

Representative Brian M. Greene proposes the following substitute bill:

NOMINATION PETITION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to a petition to nominate a candidate for office.

Highlighted Provisions:

This bill:

- ▶ establishes a procedure for an individual to remove the individual's signature from a candidate nomination petition;
- ▶ recodifies, amends, and clarifies criminal provisions relating to a candidate nomination petition;
- ▶ provides that criminal provisions relating to a candidate nomination petition apply to both a candidate nomination petition for a registered political party and a candidate nomination petition for a qualified political party;
- ▶ imposes criminal and civil penalties when a signature gatherer intentionally misrepresents the purpose of a nomination petition or certain other information relating to the petition;
- ▶ requires a signature gatherer to display certain information relating to a candidate for whom they are collecting signatures;
- ▶ prohibits paying a signature gatherer on a per signature, or per valid signature, basis;



- 26 ▶ prohibits an individual from acting as a signature gatherer for a nomination petition
- 27 if the individual has been convicted of a violent crime or a crime of moral turpitude;
- 28 ▶ grants rulemaking authority to the director of elections; and
- 29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28

37 **20A-9-405**, as enacted by Laws of Utah 2014, Chapter 17

38 **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28

39 **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296



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

42 Section 1. Section **20A-9-403** is amended to read:

43 **20A-9-403. Regular primary elections.**

44 (1) (a) Candidates for elective office that are to be filled at the next regular general
45 election shall be nominated in a regular primary election by direct vote of the people in the
46 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
47 designated as regular primary election day. Nothing in this section shall affect a candidate's
48 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
49 Section **20A-9-501** or to participate in a regular general election as a write-in candidate under
50 Section **20A-9-601**.

51 (b) Each registered political party that chooses to have the names of its candidates for
52 elective office featured with party affiliation on the ballot at a regular general election shall
53 comply with the requirements of this section and shall nominate its candidates for elective
54 office in the manner prescribed in this section.

55 (c) A filing officer may not permit an official ballot at a regular general election to be
56 produced or used if the ballot denotes affiliation between a registered political party or any

57 other political group and a candidate for elective office who was not nominated in the manner
58 prescribed in this section or in Subsection 20A-9-202(4).

59 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
60 even-numbered year in which a regular general election will be held.

61 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
62 shall:

63 (i) either declare their intent to participate in the next regular primary election or
64 declare that the registered political party chooses not to have the names of its candidates for
65 elective office featured on the ballot at the next regular general election; and

66 (ii) if the registered political party participates in the upcoming regular primary
67 election, identify one or more registered political parties whose members may vote for the
68 registered political party's candidates and whether [~~or not persons~~] individuals identified as
69 unaffiliated with a political party may vote for the registered political party's candidates.

70 (b) (i) A registered political party that is a continuing political party must file the
71 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
72 November 15 of each odd-numbered year.

73 (ii) An organization that is seeking to become a registered political party under Section
74 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
75 political party files the petition described in Section 20A-8-103.

76 (3) (a) Except as provided in Subsection (3)(e), [~~a person who has submitted~~] an
77 individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a
78 candidate for elective office on the regular primary ballot of the registered political party listed
79 on the declaration of candidacy only if the [~~person~~] individual is certified by the appropriate
80 filing officer as having submitted a set of nomination petitions that was:

81 (i) circulated and completed in accordance with Section 20A-9-405; and

82 (ii) signed by at least two percent of the registered political party's members who reside
83 in the political division of the office that the [~~person~~] individual seeks.

84 (b) A candidate for elective office shall submit nomination petitions to the appropriate
85 filing officer for verification and certification no later than 5 p.m. on the final day in March.
86 Candidates may supplement their submissions at any time on or before the filing deadline.

87 (c) The lieutenant governor shall determine for each elective office the total number of

88 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
89 of ~~[persons]~~ individuals residing in each elective office's political division who have designated
90 a particular registered political party on their voter registration forms as of November 1 of each
91 odd-numbered year. The lieutenant governor shall publish this determination for each elective
92 office no later than November 15 of each odd-numbered year.

