~
91 ~~Chapter 17~~], or the application of any provision of that Initiative [~~Laws of Utah 2014, Chapter~~
92 ~~17~~], to any person or circumstance is held invalid by a final decision of a court of competent

93 jurisdiction, the remainder of that Initiative [~~Laws of Utah 2014, Chapter 17,~~] shall be given
94 effect without the invalid provision or application. The provisions of the Direct Primary Election
95 Initiative of 2018 [~~Laws of Utah 2014, Chapter 17,~~] are severable.

96

97 SECTION 3. SECTION 20A-1-104 IS ENACTED TO READ:

98 **20A-1-104. Repeal of certain provisions.**

99 All acts and parts of acts related to the nomination or election of candidates for elective
100 office that were enacted between November 1, 2017 and the enactment of this Section are hereby
101 repealed, to the extent they conflict with the text or purpose of the Direct Primary Election
102 Initiative of 2018. This Section is intended solely to prevent the Legislature's potential
103 interference in the initiative process and to preserve the ability of the People of the State of Utah
104 to express their will as to the nomination and election of candidates for elective office through
105 the Direct Primary Election Initiative of 2018. This Section shall not be construed to alter the
106 power given to the Legislature under Section 20A-7-212(3)(b).

107

108 SECTION 4. SECTION 20A-1-201.5 IS AMENDED TO READ:

109 **20A-1-201.5. Primary election dates.**

110 (1) A regular primary election shall be held throughout the state on the first [~~fourth~~]
111 ~~Tuesday of June of each even numbered year as provided in Section 20A-9-403[, 20A-9-407, or~~
112 ~~20A-9-408, as applicable,~~] to nominate persons for:

113 (a) national, state, school board, and county offices; and

114 (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

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SECTION 5. SECTION 20A-3-308 IS AMENDED TO READ:

20A-3-308. Absentee ballots in the custody of poll workers—Disposition—Notice.

...

(5)(a) If the election officer rejects an individual's absentee ballot because the election officer determines that the signature on the ballot does not match the individual's signature that is maintained on file, the election officer shall contact the individual in accordance with Subsection (7) by mail, email, text message, or phone, and inform the individual:

(i) that the individual's signature is in question;

(ii) how the individual may resolve the issue;

(iii) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (5)(b).

(b) An affidavit described in Subsection (5)(a)(iii) shall include:

(i) an attestation that the individual voted the absentee ballot;

(ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;

(iii) a space for the individual to sign the affidavit; and

(iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the individual's signature on the affidavit for voter identification purposes.

137 (c) In order for an individual described in Subsection (5)(a) to have the individual's ballot
138 counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the election
139 officer no later than the end of the business day before the election canvass.

140 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
141 immediately:

142 (i) scan the signature on the affidavit electronically and keep the signature on file
143 in the statewide voter registration database developed under Section 20A-2-109; and

144 (ii) if the canvass has not concluded, count the individual's ballot.

145 (6) An election officer who rejects an individual's absentee ballot for any reason, other
146 than the reason described in Subsection (5)(a), shall notify the individual of the rejection in
147 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason for
148 the rejection.

149 (7) An election officer who is required to give notice under Subsection (5) or (6) shall
150 give the notice no later than:

151 (a) if the election officer rejects the absentee ballot before election day:

152 (i) one business day after the day on which the election officer rejects the absentee
153 ballot, if the election officer gives the notice by email or text message; or

154 (ii) two business days after the day on which the election officer rejects the
155 absentee ballot, if the election officer gives the notice by postal mail or phone;

156 (b) [~~seven days after election~~] the day prior to the canvass, if the election officer rejects
157 the absentee ballot on election day; or

158 (c) seven days after the canvass if the election officer rejects the absentee ballot after
159 election day and before the end of the canvass.

160 ...

