



Received

September 18, 2013

SEP 18 2013

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

Greg Bell
Lieutenant Governor

RE: Count My Vote citizens' initiative petition application

Dear Lieutenant Governor Bell,

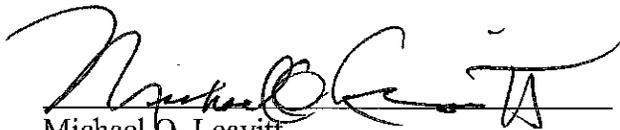
We, the sponsors of the Count My Vote citizens' initiative petition, herewith deliver our application for an initiative as required by Utah law.

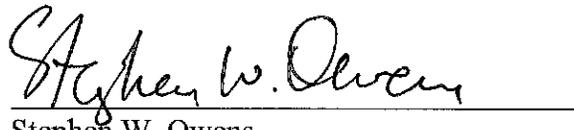
Utah's historically high voter participation rate has declined dramatically in recent decades. Once top in the nation for turnout, Utah now consistently ranks near the bottom. Utah's current election system is the most restrictive in the nation. We believe it is antiquated, exclusionary, and unfair.

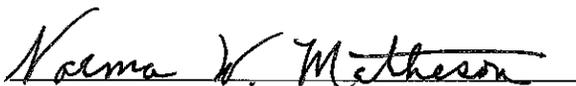
We are determined to increase participation and broaden engagement in Utah elections by modernizing its election system through a citizens' initiative petition. We believe modernizing our election system to give all Utah voters a voice in choosing candidates is the most important civic issue facing Utahns today.

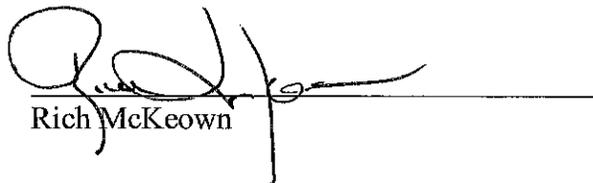
We appreciate your service and look forward to your response.

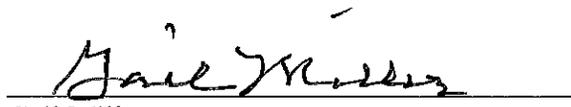
Thank you,


Michael O. Leavitt


Stephen W. Owens


Norma W. Matheson


Rich McKeown


Gail Miller

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 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)

1872 E. Laird Ave
Residence Address

Salt Lake City, UT 84108
City, State, Zip

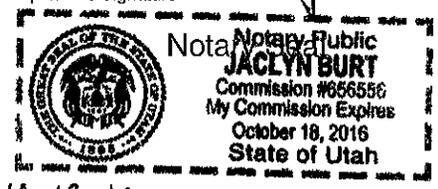
(801) 538-5082
Phone Number

Subscribed and affirmed before me this 18 day of Sept 20 13

Jaclyn Burt
Notary Public

My commission expires 10-18-16

Michael O. Leavitt
Sponsor's Signature



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 E Hubbard Ave
Residence Address

Salt Lake City, UT 84108
City, State, Zip

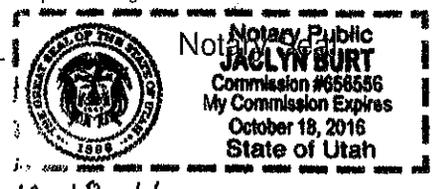
(801) 582-4451
Phone Number

Subscribed and affirmed before me this 18 day of Sept. 20 13

Jaclyn Burt
Notary Public

My commission expires 10-18-16

Norma W. Matheson
Sponsor's Signature



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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Received

SEP 18 2013

Greg Bell
Lieutenant Governor

Date Received

Application for an Initiative or Referendum

Utah Code 20A-7-202

Name of Organization

Sponsor Statement

I, Stephen W. Owens 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)

4708 Bron Breck St.

Residence Address

Holladay, UT 84117

City, State, Zip

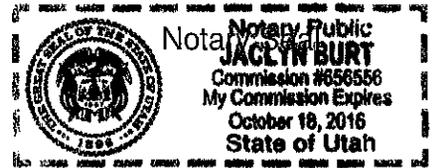
(801) 910-3332

Phone Number

Subscribed and affirmed before me this 18 day of Sept. 2013

Stephen W. Owens

Sponsor's Signature



Jaclyn Burt
Notary Public

My commission expires 10-18-16

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)

