1 **PETITIONS BY CANDIDATES OR POLITICAL PARTIES**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Peter C. Knudson**

5 House Sponsor: Kraig Powell

6 ═══

7 **LONG TITLE**

8 **Committee Note:**

9   The Government Operations and Political Subdivisions Interim Committee

10 recommended this bill.

11 **General Description:**

12   This bill amends provisions in Title 20A, Election Code, relating to a certificate of

13 nomination petition by an unaffiliated candidate and a political party registration

14 petition.

15 **Highlighted Provisions:**

16   This bill:

17   ▸ establishes the criminal penalty of a class A misdemeanor for certain actions related

18 to signing or verifying the signing of a certificate of nomination petition by an

19 unaffiliated candidate and a political party registration petition;

20   ▸ establishes requirements for the form and content of a certificate of nomination

21 petition by an unaffiliated candidate and a political party registration petition;

22   ▸ requires a person who is a resident of at least 18 years of age to verify the signing of

23 a certificate of nomination petition by an unaffiliated candidate Ĥ**→ , except for a presidential**

23a **candidate, ←Ĥ** and a political party

24 registration petition; and

25   ▸ makes technical and conforming amendments.

26 **Money Appropriated in this Bill:**

27   None

S.B. 20

152   (C) knows that a person whose signature appears on the political party registration
153 petition signature sheet is not registered to vote in this state and does not intend to become
154 registered to vote in this state.
155   (b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.
156   (c) The attorney general or the county attorney shall prosecute any violation of this
157 Subsection (9).
158   Section 2. Section **20A-9-502** is amended to read:
159   **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**
160 **Criminal penalty.**
161   (1) The candidate shall:
162   (a) prepare a certificate of nomination in substantially the following form:
163   "State of Utah, County of _____
164   I, _____, declare my intention of becoming an unaffiliated candidate for the
165 political group designated as ____ for the office of ____. I do solemnly swear that I can
166 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
167 Street, in the city of ____, county of ____, state of Ĥ➡ [Utah] ___ ⬅Ĥ , zip code ____, phone
167a ____, and that I
168 am providing, or have provided, the required number of holographic signatures of registered
169 voters required by law; that as a candidate at the next election I will not knowingly violate any
170 election or campaign law; I will file all campaign financial disclosure reports as required by
171 law; and I understand that failure to do so will result in my disqualification as a candidate for
172 this office and removal of my name from the ballot.
173   _____
174   Subscribed and sworn to before me this _____(month\day\year).
175   _____
176   Notary Public (or other officer
177   qualified to administer oaths)"; [and]
178   (b) [attach] bind signature sheets to the certificate that [contain a place for the
179 registered voter's holographic signature, a place for the registered voter to print the registered
180 voter's name, and a place for the registered voter's address.]:
181   (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
182   (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line

214   (F) at the bottom of the sheet, contain the following statement: "Birth date or age

215   information is not required, but it may be used to verify your identity with voter registration

216   records. If you choose not to provide it, your signature may not be certified as a valid signature

217   if you change your address before petition signatures are certified or if the information you

218   provide does not match your voter registration records."; and

219   (c) bind a final page to one or more signature sheets that are bound together that

220   contains Ĥ➡ , except as provided by Subsection (2), ⬅Ĥ the following printed statement:

221   "Verification

222   State of Utah, County of _____

223   I, _____, of _____, hereby state that:

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

225   All the names that appear on the signature sheets bound to this page were signed by

226   persons who professed to be the persons whose names appear on the signature sheets, and each

227   of them signed the person's name on the signature sheets in my presence;

228   I believe that each has printed and signed the person's name and written the person's

229   street address correctly, and that each signer is registered to vote in Utah or will register to vote

230   in Utah before the county clerk certifies the signatures on the signature sheet.

231   _____

232   (Signature)   (Residence Address)   (Date)".

233   (2) (a) The candidate shall circulate the nomination petition and ensure that the person

234   in whose presence each signature sheet is signed:

235   (i) is at least 18 years old;

236   (ii) Ĥ➡ except as provided by Subsection (2)(b), ⬅Ĥ meets the residency requirements of

236a   Section 20A-2-105; and

237   (iii) verifies each signature sheet by completing the verification bound to one or more

238   signature sheets that are bound together.

238a   Ĥ➡ **(b) A person who is not a resident may sign the verification on a petition for an**

238b   **unaffiliated candidate for the office of President of the United States.**

239   [(b)] **(c)** ⬅Ĥ A person may not sign the verification if the person signed a signature sheet

239a   bound

240   to the verification.

241   (3) (a) It is unlawful for any person to:

242   (i) knowingly sign a certificate of nomination signature sheet:

243   (A) with any name other than the person's own name;

244   (B) more than once for the same candidate; or

245   (C) if the person is not registered to vote in this state and does not intend to become

246   registered to vote in this state before the county clerk certifies the signatures; or

247   (ii) sign the verification of a certificate of nomination signature sheet if the person:

248   (A) Ĥ➡ **except as provided by Subsection (2)(b),** ⬅Ĥ does not meet the residency

248a   requirements of Section 20A-2-105;

249   (B) has not witnessed the signing by those persons whose names appear on the

250   certificate of nomination signature sheet; or

251   (C) knows that a person whose signature appears on the certificate of nomination

252   signature sheet is not registered to vote in this state and does not intend to become registered to

253   vote in this state.

254   (b) Any person violating this Subsection (3) is guilty of a class A misdemeanor.

255   (c) The attorney general or the county attorney shall prosecute any violation of this

256   Subsection (3).

257   (4) (a) The candidate shall submit [it] the petition and signature sheets to the county

258   clerk for certification when the petition has been completed by:

259   (i) at least 1,000 registered voters residing within the state when the nomination is for

260   an office to be filled by the voters of the entire state; or

261   (ii) at least 300 registered voters residing within a political division or at least 5% of

262   the registered voters residing within a political division, whichever is less, when the

263   nomination is for an office to be filled by the voters of any political division smaller than the

264   state.

265   (b) In reviewing the petition, the county clerk shall count and certify only those persons

266   who signed the petition with a holographic signature who:

267   (i) are registered voters within the political division that the candidate seeks to

268   represent; and

269   (ii) did not sign any other certificate of nomination for that office.

270   (c) The candidate may supplement or amend the certificate of nomination at any time

271   on or before the filing deadline.