93 (d) The filing officer shall, subject to Section [20A-9-411](#):

94 (i) verify signatures on a nomination ~~[petitions]~~ petition in a transparent and orderly
95 manner;

96 (ii) certify signatures on a nomination petition no sooner than February 20;

97 ~~[(ii)]~~ (iii) for all qualifying candidates for elective office who submitted nomination
98 petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5
99 p.m. on the first Monday after the third Saturday in April;

100 ~~[(iii)]~~ (iv) consider active and inactive voters eligible to sign nomination petitions;

101 ~~[(iv)]~~ (v) consider ~~[a person]~~ an individual who signs a nomination petition a member
102 of a registered political party for purposes of Subsection (3)(a)(ii) if the ~~[person has designated]~~
103 individual designates that registered political party as the ~~[person's]~~ individual's party
104 membership on the ~~[person's]~~ individual's most recent voter registration form that was signed
105 by the individual; and

106 ~~[(v)]~~ (vi) utilize procedures described in Section [20A-7-206.3](#) to verify submitted
107 nomination petition signatures, or use statistical sampling procedures to verify submitted
108 nomination petition signatures pursuant to rules made under Subsection (3)(f).

109 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
110 lieutenant governor may appear on the regular primary ballot of a registered political party
111 without submitting nomination petitions if the candidate files a declaration of candidacy and
112 complies with Subsection [20A-9-202\(3\)](#).

113 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
114 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

115 (i) provide for the use of statistical sampling procedures that:

116 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

117 (B) reflect a bona fide effort to determine the validity of a candidate's entire

118 submission, using widely recognized statistical sampling techniques; and

119 (ii) provide for the transparent, orderly, and timely submission, verification, and
120 certification of nomination petition signatures.

121 (g) The county clerk shall:

122 (i) review the declarations of candidacy filed by candidates for local boards of
123 education to determine if more than two candidates have filed for the same seat;

124 (ii) place the names of all candidates who have filed a declaration of candidacy for a
125 local board of education seat on the nonpartisan section of the ballot if more than two
126 candidates have filed for the same seat; and

127 (iii) determine the order of the local board of education candidates' names on the ballot
128 in accordance with Section 20A-6-305.

129 (h) An individual who collects signatures for a candidate under this section shall, while
130 collecting the signatures, wear or carry a hat, shirt, tag, sign, or other item that contains the
131 following information, plainly visible to an individual from whom the signature gatherer is
132 requesting a signature:

133 (i) the name of each individual on whose behalf the signature gatherer is collecting
134 signatures; and

135 (ii) the following information for each individual described in Subsection (3)(h)(i):

136 (A) the party for which the individual is seeking nomination;

137 (B) the office that the individual is seeking; and

138 (C) if applicable, the district in which the individual is running for office.

139 (i) (i) A person may not pay another person to collect signatures for a candidate under
140 this section per signature collected or per valid signature collected.

141 (ii) A person may pay another person to collect signatures for a candidate under this
142 section based on an hourly rate, a lump sum, or another manner not prohibited under
143 Subsection (3)(i)(i).

144 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
145 governor shall provide to the county clerks:

146 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
147 county offices who have received certifications under Subsection (3), along with instructions
148 on how those names shall appear on the primary-election ballot in accordance with Section
149 20A-6-305; and

150 (ii) a list of unopposed candidates for elective office who have been nominated by a
151 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
152 candidates from the primary-election ballot.

153 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
154 joint-ticket running mates shall appear jointly on the primary-election ballot.

155 (c) After the county clerk receives the certified list from the lieutenant governor under
156 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
157 substantially the following form:

158 "Notice is given that a primary election will be held Tuesday, June ____,
159 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
160 State Board of Education and local school board positions listed on the primary ballot. The
161 polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open
162 until 8 p.m. of the same day. Attest: county clerk."

163 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
164 votes cast for each office at the regular primary election are nominated by their registered
165 political party for that office or are nominated as a candidate for a nonpartisan State Board of
166 Education or local school board position.

167 (b) If two or more candidates, other than presidential candidates, are to be elected to
168 the office at the regular general election, those party candidates equal in number to positions to
169 be filled who receive the highest number of votes at the regular primary election are the
170 nominees of their party for those positions.

171 (c) A candidate who is unopposed for an elective office in the regular primary election
172 of a registered political party is nominated by the party for that office without appearing on the
173 primary ballot. A candidate is "unopposed" if no [person] individual other than the candidate
174 has received a certification under Subsection (3) for the regular primary election ballot of the
175 candidate's registered political party for a particular elective office.

176 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
177 office that represents more than one county, the governor, lieutenant governor, and attorney
178 general shall, at a public meeting called by the governor and in the presence of the candidates
179 involved, select the nominee by lot cast in whatever manner the governor determines.