661 Saddle Hill Rd

Residence Address

Salt Lake City, UT 84103

City, State, Zip

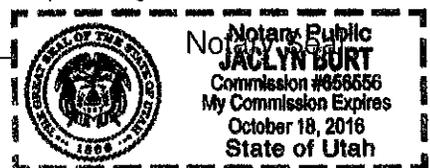
(801) 563-4100

Phone Number

Subscribed and affirmed before me this 18 day of Sept. 2013

Gail Miller

Sponsor's Signature



Jaclyn Burt
Notary Public

My commission expires 10-18-16

Sponsor Statement

I, Rich McKeown 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)

560 E South Temple Street, #501

Residence Address

Salt Lake City, UT 84102

City, State, Zip

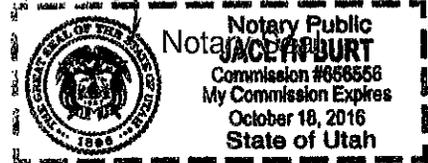
(801) 538-5082

Phone Number

Subscribed and affirmed before me this 18 day of Sept 2013

Rich McKeown

Sponsor's Signature



Jaclyn Burt
Notary Public

My commission expires 10-18-16

DIRECT PRIMARY ELECTION

SEP 18 2013

Greg Bell
Lieutenant Governor

1 LONG TITLE

2 General Description:

3 This Initiative amends Title 20A (Election Code) of the Utah Code to select political-
4 party nominees through a direct vote of the people in a regular primary election.

5 Statement of Intent and Subject Matter:

6 Utah's current system for nominating political candidates is deeply flawed.

7 This system's exclusionary structure has, for instance, contributed to a precipitous fall in
8 the state's voter participation rates. It authorizes a handful of political-party insiders to heavily
9 restrict candidates' access to the ballot and prevent the broader public from even considering
10 most candidacies for public office. And its time and place restrictions preclude many Utahns—
11 military personnel, business travelers, missionaries, emergency responders, night-shift workers,
12 stay-at-home parents with small children—from any realistic opportunity to maintain consistent
13 involvement. Because only a small group is empowered to nominate candidates and permit ballot
14 access, a party's broader membership is disenfranchised and overall voter participation is
15 discouraged.

16 The existing system's uneven process for collecting and tabulating votes also greatly
17 increases the potential for significant election fraud and administration problems.

18 The People of Utah demand and deserve a better way of nominating political candidates
19 that both fosters greater participation and avoids voting irregularities. To that end, this Initiative
20 replaces Utah's backward status quo with a direct primary election, which will enhance party
21 candidates' access to the primary-election ballot, improve voting opportunities for rank-and-file
22 party members, require political party nominees to show a sufficiently broad level of support in

23 order to appear on the general-election ballot, and ensure the integrity and reliability of the
24 election process through a uniformly administered state-run primary election.

25 **Highlighted Provisions:**

26 This Initiative:

- 27 ▪ Provides for a direct primary election to serve as the mechanism through which
28 political-party nominees for Utah's federal-, state-, and county-level public offices are
29 selected;
- 30 ▪ Establishes a signature-gathering process for political candidates to qualify to appear
31 on the ballot for the direct primary election; and
- 32 ▪ Enacts definitional changes and sets forth deadlines necessary to implement a direct
33 primary election and a related signature-gathering process.

34 **Monies Appropriated in this Initiative:**

35 None

36 **Utah Code Sections Affected:**

37 **ENACTS:**

- 38 ▪ 20A-9-405, Utah Code Annotated 1953

39 **AMENDS:**

- 40 ▪ 20A-1-102, as last amended by Laws of Utah 2013, Chapter 320
- 41 ▪ 20A-5-101, as last amended by Laws of Utah 2011, Chapter 292
- 42 ▪ 20A-6-301, as last amended by Laws of Utah 2012, Chapter 68
- 43 ▪ 20A-6-302, as last amended by Laws of Utah 2013, Chapter 317
- 44 ▪ 20A-6-303, as last amended by Laws of Utah 2011, Chapter 292
- 45 ▪ 20A-6-304, as last amended by Laws of Utah 2011, Chapter 292

- 46 ▪ 20A-6-305, as last amended by Laws of Utah 2011, Chapter 292
- 47 ▪ 20A-9-101, as last amended by Laws of Utah 2007, Chapter 329
- 48 ▪ 20A-9-201, as last amended by Laws of Utah 2013, Chapters 145 and 317
- 49 ▪ 20A-9-202, as last amended by Laws of Utah 2013, Chapter 317
- 50 ▪ 20A-9-403, as last amended by Laws of Utah 2013, Chapter 317
- 51 ▪ 20A-9-701, as last amended by Laws of Utah 2011, Chapter 327

52 **Other Special Clauses:**

53 None

54

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

56

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

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

59 ...

