

NOMINATION PETITION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to a petition to nominate a candidate for office.

Highlighted Provisions:

This bill:

- ▶ establishes a procedure for an individual to remove the individual's signature from a candidate nomination petition;
- ▶ recodifies and clarifies criminal provisions relating to a candidate nomination petition;
- ▶ provides that criminal provisions relating to a candidate nomination petition apply to both a candidate nomination petition for a registered political party and a candidate nomination petition for a qualified political party;
- ▶ makes it a class A misdemeanor for a person that circulates a nomination petition to intentionally misrepresent the purpose of the petition or certain other information relating to the petition; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-9-405, as enacted by Laws of Utah 2014, Chapter 17

20A-9-408 (Effective 01/01/17), as last amended by Laws of Utah 2016, Chapter 28

20A-9-411, as enacted by Laws of Utah 2015, Chapter 296

Be it enacted by the Legislature of the state of Utah:

33 Section 1. Section **20A-9-405** is amended to read:

34 **20A-9-405. Nomination petitions for regular primary elections.**

35 (1) This section [~~shall apply~~] applies to the form and circulation of nomination
36 petitions for regular primary elections described in Subsection 20A-9-403(3)(a).

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

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

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

42 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the
43 space above that line blank for purposes of binding;

44 (c) the petition shall be headed by a caption stating the purpose of the petition and the
45 name of the proposed candidate;

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

52 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively
53 numbered one through 10;

54 (f) the signature portion of the petition shall be divided into columns headed by the
55 following titles:

56 (i) Registered Voter's Printed Name;

57 (ii) Signature of Registered Voter;

58 (iii) Party Affiliation of Registered Voter;

59 (iv) Birth Date or Age (Optional);

60 (v) Street Address, City, Zip Code; and

61 (vi) Date of Signature; and

62 (g) a photograph of the candidate may appear on the nomination petition.

63 (4) If one or more nomination petitions are bound together, a page shall be bound to

64 the nomination petition(s) that features the following printed verification statement to be signed
65 and dated by the petition circulator:

66 "Verification

67 State of Utah, County of ____

68 I, ____, of ____, hereby state under that:

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

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

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

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

79 (6) A nomination petition circulator must be at least 18 years old and a resident of the
80 state, but may affiliate with any political party.

81 ~~[(7) It is unlawful for any person to:]~~

82 ~~[(a) knowingly sign the nomination petition sheet described in Subsection (3):]~~

83 ~~[(i) with any name other than the person's own name;]~~

84 ~~[(ii) more than once for the same candidate; or]~~

85 ~~[(iii) if the person is not registered to vote in this state and does not intend to become
86 registered to vote in this state prior to 5 p.m. on the final day in March;]~~

87 ~~[(b) sign the verification of a certificate of nomination signature sheet described in
88 Subsection (4) if the person:]~~

89 ~~[(i) does not meet the residency requirements of Section 20A-2-105;]~~

90 ~~[(ii) has not witnessed the signing by those persons whose names appear on the
91 certificate of nomination signature sheet; or]~~

92 ~~[(iii) knows that a person whose signature appears on the certificate of nomination
93 signature sheet is not registered to vote in this state and does not intend to become registered to
94 vote in this state;]~~

95 ~~[(c) pay compensation to any person to sign a nomination petition; or]~~
96 ~~[(d) pay compensation to any person to circulate a nomination petition, if the~~
97 ~~compensation is based directly on the number of signatures submitted to a filing officer rather~~
98 ~~than on the number of signatures verified or on some other basis.]~~

99 ~~[(8) Any person violating Subsection (7) is guilty of a class A misdemeanor.]~~

100 ~~[(9) Withdrawal of petition signatures shall not be permitted.]~~

101 Section 2. Section **20A-9-408 (Effective 01/01/17)** is amended to read:

102 **20A-9-408 (Effective 01/01/17). Signature-gathering process to seek the**
103 **nomination of a qualified political party.**

104 (1) This section describes the requirements for a member of a qualified political party
105 who is seeking the nomination of the qualified political party for an elective office through the
106 signature-gathering process described in this section.

107 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
108 candidacy for a member of a qualified political party who is nominated by, or who is seeking
109 the nomination of, the qualified political party under this section shall be substantially as
110 described in Section 20A-9-408.5.

