

1 **PROHIBITING FUSION CANDIDATES FOR**
2 **POLITICAL OFFICE**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Joseph G. Murray**

6 AN ACT RELATING TO ELECTIONS; PROHIBITING CANDIDATES FROM APPEARING
7 ON THE BALLOT FOR MORE THAN ONE POLITICAL PARTY; AND MAKING
8 TECHNICAL CORRECTIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **20A-9-201**, as last amended by Chapters 139 and 355, Laws of Utah 1997

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

13 Section 1. Section **20A-9-201** is amended to read:

14 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office**
15 **prohibited -- General filing and form requirements.**

16 (1) Before filing a declaration of candidacy for election to any office, a person shall:

17 (a) be a United States citizen; and

18 (b) meet the legal requirements of that office.

19 (2) A person may not:

20 (a) file for, or be a candidate for, more than one elective office during any election year;

21 or

22 (b) appear on the ballot as the candidate of more than one political party.

23 (3) If the final date established for filing a declaration of candidacy is a Saturday or
24 Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

25 (4) (a) (i) Before the filing officer may accept any declaration of candidacy, the filing
26 officer shall:

27 (A) read to the prospective candidate the constitutional and statutory qualification

1 requirements for the office that the candidate is seeking; and

2 (B) require the candidate to state whether or not the candidate meets those requirements.

3 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
4 county clerk shall ensure that the person filing that declaration of candidacy is:

5 (A) a United States citizen;

6 (B) an attorney licensed to practice law in Utah who is an active member in good standing
7 of the Utah State Bar;

8 (C) a registered voter in the county in which he is seeking office; and

9 (D) a current resident of the county in which he is seeking office and either has been a
10 resident of that county for at least one year or was appointed and is currently serving as county
11 attorney and became a resident of the county within 30 days after appointment to the office.

12 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
13 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
14 candidacy is:

15 (A) a United States citizen;

16 (B) an attorney licensed to practice law in Utah who is an active member in good standing
17 of the Utah State Bar;

18 (C) a registered voter in the prosecution district in which he is seeking office; and

19 (D) a current resident of the prosecution district in which he is seeking office and either
20 will have been a resident of that prosecution district for at least one year as of the date of the
21 election or was appointed and is currently serving as district attorney and became a resident of the
22 prosecution district within 30 days after receiving appointment to the office.

23 (b) If the prospective candidate states that he does not meet the qualification requirements
24 for the office, the filing officer may not accept the prospective candidate's declaration of
25 candidacy.

26 (c) If the candidate states that he meets the requirements of candidacy, the filing officer
27 shall:

28 (i) accept the candidate's declaration of candidacy; and

29 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
30 declaration of candidacy to the chair of the county or state political party of which the candidate
31 is a member.

1 (5) The form of the declaration of candidacy shall be substantially as follows:

2 "State of Utah, County of ____

3 I, _____, declare my intention of becoming a candidate for the office of ____
4 as a candidate for the ____ party. I do solemnly swear that: I can qualify to hold that office, both
5 legally and constitutionally, if selected; I reside at _____ in the City or Town of _____,
6 Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law governing campaigns
7 and elections; and I will qualify for the office if elected to it. The mailing address that I designate
8 for receiving official election notices is _____.

9 _____

10 Subscribed and sworn before me this ____ day of ____, 19__.

11 _____

12 Notary Public (or other officer qualified to administer oath.)"

13 (6) (a) The fee for filing a declaration of candidacy is:

14 (i) \$25 for candidates for the local school district board; and

15 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person
16 holding the office, but not less than \$5, for all other federal, state, and county offices.

17 (b) The filing officer shall refund the filing fee to any candidate:

18 (i) who is disqualified; or

19 (ii) who the filing officer determines has filed improperly.

20 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
21 from candidates.

22 (ii) The lieutenant governor shall:

23 (A) apportion to and pay to the county treasurers of the various counties all fees received
24 for filing of nomination certificates or acceptances; and

25 (B) ensure that each county receives that proportion of the total amount paid to the
26 lieutenant governor from the congressional district that the total vote of that county for all
27 candidates for representative in Congress bears to the total vote of all counties within the
28 congressional district for all candidates for representative in Congress.

29 (d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy
30 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of
31 impecuniosity filed with the filing officer.

1 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in
2 substantially the following form:

3 "Affidavit of Impecuniosity

4 Individual Name _____ Address _____

5 Phone Number _____

6 I, _____ (name), do solemnly [swear] [affirm] that, owing to my poverty,

7 I am unable to pay the filing fee required by law.

8 Date _____ Signature _____

9 Affiant

10 Subscribed and sworn to before me on _____ (date)

11 _____
12 (signature)

13 Name and Title of Officer Authorized to Administer Oath:"

14 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
15 within the time provided in this chapter is ineligible for nomination to office.

Legislative Review Note
as of 1-12-98 1:06 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel