

CANDIDATE FILING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill allows an individual, under certain conditions, to file a declaration of candidacy via a designated agent.

Highlighted Provisions:

This bill:

- ▶ allows an individual, under certain conditions, to file a declaration of candidacy via a designated agent for a state, federal, or local office; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-2a-305.1, as last amended by Laws of Utah 2017, Chapter 91

17B-1-306, as last amended by Laws of Utah 2014, Chapters 362 and 377

17B-1-1001, as last amended by Laws of Utah 2017, Chapters 112 and 418

17B-1-1003, as enacted by Laws of Utah 2017, Chapter 418

20A-9-201, as last amended by Laws of Utah 2017, Chapter 63

20A-9-202, as last amended by Laws of Utah 2017, Chapter 63



- 28 **20A-9-203**, as last amended by Laws of Utah 2017, Chapter 91
- 29 **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91
- 30 **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91
- 31 **20A-9-502**, as last amended by Laws of Utah 2013, Chapters 253 and 317
- 32 **20A-9-503**, as last amended by Laws of Utah 2013, Chapter 317
- 33 **20A-9-504**, as last amended by Laws of Utah 2017, Chapter 63
- 34 **20A-9-601**, as last amended by Laws of Utah 2017, Chapter 63
- 35 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252

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

38 Section 1. Section **10-2a-305.1** is amended to read:

39 **10-2a-305.1. Notice of number of council members to be elected and of district**
 40 **boundaries -- Declaration of candidacy for city office -- Occupation of office.**

41 (1) (a) Within 20 days of the county legislative body's receipt of the information under
 42 Subsection **10-2a-305(2)(b)**, the county clerk shall publish, in accordance with Subsection
 43 (1)(b), notice containing:

44 (i) information about the deadline for filing a declaration of candidacy for those
 45 seeking to become candidates for mayor or town council; and

46 (ii) information about the length of the initial term of each of the town officers, as
 47 determined by the petition sponsors under Subsection **10-2a-305(2)(a)**.

48 (b) The notice under Subsection (1)(a) shall be published:

49 (i) in a newspaper of general circulation within the future town at least once a week for
 50 two successive weeks; and

51 (ii) in accordance with Section **45-1-101** for two weeks.

52 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general
 53 circulation within the future city, the county clerk shall post at least one notice per 1,000
 54 population in conspicuous places within the future town that are most likely to give notice to
 55 the residents of the future town.

56 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
 57 Subsection (1)(a).

58 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least

59 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

60 (2) Notwithstanding Subsection [20A-9-203\(3\)\(a\)](#) and the provisions of Subsection
61 [20A-9-203\(3\)\(b\)](#) that require a declaration of candidacy to be filed with the city recorder or
62 town clerk, each individual seeking to become a candidate for mayor or town council of a town
63 incorporating under this part shall, within 45 days after the day of the incorporation election
64 under Section [10-2a-304](#), file a declaration of candidacy with the clerk of the county in which
65 the future town is located.

66 Section 2. Section **17B-1-306** is amended to read:

67 **17B-1-306. Local district board -- Election procedures.**

68 (1) Except as provided in Subsection (11), each elected board member shall be selected
69 as provided in this section.

70 (2) (a) Each election of a local district board member shall be held:

71 (i) at the same time as the municipal general election or the regular general election, as
72 applicable; and

73 (ii) at polling places designated by the local district board in consultation with the
74 county clerk for each county in which the local district is located, which polling places shall
75 coincide with municipal general election or regular general election polling places, as
76 applicable, whenever feasible.

77 (b) The local district board, in consultation with the county clerk, may consolidate two
78 or more polling places to enable voters from more than one district to vote at one consolidated
79 polling place.

80 (c) (i) Subject to Subsections (4)~~(f)~~(h) and ~~(g)~~ (i), the number of polling places
81 under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
82 polling place per division of the district, designated by the district board.

83 (ii) Each polling place designated by an irrigation district board under Subsection
84 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
85 (2)(a)(ii).

86 (3) (a) The clerk of each local district with a board member position to be filled at the
87 next municipal general election or regular general election, as applicable, shall provide notice
88 of:

89 (i) each elective position of the local district to be filled at the next municipal general

90 election or regular general election, as applicable;

91 (ii) the constitutional and statutory qualifications for each position; and

92 (iii) the dates and times for filing a declaration of candidacy.

93 (b) The notice required under Subsection (3)(a) shall be:

94 (i) posted in at least five public places within the local district at least 10 days before
95 the first day for filing a declaration of candidacy; or

96 (ii) (A) published in a newspaper of general circulation within the local district at least
97 three but no more than 10 days before the first day for filing a declaration of candidacy; and

98 (B) published, in accordance with Section 45-1-101, for 10 days before the first day for
99 filing a declaration of candidacy.