111 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
112 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
113 nomination of the qualified political party for an elective office that is to be filled at the next
114 general election shall:

115 (a) within the period beginning on January 1 before the next regular general election
116 and ending on the third Thursday in March of the same year, and before gathering signatures
117 under this section, file with the filing officer on a form approved by the lieutenant governor a
118 notice of intent to gather signatures for candidacy that includes:

119 (i) the name of the member who will attempt to become a candidate for a registered
120 political party under this section;

121 (ii) the name of the registered political party for which the member is seeking
122 nomination;

123 (iii) the office for which the member is seeking to become a candidate;

124 (iv) the address and telephone number of the member; and

125 (v) other information required by the lieutenant governor;

126 (b) file a declaration of candidacy, in person, with the filing officer on or after the
127 second Friday in March and before 5 p.m. on the third Thursday in March before the next
128 regular general election; and

129 (c) pay the filing fee.

130 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
131 party who, under this section, is seeking the nomination of the qualified political party for the
132 office of district attorney within a multicounty prosecution district that is to be filled at the next
133 general election shall:

134 (a) on or after January 1 before the next regular general election, and before gathering
135 signatures under this section, file with the filing officer on a form approved by the lieutenant
136 governor a notice of intent to gather signatures for candidacy that includes:

137 (i) the name of the member who will attempt to become a candidate for a registered
138 political party under this section;

139 (ii) the name of the registered political party for which the member is seeking
140 nomination;

141 (iii) the office for which the member is seeking to become a candidate;

142 (iv) the address and telephone number of the member; and

143 (v) other information required by the lieutenant governor;

144 (b) file a declaration of candidacy, in person, with the filing officer on or after the
145 second Friday in March and before 5 p.m. on the third Thursday in March before the next
146 regular general election; and

147 (c) pay the filing fee.

148 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
149 who files as the joint-ticket running mate of an individual who is nominated by a qualified
150 political party, under this section, for the office of governor shall submit a letter from the
151 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
152 mate.

153 (6) The lieutenant governor shall ensure that the certification described in Subsection
154 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
155 under this section.

156 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who

157 is nominated by a qualified political party under this section, designate the qualified political
158 party that nominated the candidate.

159 (8) A member of a qualified political party may seek the nomination of the qualified
160 political party for an elective office by:

161 (a) complying with the requirements described in this section; and

162 (b) collecting signatures, on a form approved by the lieutenant governor, during the
163 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
164 which the qualified political party's convention for the office is held, in the following amounts:

165 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
166 permitted by the qualified political party to vote for the qualified political party's candidates in
167 a primary election;

168 (ii) for a congressional district race, 7,000 signatures of registered voters who are
169 residents of the congressional district and are permitted by the qualified political party to vote
170 for the qualified political party's candidates in a primary election;

171 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
172 residents of the state Senate district and are permitted by the qualified political party to vote for
173 the qualified political party's candidates in a primary election;

174 (iv) for a state House district race, 1,000 signatures of registered voters who are
175 residents of the state House district and are permitted by the qualified political party to vote for
176 the qualified political party's candidates in a primary election;

177 (v) for a State Board of Education race, the lesser of:

178 (A) 2,000 signatures of registered voters who are residents of the State Board of
179 Education district and are permitted by the qualified political party to vote for the qualified
180 political party's candidates in a primary election; or

181 (B) 3% of the registered voters of the qualified political party who are residents of the
182 applicable State Board of Education district; and

183 (vi) for a county office race, signatures of 3% of the registered voters who are residents
184 of the area permitted to vote for the county office and are permitted by the qualified political
185 party to vote for the qualified political party's candidates in a primary election.

186 (9) (a) In order for a member of the qualified political party to qualify as a candidate
187 for the qualified political party's nomination for an elective office under this section, the

188 member shall:

189 (i) except as otherwise provided in Section 20A-9-411, collect the signatures on a form
190 approved by the lieutenant governor, using the same circulation and verification requirements
191 described in Sections 20A-7-204 and 20A-7-205; and

192 (ii) submit the signatures to the election officer no later than 14 days before the day on
193 which the qualified political party holds its convention to select candidates, for the elective
194 office, for the qualified political party's nomination.

195 (b) An individual may not gather signatures under this section until after the individual
196 files a notice of intent to gather signatures for candidacy described in this section.

197 (c) An individual who files a notice of intent to gather signatures for candidacy,
198 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
199 the notice of intent to gather signatures for candidacy:

200 (i) required to comply with the reporting requirements that a candidate for office is
201 required to comply with; and

202 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
203 apply to a candidate for office in relation to the reporting requirements described in Subsection
204 (9)(c)(i).

