

Representative Justin L. Fawson proposes the following substitute bill:

QUALIFIED POLITICAL PARTY AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred C. Cox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to qualified political parties.

Highlighted Provisions:

This bill:

- ▶ amends the definition of a qualified political party by:
 - removing the provision that requires a qualified political party to allow unaffiliated voters to vote for the party's candidates in a primary race;
 - modifying the requirement that a qualified political party allow delegates to vote remotely or provide for the appointment of alternate delegates; and
 - providing that a qualified political party may choose whether to allow the qualified political party's candidates to be nominated by convention, signature gathering, or both; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



26 AMENDS:

27 [20A-9-101](#), as last amended by Laws of Utah 2015, Chapter 296

28 [20A-9-406](#), as last amended by Laws of Utah 2015, Chapter 296

29 [20A-9-407](#), as last amended by Laws of Utah 2015, Chapter 296

30 [20A-9-408](#), as last amended by Laws of Utah 2015, Chapter 296

31 [20A-9-408.5](#), as enacted by Laws of Utah 2015, Chapter 296

32

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

34 Section 1. Section [20A-9-101](#) is amended to read:

35 **[20A-9-101](#). Definitions.**

36 As used in this chapter:

37 (1) (a) "Candidates for elective office" means persons who file a declaration of
38 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,
39 constitutional office, multicounty office, or county office.

40 (b) "Candidates for elective office" does not mean candidates for:

41 (i) justice or judge of court of record or not of record;

42 (ii) presidential elector;

43 (iii) any political party offices; and

44 (iv) municipal or local district offices.

45 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
46 attorney general, state auditor, and state treasurer.

47 (3) "Continuing political party" means the same as that term is defined in Section
48 [20A-8-101](#).

49 (4) (a) "County office" means an elective office where the office holder is selected by
50 voters entirely within one county.

51 (b) "County office" does not mean:

52 (i) the office of justice or judge of any court of record or not of record;

53 (ii) the office of presidential elector;

54 (iii) any political party offices;

55 (iv) any municipal or local district offices; and

56 (v) the office of United States Senator and United States Representative.

57 (5) "Federal office" means an elective office for United States Senator and United
58 States Representative.

59 (6) "Filing officer" means:

60 (a) the lieutenant governor, for:

61 (i) the office of United States Senator and United States Representative; and

62 (ii) all constitutional offices;

63 (b) the county clerk, for county offices and local school district offices, and the county
64 clerk in the filer's county of residence, for multicounty offices;

65 (c) the city or town clerk, for municipal offices; and

66 (d) the local district clerk, for local district offices.

67 (7) "Local district office" means an elected office in a local district.

68 (8) "Local government office" includes county offices, municipal offices, and local
69 district offices and other elective offices selected by the voters from a political division entirely
70 within one county.

71 (9) (a) "Multicounty office" means an elective office where the office holder is selected
72 by the voters from more than one county.

73 (b) "Multicounty office" does not mean:

74 (i) a county office;

75 (ii) a federal office;

76 (iii) the office of justice or judge of any court of record or not of record;

77 (iv) the office of presidential elector;

78 (v) any political party offices; and

79 (vi) any municipal or local district offices.

80 (10) "Municipal office" means an elective office in a municipality.

81 (11) (a) "Political division" means a geographic unit from which an office holder is
82 elected and that an office holder represents.

83 (b) "Political division" includes a county, a city, a town, a local district, a school
84 district, a legislative district, and a county prosecution district.

85 (12) "Qualified political party" means a registered political party that:

86 [~~(a) permits voters who are unaffiliated with any political party to vote for the~~
87 ~~registered political party's candidates in a primary election;~~]

88 ~~[(b)]~~ (a) does one or more of the following:

89 (i) permits a delegate for the registered political party to vote on a candidate
90 nomination in the registered political party's convention remotely; or

91 (ii) provides a procedure for designating an alternate delegate if ~~[a]~~ the delegate
92 notifies the registered political party, in writing, that the delegate [is] will not be present at the
93 registered political party's convention;

94 ~~[(c)]~~ (b) does not hold the registered political party's convention before the fourth
95 Saturday in March of an even-numbered year;

96 ~~[(d)]~~ permits a member of the registered political party to seek the registered political
97 party's nomination for any elective office by the member choosing to seek the nomination by
98 either or both of the following methods:]

99 ~~[(i)]~~ seeking the nomination through the registered political party's convention process,
100 in accordance with the provisions of Section [20A-9-407](#); or]

101 ~~[(ii)]~~ seeking the nomination by collecting signatures, in accordance with the provisions
102 of Section [20A-9-408](#); and]

103 (c) (i) only permits an individual to seek the nomination of the registered political party
104 by using the method described in Section [20A-9-407](#);

105 (ii) only permits an individual to seek the nomination of the registered political party
106 by using the method described in Section [20A-9-408](#);