100 (4) (a) ~~[(T)]~~ Except as provided in Subsection (4)(c), to become a candidate for an
101 elective local district board position, [the prospective candidate] an individual shall file a
102 declaration of candidacy in person with an official designated by the local district, during office
103 hours, within the candidate filing period for the applicable election year in which the election
104 for the local district board is held.

105 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
106 filing time shall be extended until the close of normal office hours on the following regular
107 business day.

108 (c) Subject to Subsection (4)(f), an individual may designate an agent to file a
109 declaration of candidacy with the official designated by the local district if:

110 (i) the individual is located outside of the state during the entire filing period;

111 (ii) the designated agent appears in person before the official designated by the local
112 district; and

113 (iii) the individual communicates with the official designated by the local district using
114 an electronic device that allows the individual and official to see and hear each other.

115 ~~[(e)]~~ (d) (i) Before the filing officer may accept any declaration of candidacy from an
116 individual, the filing officer shall:

117 (A) read to the ~~[prospective candidate]~~ individual the constitutional and statutory
118 qualification requirements for the office that the ~~[candidate]~~ individual is seeking; and

119 (B) require the ~~[candidate]~~ individual to state whether ~~[or not]~~ the ~~[candidate]~~
120 individual meets those requirements.

121 (ii) If the [~~prospective candidate~~] individual does not meet the qualification
122 requirements for the office, the filing officer may not accept the individual's declaration of
123 candidacy.

124 (iii) If it appears that the [~~prospective candidate~~] individual meets the requirements of
125 candidacy, the filing officer shall accept the individual's declaration of candidacy.

126 [~~(d)~~] (e) The declaration of candidacy shall be in substantially [~~comply with~~] the
127 following form:

128 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
129 _____, City of _____, County of _____, state of Utah, (Zip
130 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
131 office of board of trustees member for _____ (state the name of the local
132 district); that I am a candidate for that office to be voted upon at the next election[;] ; and that,
133 if filing via a designated agent, I will be out of the state of Utah during the entire candidate
134 filing period, and I hereby request that my name be printed upon the official ballot for that
135 election.

136 (Signed) _____

137 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
138 of _____, ____.

139 (Signed) _____

140 (Clerk or Notary Public)"

141 (f) An agent designated under Subsection (4)(c) may not sign the form described in
142 Subsection (4)(e).

143 [~~(e)~~] (g) Each [~~person~~] individual wishing to become a valid write-in candidate for an
144 elective local district board position is governed by Section 20A-9-601.

145 [~~(f)~~] (h) If at least one [~~person~~] individual does not file a declaration of candidacy as
146 required by this section, [~~a person~~] an individual shall be appointed to fill that board position
147 [~~by following the procedures and requirements for appointment established~~] in accordance with
148 the appointment provisions of Section 20A-1-512.

149 [~~(g)~~] (i) If only one candidate files a declaration of candidacy and there is no write-in
150 candidate who complies with Section 20A-9-601, the board, in accordance with Section
151 20A-1-206, may:

152 (i) consider the candidate to be elected to the position; and

153 (ii) cancel the election.

154 (5) (a) A primary election may be held if:

155 (i) the election is authorized by the local district board; and

156 (ii) the number of candidates for a particular local board position or office exceeds
157 twice the number of persons needed to fill that position or office.

158 (b) The primary election shall be conducted:

159 (i) on the same date as the municipal primary election or the regular primary election,
160 as applicable; and

161 (ii) according to the procedures for primary elections provided under Title 20A,
162 Election Code.

163 (6) (a) Except as provided in Subsection (6)(c), within one business day after the
164 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
165 names to the clerk of each county in which the local district is located.

166 (b) (i) Except as provided in Subsection (6)(c) and in accordance with Section
167 20A-6-305, the clerk of each county in which the local district is located and the local district
168 clerk shall coordinate the placement of the name of each candidate for local district office in
169 the nonpartisan section of the ballot with the appropriate election officer.

170 (ii) If consolidation of the local district election ballot with the municipal general
171 election ballot or the regular general election ballot, as applicable, is not feasible, the local
172 district board of trustees, in consultation with the county clerk, shall provide for a separate
173 local district election ballot to be administered by poll workers at polling locations designated
174 under Subsection (2).

175 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
176 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

177 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
178 prescribe the form of the ballot for each board member election.

