



Received

SEP 27 2017

Spencer J. Cox  
Lieutenant Governor

September 27, 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 application

Lieutenant Governor Cox,

We, the sponsors of the new Count My Vote citizens' initiative petition, herewith deliver our application for an 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.

While Utah's political parties should always remain free to hold caucuses and conventions, direct primary elections should serve as the only mechanism through which a candidate for elective office may appear with political party affiliation on the general-election ballot. 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 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)

1441 East Fairfax Road

Residence Address

Salt Lake City, UT 84103

City, State, Zip

(801) 538-5082

Phone Number

Subscribed and affirmed before me this 17 day of Sept. 20 17

Taylor D. Morgan  
Notary Public

My commission expires Sept. 13 2021

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 East 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 17

Taylor D. Morgan  
Notary Public

My commission expires Sept. 13 2021

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](mailto:elections@utah.gov)

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SEP 27 2017

Spencer J. Cox  
Lieutenant Governor

Date Received

# Application for an Initiative or Referendum

Utah Code 20A-7-202

Name of Organization

## Sponsor Statement

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

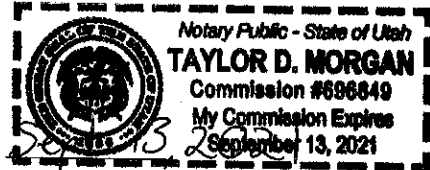
Subscribed and affirmed before me this 15 day of Sept. 2017

Taylor D. Morgan  
Notary Public

My commission expires Sept. 13, 2021

Ben McAdams  
Sponsor's Signature

Notary Seal



## 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 East South Temple Street, #501  
Residence Address

Salt Lake City, UT 84102  
City, State, Zip

(801) 538-5082  
Phone Number

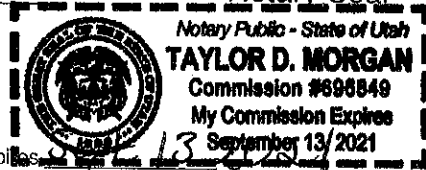
Subscribed and affirmed before me this 15 day of Sept. 2017

Taylor D. Morgan  
Notary Public

My commission expires Sept. 13, 2021

Rich McKeown  
Sponsor's Signature

Notary Seal



## 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

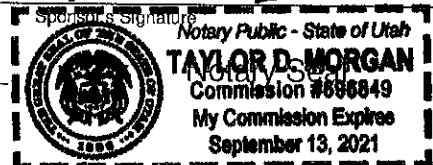
Subscribed and affirmed before me this 18 day of Sept. 2017

Taylor D. Morgan  
Notary Public

My commission expires Sept. 13, 2021

Gail Miller  
Sponsor's Signature

Notary Seal



# DIRECT PRIMARY ELECTION

## 1 LONG TITLE

### 2 General Description:

3 This Initiative amends Title 20A (Election Code) of the Utah Code to designate a direct  
4 vote of the people in a regular primary election as the sole method of selecting political-party  
5 nominees to appear as such on the general-election ballot. Specifically, this Initiative does so by  
6 repealing provisions related to qualified political parties and retaining the direct primary election  
7 process that exists in current law for registered political parties to nominate candidates.

### 8 Statement of Intent and Subject Matter:

9 The caucus-convention method of nominating political candidates in Utah elections is  
10 outdated and dysfunctional. Many political party voters are unable to participate due to logistical  
11 constraints and other obstacles. Because only a small group is empowered, a party's broader  
12 membership is disenfranchised and overall voter participation is discouraged. While political  
13 parties should always remain free to hold caucuses and conventions, a direct primary election  
14 should serve as the only mechanism through which a candidate for elective office may appear  
15 with political party affiliation on the general-election ballot.

16 This issue has been debated publicly for many years, but now is the time for the People of  
17 Utah to decide. This initiative's purpose is to institute a direct primary election that will improve  
18 voter participation, enhance party candidates' access to the primary-election ballot, require  
19 political party nominees to show a sufficiently broad level of support in order to appear with  
20 party affiliation on the general-election ballot, and ensure the integrity and reliability of the  
21 election process through a uniformly administered state-run primary election.