107 (iii) permits an individual to seek the nomination by the individual choosing to use
108 either the method described in Section [20A-9-407](#) or the method described in Section
109 [20A-9-408](#); or

110 (iv) permits an individual to seek the nomination by the individual choosing to use
111 both the method described in Section [20A-9-407](#) and the method described in Section
112 [20A-9-408](#); and

113 (e) (i) if the registered political party is a continuing political party, no later than 5 p.m.
114 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
115 election in the following year, the registered political party intends to nominate the registered
116 political party's candidates in accordance with the provisions of Section [20A-9-406](#); or

117 (ii) if the registered political party is not a continuing political party, certifies at the
118 time that the registered political party files the petition described in Section [20A-8-103](#) that, for

119 the next election, the registered political party intends to nominate the registered political
120 party's candidates in accordance with the provisions of Section 20A-9-406.

121 Section 2. Section 20A-9-406 is amended to read:

122 **20A-9-406. Qualified political party -- Requirements and exemptions.**

123 The following provisions apply to a qualified political party:

124 (1) the qualified political party shall, no later than 5 p.m. on March 1 of each
125 even-numbered year, certify to the lieutenant governor the identity of one or more registered
126 political parties whose members may vote for the qualified political party's candidates;

127 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
128 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
129 political party;

130 (3) an individual may [~~only~~] seek the nomination of the qualified political party by
131 using [~~a method~~]:

132 (a) only the method described in Section 20A-9-407, if the qualified political party
133 only allows nomination using that method;

134 (b) only the method described in Section 20A-9-408, [~~or both~~], if the qualified political
135 party only allows nomination using that method;

136 (c) either the method described in Section 20A-9-407 or the method described in
137 Section 20A-9-408, if the qualified political party allows an individual to choose only one of
138 these methods to seek the nomination; or

139 (d) both the method described in Section 20A-9-407 and the method described in
140 Section 20A-9-408, if the qualified political party allows an individual to seek the nomination
141 using both of these methods;

142 (4) the qualified political party shall comply with the provisions of [~~Sections~~]:

143 (a) Section 20A-9-407, if the qualified political party permits nomination by
144 convention;

145 (b) Section 20A-9-408, if the qualified political party permits nomination by signature
146 gathering; and

147 (c) Section 20A-9-409;

148 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
149 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a

150 qualified political party:

151 (a) under the qualified political party's name and emblem, if any; or

152 (b) under the title of the qualified registered political party as designated by the
153 qualified political party in the certification described in Subsection (1), or, if none is
154 designated, then under some suitable title;

155 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
156 paper ballots in regular general elections, that each candidate who is nominated by the qualified
157 political party is listed by party;

158 (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure that
159 the party designation of each candidate who is nominated by the qualified political party is
160 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

161 (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that
162 the party designation of each candidate who is nominated by the qualified political party is
163 displayed adjacent to the candidate's name on an electronic ballot;

164 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
165 includes an individual who files a declaration of candidacy under Section 20A-9-407, if that
166 nomination method is permitted by the party, or Section 20A-9-408, if that nomination method
167 is permitted by the party, to run in a regular general election for a federal office, constitutional
168 office, multicounty office, or county office;

169 (10) an individual who is nominated by, or seeking the nomination of, the qualified
170 political party is not required to comply with Subsection 20A-9-201(1)(c);

171 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
172 to have each of the qualified political party's candidates for elective office appear on the
173 primary ballot of the qualified political party with an indication that each candidate is a
174 candidate for the qualified political party;

175 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
176 on the list provided by the lieutenant governor to the county clerks:

177 (a) the names of all candidates of the qualified political party for federal, constitutional,
178 multicounty, and county offices; and

179 (b) the names of unopposed candidates for elective office who have been nominated by
180 the qualified political party and instruct the county clerks to exclude such candidates from the

181 primary-election ballot;

182 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
183 elective office in the regular primary election of the qualified political party is nominated by
184 the party for that office without appearing on the primary ballot; and

185 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
186 20A-9-405, the qualified political party is entitled to have the names of its candidates for
187 elective office featured with party affiliation on the ballot at a regular general election.

188 Section 3. Section 20A-9-407 is amended to read:

189 **20A-9-407. Convention process to seek the nomination of a qualified political**
190 **party.**

191 (1) This section:

192 (a) only applies to a qualified political party that permits nominations using a
193 convention process; and

194 (b) describes the requirements for a member of a qualified political party who is
195 seeking the nomination of [α] the qualified political party for an elective office through the
196 qualified political party's convention process.

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

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

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

208 (b) pay the filing fee.

209 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
210 party who, under this section, is seeking the nomination of the qualified political party for the
211 office of district attorney within a multicounty prosecution district that is to be filled at the next

212 general election shall:

213 (a) file a declaration of candidacy with the county clerk designated in the interlocal
214 agreement creating the prosecution district on or after the second Friday in March and before 5
215 p.m. on the third Thursday in March before the next regular general election; and

216 (b) pay the filing fee.