60 (62) “Primary convention” means the political party conventions [~~at which nominees for~~
61 held during the year of the regular general election [are selected].

62 ...

63 (69) “Regular primary election” means the election on the fourth Tuesday of June of each
64 even-numbered year, to nominate candidates of political parties [~~and nonpolitical groups~~] and
65 candidates for non-partisan local school board positions to advance to the regular general
66 election.

67 ...

68

69 SECTION 2. SECTION 20A-5-101 IS AMENDED TO READ:

70 20A-5-101. Notice of election.

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

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

75 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
76 certifying nomination petition signatures under Section 20A-9-403, for those offices;

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

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

81 (2)(a) No later than [~~February 15~~] November 15 in the year before the regular general
82 election year, each county clerk shall:

83 (i) publish a notice: (A) once in a newspaper published in that county; and (B) as
84 required in Section 45-1-101; or

85 (ii)(A) cause a copy of the notice to be posted in a conspicuous place most likely
86 to give notice of the election to the voters in each voting precinct within the county; and (B)
87 prepare an affidavit of that posting, showing a copy of the notice and the places where the notice
88 was posted.

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

90 (i) designate the offices to be voted on in that election in that county, other than
91 local district offices; and

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

93 ...

94

95 SECTION 3. SECTION 20A-6-301 IS AMENDED TO READ:

96 20A-6-301. Paper ballots -- Regular general election.

97 (1) Each election officer shall ensure that:

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

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

100 (ii) display no symbols, markings, or other descriptions of a political party or
101 group, except for a registered political party that has chosen to nominate its candidates in
102 accordance with Section 20A-9-403; and

103 (iii) feature no indication that a candidate for elective office has been nominated
104 by, has been endorsed by, or is in any way affiliated with a political party or group, unless the
105 candidate has been nominated by a registered political party in accordance with in accordance
106 with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).

107 ...

108 (g) unaffiliated candidates, candidates not affiliated with a registered political party, and
109 all other candidates for elective office who were not nominated by a registered political party in
110 accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed in one column
111 in the order specified under Section 20A-6-305, without a party circle, with the following
112 instructions printed at the head of the column: "All candidates not affiliated with a political party
113 are listed below. They are to be considered with all offices and candidates listed to the left. Only
114 one vote is allowed for each office.";

115 ...

116 (2) Each election officer shall ensure that:

117 (a) each person nominated by any registered political party under Subsection 20A-9-
118 202(4) or Subsection 20A-9-403(5) [or group of petitioners], and no other person, is placed on
119 the ballot:

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

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

124 ...

125

126 SECTION 4. SECTION 20A-6-302 IS AMENDED TO READ:

127 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

129 (a) each candidate is listed by party, if nominated by a registered political party under
130 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

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

133 (c) the names of candidates are placed on the ballot in the order specified under Section
134 20A-6-305.

135 ...

136

137 SECTION 5. SECTION 20A-6-303 IS AMENDED TO READ:

138 **20A-6-303. Regular general election -- Ballot sheets.**

139 (1) Each election officer shall ensure that:

140 ...

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

144 ...

145

146 **SECTION 6. SECTION 20A-6-304 IS AMENDED TO READ:**

147 **20A-6-304. Regular general election -- Electronic ballots.**

148 (1) Each election officer shall ensure that:

149 ...

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

153 ...

154

155 **SECTION 7. SECTION 20A-6-305 IS AMENDED TO READ:**

156 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
157 **Publication -- Surname -- Exemptions.**

158 ...

159 (2) The lieutenant governor shall:

160 (a) ~~[at the beginning of each general election]~~ by November 15 in the year before each
161 regular general election, conduct a random selection to establish the master ballot position list for
162 the ~~[current year and]~~ the next year and the year following in accordance with procedures
163 established under Subsection (2)(c);

164 (b) publish the master ballot position lists on the lieutenant governor's election website on
165 or before ~~[February 1]~~ November 15 in the year before each regular general election ~~[year]~~; and

166 (c) establish written procedures for:

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

168 (ii) the lieutenant governor in: (A) conducting the random selection in a fair
169 manner; and (B) providing a record of the random selection process used.