179 (B) Each ballot for an election of an irrigation district board member shall be in a
180 nonpartisan format.

181 (C) The name of each candidate shall be placed on the ballot in the order specified
182 under Section 20A-6-305.

183 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

184 (i) be a registered voter within the district, except for an election of:

185 (A) an irrigation district board of trustees member; or

186 (B) a basic local district board of trustees member who is elected by property owners;

187 and

188 (ii) meet the requirements to vote established by the district.

189 (b) Each voter may vote for as many candidates as there are offices to be filled.

190 (c) The candidates who receive the highest number of votes are elected.

191 (8) Except as otherwise provided by this section, the election of local district board
192 members is governed by Title 20A, Election Code.

193 (9) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
194 local district board shall serve a four-year term, beginning at noon on the January 1 after the
195 person's election.

196 (b) A person elected shall be sworn in as soon as practical after January 1.

197 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
198 the county or municipality holding an election under this section for the costs of the election
199 attributable to that local district.

200 (b) Each irrigation district shall bear its own costs of each election it holds under this
201 section.

202 (11) This section does not apply to an improvement district that provides electric or gas
203 service.

204 (12) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title 20A,
205 Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

206 (13) (a) As used in this Subsection (13), "board" means:

207 (i) a local district board; or

208 (ii) the administrative control board of a special service district that has elected
209 members on the board.

210 (b) A board may hold elections for membership on the board at a regular general
211 election instead of a municipal general election if the board submits an application to the
212 lieutenant governor that:

213 (i) requests permission to hold elections for membership on the board at a regular

214 general election instead of a municipal general election; and

215 (ii) indicates that holding elections at the time of the regular general election is
216 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
217 material reason.

218 (c) Upon receipt of an application described in Subsection (13)(b), the lieutenant
219 governor may approve the application if the lieutenant governor concludes that holding the
220 elections at the regular general election is beneficial based on the criteria described in
221 Subsection (13)(b)(ii).

222 (d) If the lieutenant governor approves a board's application described in this section:

223 (i) all future elections for membership on the board shall be held at the time of the
224 regular general election; and

225 (ii) the board may not hold elections at the time of a municipal general election unless
226 the board receives permission from the lieutenant governor to hold all future elections for
227 membership on the board at a municipal general election instead of a regular general election,
228 under the same procedure, and by applying the same criteria, described in this Subsection (13).

229 Section 3. Section **17B-1-1001** is amended to read:

230 **17B-1-1001. Provisions applicable to property tax levy.**

231 (1) Each local district that levies and collects property taxes shall levy and collect them
232 according to the provisions of Title 59, Chapter 2, Property Tax Act.

233 (2) As used in this section:

234 (a) "Appointed board of trustees" means a board of trustees of a local district that
235 includes a member who is appointed to the board of trustees in accordance with Section
236 [17B-1-304](#), Subsection [17B-1-303\(5\)](#), Subsection [17B-1-306\(4\)](#)~~(f)~~(h), or any of the
237 applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of
238 Local Districts.

239 (b) "Elected board of trustees" means a board of trustees of a local district that consists
240 entirely of members who are elected to the board of trustees in accordance with Subsection (4),
241 Section [17B-1-306](#), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions
242 Applicable to Different Types of Local Districts.

243 (3) (a) For a taxable year beginning on or after January 1, 2018, a local district may not
244 levy or collect property tax revenue that exceeds the certified tax rate unless: (i) to the

245 extent that the revenue from the property tax was pledged before January 1, 2018, the local
246 district pledges the property tax revenue to pay for bonds or other obligations of the local
247 district; or

248 (ii) the proposed tax or increase in the property tax rate has been approved by:

249 (A) an elected board of trustees;

250 (B) subject to Subsection (3)(b), an appointed board of trustees;

251 (C) a majority of the registered voters within the local district who vote in an election
252 held for that purpose on a date specified in Section [20A-1-204](#);

253 (D) the legislative body of the appointing authority; or

254 (E) the legislative body of:

255 (I) a majority of the municipalities partially or completely included within the
256 boundary of the specified local district; or

257 (II) the county in which the specified local district is located, if the county has some or
258 all of its unincorporated area included within the boundary of the specified local district.

259 (b) For a local district with an appointed board of trustees, each appointed member of
260 the board of trustees shall comply with the trustee reporting requirements described in Section
261 [17B-1-1003](#) before the local district may impose a property tax levy that exceeds the certified
262 tax rate.

