

1994

Title 20A Chapter 01: Election Code General Provisions - 1994 Pocket Part

Utah Code Annotated

Follow this and additional works at: <https://dc.law.utah.edu/uca>

The Utah Code Annotated digital collection, hosted by Digital Commons, is brought to you for free and open access by the James E. Faust Law Library at the S.J. Quinney College of Law. Funds for this project have been provided by the Institute of Museum and Library Services through the Library Services and Technology Act and are administered by the Utah State Library Division. For more information, please contact valeri.craigle@law.utah.edu. Reprinted with permission. Copyright 2020 LexisNexis. All rights reserved.

Recommended Citation

Utah Code Annotated Title 20A-1 (Michie, 1994)

This Book is brought to you for free and open access by Utah Law Digital Commons. It has been accepted for inclusion in Utah Code Annotated 1943-1995 by an authorized administrator of Utah Law Digital Commons. For more information, please contact valeri.craigle@law.utah.edu.

Table of Corresponding Sections - Elections

The following table was prepared by the Office of Legislative Research and General Counsel and indicates the location of sections in Title 20A, as enacted in 1993, that contain provisions comparable to those repealed from Title 20 and other titles.

Former Section	Corresponding Section	Former Section	Corresponding Section
10-3-302	20A-1-510	20-2-26	20A-5-205
17-5-4	20A-1-508	20-2-28	20A-5-206
17-5-21	20A-1-508	20-2-29	20A-2-102
	20A-1-509	20-3-2	20A-1-102
17A-1-302	20A-1-512	20-3-19	20A-3-105
20-1-1	20A-1-201		20A-5-404
20-1-2	20A-1-201		20A-5-501
20-1-3	20A-1-203	20-3-20	20A-5-404
20-1-4	20A-1-301		20A-5-503
20-1-5	20A-1-503	20-3-21	20A-3-104
20-1-6	20A-1-502	20-3-22	20A-5-404
20-1-7	20A-1-504		20A-5-405
20-1-7.1	20A-1-505	20-3-22.5	20A-5-405
20-1-8	20A-1-303	20-3-24	20A-5-205
20-1-9	20A-1-304	20-3-25	20A-3-104
20-1-10	20A-1-403		20A-3-202
20-1-11	20A-1-404	20-3-26	20A-3-105
20-1-12	20A-1-401	20-3-27	20A-3-105
20-1-13	20A-1-302	20-3-28	20A-1-302
20-1-14	20A-5-101	20-3-29	20A-4-102
20-1-15	20A-1-401		20A-4-202
20-1-16	20A-1-305	20-3-30	20A-4-303
20-1-17	20A-3-101		20A-4-304
20-1-19	20A-1-102	20-3-32	20A-4-401
20-2-1	20A-5-201	20-3-35	20A-4-403
	20A-5-202	20-3-42	20A-3-102
20-2-2	20A-5-201	20-4-11	20A-1-501
20-2-5	20A-5-201	20-4-11.3	20A-1-501
	20A-5-401	20-4-11.5	20A-1-508
20-2-6	20A-2-202	20-5-3	20A-1-203
20-2-7	20A-2-201	20-5-4	20A-1-402
	20A-2-202	20-5-5	20A-1-102
20-2-10	20A-2-303	20-5-6	20A-2-101
20-2-11	20A-2-104	20-5-7	20A-2-102
	20A-2-301	20-5-8	20A-5-205
	20A-5-204	20-5-12	20A-5-501
20-2-11.1	20A-2-101	20-5-13	20A-5-501
20-2-13	20A-2-105	20-5-16	20A-5-602
20-2-14	20A-2-105	20-5-17	20A-5-602
20-2-15	20A-2-103	20-5-20	20A-5-603
20-2-16	20A-2-203	20-5-21	20A-5-603
	20A-5-205	20-5-23	20A-5-602
20-2-17	20A-2-203	20-5-24	20A-4-201
20-2-19	20A-5-605	20-5-25	20A-5-101
20-2-21	20A-5-201	20-5-26	20A-5-301
20-2-22	20A-5-201	20-5-27	20A-5-605
20-2-23	20A-5-201	20-5-29	20A-5-605
	20A-5-402	20-5-30	20A-5-402
20-2-24	20A-5-401	20-5-31	20A-1-302
20-2-25	20A-2-203		20A-5-605

ELECTIONS

Former Section	Corresponding Section	Former Section	Corresponding Section
20-5-32	20A-3-201	20-7-1	20A-5-404
20-5-33	20A-3-103	20-7-2	20A-5-405
20-5-34	20A-5-605	20-7-3	20A-5-102
20-5-35	20A-5-403	20-7-4	20A-5-103
20-5-36	20A-3-104	20-7-5	20A-5-501
20-5-37	20A-3-105	20-7-5.1	20A-5-503
20-5-38	20A-3-108	20-7-6	20A-5-405
20-5-40	20A-4-102	20-7-7	20A-5-404
20-5-41	20A-4-102	20-7-8	20A-5-405
20-5-42	20A-4-104		20A-5-604
20-5-43	20A-4-202	20-7-9	20A-5-405
	20A-5-403		20A-5-605
20-5-44	20A-4-202	20-7-10	20A-5-601
20-5-45	20A-4-203	20-7-11	20A-5-601
20-5-46	20A-4-305	20-7-12	20A-4-101
20-5-47	20A-5-302	20-7-13	20A-4-101
20-5-48	20A-5-406		20A-4-504
	20A-5-605		20A-4-505
20-5-49	20A-5-404	20-7-14	20A-4-202
20-5-50	20A-5-503	20-7-16	20A-5-402
20-5-51	20A-5-604		20A-5-605
20-5-52	20A-5-405	20-7-17	20A-3-104
	20A-5-605		20A-3-105
20-5-53	20A-5-102		20A-3-201
20-5-56	20A-3-202		20A-5-605
20-5-57	20A-3-202	20-7-18	20A-3-202
20-5-58	20A-3-202		20A-5-605
20-5-59	20A-3-202	20-7-19	20A-3-105
20-5-60	20A-4-301	20-7-20	20A-3-106
20-5-61	20A-4-303	20-7-22	20A-3-105
20-5-62	20A-4-303	20-7-23	20A-3-107
20-5-63	20A-1-304	20-7-24	20A-3-108
20-5-64	20A-4-304	20-7-25	20A-4-104
20-5-65	20A-5-602	20-7-26	20A-4-102
20-5-67	20A-5-404	20-7-27	20A-4-102
20-5-68	20A-4-402		20A-5-403
20-5-69	20A-4-404	20-7-29	20A-5-403
20-5-70	20A-4-403	20-7-30	20A-5-403
20-5-71	20A-4-404		20A-5-605
20-5-72	20A-4-404	20-7-31	20A-4-102
20-5-73	20A-4-404		20A-4-105
20-6-1	20A-3-301	20-7-32	20A-4-202
20-6-1.5	20A-3-302	20-7-33	20A-4-202
20-6-2	20A-3-303	20-7-34	20A-4-202
20-6-3	20A-3-304	20-7-35	20A-4-201
20-6-4	20A-3-304	20-7-36	20A-4-201
20-6-5	20A-3-304	20-7-37	20A-4-201
20-6-6	20A-3-305	20-7-38	20A-4-202
20-6-7	20A-3-306	20-7-39	20A-4-202
20-6-8	20A-3-306	20-7-40	20A-5-407
	20A-3-307	20-7-41	20A-5-408
20-6-9	20A-3-307	20-7-43	20A-3-201
20-6-10	20A-3-201		20A-4-202
	20A-3-308	20-8-1	20A-4-301
	20A-3-309	20-8-2	20A-4-301
	20A-5-601	20-8-3	20A-4-302
20-6-11	20A-3-301	20-8-4	20A-4-303
20-6-12	20A-5-404	20-8-5	20A-4-304
20-6-13	20A-3-310	20-8-6	20A-4-304