180 (b) When a tie vote occurs in any primary election for any county office, the district

181 court judges of the district in which the county is located shall, at a public meeting called by
182 the judges and in the presence of the candidates involved, select the nominee by lot cast in
183 whatever manner the judges determine.

184 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
185 primary election provided for by this section, and all expenses necessarily incurred in the
186 preparation for or the conduct of that primary election shall be paid out of the treasury of the
187 county or state, in the same manner as for the regular general elections.

188 (8) An individual may not file a declaration of candidacy for a registered political party
189 of which the individual is not a member, except to the extent that the registered political party
190 permits otherwise under the registered political party's bylaws.

191 Section 2. Section **20A-9-405** is amended to read:

192 **20A-9-405. Nomination petitions for regular primary elections.**

193 (1) This section [~~shall apply~~] applies to the form and circulation of nomination
194 petitions for regular primary elections described in Subsection **20A-9-403(3)(a)**.

195 (2) A candidate for elective office, and the agents of the candidate, may not circulate
196 nomination petitions until the candidate has submitted a declaration of candidacy in accordance
197 with Subsection **20A-9-202(1)**.

198 (3) The nomination petitions shall be in substantially the following form:

199 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

200 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the
201 space above that line blank for purposes of binding;

202 (c) the petition shall be headed by a caption stating the purpose of the petition and the
203 name of the proposed candidate;

204 (d) the petition shall feature the word "Warning" followed by the following statement
205 in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to
206 knowingly sign a certificate of nomination signature sheet with any name other than the
207 [~~person's~~] individual's own name or more than once for the same candidate or if the [~~person~~]
208 individual is not registered to vote in this state and does not intend to become registered to vote
209 in this state before signatures are certified by a filing officer.";

210 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively
211 numbered one through 10;

212 (f) the signature portion of the petition shall be divided into columns headed by the
213 following titles:

- 214 (i) Registered Voter's Printed Name;
- 215 (ii) Signature of Registered Voter;
- 216 (iii) Party Affiliation of Registered Voter;
- 217 (iv) Birth Date or Age (Optional);
- 218 (v) Street Address, City, Zip Code; and
- 219 (vi) Date of Signature; and

220 (g) a photograph of the candidate may appear on the nomination petition.

221 (4) If one or more nomination petitions are bound together, a page shall be bound to
222 the nomination petition(s) that features the following printed verification statement to be signed
223 and dated by the petition circulator:

224 "Verification
225 State of Utah, County of _____

226 I, _____, of _____, hereby state under that:

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

228 All the names that appear on the signature sheets bound to this page were, to the best of
229 my knowledge, signed by the [~~persons~~] individuals who professed to be the [~~persons~~]
230 individuals whose names appear on the signature sheets, and each of [~~them~~] the individuals
231 signed the [~~person's~~] individual's name on the signature sheets in my presence;

232 I believe that each has printed and signed the [~~person's~~] individual's name and written
233 the [~~person's~~] individual's street address correctly, and that each signer is registered to vote in
234 Utah or will register to vote in Utah before the county clerk certifies the signatures on the
235 signature sheet."

236 (5) The lieutenant governor shall prepare and make public model nomination petition
237 forms and associated instructions.

238 (6) (a) A nomination petition circulator must be at least 18 years old and a resident of
239 the state, but may affiliate with any political party.

240 (b) An individual may not collect signatures for a candidate under this section if the
241 individual has been convicted of a violent crime or a crime of moral turpitude, as those terms
242 are defined by the director of elections within the Office of the Lieutenant Governor, by rule

243 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

244 [~~(7) It is unlawful for any person to:~~]

245 [~~(a) knowingly sign the nomination petition sheet described in Subsection (3):]~~

246 [~~(i) with any name other than the person's own name;]~~

247 [~~(ii) more than once for the same candidate; or]~~

248 [~~(iii) if the person is not registered to vote in this state and does not intend to become~~
249 ~~registered to vote in this state prior to 5 p.m. on the final day in March;]~~

250 [~~(b) sign the verification of a certificate of nomination signature sheet described in~~
251 ~~Subsection (4) if the person:]~~

252 [~~(i) does not meet the residency requirements of Section [20A-2-105](#);~~]

253 [~~(ii) has not witnessed the signing by those persons whose names appear on the~~
254 ~~certificate of nomination signature sheet; or]~~