263 (4) (a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions
264 Applicable to Different Types of Local Districts, and subject to Subsection (4)(b), members of
265 the board of trustees of a local district shall be elected, if:

266 (i) two-thirds of all members of the board of trustees of the local district vote in favor
267 of changing to an elected board of trustees; and

268 (ii) the legislative body of each municipality or county that appoints a member to the
269 board of trustees adopts a resolution approving the change to an elected board of trustees.

270 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten
271 the term of any member of the board of trustees serving at the time of the change.

272 (5) Subsections (2), (3), and (4) do not apply to:

273 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

274 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

275 (c) a local district in which:

- 276 (i) the board of trustees consists solely of:
- 277 (A) land owners or the land owners' agents; or
- 278 (B) as described in Subsection 17B-1-302(3), land owners or the land owners' agents or
- 279 officers; and
- 280 (ii) there are no residents within the local district at the time a property tax is levied.

281 Section 4. Section 17B-1-1003 is amended to read:

282 **17B-1-1003. Trustee reporting requirement.**

283 (1) As used in this section:

284 (a) "Appointed board of trustees" means a board of trustees of a local district that

285 includes a member who is appointed to the board of trustees in accordance with Section

286 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(4)[~~(f)~~](h), or any of the

287 applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of

288 Local Districts.

289 (b) "Legislative entity" means:

290 (i) the member's appointing authority, if the appointing authority is a legislative body;

291 or

292 (ii) the member's nominating entity, if the appointing authority is not a legislative body.

293 (c) (i) "Member" means an individual who is appointed to a board of trustees for a

294 local district in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection

295 17B-1-306(4)[~~(f)~~](h), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions

296 Applicable to Different Types of Local Districts.

297 (ii) "Member" includes a member of the board of trustees who holds an elected

298 position with a municipality, county, or another local district that is partially or completely

299 included within the boundaries of the local district.

300 (d) "Nominating entity" means the legislative body that submits nominees for

301 appointment to the board of trustees to an appointing authority.

302 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate

303 for the taxable year.

304 (2) (a) If a local district board of trustees adopts a tentative budget that includes a

305 property tax increase, each member shall report to the member's legislative entity on the

306 property tax increase.

307 (b) (i) The local district shall request that each of the legislative entities that appoint or
308 nominate a member to the local district's board of trustees hear the report required by
309 Subsection (2)(a) at a public meeting of each legislative entity.

310 (ii) The request to make a report may be made by:

311 (A) the member appointed or nominated by the legislative entity; or

312 (B) another member of the board of trustees.

313 (c) The member appointed or nominated by the legislative entity shall make the report
314 required by Subsection (2)(a) at a public meeting that:

315 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;

316 (ii) includes the report as a separate agenda item; and

317 (iii) is held within 40 days after the day on which the legislative entity receives a
318 request to hear the report.

319 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after
320 the day on which the legislative entity receives a request to hear the report required by
321 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.

322 (ii) If the legislative entity fails to hear the report at a public meeting that meets the
323 criteria described in Subsection (2)(c), the trustee reporting requirements under this section
324 shall be considered satisfied.

325 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall
326 include:

327 (i) a statement that the local district intends to levy a property tax at a rate that exceeds
328 the certified tax rate for the taxable year;

329 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would
330 be generated by the proposed increase in the certified tax rate;

331 (iii) the approximate percentage increase in ad valorem tax revenue for the local
332 district based on the proposed property tax increase; and

333 (iv) any other information requested by the legislative entity.

334 (b) The legislative entity shall allow time during the meeting for comment from the
335 legislative entity and members of the public on the property tax increase.

336 (4) (a) If more than one member is appointed to the board of trustees by the same
337 legislative entity, a majority of the members appointed or nominated by the legislative entity

338 shall be present to provide the report required by Subsection (2) and described in Subsection
339 (3).

340 (b) The chair of the board of trustees shall appoint another member of the board of
341 trustees to provide the report described in Subsection (3) to the legislative entity if:

342 (i) the member appointed or nominated by the legislative entity is unable or unwilling
343 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

344 (ii) the absence of the member appointed or nominated by the legislative entity results
345 in:

346 (A) no member who was appointed or nominated by the legislative entity being present
347 to provide the report; or

348 (B) an inability to comply with Subsection (4)(a).

349 (5) A local district board of trustees may approve a property tax increase only after the
350 conditions of this section have been satisfied or considered satisfied for each member of the
351 board of trustees.