ELECTRONIC VOTING SYSTEMS

Former Section	Corresponding Section	Former Section	Corresponding Section
20-8-7	20A-4-304	20-15-7	20A-4-404
20-8-8	20A-4-304	20-15-8	20A-4-404
20-8-9	20A-4-304	20-15-9	20A-4-404
20-8-9.5	20A-4-304	20-15-10	20A-4-404
20-8-10	20A-4-306	20-15-11	20A-4-404
20-8-11	20A-4-306	20-15-12	20A-4-404
20-8-12	20A-4-306	20-15-13	20A-4-405
20-13-1	20A-1-602	20-15-14	20A-4-406
20-13-2	20A-1-603	20-15-15	20A-4-406
20-13-3	20A-1-604	20-17-1	20A-3-401
20-13-4	20A-1-602	20-17-2	20A-3-401
	20A-1-603	20-17-3	20A-3-401
	20A-1-604	20-17-4	20A-3-403
20-13-5	20A-2-401	20-17-6	20A-3-401
20-13-6	20A-3-501	20-17-7	20A-3-402
20-13-7	20A-3-502	20-17-8	20A-3-405
20-13-8	20A-4-501	20-17-8.5	20A-3-402
20-13-9	20A-4-502		20A-3-405
20-13-10	20A-4-503	20-17-9	20A-3-406
20-13-11	20A-3-503	20-17-9.5	20A-3-404
20-13-12	20A-1-605	20-17-10	20A-3-407
20-13-13	20A-1-606	20-17-11	20A-3-407
20-13-14	20A-5-701	20-17-12	20A-3-408
20-13-15	20A-5-702	20-17-13	20A-3-409
	20A-5-703	20-17-14	20A-3-409
20-13-16	20A-3-203	20-17-15	20A-3-410
	20A-5-704	20-17-16	20A-3-411
20-13-17	20A-1-601	20-17-17	20A-3-401
20-13-18	20A-3-103	20-17-18	20A-3-412
20-13-19	20A-1-610	20-18-1	20A-5-302
	20A-1-702	20-18-12	20A-3-104
20-14-29	20A-3-504	20-18-13	20A-3-109
20-14-30	20A-1-607	20-18-14	20A-3-108
20-14-31	20A-1-608	20-20-2	20A-4-305
20-14-33	20A-1-609		20A-5-502
20-14-38	20A-1-611	20-20-3	20A-4-305
20-14-39	20A-1-701	20-20-4	20A-5-502
20-14-40	20A-1-703	20-20-5	20A-5-402
20-14-41	20A-1-703	20-20-6	20A-3-105
20-14-42	20A-1-704		20A-3-108
20-14-43	20A-1-706		20A-4-102
20-14-44	20A-1-702		20A-5-605
20-14-45	20A-1-705	20-20-7	20A-4-103
20-14-46	20A-1-612	20-20-7.5	20A-4-101
20-14-47	20A-1-610	20-20-10	20A-4-401
20-15-1	20A-4-402	53A-1-104	20A-1-507
20-15-2	20A-4-402	53A-3-104	20A-1-511
20-15-3	20A-4-402	53A-3-402.5	20A-2-302
20-15-4	20A-4-403	78-5-131	20A-1-506
20-15-5	20A-4-403	78-5-133	20A-1-506
20-15-6	20A-4-403	78-5-134	20A-1-506

TITLE 20A

ELECTION CODE

Chapter

1. General Provisions.
2. Voter Registration.
3. Voting.
4. Election Returns and Election Contests.
5. Election Administration.
6. Ballot Form.
7. Issues Submitted to the Voters.
8. Political Party Formation and Procedures.
9. Candidate Qualifications and Nominating Procedures.
10. Term Limits Act.

CHAPTER 1

GENERAL PROVISIONS

Compiler's Notes — Laws 1993, ch. 1 enacted this title and repealed and amended sections in Title 20. A table showing the location in this title of provisions similar to sections repealed from Title 20 follows that title.

Part 1

Title and Definitions

Section	Title.
20A-1-101.	Definitions.
20A-1-102.	

Part 2

Elections: General and Special

20A-1-201.	Date and purpose of regular general elections.
20A-1-202.	Date and purpose of local elections.
20A-1-203.	Calling and purpose of special elections.

Part 3

Elections: General Requirements

20A-1-301.	Designating offices to be filled — Publishing or posting of notice.
20A-1-302.	Opening and closing of polls.
20A-1-303.	Determining results.
20A-1-304.	Tie votes.
20A-1-305.	Publication and distribution of election laws.

Part 4

Election Law Controversies

Section	Description
20A-1-401.	Election laws — Liberally construed — Computation of time.
20A-1-402.	Election officer to render interpretations and make decisions.
20A-1-403.	Errors or omissions in ballots.
20A-1-404.	Election controversies.

Part 5

Candidate Vacancies and Vacancies in Elected Offices

20A-1-501.	Candidate vacancies — Procedure for filling.
20A-1-502.	Midterm vacancies in office of United States representative or senator.
20A-1-503.	Midterm vacancies in the Legislature.
20A-1-504.	Midterm vacancies in the offices of attorney general, state treasurer, and state auditor.
20A-1-505.	Judicial vacancies — Courts of record.
20A-1-506.	Judicial vacancies — Courts not of record.

Section 20A-1-507.	Midterm vacancies in the State Board of Education.	Section 20A-1-606.	Wagering on elections forbidden.
20A-1-508.	Midterm vacancies in county elected offices.	20A-1-607.	Inducing attendance at polls — Payment of workers.
20A-1-509.	Midterm vacancies in the office of county or district attorney.	20A-1-608.	Promises of appointment to office forbidden.
20A-1-510.	Midterm vacancies in municipal offices.	20A-1-609.	Omnibus penalties.
20A-1-511.	Midterm vacancies on local school boards.	20A-1-610.	Abetting violation of chapter — Penalty.
20A-1-512.	Midterm vacancies on special district boards.	20A-1-611.	Cost of defense of action no part of campaign expense.

Part 6**Election Offenses — Generally**

20A-1-601.	Bribery in elections.
20A-1-602.	Receiving bribe.
20A-1-603.	Fraud, interference, disturbance — Tampering with ballots or records.
20A-1-604.	Destroying instruction cards, sample ballots, or election paraphernalia.
20A-1-605.	Mutilating certificate of nomination — Forging declination or resignation — Tampering with ballots.

Part 7**Prosecuting and Adjudicating Election Offenses**

20A-1-701.	Prosecutions — Venue.
20A-1-702.	Offenders as witnesses — Privilege.
20A-1-703.	Proceedings by registered voter.
20A-1-704.	Judgment and findings — Appeal — Criminal prosecution not affected by judgment.
20A-1-705.	Supplemental judgment after criminal conviction.
20A-1-706.	Special counsel on appeal.

