

Appearance of Candidate Name on Ballot

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Stephanie Gricius

LONG TITLE

General Description:

This bill addresses the manner in which a candidate's name may appear on a ballot.

Highlighted Provisions:

This bill:

- ▶ establishes criteria for permitting a candidate to:
 - use the candidate's middle name instead of the candidate's first name on a ballot;
 - use the candidate's nickname on a ballot; or
 - use the candidate's initial on a ballot;
- ▶ establishes a procedure for a candidate to request that the candidate's name appear on a ballot as described in the preceding paragraph; and
- ▶ provides for an appeal of a rejection of a request described in the preceding paragraph.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-1-306, as last amended by Laws of Utah 2024, Chapters 382, 465

20A-6-203, as last amended by Laws of Utah 2020, Chapter 31

20A-6-301, as last amended by Laws of Utah 2021, Chapter 136

20A-6-302, as last amended by Laws of Utah 2020, Chapter 31

20A-6-401, as last amended by Laws of Utah 2024, Chapters 438, 465

20A-6-401.1, as last amended by Laws of Utah 2020, Chapter 31

20A-6-402, as last amended by Laws of Utah 2024, Chapter 438

20A-9-201, as last amended by Laws of Utah 2024, Chapter 465

- 233 district board, subject to Subsection (15)(d).
- 234 (d)(i) The special district board shall provide to property owners eligible to vote at
235 the special district election:
- 236 (A) notice of the election; and
- 237 (B) a form to nominate an eligible individual to be elected as a board member.
- 238 (ii)(A) The special district board may establish a deadline for a property owner to
239 submit a nomination form.
- 240 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
241 after the board provides the notice and nomination form under Subsection
242 (15)(d)(i).
- 243 (iii)(A) After the deadline for submitting nomination forms, the special district
244 board shall provide a ballot to all property owners eligible to vote at the special
245 district election.
- 246 (B) A special district board shall allow at least five days for ballots to be returned.
- 247 (iv) A special district board shall certify the results of an election under this
248 Subsection (15) during an open meeting of the board.

249 Section 2. Section **20A-6-109** is enacted to read:

250 **20A-6-109 . Appearance of candidate's name on ballot -- Name variations --**

251 **Appeal.**

- 252 (1) Except as otherwise provided in this section, an election officer shall ensure that a
253 candidate's name appears on the ballot with the candidate's legal first name, followed by
254 the candidate's legal surname.
- 255 (2) An election officer shall place on the ballot a candidate's legal middle name, or a
256 common derivative of the candidate's legal middle name, in place of the candidate's legal
257 first name, if:
- 258 (a) the candidate normally uses the candidate's legal middle name, or the common
259 derivative, instead of the candidate's legal first name; and
- 260 (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy
261 period ends, the candidate files with the election officer:
- 262 (i) a request that the election officer place on the ballot the candidate's legal middle
263 name, or a common derivative of the candidate's legal middle name, instead of the
264 candidate's legal first name, specifying the candidate's legal middle name, or the
265 common derivative of the candidate's legal middle name;
- 266 (ii) an affidavit signed by the candidate in which the candidate states, under penalty

267 of perjury, that the candidate is generally known by acquaintances in the
268 candidate's county of residence by the legal middle name, or the common
269 derivative of the legal middle name, specified in the request described in
270 Subsection (2)(b)(i), and stated in the affidavit, instead of the candidate's legal
271 first name; and

272 (iii) an affidavit signed by five residents of the candidate's county of residence who
273 are not immediate family members of the candidate stating, under penalty of
274 perjury, that the candidate is generally known by acquaintances in the candidate's
275 county of residence by the legal middle name, or the common derivative of the
276 legal middle name, specified in the request described in Subsection (2)(b)(i), and
277 stated in the affidavit, instead of the candidate's legal first name.

278 (3) Subject to Subsection (4), an election officer shall place a candidate's nickname on a
279 ballot, if:

280 (a) the election officer determines that the nickname:

281 (i) does not imply that the candidate is an individual other than the candidate,
282 regardless of whether the individual is living or deceased;

283 (ii) does not constitute a slogan;

284 (iii) does not associate the candidate with an economic, religious, political, or other
285 group, issue, or opinion;

286 (iv) is not offensive, profane, or spurious; and

287 (v) is not a title, rank, degree, certification, job description, or similar designation; and

288 (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy
289 period ends, the candidate files with the election officer:

290 (i) a request that the election officer place the candidate's nickname on the ballot,
291 specifying the desired nickname and, in accordance with Subsection (4), the
292 desired placement of the nickname;

293 (ii) an affidavit signed by the candidate in which the candidate states, under penalty
294 of perjury, that the candidate:

295 (A) is generally known by acquaintances in the candidate's county of residence by
296 the nickname specified in the request described in Subsection (3)(b)(i) and
297 stated in the affidavit; and

298 (B) is not using the nickname to gain an advantage on the ballot; and

299 (iii) an affidavit signed by five residents of the candidate's county of residence who
300 are not immediate family members of the candidate stating, under penalty of

301 perjury, that the candidate is generally known by acquaintances in the candidate's
302 county of residence by the nickname specified in the request described in
303 Subsection (3)(b)(i) and stated in the affidavit.