### 22 Highlighted Provisions:

23 This Initiative:

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

37   **Monies Appropriated in this Initiative:**

38           None

39   **Utah Code Sections Affected:**

40           **AMENDS:**

- 41           ▪ **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52
- 42           ▪ **20A-1-103**, as last amended by Laws of Utah 2015, Chapter 258
- 43           ▪ **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapter 352
- 44           ▪ **20A-3-308**, as last amended by Laws of Utah 2017, Chapter 235
- 45           ▪ **20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377
- 46           ▪ **20A-4-306**, as last amended by Laws of Utah 2011, Chapter 2

- 47       ▪ **20A-5-101**, as last amended by Laws of Utah 2017, Chapter 267
- 48       ▪ **20A-6-203**, as last amended by Laws of Utah 2016, Chapter 326
- 49       ▪ **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91
- 50       ▪ **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16
- 51       ▪ **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91
- 52       ▪ **20A-9-405**, as last amended by Laws of Utah 2017, Chapter 17

53       **REPEALS:**

- 54       ▪ **20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91
- 55       ▪ **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91
- 56       ▪ **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91
- 57       ▪ **20A-9-408.5**, as last amended by Laws of Utah 2015, Chapter 296
- 58       ▪ **20A-9-409**, as last amended by Laws of Utah 2017, Chapter 91
- 59       ▪ **20A-9-411**, as last amended by Laws of Utah 2015, Chapter 296

60       **ENACTS:**

- 61       ▪ **20A-1-104**, Utah Code Annotated 1953
- 62       ▪ **20A-5-411**, Utah Code Annotated 1953

63       **Other Special Clauses:**

64               None

65

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

67

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

69               **20A-1-102. Definitions.**

70 ...

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

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

74 (b) candidates for an office; or

75 (c) ballot propositions.

76 ...

77

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

79 **20A-1-103. Severability clause.**

80 If any provision of the Direct Primary Election Initiative of 2018 [Laws of Utah 2014,  
81 Chapter 17], or the application of any provision of that Initiative [Laws of Utah 2014, Chapter  
82 17], to any person or circumstance is held invalid by a final decision of a court of competent  
83 jurisdiction, the remainder of that Initiative [Laws of Utah 2014, Chapter 17,] shall be given  
84 effect without the invalid provision or application. The provisions of the Direct Primary Election  
85 Initiative of 2018 [Laws of Utah 2014, Chapter 17,] are severable.

86

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

88 **20A-1-104. Repeal of certain provisions.**

89 All acts and parts of acts related to the nomination or election of candidates for elective  
90 office that were enacted between July 1, 2017 and the enactment of this Section are hereby  
91 repealed. This Section is intended solely to prevent the Legislature's potential interference in the  
92 initiative process and to preserve the ability of the People of the State of Utah to express their

93 will as to the nomination and election of candidates for elective office through the Direct  
94 Primary Election Initiative of 2018. This Section shall not be construed to alter the power given  
95 to the Legislature under Section 20A-7-212(3)(b)(2).  
96

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

98 **20A-1-201.5. Primary election dates.**

99 (1) A regular primary election shall be held throughout the state on the first [~~fourth~~]  
100 Tuesday of June of each even numbered year as provided in Section 20A-9-403[, 20A-9-407, or  
101 ~~20A-9-408, as applicable,~~] to nominate persons for:

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

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

104 ...

105

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

107 **20A-3-308. Absentee ballots in the custody of poll workers—Disposition—Notice.**

108 ...

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

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

114 (ii) how the individual may resolve the issue;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149 ...

150

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

152 **20A-4-301. Board of canvassers.**

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

154 (i) the county; and

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

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

157 (B) the county legislative body serves as the governing body of the local  
158 district; or

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

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

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

- 168 (i) the county treasurer;
- 169 (ii) the county assessor; or
- 170 (iii) the county sheriff.

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

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

175 ...

176

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

178 **20A-4-306. Statewide canvass.**

179 ...

180 (5)(a) At noon on the [~~fourth Monday~~] seventh day after the regular primary election, the  
181 lieutenant governor shall:

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

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

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

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

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

191

192

193 SECTION 8. SECTION 20A-5-101 IS AMENDED TO READ:

194 **20A-5-101. Notice of election.**

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

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

199 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
200 certifying nomination petition signatures, as applicable, under Section[s] 20A-9-403~~[-20A-9-~~  
201 ~~407, and 20A-9-408]~~ for those offices;

202 (c) includes the master ballot position list for the next year and the year following as  
203 established under Section 20A-6-305; and

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

206 ...