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

222 (6) (a) A qualified political party that nominates a candidate under this section shall
223 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
224 after the fourth Saturday in April.

225 (b) The lieutenant governor shall ensure that the certification described in Subsection
226 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
227 under this section.

228 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
229 is nominated by a qualified political party under this section, designate the qualified political
230 party that nominated the candidate.

231 Section 4. Section 20A-9-408 is amended to read:

232 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
233 **political party.**

234 (1) This section:

235 (a) only applies to a qualified political party that permits nominations using the
236 signature gathering process described in this section; and

237 (b) describes the requirements for a member of a qualified political party who is
238 seeking the nomination of the qualified political party for an elective office through the
239 signature-gathering process described in this section.

240 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
241 candidacy for a member of a qualified political party who is nominated by, or who is seeking
242 the nomination of, the qualified political party under this section shall be substantially as

243 described in Section 20A-9-408.5.

244 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
245 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
246 nomination of the qualified political party for an elective office that is to be filled at the next
247 general election shall:

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

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

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

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

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

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

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

262 (c) pay the filing fee.

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

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

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

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

- 274 (iii) the office for which the member is seeking to become a candidate;
- 275 (iv) the address and telephone number of the member; and
- 276 (v) other information required by the lieutenant governor;
- 277 (b) file a declaration of candidacy, in person, with the filing officer on or after the
- 278 second Friday in March and before 5 p.m. on the third Thursday in March before the next
- 279 regular general election; and
- 280 (c) pay the filing fee.
- 281 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
- 282 who files as the joint-ticket running mate of an individual who is nominated by a qualified
- 283 political party, under this section, for the office of governor shall submit a letter from the
- 284 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
- 285 mate.
- 286 (6) The lieutenant governor shall ensure that the certification described in Subsection
- 287 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
- 288 under this section.
- 289 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
- 290 is nominated by a qualified political party under this section, designate the qualified political
- 291 party that nominated the candidate.
- 292 (8) A member of a qualified political party may seek the nomination of the qualified
- 293 political party for an elective office by:
- 294 (a) complying with the requirements described in this section; and
- 295 (b) collecting signatures, on a form approved by the lieutenant governor, during the
- 296 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
- 297 which the qualified political party's convention for the office is held, in the following amounts:
- 298 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
- 299 permitted by the qualified political party to vote for the qualified political party's candidates in
- 300 a primary election;
- 301 (ii) for a congressional district race, 7,000 signatures of registered voters who are
- 302 residents of the congressional district and are permitted by the qualified political party to vote
- 303 for the qualified political party's candidates in a primary election;
- 304 (iii) for a state Senate district race, 2,000 signatures of registered voters who are

305 residents of the state Senate district and are permitted by the qualified political party to vote for
306 the qualified political party's candidates in a primary election;

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

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

313 (9) (a) In order for a member of the qualified political party to qualify as a candidate
314 for the qualified political party's nomination for an elective office under this section, the
315 member shall:

316 (i) collect the signatures on a form approved by the lieutenant governor, using the same
317 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

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

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

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

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

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

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

335 (i) check the name of each individual who completes the verification for a signature

336 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

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

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

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

344 (v) notify the qualified political party and the lieutenant governor of the name of each
345 member of the qualified political party who qualifies as a nominee of the qualified political
346 party, under this section, for the elective office to which the convention relates.

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

351 Section 5. Section 20A-9-408.5 is amended to read:

352 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

353 The declaration of candidacy form described in Sections 20A-9-407 and 20A-9-408
354 shall:

355 (1) be substantially as follows:

356 "State of Utah, County of ____

357 I, _____, declare my intention of becoming a candidate for the office of
358 ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the qualifications
359 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
360 the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate
361 any law governing campaigns and elections; I will file all campaign financial disclosure reports
362 as required by law; and I understand that failure to do so will result in my disqualification as a
363 candidate for this office and removal of my name from the ballot. The mailing address that I
364 designate for receiving official election notices is

365 _____
366 _____.

367 Subscribed and sworn before me this _____(month\day\year). Notary Public (or
368 other officer qualified to administer oath).";

369 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

370 (a) the registered political party of which the candidate is a member; or

371 (b) that the candidate is not a member of a registered political party; and

372 (3) direct the candidate to indicate whether the candidate is seeking the nomination
373 using:

374 (a) the convention process described in Section [20A-9-407](#), if that nominating process
375 is permitted by the qualified political party;

376 (b) the signature-gathering process described in Section [20A-9-408](#), if that nominating
377 process is permitted by the qualified political party; or

378 (c) both processes described in Subsections (3)(a) and (b), if the qualified political
379 party permits a candidate to seek the party's nomination using both of those processes.

380 Section 6. **Effective date.**

381 If approved by two-thirds of all the members elected to each house, this bill takes effect
382 upon approval by the governor, or the day following the constitutional time limit of Utah
383 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
384 the date of veto override.