PART 1**TITLE AND DEFINITIONS****20A-1-101. Title.**

This title is known as the "Election Code."

History: C. 1953, 20A-1-101, enacted by L. 1993, ch. 1, § 7.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-102. Definitions.

As used in this title:

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

(2) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.

(3) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

(4) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.

(5) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, and other questions submitted to the voters for their approval or rejection.

(6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

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

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

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

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

(11) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.

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

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

(14) "Counting judge" means a judge designated to count the ballots during election day.

(15) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

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

(17) "County executive" means:

(a) the county commission in the traditional management arrangement established by Section 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

(b) the county executive in the county executive and chief administrative officer-council optional form of management arrangement authorized by Section 17-35a-13;

(c) the county executive in the county executive-council optional form of management arrangement authorized by Section 17-35a-14;

(d) the county council in the council-manager optional form of management arrangement authorized by Section 17-35a-15; and

(e) the county council in the council-county administrative officer optional form of management arrangement authorized by Section 17-35a-15.5.

(18) "County legislative body" means:

(a) the county commission in the traditional management arrangement established by Section 17-4-2 and Title 17, Chapter 5;

(b) the county council in the county executive and chief administrative officer-council optional form of management arrangement authorized by Section 17-35a-13;

(c) the county council in the county executive-council optional form of management arrangement authorized by Section 17-35a-14;

(d) the county council in the council-manager optional form of management arrangement authorized by Section 17-35a-15; and

(e) the county council in the council-county administrative officer optional form of management arrangement authorized by Section 17-35a-15.5.

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

(20) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

(21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(22) "Election judge" means each canvassing judge, counting judge, and receiving judge.

(23) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots;

(b) the county clerk or clerks for all county ballots;

(c) the municipal clerk for all municipal ballots; and

(d) the special district clerk or chief executive officer for all special district ballots that are not part of a statewide, county, or municipal ballot.

(24) "Election official" means any election officer, election judge, or registration agent.

(25) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(26) "Electronic voting system" means a system in which a voting device is used in conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic tabulating equipment.

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

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

(29) "Judicial officer" means any justice of the Supreme Court, any Court of Appeals judge, any juvenile court judge, any judge of the district court, any judge of a circuit court, and any justice court judge.

(30) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.

(31) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

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

(33) "Municipal executive" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(b) the mayor in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the manager in the council-manager optional form of government defined in Section 10-3-1209.

(34) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(35) "Municipal legislative body" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1;

(b) the municipal council in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the municipal council in the council-manager optional form of government defined in Section 10-3-1209.

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

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

(38) "Official ballot" means the ballots distributed by the election officer to the election judges to be given to voters to record their votes.

(39) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

(i) the election judge's initials; and

(ii) the ballot number.

(40) "Official register" means the book furnished election officials by the election officer that contains the information required by Section 20A-5-401.

(41) "Paper ballot" means a paper that contains:

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

(b) spaces for the voter to record his vote for each office and for or against each ballot proposition.

(42) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Title 20A, Chapter 7, Political Party Formation and Procedures.

(43) "Polling place" means the building where residents of a voting precinct vote.

(44) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.

(45) "Posting list" means a list of registered voters within a voting precinct.

(46) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(47) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.

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

(49) "Receiving judge" means the election judge that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(50) "Registration agent" means a person appointed under Section 20A-5-201 to register voters and perform other duties.

(51) "Registration days" means the days designated in Section 20A-2-203 when a voter may register to vote with a registration agent.

(52) "Registration form" means a book voter registration form and a by-mail voter registration form.

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

(54) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.

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

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

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

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

(59) "Special election" means an election held on any Tuesday other than the first Tuesday after the first Monday in November of any year.

(60) "Special district" means those local government entities created under the authority of Title 17A.

(61) "Special district officers" means those special district officers that are required by law to be elected.

(62) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or the election judge; or

(c) lacks the official endorsement.

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

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

(65) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.

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

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

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

(69) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(70) "Voter" means a person who meets the requirements of election registration and is registered and is listed in the official register book.

(71) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(72) "Voting booth" means the space or compartment within a polling place that is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

(73) "Voting device" means:

(a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance;
or

(c) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

(74) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

(75) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

(76) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

(77) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting poll watcher.

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

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

History: C. 1953, 20A-1-102, enacted by L. 1993, ch. 1, § 8; 1994, ch. 1, § 5; 1994, ch. 2, § 1.

Amendment Notes. — The 1994 amendment by ch. 1, effective January 27, 1994, substituted "title" for "chapter" in the introductory language; substituted "and" for "or" in Subsection (5); deleted "and any bond election" from the end of Subsection (20); substituted the present reference for "Subsection 20-3-2.5(1) or (2)" in the definition of "political party"; substituted "fourth Tuesday of June" for "second Tuesday of September" in the definition of "regular primary election"; substituted the second "or" for "and" in the definition of "spoiled ballot"; and made stylistic changes.

The 1994 amendment by ch. 2, effective January 27, 1994, deleted "all defective ballots" from the list in Subsection (25); deleted former Subsection (28), defining "irregular ballots," and renumbered the remaining sections accordingly; substituted "building" for "place" in Subsection (43); in Subsection (54), substituted "fourth" for "second" and "June" for "September" and deleted "all" before "political parties"; and added Subsection (78).

This section is set out as reconciled by the Office of Legislative Research and General Counsel.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

PART 2

ELECTIONS: GENERAL AND SPECIAL

20A-1-201. Date and purpose of regular general elections.

(1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

(2) At the regular general election, the voters shall:

(a) choose persons to serve the terms established by law for the following offices:

- (i) electors of President and Vice President of the United States;
- (ii) United States Senators;
- (iii) Representatives to the United States Congress;
- (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- (v) senators and representatives to the Utah Legislature;
- (vi) county officers;
- (vii) State School Board members;
- (viii) local school board members; and
- (ix) any elected judicial officers; and

(b) approve or reject:

- (i) any proposed amendments to the Utah Constitution that have qualified for the ballot under procedures established in the Utah Code;
- (ii) any proposed initiatives or referenda that have qualified for the ballot under procedures established in the Utah Code; and
- (iii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

History: C. 1953, 20A-1-201, enacted by L. 1993, ch. 1, § 9; 1994, ch. 21, § 3.

Amendment Notes. — The 1994 amendment, effective March 1, 1994, substituted the

phrases citing the Utah Code for “as provided by law” in Subsection (2)(b).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-202. Date and purpose of local elections.

(1) A municipal general election shall be held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year.

(2) At the municipal general election, the voters shall:

- (a) choose persons to serve as municipal and special district officers; and
- (b) approve or reject:
 - (i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and
 - (ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

History: C. 1953, 20A-1-202, enacted by L. 1993, ch. 1, § 10; 1994, ch. 21, § 4.

Amendment Notes. — The 1994 amendment, effective March 1, 1994, substituted “that

are authorized by the Utah Code” for “as provided by law” at the end of Subsection (2)(b)(ii).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-203. Calling and purpose of special elections.

(1) Statewide and local special elections may be held for any purpose authorized by law.

(2) (a) Statewide special elections shall be conducted using the procedure for regular general elections.

(b) Except as otherwise provided in this title, local special elections shall be conducted using the procedures for regular municipal elections.