161

162 SECTION 6. SECTION 20A-4-301 IS AMENDED TO READ:

163 **20A-4-301. Board of canvassers.**

164 (1)(a) Each county legislative body is the board of county canvassers for:

165 (i) the county; and

166 (ii) each local district whose election is conducted by the county if:

167 (A) the election relates to the creation of the local district;

168 (B) the county legislative body serves as the governing body of the local
169 district; or

170 (C) there is no duly constituted governing body of the local district.

171 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
172 meeting of the county legislative body, at a date and time determined by the county clerk that,
173 for a regular primary election or runoff election is seven days after the election, and for a regular
174 general election or other type of election is no sooner than seven days after the election and no
175 later than 14 days after the election.

176 (c) If one or more of the county legislative body fails to attend the meeting of the board
177 of county canvassers, the remaining members shall replace the absent member by appointing in
178 the order named:

179 (i) the county treasurer;

180 (ii) the county assessor; or

181 (iii) the county sheriff.

182 (d) Attendance of the number of persons equal to a simple majority of the county
183 legislative body, but not less than three persons, shall constitute a quorum for conducting the
184 canvass.

185 (e) The county clerk is the clerk of the board of county canvassers.

186 ...

187

188 SECTION 7. SECTION 20A-4-306 IS AMENDED TO READ:

189 **20A-4-306. Statewide canvass.**

190 ...

191 (5)(a) At noon on the [~~fourth Monday~~] ninth day after the regular primary election, the
192 lieutenant governor shall:

193 (i) canvass the returns for all multicounty candidates required to file with the
194 office of the lieutenant governor; and

195 (ii) publish and file the results of the canvass in the lieutenant governor's office.

196 (b) Not later than the [~~August 1~~] tenth day after the primary election, the lieutenant
197 governor shall certify the results of:

198 (i) the primary canvass, except for the office of President of the United States, to
199 the county clerks; and

200 (ii) the primary canvass for the office of President of the United States to each
201 registered political party that participated in the primary.

202

203 SECTION 8. SECTION 20A-4-401 IS AMENDED TO READ:

204 **20A-4-401. Recounts--Procedure.**

205 (1)(a) Except as provided in Subsection (1)(b), for a race between candidates, if the
206 difference between the number of votes cast for a winning candidate in the race and a losing
207 candidate in the race is equal to or less than .25% of the total number of votes cast for all
208 candidates in the race, that losing candidate may file a request for a recount in accordance with
209 Subsection (1)(c).

210 (b) For a race between candidates where the total of all votes cast in the race is 400 or
211 less, if the difference between the number of votes cast for a winning candidate in the race and a
212 losing candidate in the race is one vote, that losing candidate may file a request for a recount in
213 accordance with Subsection (1)(c).

214 (c) A candidate who files a request for a recount under Subsection (1)(a) or (b) shall file
215 the request:

216 (i) for a municipal primary election, with the municipal clerk, within three days
217 after the canvass; or

218 (ii) for all other elections, within ~~seven~~ two days after the canvass with:

219 (A) the municipal clerk, if the election is a municipal general election;

220 (B) the local district clerk, if the election is a local district election;

221 (C) the county clerk, for races voted on entirely within a single county; or

222 (D) the lieutenant governor, for statewide races and multicounty races.

223 (d) The election officer shall:

224 (i) supervise the recount;

225 (ii) recount all ballots cast for that race;

226 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter
227 3, Part 3, Absentee Voting;

228 (iv) for a race where only one candidate may win, declare elected the candidate
229 who receives the highest number of votes on the recount; and

230 (v) for a race where multiple candidates may win, declare elected the applicable
231 number of candidates who receive the highest number of votes on the recount.

232 ...

233

234 SECTION 9. SECTION 20A-4-403 IS AMENDED TO READ:

235 **20A-4-403. Election contest—Petition and response.**

236 (1)(a) In contesting the results of all elections, except for primary elections, runoff
237 elections, and bond elections, a registered voter shall contest the right of any person declared
238 elected to any office by filing a verified written complaint with the district court of the county in
239 which he resides within 40 days after the canvass.