352 Section 5. Section 20A-9-201 is amended to read:

353 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
354 **more than one political party prohibited with exceptions -- General filing and form**
355 **requirements -- Affidavit of impecuniosity.**

356 (1) Before filing a declaration of candidacy for election to any office, [~~a person~~] an
357 individual shall:

358 (a) be a United States citizen;

359 (b) meet the legal requirements of that office; and

360 (c) if seeking a registered political party's nomination as a candidate for elective office,
361 state:

362 (i) the registered political party of which the [~~person~~] individual is a member; or

363 (ii) that the [~~person~~] individual is not a member of a registered political party.

364 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

365 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
366 Utah during any election year;

367 (ii) appear on the ballot as the candidate of more than one political party; or

368 (iii) file a declaration of candidacy for a registered political party of which the

369 individual is not a member, except to the extent that the registered political party permits
370 otherwise in the registered political party's bylaws.

371 (b) (i) ~~[A person]~~ An individual may file a declaration of candidacy for, or be a
372 candidate for, president or vice president of the United States and another office, if the ~~[person]~~
373 individual resigns the ~~[person's]~~ individual's candidacy for the other office after the ~~[person]~~
374 individual is officially nominated for president or vice president of the United States.

375 (ii) ~~[A person]~~ An individual may file a declaration of candidacy for, or be a candidate
376 for, more than one justice court judge office.

377 (iii) ~~[A person]~~ An individual may file a declaration of candidacy for lieutenant
378 governor even if the ~~[person]~~ individual filed a declaration of candidacy for another office in
379 the same election year if the ~~[person]~~ individual withdraws as a candidate for the other office in
380 accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for
381 lieutenant governor.

382 (3) (a) ~~[(†)]~~ Except for a candidate for president or vice president of the United States,
383 before the filing officer may accept any declaration of candidacy, the filing officer shall:

384 ~~[(A)]~~ (i) read to the ~~[prospective candidate]~~ individual the constitutional and statutory
385 qualification requirements for the office that the ~~[candidate]~~ individual is seeking; and

386 ~~[(B)]~~ (ii) require the ~~[candidate]~~ individual to state whether the ~~[candidate]~~ individual
387 meets those requirements.

388 ~~[(†)]~~ (b) Before accepting a declaration of candidacy for the office of county attorney,
389 the county clerk shall ensure that the ~~[person]~~ individual filing that declaration of candidacy is:

390 ~~[(A)]~~ (i) a United States citizen;

391 ~~[(B)]~~ (ii) an attorney licensed to practice law in ~~[Utah]~~ the state who is an active
392 member in good standing of the Utah State Bar;

393 ~~[(C)]~~ (iii) a registered voter in the county in which the ~~[person]~~ individual is seeking
394 office; and

395 ~~[(D)]~~ (iv) a current resident of the county in which the ~~[person]~~ individual is seeking
396 office and either has been a resident of that county for at least one year or was appointed and is
397 currently serving as county attorney and became a resident of the county within 30 days after
398 appointment to the office.

399 ~~[(†)]~~ (c) Before accepting a declaration of candidacy for the office of district attorney,

400 the county clerk shall ensure that, as of the date of the election, the [person] individual filing
401 that declaration of candidacy is:

402 [~~(A)~~] (i) a United States citizen;

403 [~~(B)~~] (ii) an attorney licensed to practice law in [~~Utah~~] the state who is an active
404 member in good standing of the Utah State Bar;

405 [~~(C)~~] (iii) a registered voter in the prosecution district in which the [person] individual
406 is seeking office; and

407 [~~(D)~~] (iv) a current resident of the prosecution district in which the [person] individual
408 is seeking office and either will have been a resident of that prosecution district for at least one
409 year as of the date of the election or was appointed and is currently serving as district attorney
410 and became a resident of the prosecution district within 30 days after receiving appointment to
411 the office.

412 [~~(iv)~~] (d) Before accepting a declaration of candidacy for the office of county sheriff,
413 the county clerk shall ensure that the [person] individual filing the declaration [~~of candidacy~~]:

414 [~~(A)~~] ~~as of the date of filing:~~

415 [~~(F)~~] (i) is a United States citizen;

416 [~~(H)~~] (ii) is a registered voter in the county in which the [person] individual seeks
417 office;

418 [~~(H)~~-(Aa)] (iii) (A) has successfully met the standards and training requirements
419 established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
420 Training and Certification Act; or

421 [~~(Bb)~~] (B) has met the waiver requirements in Section 53-6-206; [~~and~~]

422 [~~(IV)~~] (iv) is qualified to be certified as a law enforcement officer, as defined in
423 Section 53-13-103; and

424 [~~(B)~~] (v) as of the date of the election, [~~shall~~] will have been a resident of the county in
425 which the [person] individual seeks office for at least one year.