- (3) The governor may call a statewide special election by issuing an executive order that designates:
- (a) the date for the statewide general election; and
 - (b) the purpose for the statewide general election.
- (4) The Legislature may call a statewide special election by passing a joint or concurrent resolution that designates:
- (a) the date for the statewide general election; and
 - (b) the purpose for the statewide general election.
- (5) (a) The governing body of a local political subdivision may call a local special election only for:
- (i) a vote on a bond issue;
 - (ii) a vote on a voted leeway program authorized by Section 53A-17a-133 or 53A-17a-134;
 - (iii) a referendum authorized by Title 20, Chapter 11; and
 - (iv) an initiative authorized by Title 20, Chapter 11.
- (b) The governing body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:
- (i) the date for the local general election; and
 - (ii) the purpose for the local general election.

History: C. 1953, 20A-1-203, enacted by L. 1993, ch. 1, § 11; 1993, ch. 228, § 1.

Amendment Notes. — The 1993 amendment, effective May 3, 1993, added Subsections (3), (4), and (5).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

PART 3

ELECTIONS: GENERAL REQUIREMENTS

20A-1-301. Designating offices to be filled — Publishing or posting of notice.

- (1) On or before February 1 in each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:
- (a) designates the offices to be filled at the regular general election;
 - (b) identifies the dates for filing a declaration of candidacy for those offices; and
 - (c) contains a general description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.
- (2) (a) Each county clerk shall publish the parts of the notice applicable to the clerk's county at least once in a newspaper published in the county before March 15 of that year.
- (b) If no newspaper is published in the county, the clerk shall:
- (i) post a copy of the notice in each county voting precinct in a conspicuous place that is most likely to give notice of the election to the voters; and
 - (ii) make an affidavit of the posting, showing a copy of the notice and the places where the notice was posted.

History: C. 1953, 20A-1-301, enacted by L. 1993, ch. 1, § 12; 1994, ch. 2, § 2.

Amendment Notes. — The 1994 amendment, effective January 27, 1994, substituted

“February” for “March” in Subsection (1).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-302. Opening and closing of polls.

(1) Polls at all elections open at 7 a.m. and shall remain open until 8 p.m. of the same day.

(2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to vote.

History: C. 1953, 20A-1-302, enacted by L. 1993, ch. 1, § 13; 1993, ch. 228, § 2.

Amendment Notes. — The 1993 amendment, effective May 3, 1993, deleted former Subsections (2)(a) and (b), requiring a judge to announce that the polls are open and that the

polls will close in thirty minutes, and redesignated former Subsection (2)(c) as Subsection (2).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-303. Determining results.

(1) (a) When one person is to be elected or nominated, the person receiving the highest number of votes at any:

(i) election for any office to be filled at that election is elected to that office; and

(ii) primary for nomination for any office is nominated for that office.

(b) When more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:

(i) election for any office to be filled at that election are elected to that office; and

(ii) primary for nomination for any office are nominated for that office.

(2) Any ballot proposition submitted to voters for their approval or rejection:

(a) passes if the number of “yes” votes is greater than the number of “no” votes; and

(b) fails if:

(i) the number of “yes” votes equal the number of “no” votes; or

(ii) the number of “no” votes is greater than the number of “yes” votes.

History: C. 1953, 20A-1-303, enacted by L. 1993, ch. 1, § 14.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-304. Tie votes.

If two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within 30 days of the canvass or within 30 days of the recount if one is requested or held.

History: C. 1953, 20A-1-304, enacted by L. 1993, ch. 1, § 15.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-305. Publication and distribution of election laws.

- (1) The lieutenant governor shall:
 - (a) publish a sufficient number of copies of Title 20A, Election Code, and any other provisions of law that govern elections; and
 - (b) transmit copies to each county clerk.
- (2) Each county clerk shall:
 - (a) inform the lieutenant governor of the number of copies needed; and
 - (b) furnish each election officer in the county with one copy.

History: C. 1953, 20A-1-305, enacted by L. 1993, ch. 1, § 16.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

PART 4**ELECTION LAW CONTROVERSIES****20A-1-401. Election laws — Liberally construed — Computation of time.**

- (1) Courts and election officers shall construe the provisions of Title 20A, Election Code, liberally to carry out the intent of this title.
- (2) Saturdays, Sundays, and holidays shall be included in all computations of time made under the provisions of Title 20A, Election Code.

History: C. 1953, 20A-1-401, enacted by L. 1993, ch. 1, § 17; 1993, ch. 228, § 3.

Amendment Notes. — The 1993 amendment, effective May 3, 1993, substituted "Sat-

urdays, Sundays, and holidays" for "Sunday" in Subsection (2).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-402. Election officer to render interpretations and make decisions.

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter.

History: C. 1953, 20A-1-402, enacted by L. 1993, ch. 1, § 18.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-403. Errors or omissions in ballots.

- (1) The election officer shall, without delay, correct any errors in paper ballots or ballot labels that he discovers, or that are brought to his attention, if those errors can be corrected without interfering with the timely distribution of the paper ballots or ballot labels.
- (2) (a) (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, a candidate or his agent may file, without paying any fee, a petition for ballot correction with the district court.
 - (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The petition shall contain:

(i) an affidavit signed by the candidate or his agent identifying the error or omission; and

(ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.

(3) (a) After reviewing the petition, the court shall:

(i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(iii) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

(b) The court may assess costs, including a reasonable attorney's fee, against either party.

History: C. 1953, 20A-1-403, enacted by L. 1993, ch. 1, § 19.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-404. Election controversies.

(1) (a) (i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The verified petition shall identify concisely the nature of the controversy and the relief sought.

(2) After reviewing the petition, the court shall:

(a) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(b) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

History: C. 1953, 20A-1-404, enacted by L. 1993, ch. 1, § 20.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

PART 5

CANDIDATE VACANCIES AND VACANCIES IN
ELECTED OFFICES**20A-1-501. Candidate vacancies — Procedure for filling.**

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

(a) after the close of the period for filing declarations of candidacy but before the primary:

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

(ii) one or both:

(A) dies;

(B) resigns because of becoming physically or mentally disabled as certified by a physician; or

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

(b) after the primary election but before the general election the party's candidate:

(i) dies;

(ii) resigns because of becoming physically or mentally disabled as certified by a physician; or

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

(2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.

(3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 8, Part 2, Candidate Qualifications and Declarations of Candidacy.

History: C. 1953, 20A-1-501, enacted by L. 1993, ch. 1, § 21; 1994, ch. 1, § 6.

Amendment Notes. — The 1994 amendment, effective January 27, 1994, made stylistic changes near the beginning of Subsection (1) and substituted "Title 20A, Chapter 8, Part 2,

Candidate Qualifications and Declarations of Candidacy" for "Section 20-4-9" in Subsection (3).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-502. Midterm vacancies in office of United States representative or senator.

(1) When a vacancy occurs for any reason in the office of a representative in Congress, the governor shall issue a proclamation calling an election to fill the vacancy.

(2) (a) When a vacancy occurs in the office of U.S. senator, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall appoint a person to serve as U.S. senator until the vacancy is filled by election from one of three persons nominated by the state central committee of the same political party as the prior officeholder.

History: C. 1953, 20A-1-502, enacted by L. 1993, ch. 1, § 22.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-503. Midterm vacancies in the Legislature.

(1) As used in this section, central committee means:

(a) the state central committee, when the legislative district encompasses more than one county; and

(b) the county central committee, when the legislative district is entirely within one county.

