

**PETITIONS BY CANDIDATES OR POLITICAL PARTIES**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Peter C. Knudson**

House Sponsor: Kraig Powell

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**LONG TITLE**

**General Description:**

This bill amends provisions in Title 20A, Election Code, relating to a certificate of nomination petition by an unaffiliated candidate and a political party registration petition.

**Highlighted Provisions:**

This bill:

- ▶ establishes the criminal penalty of a class A misdemeanor for certain actions related to signing or verifying the signing of a certificate of nomination petition by an unaffiliated candidate and a political party registration petition;

- ▶ establishes requirements for the form and content of a certificate of nomination petition by an unaffiliated candidate and a political party registration petition;

- ▶ requires a person who is a resident of at least 18 years of age to verify the signing of a certificate of nomination petition by an unaffiliated candidate, except for a presidential candidate, and a political party registration petition; and

- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-8-103**, as last amended by Laws of Utah 2011, Chapter 17

30           20A-9-502, as last amended by Laws of Utah 2011, Chapter 17



31  
32 *Be it enacted by the Legislature of the state of Utah:*

33           Section 1. Section 20A-8-103 is amended to read:

34           **20A-8-103. Petition procedures -- Criminal penalty.**

35           (1) As used in this section, the proposed name or emblem of a registered political party  
36 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a  
37 difference between the proposed name or emblem and any name or emblem currently being  
38 used by another registered political party.

39           (2) To become a registered political party, an organization of registered voters that is  
40 not a continuing political party shall:

41           (a) circulate a petition seeking registered political party status beginning no earlier than  
42 the date of the statewide canvass held after the last regular general election and ending no later  
43 than the February 15 of the year in which the next regular general election will be held; and

44           (b) file a petition with the lieutenant governor that is signed, with a holographic  
45 signature, by at least 2,000 registered voters on or before February 15 of the year in which a  
46 regular general election will be held.

47           (3) The petition shall:

48           ~~[(a) state that the signers are or desire to become members of the designated party or~~  
49 ~~group;]~~

50           ~~[(b) state the name;]~~

51           (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

52           (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
53 blank for the purpose of binding;

54           (c) contain the name of the political party and the words "Political Party Registration  
55 Petition" printed directly below the horizontal line;

56           (d) contain the word "Warning" printed directly under the words described in  
57 Subsection (3)©;

58 (e) contain, to the right of the word "Warning," the following statement printed in not  
59 less than eight-point, single leaded type:

60 "It is a class A misdemeanor for anyone to knowingly sign a political party registration  
61 petition signature sheet with any name other than the person's own name or more than once for  
62 the same party or if the person is not registered to vote in this state and does not intend to  
63 become registered to vote in this state before the petition is submitted to the lieutenant  
64 governor.";

65 (f) contain the following statement directly under the statement described in Subsection  
66 (3)(e):

67 "POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_\_,  
68 Lieutenant Governor:

69 We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_\_  
70 (name);

71 Each signer says:

72 I have personally signed this petition with a holographic signature;

73 I am registered to vote in Utah or will register to vote in Utah before the petition is  
74 submitted to the lieutenant governor;

75 I am or desire to become a member of the political party; and

76 My street address is written correctly after my name."; and

77 (g) be vertically divided into columns as follows:

78 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
79 headed with "For Office Use Only," and be subdivided with a light vertical line down the  
80 middle;

81 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
82 Name (must be legible to be counted)";

83 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of  
84 Registered Voter";

85 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

86 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
87 Code"; and

88 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age  
89 information is not required, but it may be used to verify your identity with voter registration  
90 records. If you choose not to provide it, your signature may not be certified as a valid signature  
91 if you change your address before petition signatures are certified or if the information you  
92 provide does not match your voter registration records.";

93 (h) have a final page bound to one or more signature sheets that are bound together that  
94 contains the following printed statement:

95 "Verification  
96 State of Utah, County of \_\_\_\_\_

97 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

99 All the names that appear on the signature sheets bound to this page were signed by  
100 persons who professed to be the persons whose names appear on the signature sheets, and each  
101 of them signed the person's name on the signature sheets in my presence;

102 I believe that each has printed and signed the person's name and written the person's  
103 street address correctly, and that each signer is registered to vote in Utah or will register to vote  
104 in Utah before the petition is submitted to the lieutenant governor.

105 \_\_\_\_\_  
106 (Signature) (Residence Address) (Date)"; and

107 (i) be bound to a cover sheet that:

108 (i) identifies the political party's name, which may not exceed four words, and  
109 [identify] the emblem of the party [or group];

110 [~~(c) state~~] (ii) states the process that the organization will follow to organize and adopt  
111 a constitution and bylaws; and

112 [~~(d) be~~] (iii) is signed by a filing officer, who agrees to receive communications on  
113 behalf of the organization.

114 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in  
115 whose presence each signature sheet is signed:

- 116 (a) is at least 18 years old;
- 117 (b) meets the residency requirements of Section 20A-2-105; and
- 118 (c) verifies each signature sheet by completing the verification bound to one or more  
119 signature sheets that are bound together.

120 (5) A person may not sign the verification if the person signed a signature sheet bound  
121 to the verification.

122 [~~4~~] (6) The lieutenant governor shall:

- 123 (a) determine whether the required number of voters appears on the petition;
- 124 (b) review the proposed name and emblem to determine if they are "distinguishable"  
125 from the names and emblems of other registered political parties; and
- 126 (c) certify the lieutenant governor's findings to the filing officer [~~of the group~~]  
127 described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

128 [~~5~~] (7) (a) If the lieutenant governor determines that the petition meets the  
129 requirements of this section, and that the proposed name and emblem are distinguishable, [he]  
130 the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to  
131 organize the prospective political party.