426 [~~(v)~~] (e) Before accepting a declaration of candidacy for the office of governor,
427 lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State
428 Board of Education member, the filing officer shall ensure:

429 [~~(A)~~] (i) that the [person] individual filing the declaration of candidacy also files the
430 financial disclosure required by Section 20A-11-1603; and

431 ~~[(B)]~~ (ii) if the filing officer is not the lieutenant governor, that the individual provides
432 the financial disclosure ~~[is provided]~~ to the lieutenant governor ~~[according to the procedures~~
433 ~~and requirements of]~~ in accordance with Section 20A-11-1603.

434 ~~[(b) If the prospective candidate states that]~~

435 (4) If an individual who files a declaration of candidacy does not meet the qualification
436 requirements for the office ~~[are not met]~~ the individual is seeking, the filing officer may not
437 accept the ~~[prospective candidate's]~~ individual's declaration of candidacy.

438 ~~[(c) If the candidate]~~

439 (5) If an individual who files a declaration of candidacy meets the requirements ~~[of~~
440 Subsection (3)(a) and states that the requirements of candidacy are met] described in
441 Subsection (3), the filing officer shall:

442 ~~[(i)]~~ (a) inform the ~~[candidate]~~ individual that:

443 ~~[(A)]~~ (i) the ~~[candidate's]~~ individual's name will appear on the ballot as the
444 ~~[candidate's]~~ individual's name is written on the individual's declaration of candidacy;

445 ~~[(B)]~~ (ii) the ~~[candidate]~~ individual may be required to comply with state or local
446 campaign finance disclosure laws; and

447 ~~[(C)]~~ (iii) the ~~[candidate]~~ individual is required to file a financial statement before the
448 ~~[candidate's]~~ individual's political convention under:

449 ~~[(F)]~~ (A) Section 20A-11-204 for a candidate for constitutional office;

450 ~~[(H)]~~ (B) Section 20A-11-303 for a candidate for the Legislature; or

451 ~~[(H)]~~ (C) local campaign finance disclosure laws, if applicable;

452 ~~[(i)]~~ (b) except for a presidential candidate, provide the ~~[candidate]~~ individual with a
453 copy of the current campaign financial disclosure laws for the office the ~~[candidate]~~ individual
454 is seeking and inform the ~~[candidate]~~ individual that failure to comply will result in
455 disqualification as a candidate and removal of the ~~[candidate's]~~ individual's name from the
456 ballot;

457 ~~[(iii)]~~ (c) provide the ~~[candidate]~~ individual with a copy of Section 20A-7-801
458 regarding the Statewide Electronic Voter Information Website Program and inform the
459 ~~[candidate]~~ individual of the submission deadline under Subsection 20A-7-801(4)(a);

460 ~~[(iv)]~~ (d) provide the candidate with a copy of the pledge of fair campaign practices
461 described under Section 20A-9-206 and inform the candidate that:

462 ~~[(A)]~~ (i) signing the pledge is voluntary; and
 463 ~~[(B)]~~ (ii) signed pledges shall be filed with the filing officer;
 464 ~~[(v)]~~ (e) accept the ~~[candidate's]~~ individual's declaration of candidacy; and
 465 ~~[(vi)]~~ (f) if the ~~[candidate]~~ individual has filed for a partisan office, provide a certified
 466 copy of the declaration of candidacy to the chair of the county or state political party of which
 467 the ~~[candidate]~~ individual is a member.

468 ~~[(d)]~~ (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
 469 officer shall:

470 ~~[(i)]~~ (a) accept the candidate's pledge; and
 471 ~~[(ii)]~~ (b) if the candidate has filed for a partisan office, provide a certified copy of the
 472 candidate's pledge to the chair of the county or state political party of which the candidate is a
 473 member.

474 ~~[(4)]~~ (7) (a) Except for a candidate for president or vice president of the United States,
 475 the form of the declaration of candidacy shall:

476 (i) be substantially as follows:

477 "State of Utah, County of _____
 478 I, _____, declare my candidacy for the office of _____, seeking the
 479 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
 480 hold the office, both legally and constitutionally, if selected; I reside at _____
 481 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 482 knowingly violate any law governing campaigns and elections; if filing via a designated
 483 agent, I will be out of the state of Utah during the entire candidate filing period; I will
 484 file all campaign financial disclosure reports as required by law; and I understand that
 485 failure to do so will result in my disqualification as a candidate for this office and
 486 removal of my name from the ballot. The mailing address that I designate for receiving
 487 official election notices is _____.

488 _____
 489 Subscribed and sworn before me this _____ (month\day\year).