240 (b) The complaint shall include:

241 (i) the name of the party contesting the election;

242 (ii) a statement that the party is a registered voter in the jurisdiction in which the
243 election was held;

244 (iii) the name of the person whose right to the office is contested;

245 (iv) the office to which that person was ostensibly elected;

246 (v) one or more of the grounds for an election contest specified in Section 20A-4-
247 402;

248 (vi) the person who was purportedly elected to the office as respondent; and

249 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
250 ground for the contest, the name and address of all persons who allegedly cast illegal votes or
251 whose legal vote was rejected.

252 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause
253 of contest, it is sufficient to state generally that:

254 (i) illegal votes were given in one or more specified voting precincts to a person
255 whose election is contested, which, if taken from him, would reduce the number of his legal
256 votes below the number of legal votes given to some other person for the same office; or

257 (ii) that legal votes for another person were rejected, which, if counted, would
258 raise the number of legal votes for that person above the number of legal votes cast for the
259 person whose election is contested.

260 (d)(i) The court may not take or receive evidence of any of the votes described in
261 Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least
262 three days before the trial, a written list of the number of contested votes and by whom the
263 contested votes were given or offered, which he intends to prove at trial.

264 (ii) The court may not take or receive any evidence of contested votes except
265 those that are specified in that list.

266 (2)(a) In contesting the results of a primary election, when contesting the results of a
267 runoff election, or when contesting the petition nominating an independent candidate, [~~or when~~
268 ~~challenging any person, election officer, election official, board, or convention for failing to~~
269 ~~nominate a person~~], a registered voter shall contest the right of any person declared nominated to
270 any office by filing a verified written complaint within [40] two days after the date of the

271 canvass for the [~~primary~~] election, or 10 days after the date of filing of the petition, [~~or after the~~
272 ~~date of the convention, respectively,~~] with:

273 (i) the district court of the county in which he resides if he is contesting a
274 nomination made only by voters from that county; or

275 (ii) the Utah Supreme Court, if he is contesting a nomination made by voters in
276 more than one county.

277 (b) The complaint shall include:

278 (i) the name of the party contesting the nomination;

279 (ii) a statement that the contesting party is a registered voter in the jurisdiction in
280 which the election was held;

281 (iii) the name of the person whose right to nomination is contested or the name of
282 the person who failed to have their name placed in nomination;

283 (iv) the office to which that person was nominated or should have been
284 nominated;

285 (v) one or more of the grounds for an election contest specified in Subsection (1);

286 (vi) the person who was purportedly nominated to the office as respondent; and

287 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
288 ground for the contest, the name and address of all persons who allegedly cast illegal votes or
289 whose legal vote was rejected.

290 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause
291 of contest, it is sufficient to state generally that:

292 (i) illegal votes were given to a person whose election is contested, which, if taken
293 from him, would reduce the number of his legal votes below the number of legal votes given to
294 some other person for the same office; or

295 (ii) legal votes for another person were rejected, which, if counted, would raise
296 the number of legal votes for that person above the number of legal votes cast for the person
297 whose election is contested.

298 (d)(i) The court may not take or receive evidence of any the votes described in
299 Subsection (2)(c), unless the party contesting the election delivers to the opposite party, at least
300 three days before the trial, a written list of the number of contested votes and by whom the
301 contested votes were given or offered, which he intends to prove at trial.

302 (ii) The court may not take or receive any evidence of contested votes except
303 those that are specified in that list.

304 ...

305

306 SECTION 10. SECTION 20A-5-101 IS AMENDED TO READ:

307 **20A-5-101. Notice of election.**

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

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

312 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
313 certifying nomination petition signatures, as applicable, under Section[s] 20A-9-403[, ~~20A-9-~~
314 ~~407, and 20A-9-408~~] for those offices;

315 (c) includes the master ballot position list for the next year and the year following [as
316 ~~established under Section 20A-6-305~~], if available; and

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

319 ...