(2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by appointing a person who meets the qualifications for the office from three persons nominated by the central committee of the same political party as the prior officeholder.

(3) (a) When a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the central committee of the same political party as the prior officeholder.

History: C. 1953, 20A-1-503, enacted by L. 1993, ch. 1, § 23.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, and state auditor.

(1) (a) When a vacancy occurs for any reason in the offices of attorney general, state treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.

(2) If a vacancy occurs in the office of lieutenant governor, the governor shall appoint a person to hold the office until the next regular general election at which the governor stands for election.

History: C. 1953, 20A-1-504, enacted by L. 1993, ch. 1, § 24.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-505. Judicial vacancies — Courts of record.

(1) (a) When a vacancy occurs in a court of record, the governor shall, within 30 days after receiving the list of nominees, fill the vacancy by appointing a person who meets the qualifications for the office from a list of at least three trial nominees and five appellate nominees certified to the governor by the judicial nominating commission that has authority over the vacancy.

(b) If the governor fails to fill the vacancy within 30 days, the chief justice of the Supreme Court shall, within 20 days, appoint a person who meets the qualifications for the office from the list of nominees.

(2) (a) The Senate shall:

(i) consider and decide on each judicial appointment within 60 days of the date of appointment; and

(ii) if necessary, convene itself in extraordinary session to consider a judicial appointment.

(b) If the Senate fails to approve the appointment, the office is considered vacant and a new nominating process begins.

(3) An appointment is effective upon approval of a majority of all members of the Senate.

(4) The judicial nominating commission, the governor, the chief justice, and the Senate shall nominate and select judges based solely upon consideration of their fitness for office without regard to any partisan political considerations.

History: C. 1953, 20A-1-505, enacted by L. 1993, ch. 1, § 25; 1993, ch. 159, § 1; 1994, ch. 227, § 5.

Amendment Notes. — The 1993 amendment, effective May 3, 1993, substituted “60 days” for “30 days” in Subsection (2)(a)(i).

The 1994 amendment, effective May 2, 1994, substituted “three trial nominees and five ap-

pellate nominees” for “three nominees” in Subsection (1)(a).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

Cross-References. — Judicial nominating commissions, § 20-1-7.2 et seq.; Appx. A, Code of Judicial Administration.

20A-1-506. Judicial vacancies — Courts not of record.

(1) As used in this section:

(a) “Appointing authority” means:

(i) the chair of the county commission in counties having the county commission form of county government;

(ii) the county executive in counties having the county executive-council form of government;

(iii) the chair of the city commission, city council, or town council in municipalities having:

(A) the traditional management arrangement established by Title 10, Chapter 3, Part 1; and

(B) the council-manager optional form of government defined in Section 10-3-1209; and

(iv) the mayor, in the council-mayor optional form of government defined in Section 10-3-1209;

(b) “Local legislative body” means:

(i) the county commission or county council; and

- (ii) the city commission, city council, or town council.
- (2) (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of his term of office, the appointing authority may:
- (i) fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78-5-134; or
 - (ii) contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services.
- (b) When the appointing authority chooses to contract under Subsection (1), it shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.
- (c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.
- (3) (a) If a vacancy occurs in the office of a county justice court judge before the completion of that judge's term of office, the appointing authority may fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78-5-134.
- (b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.
- (4) (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:
- (i) advertise the vacancy and solicit applications for the vacancy;
 - (ii) appoint the best qualified candidate to office based solely upon fitness for office;
 - (iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and
 - (iv) submit the name of the appointee to the local legislative body.
- (b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

History: C. 1953, 20A-1-506, enacted by L. 1993, ch. 1, § 26.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-507. Midterm vacancies in the State Board of Education.

(1) If a vacancy occurs on the State Board of Education for any reason other than the expiration of a member's term, the governor, with the consent of the Senate, shall fill the vacancy by appointment of a qualified member to serve out the unexpired term.

(2) The lieutenant governor shall issue a certificate of appointment to the appointed member and certify the appointment to the board.

History: C. 1953, 20A-1-507, enacted by L. 1993, ch. 1, § 27.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-508. Midterm vacancies in county elected offices.

(1) As used in this section:

(a) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county attorney, the county surveyor, and the county assessor.

(b) "County offices" does not mean the offices of president and vice president of the United States, United States senators and representatives, members of the Utah Legislature, state constitutional officers, and judges.

(2) (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this subsection.

(b) (i) To appoint an interim replacement, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior office holder and invite that committee to submit the names of three nominees to fill the vacancy.

(ii) That county central committee shall, within 30 days, submit the names of three nominees for the interim replacement to the county legislative body.

(iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and

(B) contains the list of nominees submitted by the party central committee.

(ii) The governor shall appoint an interim replacement from that list of nominees to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed as interim replacement under this Subsection (2) shall hold office until their successor is elected and has qualified.

(3) (a) The requirements of this subsection apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the election at which the person was elected but before April 10 of the next even-numbered year.

(b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(ii) All persons intending to become candidates for the vacant office shall:

(A) file a declaration of candidacy according to the procedures and requirements of Title 20A, Chapter 8, Part 2;

- (B) if nominated as a party candidate or qualified as an independent or write-in candidate under Title 20A, Chapter 8, run in the regular general election; and
- (C) if elected, complete the unexpired term of the person who created the vacancy.
- (4) (a) The requirements of this subsection apply to all county offices that become vacant if:
- (i) the vacant office has an unexpired term of two years or more;
 - (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 50 days before the primary election.
- (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk shall notify the public and each registered political party that:
- (A) the vacancy exists; and
 - (B) identifies the date and time by which a person interested in becoming a candidate must file a declaration of candidacy.
- (ii) All persons intending to become candidates for the vacant offices shall, within five days after the date that the notice is made, ending at 5 p.m. on the fifth day, file a declaration of candidacy for the vacant office as required by Title 20A, Chapter 8, Part 2.
- (iii) The county central committee of each party shall:
- (A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
 - (B) certify the name of the candidate or candidates to the county clerk at least 35 days before the primary election.
- (5) (a) The requirements of this subsection apply to all county offices that become vacant:
- (i) if the vacant office has an unexpired term of two years or more; and
 - (ii) when 50 days or less remain before the primary but more than 50 days remain before the regular general election.
- (b) When the conditions established in Subsection (5)(a) are met, the county central committees of each political party registered under this title that wishes to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the general election ballot.
- (6) (a) The requirements of this subsection apply to all county offices that become vacant:
- (i) if the vacant office has an unexpired term of less than two years; or
 - (ii) if the vacant office has an unexpired term of two years or more but 50 days or less remain before the next regular general election.
- (b) (i) When the conditions established in Subsection (6)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior office holder and invite that committee to submit the names of three nominees to fill the vacancy.
- (ii) That county central committee shall, within 30 days, submit the names of three nominees to fill the vacancy to the county legislative body.

(iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(B) contains the list of nominees submitted by the party central committee.

(ii) The governor shall appoint a person to fill the vacancy from that list of nominees to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed to fill the vacancy under Subsection (6) shall hold office until their successor is elected and has qualified.

(7) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.

(8) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the same time limits.

History: C. 1953, 20A-1-508, enacted by L. 1993, ch. 228, § 4; 1994, ch. 1, § 7.