490 _____ Notary Public (or other officer qualified to administer oath)."; and

491 (ii) require the candidate to state, in the sworn statement described in Subsection ~~[(4)]~~
 492 (7)(a)(i):

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

494 (B) that the candidate is not a member of a registered political party.

495 (b) An agent designated under Subsection 20A-9-202(1)(b) to file a declaration of
496 candidacy [~~under Section 20A-9-202~~] may not sign the form described in Subsection [~~(4)(a)~~]
497 (7)(a) or Section 20A-9-408.5.

498 [~~(5)~~] (8) (a) Except for presidential candidates, the fee for filing a declaration of
499 candidacy is:

500 (i) \$50 for candidates for the local school district board; and

501 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
502 person holding the office for all other federal, state, and county offices.

503 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
504 any candidate:

505 (i) who is disqualified; or

506 (ii) who the filing officer determines has filed improperly.

507 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
508 from candidates.

509 (ii) The lieutenant governor shall:

510 (A) apportion to and pay to the county treasurers of the various counties all fees
511 received for filing of nomination certificates or acceptances; and

512 (B) ensure that each county receives that proportion of the total amount paid to the
513 lieutenant governor from the congressional district that the total vote of that county for all
514 candidates for representative in Congress bears to the total vote of all counties within the
515 congressional district for all candidates for representative in Congress.

516 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
517 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
518 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
519 a financial statement filed at the time the affidavit is submitted.

520 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

521 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
522 statement filed under this section shall be subject to the criminal penalties provided under
523 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

524 (B) Conviction of a criminal offense under Subsection [~~(5)~~] (8)(d)(iii)(A) shall be
525 considered an offense under this title for the purposes of assessing the penalties provided in
526 Subsection 20A-1-609(2).

527 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
528 substantially the following form:

529 "Affidavit of Impecuniosity

530 Individual Name _____

531 _____ Address _____

532 Phone Number _____

533 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
534 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
535 law.

536 Date _____ Signature _____

537 Affiant

538 Subscribed and sworn to before me on _____ (month\day\year)

539 _____
540 (signature)

541 Name and Title of Officer Authorized to Administer Oath _____"

542 (v) The filing officer shall provide to a person who requests an affidavit of
543 impecuniosity a statement printed in substantially the following form, which may be included
544 on the affidavit of impecuniosity:

545 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
546 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
547 penalties, will be removed from the ballot."

548 (vi) The filing officer may request that a person who makes a claim of impecuniosity
549 under this Subsection [~~(5)~~] (8)(d) file a financial statement on a form prepared by the election
550 official.

551 [~~(6)~~] (9) (a) If there is no legislative appropriation for the Western States Presidential
552 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
553 president of the United States who is affiliated with a registered political party and chooses to
554 participate in the regular primary election shall:

- 555 (i) file a declaration of candidacy, in person or via a designated agent, with the
556 lieutenant governor:
- 557 (A) on a form developed and provided by the lieutenant governor; and
558 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
559 March before the next regular primary election;
- 560 (ii) identify the registered political party whose nomination the candidate is seeking;
561 (iii) provide a letter from the registered political party certifying that the candidate may
562 participate as a candidate for that party in that party's presidential primary election; and
563 (iv) pay the filing fee of \$500.

564 (b) ~~[An agent designated to file a declaration of candidacy]~~ A designated agent
565 described in Subsection (9)(a)(i) may not sign the form described in Subsection [(6)]
566 (9)(a)(i)(A).

567 ~~[(7) Any person]~~

568 (10) An individual who fails to file a declaration of candidacy or certificate of
569 nomination within the time provided in this chapter is ineligible for nomination to office.

570 ~~[(8)]~~ (11) A declaration of candidacy filed under this section may not be amended or
571 modified after the final date established for filing a declaration of candidacy.

572 Section 6. Section **20A-9-202** is amended to read:

573 **20A-9-202. Declarations of candidacy for regular general elections.**

574 (1) (a) ~~[Each person]~~ An individual seeking to become a candidate for an elective
575 office that is to be filled at the next regular general election shall:

576 (i) except as provided in Subsection (1)(b), file a declaration of candidacy in person
577 with the filing officer on or after January 1 of the regular general election year, and, if
578 applicable, before the [candidate] individual circulates nomination petitions under Section
579 20A-9-405; and

580 (ii) pay the filing fee.

581 (b) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
582 a declaration of candidacy with the filing officer if:

583 (i) the individual is located outside of the state during the entire filing period;

584 (ii) the designated agent appears in person before the filing officer;

585 (iii) the individual communicates with the filing officer using an electronic device that

586 allows the individual and filing officer to see and hear each other; and

587 (iv) the individual provides the filing officer with an email address to which the filing
588 officer may send the individual the copies described in Subsection 20A-9-201(5).