207

208 SECTION 9. SECTION 20A-5-411 IS ENACTED TO READ:

209 **20A-5-411. Candidate appearance with partisan affiliation on ballot of regular**  
210 **general election.**

211 (1) Notwithstanding any other provision of law, the name of a candidate for elective  
212 office shall not appear on the ballot for a regular general election as affiliated with, endorsed by,  
213 nominated by, or otherwise associated with any political party, any political group, or any other  
214 group of any kind, unless the candidate has been nominated by a registered political party as a  
215 presidential or vice presidential candidate pursuant to Subsection 20A-9-204(4) or the candidate  
216 has been nominated by a registered political party pursuant to the direct primary election process  
217 set forth at Subsection 20A-9-403(5).

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

220

221 SECTION 10. SECTION 20A-6-203 IS AMENDED TO READ:

222 **20A-6-203. Ballots for regular primary elections.**

223 ...

224 (3) Notwithstanding any other provision of law, a filing officer shall not include any  
225 marking, insignia, or other feature within the format of a regular primary election ballot that

226 would cause a voter to view a candidate for elective office of a registered political party more  
227 positively or negatively than another candidate from that registered political party.

228

229 SECTION 11. SECTION 20A-8-103 IS AMENDED TO READ:

230 **20A-8-103. Petition procedures--Criminal penalty.**

231 ...

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

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

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

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

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

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

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

247 ...

248

249 SECTION 12. SECTION 20A-9-101 IS AMENDED TO READ:

250 20A-9-101. Definitions.

251 ...

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

253 101. [~~(12) "Qualified political party" means a registered political party that:~~

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

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

258 (b) ~~does not hold the registered political party's convention before the fourth Saturday in~~  
259 ~~March of an even numbered year;~~

260 (c) ~~permits a member of the registered political party to seek the registered political~~  
261 ~~party's nomination for any elective office by the member choosing to seek the nomination by~~  
262 ~~either or both of the following methods:~~

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

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

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

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

275

276           SECTION 13. **SECTION 20A-9-403 IS AMENDED TO READ:**

277           **20A-9-403. Regular primary elections.**

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

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

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



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

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

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

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

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

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

311 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration of  
312 candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular  
313 primary ballot of the registered political party listed on the declaration of candidacy only if the  
314 individual is certified by the appropriate filing officer as having submitted a set of nomination  
315 petitions that was:

316 (i) circulated and completed in accordance with Section 20A-9-405; and  
317 (ii) signed by at least [~~2%~~] 1% of the registered political party's members who  
318 reside in the political division of the office that the individual seeks.

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

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

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

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

331 (d) The filing officer shall:

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

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

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

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

339 registered political party as the individual's party membership on the individual's voter  
340 registration form; and

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

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

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

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

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

356 (g) The county clerk shall:

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

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

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

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

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

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

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

376 (c) After the county clerk receives the certified list from the lieutenant governor under  
377 Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially  
378 the following form: "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,  
379 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan local  
380 school board positions listed on the primary ballot. The polling place for voting precinct \_\_\_\_\_ is  
381 \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest:  
382 county clerk."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

437 (8) An individual may not file a declaration of candidacy for a registered political party  
438 of which the individual is not a member, except to the extent that the registered political party  
439 permits otherwise under the registered political party's bylaws. Notwithstanding any other  
440 provision of law, an election officer or filing officer shall consider an individual a member of a  
441 registered political party for purposes of determining the sufficiency of a declaration of  
442 candidacy if the individual has designated that registered political party as the individual's party  
443 membership on the individual's voter registration form at the time of filing.

444

445 SECTION 14. SECTION 20A-9-405 IS AMENDED TO READ:

446 **20A-9-405. Nomination petitions for regular primary elections.**

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

449 (2) A candidate for elective office, and the agents of the candidate, may not circulate  
450 nomination petitions until the candidate has submitted a declaration of candidacy in accordance  
451 with Subsection 20A-9-202(1) or until the candidate has provided advance notification to the  
452 filing officer of an intention to circulate nomination petitions, which may be given any time after  
453 October 1st of the year prior to a regular primary election.

454 ...

455

456 SECTION 15. SECTIONS **20A-9-406, 20A-9-407, 20A-9-408, 20A-9-408.5, 20A-9-**  
457 **409, AND 20A-9-411** ARE REPEALED.

458

459 END OF DIRECT PRIMARY ELECTION INITIATIVE

460

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