132 (b) If the lieutenant governor finds that the name, emblem, or both are not  
133 distinguishable from the names and emblems of other registered political parties, the lieutenant  
134 governor shall notify the filing officer that the filing officer has seven days to submit a new  
135 name or emblem to the lieutenant governor.

136 [~~6~~] (8) A registered political party may not change its name or emblem during the  
137 regular general election cycle.

138 (9) (a) It is unlawful for any person to:

- 139 (i) knowingly sign a political party registration petition:
  - 140 (A) with any name other than the person's own name;
  - 141 (B) more than once for the same political party; or

142 (C) if the person is not registered to vote in this state and does not intend to become  
143 registered to vote in this state before the petition is submitted to the lieutenant governor; or

144 (ii) sign the verification of a political party registration petition signature sheet if the  
145 person:

146 (A) does not meet the residency requirements of Section 20A-2-105;

147 (B) has not witnessed the signing by those persons whose names appear on the political  
148 party registration petition signature sheet; or

149 (C) knows that a person whose signature appears on the political party registration  
150 petition signature sheet is not registered to vote in this state and does not intend to become  
151 registered to vote in this state.

152 (b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.

153 (c) The attorney general or the county attorney shall prosecute any violation of this  
154 Subsection (9).

155 Section 2. Section **20A-9-502** is amended to read:

156 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**  
157 **Criminal penalty.**

158 (1) The candidate shall:

159 (a) prepare a certificate of nomination in substantially the following form:

160 "State of Utah, County of \_\_\_\_\_

161 I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the  
162 political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can  
163 qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_  
164 Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of [Utah] \_\_\_\_\_, zip code \_\_\_\_\_, phone \_\_\_\_\_,  
165 and that I am providing, or have provided, the required number of holographic signatures of  
166 registered voters required by law; that as a candidate at the next election I will not knowingly  
167 violate any election or campaign law; I will file all campaign financial disclosure reports as  
168 required by law; and I understand that failure to do so will result in my disqualification as a  
169 candidate for this office and removal of my name from the ballot.

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\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_(month\day\year).  
\_\_\_\_\_

Notary Public (or other officer  
qualified to administer oaths)"; [and]

(b) [~~attach~~] bind signature sheets to the certificate that [~~contain a place for the registered voter's holographic signature, a place for the registered voter to print the registered voter's name, and a place for the registered voter's address.]:~~

(i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;

(iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);

(v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures.";

(vi) contain the following statement directly under the statement described in Subsection (1)(b)(v):

"Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and

My street address is written correctly after my name.";

198 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in  
199 Subsection (1)(b)(vi); and

200 (viii) be vertically divided into columns as follows:

201 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
202 headed with "For Office Use Only," and be subdivided with a light vertical line down the  
203 middle;

204 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
205 Name (must be legible to be counted)";

206 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of  
207 Registered Voter";

208 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

209 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
210 Code"; and

211 (F) at the bottom of the sheet, contain the following statement: "Birth date or age  
212 information is not required, but it may be used to verify your identity with voter registration  
213 records. If you choose not to provide it, your signature may not be certified as a valid signature  
214 if you change your address before petition signatures are certified or if the information you  
215 provide does not match your voter registration records."; and

216 (c) bind a final page to one or more signature sheets that are bound together that  
217 contains, except as provided by Subsection (2), the following printed statement:

218 "Verification

219 State of Utah, County of \_\_\_\_\_

220 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

222 All the names that appear on the signature sheets bound to this page were signed by  
223 persons who professed to be the persons whose names appear on the signature sheets, and each  
224 of them signed the person's name on the signature sheets in my presence;

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

226 street address correctly, and that each signer is registered to vote in Utah or will register to vote  
227 in Utah before the county clerk certifies the signatures on the signature sheet.

228 \_\_\_\_\_  
229 (Signature) (Residence Address) (Date)".

230 (2) (a) The candidate shall circulate the nomination petition and ensure that the person  
231 in whose presence each signature sheet is signed:

232 (i) is at least 18 years old;  
233 (ii) except as provided by Subsection (2)(b), meets the residency requirements of  
234 Section 20A-2-105; and

235 (iii) verifies each signature sheet by completing the verification bound to one or more  
236 signature sheets that are bound together.

237 (b) A person who is not a resident may sign the verification on a petition for an  
238 unaffiliated candidate for the office of President of the United States.

239 (c) A person may not sign the verification if the person signed a signature sheet 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) except as provided by Subsection (2)(b), does not meet the residency requirements  
249 of Section 20A-2-105;

250 (B) has not witnessed the signing by those persons whose names appear on the  
251 certificate of nomination signature sheet; or

252 (C) knows that a person whose signature appears on the certificate of nomination  
253 signature sheet is not registered to vote in this state and does not intend to become registered to

254 vote in this state.

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

256 (c) The attorney general or the county attorney shall prosecute any violation of this  
257 Subsection (3).

258 (4) (a) The candidate shall submit [it] the petition and signature sheets to the county  
259 clerk for certification when the petition has been completed by:

260 (i) at least 1,000 registered voters residing within the state when the nomination is for  
261 an office to be filled by the voters of the entire state; or

262 (ii) at least 300 registered voters residing within a political division or at least 5% of  
263 the registered voters residing within a political division, whichever is less, when the  
264 nomination is for an office to be filled by the voters of any political division smaller than the  
265 state.

266 (b) In reviewing the petition, the county clerk shall count and certify only those persons  
267 who signed the petition with a holographic signature who:

268 (i) are registered voters within the political division that the candidate seeks to  
269 represent; and

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

271 (c) The candidate may supplement or amend the certificate of nomination at any time  
272 on or before the filing deadline.