170 ...

171

172 SECTION 8. SECTION 20A-9-101 IS AMENDED TO READ:

173 **20A-9-101. Definitions.**

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

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

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

180 (ii) presidential elector;

181 (iii) any political party offices; and

182 (iv) municipal or local district offices.

- 183 ...
- 184 (5) "Filing officer" means:
- 185 (a) the lieutenant governor, for:
- 186 (i) ~~[offices whose political division contains territory in two or more counties;~~
- 187 ~~(ii)]~~ the office of United States Senator and United States Representative; and
- 188 ~~[(iii)]~~ (ii) all constitutional offices;
- 189 (b) the county clerk, for county offices and local school district offices, and the county
- 190 clerk in the filer's county of residence, for multi-county offices;
- 191 (c) the city or town clerk, for municipal offices; and
- 192 (d) the local district clerk, for local district offices.

193 ...

194

195 SECTION 9. SECTION 20A-9-201 IS AMENDED TO READ:

196 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**

197 **more than one political party prohibited with exceptions -- General filing and form**

198 **requirements -- Affidavit of impecuniosity.**

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

200 (a) be a United States citizen; ~~[and]~~

201 (b) meet the legal requirements of that office~~[-]~~; and

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

203 designate that registered political party as their preferred party affiliation on their declaration of

204 candidacy.

205 ...

206 (4)(a) Except for presidential candidates, the form of the declaration of candidacy shall be
207 substantially as follows:

208 "State of Utah, County of ____
209 I, _____, declare my [~~intention of becoming a candidate~~] candidacy for the
210 office of _____, [~~as a candidate for~~] seeking the nomination of the _____ party,
211 which is my preferred political party affiliation. I do solemnly swear that: I will
212 meet the qualifications to hold the office, both legally and constitutionally, if
213 selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____
214 Phone No. _____; I will not knowingly violate any law governing campaigns and
215 elections; I will file all campaign financial disclosure reports as required by law;
216 and I understand that failure to do so will result in my disqualification as a
217 candidate for this office and removal of my name from the ballot. The mailing
218 address that I designate for receiving official election notices is _____.

219 _____

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

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

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

224 ...

225

226 SECTION 10. SECTION 20A-9-202 IS AMENDED TO READ:

227 20A-9-202. **Declarations of candidacy for regular general elections.**

228 (1)(a) Each person seeking to become a candidate for an elective office [~~for any county~~
229 ~~office~~] that is to be filled at the next regular general election shall:

230 (i) file a declaration of candidacy in person with the [~~county clerk~~] filing officer
231 on or after [~~the second Friday in March~~] November 15 in the year before the regular general
232 election year, and before [~~5 p.m. on the third Thursday in March before the next regular general~~
233 ~~election~~] the candidate circulates nomination petitions under Section 20A-9-405; and

234 (ii) pay the filing fee.

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

237 [~~(i) file a declaration of candidacy in person with either the lieutenant governor or~~
238 ~~the county clerk in the candidate's county of residence on or after the second Friday in March~~
239 ~~and before 5 p.m. on the third Thursday in March before the next regular general election; and~~

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

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

244 [(ii)] (c) Each day during the filing period, each county clerk shall notify the lieutenant
245 governor electronically or by telephone of [~~legislative~~] candidates who have filed in their office.

246 [(d) Each person seeking to become a candidate for elective office for any federal office
247 or constitutional office that is to be filled at the next regular general election shall:

248 (i) file a declaration of candidacy in person with the lieutenant governor on or
249 after the second Friday in March and before 5 p.m. on the third Thursday in March before the
250 next regular general election; and

251 ~~(ii) pay the filing fee.]~~

252 [(e)] (d) Each person seeking the office of lieutenant governor, the office of district
253 attorney, or the office of president or vice president of the United States shall comply with the
254 specific declaration of candidacy requirements established by this section.

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

258 (i) file a declaration of candidacy with the clerk designated in the interlocal
259 agreement creating the prosecution district on or after ~~[the second Friday in March]~~ November
260 15 in the year before the regular general election year, and before ~~[5 p.m. on the third Thursday~~
261 ~~in March before the next regular general election]~~ the candidate circulates nomination petitions
262 under Section 20A-9-405; and

263 (ii) pay the filing fee.