320

321 SECTION 11. SECTION 20A-5-411 IS ENACTED TO READ:

322 **20A-5-411. Candidate appearance with partisan affiliation on ballot of regular**
323 **general election.**

324 (1) Notwithstanding any other provision of law, the name of a candidate for elective
325 office shall not appear on the ballot for a regular general election as affiliated with, endorsed by,
326 nominated by, or otherwise associated with any political party, any political group, or any other
327 group of any kind, unless the candidate has been nominated by a registered political party as a
328 presidential or vice presidential candidate or unless the candidate has been nominated by a
329 registered political party pursuant to the direct primary election or unopposed candidate
330 processes set forth at Subsection 20A-9-403(5).

331 (2) Each election officer shall ensure compliance with the requirement described in
332 Subsection (1).

333

334 SECTION 12. SECTION 20A-6-203 IS AMENDED TO READ:

335 **20A-6-203. Ballots for regular primary elections.**

336 ...

337 (3) Notwithstanding any other provision of law, a filing officer shall not include any
338 marking, insignia, or other feature within the format of a regular primary election ballot that
339 would cause a voter to view a candidate for elective office of a registered political party more
340 positively or negatively than another candidate from that registered political party.

341

342 SECTION 13. **SECTION 20A-8-103 IS AMENDED TO READ:**

343 **20A-8-103. Petition procedures--Criminal penalty.**

344 ...

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

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

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

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

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

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

358 (iii) whether, for the next election, the organization intends to nominate the
359 organization's candidates in accordance with the provisions of Section [~~20A-9-406~~] 20A-9-403.

360 ...

361

362 SECTION 14. SECTION 20A-9-101 IS AMENDED TO READ:

363 **20A-9-101. Definitions.**

364

...

365 (12) “Registered political party” means the same as that term is defined in Section 20A-8-

366 101. [~~(12) “Qualified political party” means a registered political party that:~~

367 (a) (i) ~~permits a delegate for the registered political party to vote on a candidate~~

368 ~~nomination in the registered political party's convention remotely; or~~

369 (ii) ~~provides a procedure for designating an alternate delegate if a delegate is not~~

370 ~~present at the registered political party's convention;~~

371 (b) ~~does not hold the registered political party's convention before the fourth Saturday in~~

372 ~~March of an even-numbered year;~~

373 (c) ~~permits a member of the registered political party to seek the registered political~~

374 ~~party's nomination for any elective office by the member choosing to seek the nomination by~~

375 ~~either or both of the following methods:~~

376 (i) ~~seeking the nomination through the registered political party's convention~~

377 ~~process, in accordance with the provisions of Section 20A-9-407; or~~

378 (ii) ~~seeking the nomination by collecting signatures, in accordance with the~~

379 ~~provisions of Section 20A-9-408; and~~

380 (d) (i) ~~if the registered political party is a continuing political party, no later than 5~~

381 ~~p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the~~

382 election in the following year, the registered political party intends to nominate the registered
383 political party's candidates in accordance with the provisions of Section 20A-9-406; or
384 (ii) if the registered political party is not a continuing political party, certifies at
385 the time that the registered political party files the petition described in Section 20A-8-103 that,
386 for the next election, the registered political party intends to nominate the registered political
387 party's candidates in accordance with the provisions of Section 20A-9-406.]

388

389 SECTION 15. SECTION 20A-9-202 IS AMENDED TO READ:

390 **20A-9-202. Declarations of candidacy for regular general elections.**

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

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

396 (ii) pay the filing fee.

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

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

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

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

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

411 (ii) pay the filing fee.

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

415 (3)(a) [~~On or before 5 p.m. on the first Monday after the third Saturday in April~~] At least
416 five days prior to the date specified in Subsection 20A-9-403(d)(ii), each lieutenant governor
417 candidate shall:

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

419 (ii) pay the filing fee; and

420 (iii) submit a letter from a candidate for governor who has [~~received certification~~]
421 qualified or attempted to qualify for the primary-election ballot under Section 20A-9-403 that
422 names the lieutenant governor candidate as a joint-ticket running mate.

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

426 ...