Repeals and Reenactments. — Laws 1993, ch. 228, § 4 repeals former § 20A-1-508, as enacted by Laws 1993, ch. 1, § 28, which related to midterm vacancies in county elected offices and became effective on January 28, 1993, and enacts the present section, effective May 3, 1993.

Amendment Notes. — The 1994 amendment, effective January 27, 1994, substituted “Title 20A, Chapter 8, Part 2” for “Section 20-4-9” in Subsections (3)(b)(ii)(A) and (4)(b)(ii) and “Title 20A, Chapter 8” for “Section 20-7-20” in Subsection (3)(b)(ii)(B).

20A-1-509. Midterm vacancies in the office of county or district attorney.

(1) (a) (i) If a vacancy occurs in the office of county attorney or district attorney and the vacancy is not filled according to the procedures established in Section 20A-1-508, the county legislative body or bodies, as provided by interlocal prosecution district agreement, shall publish a notice of the vacancy and a request for applications in a newspaper of general circulation in the county or prosecution district.

(ii) If three or more registered voters in the county or prosecution district who are licensed active members in good standing of the Utah State Bar submit applications for the position within four weeks of the first publication of notice, the county legislative body shall appoint one of them to be county attorney or district attorney, or in cases of multicounty districts, the county legislative bodies shall appoint one of them to be district attorney as provided by interlocal agreement.

(b) (i) If fewer than three resident attorneys submit applications, the county legislative body or bodies, if applicable, may publicly solicit and accept additional applications for the position from licensed active members in good standing of the Utah State Bar who are not electors of the county.

(ii) The county legislative body or bodies, if applicable, shall consider the applications submitted by the attorneys who are registered voters in the county and the applications submitted by the attorneys who are not registered voters in the county and shall appoint one of the applicants to be county attorney or district attorney.

(2) The county legislative body or bodies, if applicable, shall appoint a person to serve in any vacant position for the unexpired term and until the replacement is elected and qualified.

History: C. 1953, 20A-1-509, enacted by L. 1993, ch. 1, § 29; 1993, ch. 38, § 29; 1994, ch. 21, § 5.

Amendment Notes. — The 1993 amendment, effective May 3, 1993, in Subsection (1)(a)(i), inserted “or district attorney” near the beginning, “or bodies, as provided by interlocal prosecution district agreement” near the middle, and “or prosecution district” at the end; in Subsection (1)(a)(ii), inserted “or prosecution district” near the beginning and added all of the language beginning “or district attorney” at the

end; inserted “or bodies, if applicable” in Subsections (1)(b)(i), (1)(b)(ii), and (2); inserted “or district attorney” at the end of Subsection (1)(b)(ii); and made a stylistic change near the beginning of Subsection (1)(b)(i).

The 1994 amendment, effective March 1, 1994, inserted “and the vacancy is not filled according to the procedures established in Section 20A-1-508” in Subsection (1)(a)(i).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-510. Midterm vacancies in municipal offices.

(1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality to fill the unexpired term of the office vacated until the January following the next municipal election.

(b) Before acting to fill the vacancy, the municipal legislative body shall:

(i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy;

(ii) identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the two persons having the highest number of votes of the municipal legislative body shall appear before the municipal legislative body.

(ii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

(2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

(i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and

(ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

(b) In appointing an interim replacement, the municipal legislative body shall comply with the notice requirements of this section.

(3) A member of a municipal legislative body may not participate in any part of the process established in this section to fill a vacancy if that member is being considered for appointment to fill the vacancy.

History: C. 1953, 20A-1-510, enacted by L. 1993, ch. 1, § 30; 1994, ch. 108, § 1.

Amendment Notes. — The 1994 amendment, effective May 2, 1994, added Subsection (1)(b), redesignating former Subsection (1)(b) as Subsection (1)(c); designated the provisions of Subsection (2) as Subsection (2)(a), making

related internal designation changes; and added Subsections (2)(b) and (3).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

Cross-References. — Mayoral or council vacancy of a municipality, § 10-3-302.

20A-1-511. Midterm vacancies on local school boards.

(1) (a) A local school board shall fill vacancies on the board by appointment, except as otherwise provided in Subsection (2).

(b) If the board fails to make an appointment within 30 days after a vacancy occurs, the county legislative body, or municipal legislative body in a city district, shall fill the vacancy by appointment.

(c) A member appointed and qualified under this subsection shall serve until a successor is elected or appointed and qualified.

(2) (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:

(i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and

(ii) two years of the vacated term will remain after the first Monday of January following the next school board election.

(b) Members elected under this subsection shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.

(3) Before appointing a person to fill a vacancy under this section, the local school board shall:

(a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;

(b) identify, in the notice:

(i) the date, time, and place of the meeting where the vacancy will be filled; and

(ii) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

History: C. 1953, 20A-1-511, enacted by L. 1993, ch. 1, § 31; 1994, ch. 108, § 2.

Amendment Notes. — The 1994 amendment, effective May 2, 1994, added Subsection (3).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-512. Midterm vacancies on special district boards.

- (1) (a) Whenever a vacancy occurs on any special district board for any reason, a replacement to serve out the unexpired term shall be appointed as provided in this section by:
- (i) the special district board, if the person vacating the position was elected; or
 - (ii) the appointing authority, if the person vacating the position was appointed.
- (b) Before acting to fill the vacancy, the special district board shall:
- (i) give public notice of the vacancy at least two weeks before the special district board meets to fill the vacancy;
 - (ii) identify, in the notice:
 - (A) the date, time, and place of the meeting where the vacancy will be filled; and
 - (B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.
- (2) If the special district board fails to appoint a person to complete an elected board member's term within 90 days, the county or municipality that created the special district shall fill the vacancy.

History: C. 1953, 20A-1-512, enacted by L. 1993, ch. 1, § 32; 1993, ch. 275, § 4; 1994, ch. 108, § 3.

Amendment Notes. — The 1993 amendment by ch. 275, effective May 3, 1993, substituted "90 days" for "30 days" near the middle of Subsection (2).

The 1994 amendment, effective May 2, 1994, designated the provisions of Subsection (1) as Subsection (1)(a), making related internal designation changes, and added Subsection (1)(b).

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

PART 6**ELECTION OFFENSES — GENERALLY****20A-1-601. Bribery in elections.**

- (1) It is unlawful for any person, directly or indirectly, by himself or through any other person to:
- (a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:
 - (i) to induce the voter to vote or refrain from voting at any election provided by law;
 - (ii) to induce any voter to vote or refrain from voting at an election for any particular person or persons;
 - (iii) to induce a voter to go to the polls or remain away from the polls at any election;
 - (iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or
 - (v) to obtain the political support or aid of any person at an election;
 - (b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

- (i) induce a voter to vote or refrain from voting at any election;
 - (ii) induce any voter to vote or refrain from voting at an election for any particular person or persons; or
 - (iii) obtain the political support or aid of any person;
 - (c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or
 - (d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.
- (2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment.

History: C. 1953, 20A-1-601, enacted by L. 1993, ch. 1, § 33.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-602. Receiving bribe.

(1) It is unlawful for any person, for himself or for any other person, directly or indirectly, by himself or through any person, before, during or after any election to:

(a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or measure at any election provided by law;

(b) receive any money or other valuable thing because the person induced any other person to vote or refrain from voting or to vote or refrain from voting for any particular person or measure at an election.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment.