304 (4) If, under Subsection (3), an election officer places a candidate's nickname on the ballot,
305 the candidate may choose one of the following:

306 (a) to place the nickname on the ballot before or after the candidate's legal first name;

307 (b) to place the nickname on the ballot before or after the candidate's legal middle name,
308 if the candidate's legal middle name appears on the ballot under Subsection (2) or (7);

309 or

310 (c) to place the nickname on the ballot in place of the candidate's legal first name.

311 (5) An election officer may, without requiring compliance with Subsection (3), approve a
312 written request filed with the election officer no later than 5 p.m. on the day on which
313 the applicable declaration of candidacy period ends, to:

314 (a) place on the ballot a nickname instead of a legal first name, if the nickname is a
315 common derivative of the legal first name;

316 (b) place on the ballot the first initial of a legal middle name between a legal first name,
317 or a common derivative of the legal first name, and a legal last name; or

318 (c) place on the ballot the first initial of a legal first name before a legal middle name, or
319 a common derivative of the legal middle name, if the candidate's legal middle name,

320 or a common derivative of the legal middle name, appears on the ballot under
321 Subsection (2) or (7).

322 (6)(a) An election officer shall approve or reject a request filed under Subsection (2)(b),
323 (3)(b), or (5) within five business days after the day on which the election officer
324 receives the request.

325 (b) Failure by an election officer to timely comply with Subsection (6)(a) is considered a
326 rejection of the request.

327 (c) If an election officer rejects a request described in Subsection (6)(a) or fails to timely
328 comply with Subsection (6)(a), the candidate may, within five days after the day of
329 the rejection or, if the election officer fails to timely comply with Subsection (6)(a),
330 within five days after the day of the deadline described in Subsection (6)(a), appeal
331 the rejection to a court with jurisdiction.

332 (7) If two or more candidates for the same office have the same or similar names, the
333 election officer may do one of the following, to the extent the election officer determines
334 necessary, to differentiate between the candidates:

- 335 (a) for one or more of the candidates, include the candidate's legal middle name, in
- 336 addition to the candidate's legal first name and legal last name; or
- 337 (b) negotiate another manner of differentiation with the candidates who have the same or
- 338 similar names.
- 339 (8) Regardless of whether an election officer approves placement of a candidate's name on
- 340 the ballot in a manner other than the candidate's legal first name followed by the
- 341 candidate's legal last name, the candidate's legal name will be used to determine the
- 342 order of placement on the ballot under Section 20A-6-110.

343 Section 3. Section **20A-6-110**, which is renumbered from Section 20A-6-305 is renumbered
 344 and amended to read:

345 **~~[20A-6-305]~~ 20A-6-110 . Master ballot position list -- Random selection --**
 346 **Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

- 347 (1) As used in this section, "master ballot position list" means an official list of the 26
- 348 characters in the alphabet listed in random order and numbered from one to 26 as
- 349 provided under Subsection (2).
- 350 (2) The lieutenant governor shall:
- 351 (a) within 30 days after the candidate filing deadline in each even-numbered year,
- 352 conduct a random selection to create a master ballot position list for all elections in
- 353 accordance with procedures established under Subsection (2)(c);
- 354 (b) publish the master ballot position list on the lieutenant governor's election website no
- 355 later than 15 days after creating the list; and
- 356 (c) establish written procedures for:
- 357 (i) the election official to use the master ballot position list; and
- 358 (ii) the lieutenant governor in:
- 359 (A) conducting the random selection in a fair manner; and
- 360 (B) providing a record of the random selection process used.
- 361 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
- 362 election officer shall use the master ballot position list for the current year to determine
- 363 the order in which to list candidates on the ballot for an election held during the year.
- 364 (4) To determine the order in which to list candidates on the ballot required under
- 365 Subsection (3), the election officer shall apply the randomized alphabet using:
- 366 (a) the candidate's surname;
- 367 (b) for candidates with a surname that has the same spelling[, the candidate's given
- 368 name; and] :