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

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

269 (i) file a declaration of candidacy with the lieutenant governor; ~~[and]~~

270 (ii) pay the filing fee~~[-]; and~~

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

274 (b)~~(i)~~ Any candidate for lieutenant governor who fails to timely file ~~[within five~~
275 ~~working days]~~ is disqualified. ~~(ii)~~ If a lieutenant governor is disqualified, another candidate
276 shall ~~[be nominated]~~ file to replace the disqualified candidate.

277 ...

278

279 SECTION 11. SECTION 20A-9-403 IS AMENDED TO READ:

280 20A-9-403. Regular primary elections.

281 (1)(a) Candidates for elective office that are to be filled at the next regular general
282 election shall be nominated in a regular primary election by direct vote of the people in the
283 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
284 designated as regular primary election day. Nothing in this section shall affect a candidate's
285 ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section
286 20A-9-501 or to participate in a regular general election as a write-in candidate under Section
287 20A-9-601.

288 (b) Each registered political party that chooses to ~~[use the primary election process to~~
289 ~~nominate some or all]~~ have the names of its candidates for elective office featured with party
290 affiliation on the ballot at a regular general election shall comply with the requirements of this
291 section and shall nominate its candidates for elective office in the manner prescribed in this
292 section.

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

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

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

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

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

309 (iii) [~~certify that information to the lieutenant governor no later than 5 p.m. on~~
310 ~~March 1 of each even-numbered year~~] if the registered political party participates in the
311 upcoming regular primary election, indicate whether it chooses to nominate unopposed
312 candidates without their name appearing on the ballot, as described under Subsection (5)(c).

313 (b) A registered political party that is a continuing political party must file the statement
314 described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 15
315 of each odd-numbered year. An organization that is seeking to become a registered political
316 party under Section 20A-8-103 must file the statement described in Subsection (2)(b) no later
317 than 5 p.m. on February 15.

318 (c) ~~By 5 p.m. on the first Wednesday after the third Saturday in April of each even-~~
319 ~~numbered year, the lieutenant governor shall send the county clerks a certified list of the names~~

320 of all statewide candidates, multicounty candidates, or single county candidates that shall be
321 printed on the primary ballot and the order the candidates are to appear on the ballot in
322 accordance with Section 20A-6-305.

323 (d) Except for presidential candidates, if a registered political party does not wish to
324 participate in the primary election, it shall submit the names of its county candidates to the
325 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May
326 30 of each even-numbered year.

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

332 (i) circulated and completed in accordance with Section 20A-9-405; and
333 (ii) signed by at least two percent of the registered political party's members who
334 reside in the political division of the office the person seeks.

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

338 (c) The lieutenant governor shall determine for each elective office the total number of
339 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
340 of persons residing in each elective office's political division who have designated a particular
341 registered political party on their voter registration forms as of November 1 of each odd-

342 numbered year. The lieutenant governor shall publish this determination for each elective office
343 no later than November 15 of each odd-numbered year.

344 (d) The filing officer shall:

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

346 (ii) for all qualifying candidates for elective office who submitted nomination
347 petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5
348 p.m. on the first Monday after the third Saturday in April;

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

350 (iv) consider a person who signs a nomination petition a member of a registered
351 political party for purposes of Subsection 3(a)(ii) if the person has designated that registered
352 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.
353 on the final day in March; and

354 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted
355 nomination petition signatures, or use statistical sampling procedures to verify submitted
356 nomination petition signatures pursuant to rules issued by the lieutenant governor under
357 Subsection (3)(f).

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

362 (f) The lieutenant governor shall issue rules that provide for the use of statistical sampling
363 procedures for filing officers to verify signatures under Subsection (3)(d). The statistical
364 sampling procedures shall reflect a *bona fide* effort to determine the validity of a candidate's

365 entire submission, using widely recognized statistical sampling techniques. The lieutenant
366 governor may also issue supplemental rules and guidance that provide for the transparent,
367 orderly, and timely submission, verification, and certification of nomination petition signatures.