History: C. 1953, 20A-1-602, enacted by L. 1993, ch. 1, § 34.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-603. Fraud, interference, disturbance — Tampering with ballots or records.

(1) It is unlawful for:

(a) any person who is not entitled to vote to fraudulently vote; and

(b) any person to:

(i) vote more than once at any one election;

(ii) knowingly hand in two or more ballots folded together;

(iii) change any ballot after it has been deposited in the ballot box;

(iv) add or attempt to add any ballot to those legally polled at any election by fraudulently introducing the ballot into the ballot box either before or after the ballots have been counted;

(v) add to or mix, or attempt to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time;

(vi) willfully detain, mutilate, or destroy any election returns;

(vii) in any manner, interfere with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;

(viii) engage in riotous conduct at any election or interfere in any manner with any election officer in the discharge of his duties;

(ix) induce any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with his duty or any law regulating his duty;

(x) take, carry away, conceal, remove, or destroy any ballot, poll-book, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing; or

(xi) aid, counsel, provide, procure, advise, or assist any person to do any of the acts specified in this section.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established in this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment.

History: C. 1953, 20A-1-603, enacted by L. 1993, ch. 1, § 35.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia.

(1) It is unlawful for any person to:

(a) willfully deface or destroy any list of candidates posted in accordance with the provisions of this title;

(b) willfully deface, tear down, remove or destroy any card of instruction or sample ballot, printed or posted for the instruction of voters during an election;

(c) willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot during an election; or

(d) willfully hinder the voting of others.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section shall be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment in the county jail not exceeding three months, or by both a fine and imprisonment.

History: C. 1953, 20A-1-604, enacted by L. 1993, ch. 1, § 36.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-605. Mutilating certificate of nomination — Forging declination or resignation — Tampering with ballots.

- (1) It is unlawful for any person to:
- (a) falsely mark or willfully deface or destroy:
 - (i) any certificate of nomination or any part of a certificate of nomination; or
 - (ii) any letter of declination or resignation;
 - (b) file any certificate of nomination or letter of declination or resignation knowing it, or any part of it, to be falsely made;
 - (c) suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed;
 - (d) forge any letter of declination or resignation;
 - (e) falsely make the official endorsement on any ballot;
 - (f) willfully destroy or deface any ballot;
 - (g) willfully delay the delivery of any ballots;
 - (h) examine any ballot offered or cast at the polls or found in any ballot box for any purpose other than to determine which candidate was elected; and
 - (i) make or place any mark or device on any ballot in order to determine the name of any person for whom the elector has voted.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section is guilty of a class A misdemeanor.

History: C. 1953, 20A-1-605, enacted by L. 1993, ch. 1, § 37. makes the act effective on January 28, 1993.
Effective Dates. — Laws 1993, ch. 1, § 165 **Cross-References.** — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

20A-1-606. Wagering on elections forbidden.

- (1) (a) It is unlawful for any candidate, before or during any primary or election campaign to:
- (i) make any bet or wager anything of pecuniary value on the result of the primary or election, or on any event or contingency relating to any pending primary or election;
 - (ii) become a party to any bet or wager on the result of a primary or election or on any event or contingency relating to any pending primary or election; and
 - (iii) provide money or any other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election.
- (b) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by Subsection (1) is guilty of a felony.
- (2) (a) It is unlawful for any person to make any bet or wager anything of pecuniary value on the result of any primary or election, or on any event or contingency relating to any primary or election.

(b) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by Subsection (2) is guilty of a misdemeanor.

(3) (a) It is unlawful for any person to directly or indirectly make a bet or wager with any voter that is dependent upon the outcome of any primary or election with the intent to subject that voter to the possibility of challenge at a primary or election or to prevent the voter from voting at a primary or election.

(b) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this Subsection (3) is guilty of a class B misdemeanor.

History: C. 1953, 20A-1-606, enacted by L. 1993, ch. 1, § 38. makes the act effective on January 28, 1993.
Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

Effective Dates. — Laws 1993, ch. 1, § 165

20A-1-607. Inducing attendance at polls — Payment of workers.

(1) (a) It is unlawful for any person to pay another for any loss due to attendance at the polls or to registering.

(b) This subsection does not permit an employer to make any deduction from the usual salary or wages of any employee who takes a leave of absence as authorized under Section 20A-3-103 for the purpose of voting.

(2) (a) A person may not pay for personal services performed or to be performed on the day of a caucus, primary, convention, or election, or for any purpose connected with a caucus, primary, convention, or election that directly or indirectly affect the result of the caucus, primary, convention, or election.

(b) Subsection (2) does not prohibit the hiring of persons whose sole duty it is to act as challengers and watch the count of official ballots.

History: C. 1953, 20A-1-607, enacted by L. 1993, ch. 1, § 39. **Effective Dates.** — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-608. Promises of appointment to office forbidden.

(1) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination.

History: C. 1953, 20A-1-608, enacted by L. 1993, ch. 1, § 40.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-609. Omnibus penalties.

(1) Unless another penalty is specifically provided, any person who violates any provision of this title is guilty of a class B misdemeanor.

(2) A person convicted of any offense under this title may not:

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;

(b) take or hold the office to which he was elected; and

(c) receive the emoluments of the office to which he was elected.

(3) (a) Any person convicted of any offense under this title forfeits the right to vote at any election unless restored to civil rights as provided by law.

(b) Any person may challenge that person's right to vote by following the procedures and requirements of Section 20A-3-202.

History: C. 1953, 20A-1-609, enacted by L. 1993, ch. 1, § 41.

makes the act effective on January 28, 1993.

Effective Dates. — Laws 1993, ch. 1, § 165

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

20A-1-610. Abetting violation of chapter — Penalty.

In addition to the penalties established in Section 20A-1-609, any person who aids, abets, or advises a violation of any provision of this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

History: C. 1953, 20A-1-610, enacted by L. 1993, ch. 1, § 42.

makes the act effective on January 28, 1993.

Effective Dates. — Laws 1993, ch. 1, § 165

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

20A-1-611. Cost of defense of action no part of campaign expense.

(1) Nothing contained in this chapter prevents any candidate from employing counsel to represent him in any action or proceeding affecting his rights as a candidate or from paying all costs and disbursements arising from that representation.

(2) Expenses paid or incurred for that representation may not be considered part of the campaign expenses of any candidate.

History: C. 1953, 20A-1-611, enacted by L. 1993, ch. 1, § 43.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

PART 7

PROSECUTING AND ADJUDICATING ELECTION OFFENSES

20A-1-701. Prosecutions — Venue.

Violations of the provisions of this title concerning expenditure of money or making contributions or providing services may be prosecuted in the county

where the expenditure or contribution was made, or where the services were provided, or in any county where the money was paid or distributed.

History: C. 1953, 20A-1-701, enacted by L. 1993, ch. 1, § 44.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-702. Offenders as witnesses — Privilege.

- (1) Any person convicted of violating any provision of this title:
 - (a) is a competent witness against any other person accused of violating this title; and
 - (b) may be compelled to attend and testify at any trial, hearing, proceeding, or investigation in the same manner as any other person.
- (2) Any testimony received under Subsection (1) may not be used in any prosecution or proceeding, civil or criminal, against the person testifying, except for perjury in giving the testimony.
- (3) (a) Except as provided in Subsection (b), any person testifying under the authority of this subsection:
 - (i) may not be indicted, prosecuted, or punished for the offense about which he testified; and
 - (ii) may plead or prove that he gave that testimony in order to bar an indictment or prosecution.
- (b) Notwithstanding the provisions of this section, any candidate or other person may be required to forfeit his nomination or election to office because of his testimony or production of evidence in a trial, hearing, proceeding, or investigation.

