

1 **POLITICAL PARTY AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Marc K. Roberts**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to a qualified political party.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits a qualified political party candidate from qualifying for the primary
13 election ballot by using both the convention process and the signature-gathering
14 process in the same election.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16

22 **20A-9-406**, as last amended by Laws of Utah 2016, Chapters 16 and 66

23 **20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296

24 **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28

25 **20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296

26
27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section 20A-9-101 is amended to read:

29 **20A-9-101. Definitions.**

30 As used in this chapter:

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

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

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

36 (ii) presidential elector;

37 (iii) any political party offices; and

38 (iv) municipal or local district offices.

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

41 (3) "Continuing political party" means the same as that term is defined in Section
42 20A-8-101.

43 (4) (a) "County office" means an elective office where the officeholder is selected by
44 voters entirely within one county.

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

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

47 (ii) the office of presidential elector;

48 (iii) any political party offices;

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

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

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

53 (6) "Filing officer" means:

54 (a) the lieutenant governor, for:

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

56 (ii) all constitutional offices;

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

- 59 (c) the city or town clerk, for municipal offices; and
- 60 (d) the local district clerk, for local district offices.
- 61 (7) "Local district office" means an elected office in a local district.
- 62 (8) "Local government office" includes county offices, municipal offices, and local
- 63 district offices and other elective offices selected by the voters from a political division entirely
- 64 within one county.
- 65 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
- 66 by the voters from more than one county.
- 67 (b) "Multicounty office" does not mean:
- 68 (i) a county office;
- 69 (ii) a federal office;
- 70 (iii) the office of justice or judge of any court of record or not of record;
- 71 (iv) the office of presidential elector;
- 72 (v) any political party offices; and
- 73 (vi) any municipal or local district offices.
- 74 (10) "Municipal office" means an elective office in a municipality.
- 75 (11) (a) "Political division" means a geographic unit from which an officeholder is
- 76 elected and that an officeholder represents.
- 77 (b) "Political division" includes a county, a city, a town, a local district, a school
- 78 district, a legislative district, and a county prosecution district.
- 79 (12) "Qualified political party" means a registered political party that:
- 80 (a) (i) permits a delegate for the registered political party to vote on a candidate
- 81 nomination in the registered political party's convention remotely; or
- 82 (ii) provides a procedure for designating an alternate delegate if a delegate is not
- 83 present at the registered political party's convention;
- 84 (b) does not hold the registered political party's convention before the fourth Saturday
- 85 in March of an even-numbered year;
- 86 (c) permits a member of the registered political party to seek the registered political
- 87 party's nomination for any elective office by the member choosing to seek the nomination by
- 88 [~~either or both~~] one of the following methods:
- 89 (i) seeking the nomination through the registered political party's convention process,

90 in accordance with the provisions of Section 20A-9-407; or

91 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
92 of Section 20A-9-408; and

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

97 (ii) if the registered political party is not a continuing political party, certifies at the
98 time that the registered political party files the petition described in Section 20A-8-103 that, for
99 the next election, the registered political party intends to nominate the registered political
100 party's candidates in accordance with the provisions of Section 20A-9-406.

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

102 **20A-9-406. Qualified political party -- Requirements and exemptions.**

103 The following provisions apply to a qualified political party:

104 (1) the qualified political party shall, no later than 5 p.m. on March 1 of each
105 even-numbered year, certify to the lieutenant governor the identity of one or more registered
106 political parties whose members may vote for the qualified political party's candidates and
107 whether unaffiliated voters may vote for the qualified political party's candidates;

108 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
109 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
110 political party;

111 (3) an individual may only seek the nomination of the qualified political party by using
112 a method described in Section 20A-9-407[;] or Section 20A-9-408[~~, or both~~];

113 (4) the qualified political party shall comply with the provisions of Sections
114 20A-9-407, 20A-9-408, and 20A-9-409;

115 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
116 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a
117 qualified political party:

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

119 (b) under the title of the qualified registered political party as designated by the
120 qualified political party in the certification described in Subsection (1), or, if none is

121 designated, then under some suitable title;

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

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

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

131 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
132 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
133 20A-9-408 to run in a regular general election for a federal office, constitutional office,
134 multicounty office, or county office;

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

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

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

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

145 (b) the names of unopposed candidates for elective office who have been nominated by
146 the qualified political party and instruct the county clerks to exclude such candidates from the
147 primary-election ballot;

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

151 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section

152 20A-9-405, the qualified political party is entitled to have the names of its candidates for
153 elective office featured with party affiliation on the ballot at a regular general election.