255 [~~(iii) knows that a person whose signature appears on the certificate of nomination~~
256 ~~signature sheet is not registered to vote in this state and does not intend to become registered to~~
257 ~~vote in this state;]~~

258 [~~(c) pay compensation to any person to sign a nomination petition; or]~~

259 [~~(d) pay compensation to any person to circulate a nomination petition, if the~~
260 ~~compensation is based directly on the number of signatures submitted to a filing officer rather~~
261 ~~than on the number of signatures verified or on some other basis.]~~

262 [~~(8) Any person violating Subsection (7) is guilty of a class A misdemeanor.]~~

263 [~~(9) Withdrawal of petition signatures shall not be permitted.]~~

264 Section 3. Section **20A-9-408** is amended to read:

265 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
266 **political party.**

267 (1) This section describes the requirements for a member of a qualified political party
268 who is seeking the nomination of the qualified political party for an elective office through the
269 signature-gathering process described in this section.

270 (2) Notwithstanding Subsection [20A-9-201](#)(4)(a), the form of the declaration of
271 candidacy for a member of a qualified political party who is nominated by, or who is seeking
272 the nomination of, the qualified political party under this section shall be substantially as
273 described in Section [20A-9-408.5](#).

274 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
275 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
276 nomination of the qualified political party for an elective office that is to be filled at the next
277 general election shall:

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

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

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

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

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

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

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

292 (c) pay the filing fee.

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

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

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

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

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

- 305 (iv) the address and telephone number of the member; and
306 (v) other information required by the lieutenant governor;
- 307 (b) file a declaration of candidacy, in person, with the filing officer on or after the
308 second Friday in March and before 5 p.m. on the third Thursday in March before the next
309 regular general election; and
- 310 (c) pay the filing fee.
- 311 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
312 who files as the joint-ticket running mate of an individual who is nominated by a qualified
313 political party, under this section, for the office of governor shall submit a letter from the
314 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
315 mate.
- 316 (6) The lieutenant governor shall ensure that the certification described in Subsection
317 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
318 under this section.
- 319 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
320 is nominated by a qualified political party under this section, designate the qualified political
321 party that nominated the candidate.
- 322 (8) A member of a qualified political party may seek the nomination of the qualified
323 political party for an elective office by:
- 324 (a) complying with the requirements described in this section; and
325 (b) collecting signatures, on a form approved by the lieutenant governor, during the
326 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
327 which the qualified political party's convention for the office is held, in the following amounts:
- 328 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
329 permitted by the qualified political party to vote for the qualified political party's candidates in
330 a primary election;
- 331 (ii) for a congressional district race, 7,000 signatures of registered voters who are
332 residents of the congressional district and are permitted by the qualified political party to vote
333 for the qualified political party's candidates in a primary election;
- 334 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
335 residents of the state Senate district and are permitted by the qualified political party to vote for

336 the qualified political party's candidates in a primary election;

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

340 (v) for a State Board of Education race, the lesser of:

341 (A) 2,000 signatures of registered voters who are residents of the State Board of
342 Education district and are permitted by the qualified political party to vote for the qualified
343 political party's candidates in a primary election; or

344 (B) 3% of the registered voters of the qualified political party who are residents of the
345 applicable State Board of Education district; and

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

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

352 (i) except as otherwise provided in Section 20A-9-411, collect the signatures on a form
353 approved by the lieutenant governor, using the same circulation and verification requirements
354 described in Sections 20A-7-204 and 20A-7-205; and

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

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

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

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

365 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
366 apply to a candidate for office in relation to the reporting requirements described in Subsection

367 (9)(c)(i).

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

372 (i) check the name of each individual who completes the verification for a signature
373 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

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

376 (iii) determine whether each signer is a registered voter who is qualified to sign the
377 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
378 on a petition;

379 (iv) no sooner than February 20, certify whether each name is that of a registered voter
380 who is qualified to sign the signature packet; and

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

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

388 (10) If a qualified political party restricts, based on party affiliation, the voters who are
389 eligible to vote for the qualified political party's candidates in a primary election, the election
390 officer shall determine a voter's party affiliation, for purposes of determining whether the
391 individual is qualified to sign a nomination petition, based on the declaration of party
392 affiliation made in the voter's most recent voter registration form that was signed by the voter.