427

428 SECTION 16. SECTION 20A-9-403 IS AMENDED TO READ:

429 **20A-9-403. Regular primary elections and post-primary runoff elections.**

430 (1)(a) Candidates for elective office that are to be filled at the next regular general
431 election shall be nominated in a regular primary election by direct vote of the people in the
432 manner prescribed in this section. The first [~~fourth~~] Tuesday of June of each even-numbered
433 year is designated as regular primary election day. Nothing in this section shall affect a
434 candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate
435 under Section 20A-9-501 or to participate in a regular general election as a write-in candidate
436 under Section 20A-9-601.

437 (b) Each registered political party that chooses to have the names of the registered
438 political party's candidates for elective office featured with party affiliation on the ballot at a
439 regular general election shall comply with the requirements of this section and shall nominate the
440 registered political party's candidates for elective office in the manner described in this section.

441 (c) A filing officer may not permit an official ballot at a regular general election to be
442 produced or used if the ballot denotes affiliation between a registered political party or any other
443 political group and a candidate for elective office who is not nominated in the manner prescribed
444 in this section or, in the case of a presidential or vice presidential candidate, in Subsection 20A-
445 9-202(4).

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

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

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

454 (ii) if the registered political party participates in the upcoming regular primary
455 election, identify one or more registered political parties whose members may vote for the
456 registered political party's candidates and whether individuals identified as unaffiliated with a
457 political party may vote for the registered political party's candidates.

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

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

464 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration of
465 candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular
466 primary ballot of the registered political party listed on the declaration of candidacy only if the
467 individual is featured on a listing of candidates for the regular primary election ballot that a
468 registered political party submits to the appropriate filing officer no later than 5 p.m. on the first
469 business day in March or if the individual is certified by the appropriate filing officer as having
470 submitted a set of nomination petitions that was:

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

472 (ii) signed by at least [~~2%~~] 1% of the registered political party's members who
473 reside in the political division of the office that the individual seeks.

474 (b) (i) A candidate for elective office shall submit nomination petitions to the
475 appropriate filing officer for verification and certification no later than 5 p.m. on the [~~final day~~]
476 first business day in March.

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

479 (c) (i) The lieutenant governor shall determine for each elective office the total
480 number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the
481 aggregate number of individuals residing in each elective office's political division who have
482 designated a particular registered political party on the individuals' voter registration forms on or
483 before [~~November 15~~] September 15 of each odd-numbered year, in the case of a registered
484 political party, and on or before December 15, in the case of a newly registered political party.

485 (ii) The lieutenant governor shall publish the determination for each elective
486 office no later than [~~November 30~~] October 1 of each odd-numbered year.

487 (d) The filing officer shall:

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

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

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

493 (iv) consider an individual who signs a nomination petition a member of a
494 registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that

495 registered political party as the individual's party membership on the individual's voter
496 registration form; and

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

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

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

506 (i) provide for the use of statistical sampling procedures that: (A) filing officers
507 are required to use to verify signatures under Subsection (3)(d); and (B) reflect a bona fide effort
508 to determine the validity of a candidate's entire submission, using widely recognized statistical
509 sampling techniques; and

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

512 (g) The county clerk shall:

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

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

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

520 (4)(a) By 5 p.m. [~~on the first Wednesday after the third Saturday in April~~] no later than
521 two business days following the date specified in Subsection (3)(d)(ii), the lieutenant governor
522 shall provide to the county clerks:

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

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

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

532 (c) After the county clerk receives the certified list from the lieutenant governor under
533 Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially
534 the following form: “Notice is given that a primary election will be held Tuesday, June _____,
535 _____(year), to nominate party candidates for the parties and candidates for nonpartisan local
536 school board positions listed on the primary ballot. The polling place for voting precinct _____ is
537 _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest:
538 county clerk.”