History: C. 1953, 20A-1-702, enacted by L. 1993, ch. 1, § 45.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-703. Proceedings by registered voter.

- (1) Any registered voter who has information that any provisions of this title have been violated by any candidate for whom the registered voter had the right to vote, or by any personal campaign committee of that candidate or any member of that committee, may file a verified petition with a district judge of the district in which the violation has occurred, with the attorney general, or with the governor, asking for:
 - (a) permission to bring a special proceeding to investigate and determine whether or not there has been a violation; and
 - (b) appointment of special counsel to conduct that proceeding on behalf of the state.
- (2) If it appears from the petition or otherwise that sufficient evidence is obtainable to show that there is probable cause to believe that a violation has occurred, the judge, attorney general, or governor shall:
 - (a) grant leave to bring the proceeding; and
 - (b) appoint special counsel to conduct the proceeding.
- (3) (a) If leave is granted, the registered voter may, by a special proceeding brought in the district court in the name of the state upon the relation of the registered voter, investigate and determine whether or not the candidate, candidate's personal campaign committee, or any member of the candidate's personal campaign committee has violated any provision of this title.

- (b) (i) In the proceeding, the complaint shall:
- (A) be served with the summons; and
 - (B) set forth the name of the person or persons who have allegedly violated this title and the grounds of those violations in detail.
- (ii) The complaint may not be amended except by leave of the court.
- (iii) The summons and complaint in the proceeding shall be filed with the court no later than five days after they are served.
- (c) (i) The answer to the complaint shall be served and filed within ten days after the service of the summons and complaint.
- (ii) Any allegation of new matters in the answer shall be considered controverted by the adverse party without reply, and the proceeding shall be considered at issue and stand ready for trial upon five days' notice of trial.
- (d) (i) All proceedings initiated under this section have precedence over any other civil actions.
- (ii) The court shall always be considered open for the trial of the issues raised in this proceeding.
- (iii) The proceeding shall be tried and determined as a civil action without a jury, with the court determining all issues of fact and issues of law.
- (iv) If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may:
- (A) order the proceedings consolidated and heard together; and
 - (B) equitably apportion costs and disbursements.
- (e) (i) Either party may request a change of venue as provided by law in civil actions, but application for a change of venue must be made within five days after service of summons and complaint.
- (ii) The judge shall decide the request for a change of venue and issue any necessary orders within three days after the application is made.
- (iii) If a party fails to request a change of venue within five days of service, he has waived his right to a change of venue.
- (f) (i) If judgment is in favor of the plaintiff, the relator may petition the judge to recover his taxable costs and disbursements against the person whose right to the office is contested.
- (ii) The judge may not award costs to the defendant unless it appears that the proceeding were brought in bad faith.
- (iii) Subject to the limitations contained in Subsection (f), the judge may decide whether or not to award costs and disbursements.
- (4) Nothing in this section may be construed to prohibit any other civil or criminal actions or remedies against alleged violators.

History: C. 1953, 20A-1-703, enacted by L. 1993, ch. 1, § 46.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-704. Judgment and findings — Appeal — Criminal prosecution not affected by judgment.

- (1) (a) If the court finds that the candidate whose right to any office is being investigated, or that the candidate, the candidate's personal campaign committee or any member of the candidate's personal campaign committee

has violated any provision of this title in the conduct of the campaign for nomination or election, and if the candidate is not one mentioned in Subsection (2), the judge shall enter an order:

- (i) declaring void the election of the candidate to that office;
- (ii) ousting and excluding the candidate from office; and
- (iii) declaring the office vacant.

(b) The vacancy created by that order shall be filled as provided in this chapter.

- (2) (a) If a proceeding has been brought to investigate the right of a candidate for either house of the Legislature, and the court finds that the candidate, the candidate's personal campaign committee, or any member of the candidate's personal campaign committee has violated any provision of this title in the conduct of the campaign for nomination or election, the court shall:

- (i) prepare and sign written findings of fact and conclusions of law relating to the violation; and
- (ii) without issuing an order, transmit those findings and conclusions to the lieutenant governor.

(b) The lieutenant governor shall transmit the judge's findings and conclusions to the house of the Legislature for which the person is a candidate.

- (3) (a) A party may appeal the determination of the court in the same manner as appeals may be taken in civil actions.

(b) A judge may not issue an injunction suspending or staying the proceeding unless:

- (i) application is made to the court or to the presiding judge of the court;
- (ii) all parties receive notice of the application and the time for the hearing; and
- (iii) the judge conducts a hearing.

- (4) Any judgment or findings and conclusions issued as provided in this section may not be construed to bar or affect in any way any criminal prosecution of any candidate or other person.

History: C. 1953, 20A-1-704, enacted by L. 1993, ch. 1, § 47.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-705. Supplemental judgment after criminal conviction.

- (1) (a) If any person, in a criminal action, is found guilty of any violation of this chapter while a candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court, after entering the finding of guilt, shall:

- (i) enter a supplemental judgment declaring that person to have forfeited the office; and
- (ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

- (2) (a) If any person, in a similar action, is found guilty of any violation of this chapter committed while a member of the personal campaign com-

mittee of any candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court before which the action is tried shall, immediately after entering the finding of guilt:

- (i) enter a supplemental judgment declaring the candidate to have forfeited the office; and
- (ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(3) If any person, in a criminal action, is found guilty of any violation of this chapter, committed while a candidate for the office of state senator or state representative, the court, after entering the finding of guilt, shall transmit a certificate setting forth the finding of guilt to the presiding officer of the legislative body for which the person is a candidate.

History: C. 1953, 20A-1-705, enacted by L. 1993, ch. 1, § 48.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

20A-1-706. Special counsel on appeal.

(1) If either party appeals the judgment of the trial court, the district judge, the attorney general, or the governor who appointed special counsel for the trial court shall authorize that counsel, or some other person, to appear as special counsel in the appellate court in the matter.

(2) (a) The special counsel authorized by this chapter shall receive a reasonable compensation for his services.

(b) The compensation shall be audited by the lieutenant governor and paid out of the state treasury upon a voucher and upon the written statement of the officer appointing the counsel that:

- (i) the appointment has been made;
- (ii) the person appointed has faithfully performed the duties imposed upon him; and
- (iii) that the special counsel's bill is accurate and correct.

(c) Compensation for special counsel shall be audited and paid in the same manner as other claims against the state are audited and paid.

History: C. 1953, 20A-1-706, enacted by L. 1993, ch. 1, § 49.

Effective Dates. — Laws 1993, ch. 1, § 165 makes the act effective on January 28, 1993.

CHAPTER 2

VOTER REGISTRATION

Part 1		Section	
General Voter Registration Requirements		20A-2-103.	Special elections — Lists of voters.
Section		20A-2-104.	Voter registration form [Effective until November 9, 1994].
20A-2-101.	Eligibility for registration.		Voter registration form [Effective November 9, 1994].
20A-2-102.	Registration a prerequisite to voting.	20A-2-105.	Determining residency.