205 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
206 election officer shall, no later than one day before the day on which the qualified political party
207 holds the convention to select a nominee for the elective office to which the signature packets
208 relate:

209 (i) check the name of each individual who completes the verification for a signature
210 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

211 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
212 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

213 (iii) determine whether each signer is a registered voter who is qualified to sign the
214 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
215 on a petition;

216 (iv) certify whether each name is that of a registered voter who is qualified to sign the
217 signature packet; and

218 (v) notify the qualified political party and the lieutenant governor of the name of each

219 member of the qualified political party who qualifies as a nominee of the qualified political
220 party, under this section, for the elective office to which the convention relates.

221 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
222 this section, the lieutenant governor shall post the notice of intent to gather signatures for
223 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
224 posts a declaration of candidacy.

225 Section 3. Section **20A-9-411** is amended to read:

226 **20A-9-411. Signing multiple nomination petitions -- Removing signatures --**
227 **Unlawful conduct.**

228 (1) An individual who signs a petition, described in Section 20A-9-403 or 20A-9-408,
229 to nominate a candidate may not sign a petition to nominate another candidate for the same
230 office.

231 (2) If an individual signs more than one petition in violation of Subsection (1), the
232 election officer may only count the signature on the first petition that the election officer
233 reviews for that office.

234 (3) (a) An individual who signs a petition, described in Section 20A-9-403 or
235 20A-9-408, to nominate a candidate may remove the individual's signature from the petition by
236 submitting, to the filing officer who is required to verify the signatures on the petition, a
237 written request that the individual's signature be removed.

238 (b) The filing officer shall comply with a request described in Subsection (3)(a) if the
239 filing officer receives the request before the day on which the filing officer verifies the
240 individual's signature.

241 (c) The filing officer may not comply with a request described in Subsection (3)(a) if:

242 (i) the filing officer receives the request after the deadline described in Subsection

243 (3)(b); or

244 (ii) the request does not comply with the requirements of this Subsection (3).

245 (d) The request described in Subsection (3)(a) shall include:

246 (i) the name of the individual;

247 (ii) the resident address at which the individual is registered to vote;

248 (iii) the last four digits of the individual's social security number;

249 (iv) the individual's driver license or identification card number;

- 250 (v) the name of the candidate from whose petition the individual desires the
251 individual's signature to be removed; and
- 252 (vi) the signature of the individual.
- 253 (e) An individual may not submit a request described in Subsection (3)(a) by email or
254 other electronic means.
- 255 (4) An individual is guilty of a class A misdemeanor if the individual knowingly signs
256 a petition, described in Section 20A-9-403 or 20A-9-408:
- 257 (a) with a name other than the individual's own name; or
258 (b) more than once for the same candidate.
- 259 (5) An individual is guilty of a class A misdemeanor if at the time that the individual
260 signs a petition, described in Section 20A-9-403 or 20A-9-408, the individual:
- 261 (a) is not registered to vote in this state; and
262 (b) does not intend to become registered to vote in this state before the deadline for
263 submitting signatures for the petition.
- 264 (6) An individual who signs the verification for a signature sheet for a petition,
265 described in Section 20A-9-403 or 20A-9-408, is guilty of a class A misdemeanor if the
266 individual:
- 267 (a) does not meet the residency requirements described in Section 20A-2-105;
268 (b) did not witness the signing by the individuals whose names appear on the signature
269 sheet; or
- 270 (c) knows that an individual whose signature appears on the signature sheet is not
271 registered to vote in this state and does not intend to become registered to vote in this state.
- 272 (7) A person is guilty of a class A misdemeanor if the person:
- 273 (a) pays compensation to an individual to sign a nomination petition, described in
274 Section 20A-9-403 or 20A-9-408; or
- 275 (b) pays compensation to a person to circulate a nomination petition, if the
276 compensation is based directly on the number of signatures submitted to a filing officer rather
277 than on the number of signatures verified or on some other basis.
- 278 (8) A person that circulates a nomination petition, described in Section 20A-9-403 or
279 20A-9-408, is guilty of a class A misdemeanor if the person intentionally misrepresents:
- 280 (a) the purpose of the petition;

- 281 (b) the name or political party of the candidate to be nominated by the petition;
- 282 (c) the office for which the candidate is seeking to be nominated by the petition; or
- 283 (d) that the candidate seeking nomination by the petition is or is not an incumbent of
- 284 the office for which the candidate is seeking nomination by the petition.