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

541 (i) nominated for that office by the candidate's registered political party if the
542 candidate receives more than 35% of the votes cast for that political party for that office in the
543 regular primary election; or

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

545 (b) If no candidate for an elective office is nominated by a registered political party
546 pursuant to Subsection (5)(a)(i) in a race where three or more candidates appeared on the regular
547 primary election ballot, an election officer shall conduct a runoff election to determine the
548 party's nominee for that office between the two candidates in the same registered political party
549 who received the highest number of votes in the regular primary election.

550 (c) For a runoff election described in Subsection (5)(b):

551 (i) the candidate who, at the runoff election, receives the highest number of votes
552 cast for the office sought by the candidate is nominated for that office by the candidate's
553 registered political party;

554 (ii) the election officer shall give notice of the runoff election pursuant to rules
555 made by the director of elections within the Office of the Lieutenant Governor in accordance
556 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

557 (iii) the election officer shall hold the runoff election on the second Tuesday
558 following the first Monday in August;

559 (iv) the election officer shall conduct the election entirely by absentee ballot in
560 accordance with Section 20A-3-302;

561 (v) the county canvass is seven days after the day of the runoff election;

562 (vi) the lieutenant governor's canvass of federal, statewide, and multicounty
563 elections is nine days after the day of the runoff election; and

564 (vii) the director of elections within the Office of the Lieutenant Governor may
565 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act in
566 order to ensure this runoff election is conducted in a lawful, timely, proper, and efficient manner.

567 ~~[(b)]~~ (d) If two or more candidates, other than presidential candidates, are to be elected to
568 the office at the regular general election, those party candidates equal in number to positions to
569 be filled who receive the highest number of votes at the regular primary election are the
570 nominees of the candidates' party for those positions.

571 ~~[(e)]~~(e)(i) As used in this Subsection (5)~~[(e)]~~(e) a candidate is “unopposed” if: (A) no
572 individual other than the candidate ~~[receives a certification]~~ qualifies under Subsection (3) for
573 the regular primary election ballot of the candidate's registered political party for a particular
574 elective office; or (B) for an office where more than one individual is to be elected or nominated,
575 the number of candidates who ~~[receive certification]~~ qualify under Subsection (3) for the regular
576 primary election of the candidate's registered political party does not exceed the total number of
577 candidates to be elected or nominated for that office.

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

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

585 (b) When a tie vote occurs in any primary or runoff election for any county office, the
586 district court judges of the district in which the county is located shall, at a public meeting called

587 by the judges and in the presence of the candidates involved, select the nominee by lot cast in
588 whatever manner the judges determine.

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

593 (8) An individual may not file a declaration of candidacy for a registered political party
594 of which the individual is not a member, except to the extent that the registered political party
595 permits otherwise under the registered political party's bylaws. Notwithstanding any other
596 provision of law, an election officer or filing officer shall consider an individual a member of a
597 registered political party for purposes of determining the sufficiency of a declaration of
598 candidacy if the individual has designated that registered political party as the individual's party
599 membership on the individual's voter registration form at the time of filing and if the individual
600 has not designated another registered political party as the individual's party membership on the
601 individual's voter registration form during the past four years.

602

603 SECTION 17. SECTION 20A-9-405 IS AMENDED TO READ:

604 **20A-9-405. Nomination petitions for regular primary elections.**

605 (1) This section shall apply to the form and circulation of nomination petitions for regular
606 primary elections described in Subsection 20A-9-403(3)(a).

607 (2) A candidate for elective office, and the agents of the candidate, may not circulate
608 nomination petitions until the candidate has submitted a declaration of candidacy in accordance
609 with Subsection 20A-9-202(1) or filed a declaration of candidacy as advance notification to the

610 filing officer of an intention to circulate nomination petitions, which may be given any time after
611 October 1st of the year prior to a regular primary election.

612 ...

613

614 SECTION 18. SECTIONS **20A-9-406, 20A-9-407, 20A-9-408, 20A-9-408.5, 20A-9-**
615 **409, AND 20A-9-411** ARE REPEALED.

616

617 END OF DIRECT PRIMARY ELECTION INITIATIVE

618

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