

Effective 5/13/2014

20A-9-203 Declarations of candidacy -- Municipal general elections.

- (1)
 - (a)
 - (i) A person may become a candidate for any municipal office if:
 - (A) the person is a registered voter; and
 - (B)
 - (I) the person has resided within the municipality in which that person seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or
 - (II) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.
 - (ii) For purposes of determining whether a person meets the residency requirement of Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before the election, the municipality shall be considered to have been incorporated 12 months before the date of the election.
 - (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which elected.
 - (c) In accordance with Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
- (2)
 - (a) A person seeking to become a candidate for a municipal office shall:
 - (i) file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
 - (ii) pay the filing fee, if one is required by municipal ordinance.
 - (b) Any resident of a municipality may nominate a candidate for a municipal office by:
 - (i) filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
 - (ii) paying the filing fee, if one is required by municipal ordinance.
- (3)
 - (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:
 - (i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
 - (ii) require the candidate or person filing the petition to state whether the candidate meets those requirements.
 - (b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.
 - (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:
 - (i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

- (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;
- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
 - (A) signing the pledge is voluntary; and
 - (B) signed pledges shall be filed with the filing officer; and
- (v) accept the declaration of candidacy or nomination petition.
- (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
 - (i) accept the candidate's pledge; and
 - (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- (4) Notwithstanding the requirement in Subsection (2)(a)(i) to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection (5) in person with the city recorder or town clerk if:
 - (a) the person is located outside the state during the filing period because:
 - (i) of employment with the state or the United States; or
 - (ii) the person is a member of:
 - (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
 - (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
 - (C) the National Guard on activated status;
 - (b) the person makes the declaration of candidacy described in Subsection (5) to a person qualified to administer an oath;
 - (c) the person communicates with the city recorder or town clerk using an electronic device that allows the person and the city recorder or town clerk to see and hear each other; and
 - (d) the person provides the city recorder or town clerk with an email address to which the filing officer may send the copies described in Subsection (3).
- (5)
 - (a) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

Subscribed and sworn to (or affirmed) before me by _____ on this _____(month \day\year).

(Signed) _____ (Clerk or other officer qualified to administer oath)"
 - (b) An agent designated to file a declaration of candidacy under Subsection (4) may not sign the form described in Subsection (5)(a).

- (6)
- (a) A registered voter may be nominated for municipal office by submitting a petition signed, with a holographic signature, by:
 - (i) 25 residents of the municipality who are at least 18 years old; or
 - (ii) 20% of the residents of the municipality who are at least 18 years old.
 - (b)
 - (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is applicable)."
 - (ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.
- (7) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two or four-year term, the clerk shall consider the nomination to be for the four-year term.
- (8)
- (a) The clerk shall verify with the county clerk that all candidates are registered voters.
 - (b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.
- (9) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
- (a) cause the names of the candidates as they will appear on the ballot to be published:
 - (i) in at least two successive publications of a newspaper with general circulation in the municipality; and
 - (ii) as required in Section 45-1-101; and
 - (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- (10) A declaration of candidacy or nomination petition filed under this section may not be amended after the expiration of the period for filing a declaration of candidacy.
- (11)
- (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.
 - (b) If an objection is made, the clerk shall:
 - (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
 - (ii) decide any objection within 48 hours after it is filed.
 - (c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.
 - (d)
 - (i) The clerk's decision upon objections to form is final.
 - (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
 - (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (12) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk.

Amended by Chapter 38, 2014 General Session