368 (g) The county clerk shall:

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

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

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

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

378 (i) a list of the names of all candidates for federal, constitutional, multi-county,
379 and county offices who have received certifications under Subsection (3), along with instructions
380 on how those names shall appear on the primary-election ballot in accordance with Section 20A-
381 6-305; and

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

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

387 (c) After the county clerk receives the certified list from [~~a registered political party~~] the
388 lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary
389 election notice in substantially the following form: “Notice is given that a primary election will
390 be held Tuesday, June _____, _____(year), to nominate party candidates for the parties [~~and~~
391 ~~nonpartisan offices~~] and candidates for non-partisan local school board positions listed on the
392 primary ballot. The polling place for voting precinct _____ is _____. The polls will open at 7 a.m.
393 and continue open until 8 p.m. of the same day. Attest: county clerk.”

394 (5)(a) Candidates, other than presidential candidates, receiving the highest number of
395 votes cast for each office at the regular primary election are nominated by their registered
396 political party [~~or nonpartisan group~~] for that office or are nominated as a candidate for a non-
397 partisan local school board position.

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

402 (c) A candidate who is unopposed for an elective office in the regular primary election of
403 a registered political party is nominated by the party for that office without appearing on the
404 primary ballot, provided that the party has chosen to nominate unopposed candidates under
405 Subsection (2)(a)(iii). A candidate is “unopposed” if no person other than the candidate has
406 received a certification under Subsection (3) for the regular primary election ballot of the
407 candidate’s registered political party for a particular elective office.

408 ...

409

410 SECTION 12. SECTION 20A-9-405 IS ENACTED TO READ:

411 **20A-9-405. Nomination petitions for regular primary elections.**

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

414 (2) A candidate for elective office, and the agents of the candidate, may not circulate
415 nomination petitions until the candidate has submitted a declaration of candidacy in accordance
416 with Subsection 20A-9-202(1).

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

418 (a) The petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

419 (b) The petition shall be ruled with a horizontal line $\frac{3}{4}$ inch from the top, with the space
420 above that line blank for purposes of binding;

421 (c) The petition shall be headed by a caption stating the purpose of the petition and the
422 name of the proposed candidate;

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

429 (e) The petition shall feature ten lines spaced one-half inch apart and consecutively
430 numbered one through ten.

431 (f) The signature portion of the petition shall be divided into columns headed by the
432 following titles:

- 433 (i) Registered Voter's Printed Name;
434 (ii) Signature of Registered Voter;
435 (iii) Party Affiliation of Registered Voter;
436 (iv) Birth Date or Age (Optional);
437 (v) Street Address, City, Zip Code; and
438 (vi) Date of Signature.

439 (e) A photograph of the candidate may appear on the nomination petition.

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

443 "Verification

444 State of Utah, County of _____

445 I, _____, of _____, hereby state under that:

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

447 All the names that appear on the signature sheets bound to this page were, to the
448 best of my knowledge, signed by persons who professed to be the persons whose
449 names appear on the signature sheets, and each of them signed the person's name
450 on the signature sheets in my presence;

451 I believe that each has printed and signed the person's name and written the
452 person's street address correctly, and that each signer is registered to vote in Utah
453 or will register to vote in Utah before the county clerk certifies the signatures on
454 the signature sheet."

455 (5) The lieutenant governor shall prepare and make public model nomination petition
456 forms and associated instructions.

457 (6) A nomination petition circulator must be 18 years old and a resident of the State, but
458 may affiliate with any political party.

459 (7) It is unlawful for any person to:

460 (a) knowingly sign the nomination petition sheet described in Subsection (3):

461 (i) with any name other than the person's own name;

462 (ii) more than once for the same candidate; or

463 (iii) if the person is not registered to vote in this state and does not intend to
464 become registered to vote in this state prior to 5 p.m. on the final day in March.

465 (b) sign the verification of a certificate of nomination signature sheet described in
466 Subsection (4) if the person:

467 (i) does not meet the residency requirements of Section 20A-2-105;

468 (ii) has not witnessed the signing by those persons whose names appear on the
469 certificate of nomination signature sheet; or

470 (iii) knows that a person whose signature appears on the certificate of nomination
471 signature sheet is not registered to vote in this state and does not intend to become registered to
472 vote in this state.

473 (c) pay compensation to any person to sign a nomination petition.

474 (d) pay compensation to any person to circulate a nomination petition, if the
475 compensation is based directly on the number of signatures submitted to a filing officer rather
476 than on the number of signatures verified or on some other basis.

477 (e) Any person violating this Subsection (7) is guilty of a class A misdemeanor.