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

155 20A-9-407. **Convention process to seek the nomination of a qualified political**
156 **party.**

157 (1) This section describes the requirements for a member of a qualified political party
158 who is seeking the nomination of a qualified political party for an elective office through the
159 qualified political party's convention process.

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

164 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
165 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
166 nomination of the qualified political party for an elective office that is to be filled at the next
167 general election, shall:

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

171 (b) pay the filing fee.

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

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

179 (b) pay the filing fee.

180 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
181 who files as the joint-ticket running mate of an individual who is nominated by a qualified
182 political party, under this section, for the office of governor shall submit a letter from the

183 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
184 mate.

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

188 (b) The lieutenant governor shall ensure that the certification described in Subsection
189 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
190 under this section.

191 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
192 is nominated by a qualified political party under this section, designate the qualified political
193 party that nominated the candidate.

194 (8) A member of a qualified political party who is seeking the nomination of a
195 qualified political party for an elective office through the qualified political party's convention
196 process may not seek the nomination of the qualified political party under the
197 signature-gathering process described in Section [20A-9-408](#).

198 Section 4. Section [20A-9-408](#) is amended to read:

199 **[20A-9-408](#). Signature-gathering process to seek the nomination of a qualified**
200 **political party.**

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

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

208 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection
209 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the
210 nomination of the qualified political party for an elective office that is to be filled at the next
211 general election shall:

212 (a) within the period beginning on January 1 before the next regular general election
213 and ending on the third Thursday in March of the same year, and before gathering signatures

214 under this section, file with the filing officer on a form approved by the lieutenant governor a
215 notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

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

226 (c) pay the filing fee.

227 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political
228 party who, under this section, is seeking the nomination of the qualified political party for the
229 office of district attorney within a multicounty prosecution district that is to be filled at the next
230 general election shall:

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

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

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

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

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

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

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

244 (c) pay the filing fee.

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

250 (6) The lieutenant governor shall ensure that the certification described in Subsection
251 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
252 under this section.

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

256 (8) A member of a qualified political party may seek the nomination of the qualified
257 political party for an elective office by:

258 (a) complying with the requirements described in this section; and

259 (b) collecting signatures, on a form approved by the lieutenant governor, during the
260 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
261 which the qualified political party's convention for the office is held, in the following amounts:

262 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
263 permitted by the qualified political party to vote for the qualified political party's candidates in
264 a primary election;

265 (ii) for a congressional district race, 7,000 signatures of registered voters who are
266 residents of the congressional district and are permitted by the qualified political party to vote
267 for the qualified political party's candidates in a primary election;

268 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
269 residents of the state Senate district and are permitted by the qualified political party to vote for
270 the qualified political party's candidates in a primary election;

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

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

275 (A) 2,000 signatures of registered voters who are residents of the State Board of

276 Education district and are permitted by the qualified political party to vote for the qualified
277 political party's candidates in a primary election; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

321 (10) A member of a qualified political party who is seeking the nomination of a
 322 qualified political party for an elective office through the qualified political party's
 323 signature-gathering process may not seek the nomination of the qualified political party under
 324 the convention process described in Section [20A-9-407](#).

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

326 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

327 The declaration of candidacy form described in Sections [20A-9-407](#) and [20A-9-408](#)
 328 shall:

329 (1) be substantially as follows:

330 "State of Utah, County of ____

331 I, _____, declare my intention of becoming a candidate for the office of
 332 ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the qualifications
 333 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
 334 the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate
 335 any law governing campaigns and elections; I will file all campaign financial disclosure reports
 336 as required by law; and I understand that failure to do so will result in my disqualification as a
 337 candidate for this office and removal of my name from the ballot. The mailing address that I

338 designate for receiving official election notices is

339 _____

340 _____.

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

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

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

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

346 (3) direct the candidate to indicate whether the candidate is seeking the nomination

347 using:

348 (a) the convention process described in Section 20A-9-407; or

349 (b) the signature-gathering process described in Section 20A-9-408[~~; or~~].

350 [~~(c) both processes described in Subsections (3)(a) and (b).~~]

Legislative Review Note
Office of Legislative Research and General Counsel