393 (11) An individual who collects signatures for a candidate under this section shall,
394 while collecting the signatures, wear or carry a hat, shirt, tag, sign, or other item that contains
395 the following information, plainly visible to an individual from whom the signature gatherer is
396 requesting a signature:

397 (a) the name of each individual on whose behalf the signature gatherer is collecting

398 signatures; and

399 (b) the following information for each individual described in Subsection (11)(a):

400 (i) the party for which the individual is seeking nomination;

401 (ii) the office that the individual is seeking; and

402 (iii) if applicable, the district in which the individual is running for office.

403 (12) (a) A person may not pay another person to collect signatures for a candidate

404 under this section per signature collected or per valid signature collected.

405 (b) A person may pay another person to collect signatures for a candidate under this

406 section based on an hourly rate, a lump sum, or another manner not prohibited under

407 Subsection (12)(a).

408 (c) An individual may not collect signatures for a candidate under this section if the

409 individual has been convicted of a violent crime or a crime of moral turpitude, as those terms

410 are defined by the director of elections within the Office of the Lieutenant Governor, by rule

411 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

412 Section 4. Section **20A-9-411** is amended to read:

413 **20A-9-411. Signing multiple nomination petitions -- Removing signatures --**

414 **Unlawful conduct.**

415 (1) An individual who signs a petition, described in Section [20A-9-403](#) or [20A-9-408](#),

416 to nominate a candidate may not sign a petition to nominate another candidate for the same

417 office.

418 (2) If an individual signs more than one petition in violation of Subsection (1), the

419 election officer may only count the signature on the first petition that the election officer

420 reviews for that office.

421 (3) (a) An individual who signs a petition, described in Section [20A-9-403](#) or

422 [20A-9-408](#), to nominate a candidate may remove the individual's signature from the petition by

423 submitting, to the filing officer who is required to verify the signatures on the petition, a

424 written request that the individual's signature be removed.

425 (b) The filing officer shall comply with a request described in Subsection (3)(a) if the

426 filing officer receives the request before the filing officer verifies the individual's signature.

427 (c) The filing officer may not comply with a request described in Subsection (3)(a) if:

428 (i) the filing officer receives the request after the deadline described in Subsection

- 429 (3)(b); or
- 430 (ii) the request does not comply with the requirements of this Subsection (3).
- 431 (d) The request described in Subsection (3)(a) shall include:
- 432 (i) the name of the individual;
- 433 (ii) the resident address at which the individual is registered to vote;
- 434 (iii) the name of the candidate from whose petition the individual desires the
- 435 individual's signature to be removed; and
- 436 (iv) the signature of the individual.
- 437 (4) An individual is guilty of a class A misdemeanor if the individual knowingly signs
- 438 a petition, described in Section [20A-9-403](#) or [20A-9-408](#):
- 439 (a) with a name other than the individual's own name; or
- 440 (b) more than once for the same candidate.
- 441 (5) An individual is guilty of a class A misdemeanor if at the time that the individual
- 442 signs a petition, described in Section [20A-9-403](#) or [20A-9-408](#), the individual:
- 443 (a) is not registered to vote in this state; and
- 444 (b) does not intend to become registered to vote in this state before the deadline for
- 445 submitting signatures for the petition.
- 446 (6) An individual who signs the verification for a signature sheet for a petition,
- 447 described in Section [20A-9-405](#) or [20A-9-408](#), is guilty of a class A misdemeanor if the
- 448 individual:
- 449 (a) did not witness the signing by the individuals whose names appear on the signature
- 450 sheet; or
- 451 (b) knows that an individual whose signature appears on the signature sheet is not
- 452 registered to vote in this state and does not intend to become registered to vote in this state.
- 453 (7) A person is guilty of a class A misdemeanor if the person pays compensation to an
- 454 individual to sign a nomination petition, described in Section [20A-9-403](#) or [20A-9-408](#).
- 455 (8) A person that circulates a nomination petition, described in Section [20A-9-403](#) or
- 456 [20A-9-408](#), is guilty of a class A misdemeanor if the person intentionally misrepresents:
- 457 (a) the purpose of the petition;
- 458 (b) the name or political party of the candidate to be nominated by the petition;
- 459 (c) the office for which the candidate is seeking to be nominated by the petition; or

460 (d) that the candidate seeking nomination by the petition is or is not an incumbent of
461 the office for which the candidate is seeking nomination by the petition.

462 (9) An election officer shall impose a \$100 civil fine against a candidate if a person
463 who is authorized by the candidate or the candidate's campaign to circulate a nomination
464 petition for the candidate violates Subsection (8) in relation to the nomination petition.