589 ~~[(b)]~~ (c) Each county clerk who receives a declaration of candidacy from a candidate
590 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
591 candidacy to the lieutenant governor within one ~~[working]~~ business day after ~~[it is filed]~~ the
592 candidate files the declaration of candidacy.

593 ~~[(c)]~~ (d) Each day during the filing period, each county clerk shall notify the lieutenant
594 governor electronically or by telephone of candidates who have filed ~~[in their office]~~ a
595 declaration of candidacy with the county clerk.

596 ~~[(d)]~~ (e) Each ~~[person]~~ individual seeking the office of lieutenant governor, the office
597 of district attorney, or the office of president or vice president of the United States shall comply
598 with the specific declaration of candidacy requirements established by this section.

599 (2) (a) Each ~~[person]~~ individual intending to become a candidate for the office of
600 district attorney within a multicounty prosecution district that is to be filled at the next regular
601 general election shall:

602 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
603 creating the prosecution district on or after January 1 of the regular general election year, and
604 before the ~~[candidate]~~ individual circulates nomination petitions under Section 20A-9-405; and

605 (ii) pay the filing fee.

606 (b) The designated clerk shall provide to the county clerk of each county in the
607 prosecution district a certified copy of each declaration of candidacy filed for the office of
608 district attorney.

609 (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each
610 lieutenant governor candidate shall:

611 (i) file a declaration of candidacy with the lieutenant governor;

612 (ii) pay the filing fee; and

613 (iii) submit a letter from a candidate for governor who has received certification for the
614 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
615 as a joint-ticket running mate.

616 (b) (i) ~~[Any]~~ A candidate for lieutenant governor who fails to timely file is disqualified.

617 (ii) If a candidate for lieutenant governor is disqualified, another candidate ~~[shall]~~ may
618 file to replace the disqualified candidate.

619 (4) On or before August 31, each registered political party shall:

620 (a) certify the names of ~~[its]~~ the political party's candidates for president and vice
621 president of the United States to the lieutenant governor; or

622 (b) provide written authorization for the lieutenant governor to accept the certification
623 of candidates for president and vice president of the United States from the national office of
624 the registered political party.

625 (5) (a) A declaration of candidacy filed under this section is valid unless a written
626 objection is filed with the clerk or lieutenant governor within five days after the last day for
627 filing.

628 (b) If an objection is made, the clerk or lieutenant governor shall:

629 (i) mail or personally deliver notice of the objection to the affected candidate
630 immediately; and

631 (ii) decide any objection within 48 hours after it is filed.

632 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
633 problem by amending the declaration or petition within three days after the objection is
634 sustained or by filing a new declaration within three days after the objection is sustained.

635 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

636 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
637 by a district court if prompt application is made to the court.

638 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
639 of its discretion, agrees to review the lower court decision.

640 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
641 filing a written affidavit with the clerk.

642 ~~[(7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement~~
643 ~~in this section to file a declaration of candidacy in person, a person may designate an agent to~~
644 ~~file the form described in Subsection 20A-9-201(4) in person with the filing officer if:]~~

645 ~~[(a) the person is located outside the state during the filing period because:]~~

646 ~~[(i) of employment with the state or the United States; or]~~

647 ~~[(ii) the person is a member of:]~~

648 ~~[(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or~~
649 ~~Coast Guard of the United States who is on active duty;]~~

650 ~~[(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the~~
651 ~~commissioned corps of the National Oceanic and Atmospheric Administration of the United~~
652 ~~States; or]~~

653 ~~[(C) the National Guard on activated status;]~~

654 ~~[(b) the person communicates with the filing officer using an electronic device that~~
655 ~~allows the person and filing officer to see and hear each other; and]~~

656 ~~[(c) the person provides the filing officer with an email address to which the filing~~
657 ~~officer may send the copies described in Subsection 20A-9-201(3).]~~

658 ~~[(8)]~~ (7) (a) Except for a candidate who is certified by a registered political party under
659 Subsection (4), and except as provided in Section 20A-9-504, on or before August 31 of a
660 general election year, each individual running as a candidate for vice president of the United
661 States shall:

662 (i) file a declaration of candidacy, in person or via a designated agent, on a form
663 developed by the lieutenant governor, that:

664 (A) contains the individual's name, address, and telephone number;

665 (B) states that the individual meets the qualifications for the office of vice president of
666 the United States;

667 (C) names the presidential candidate, who has qualified for the general election ballot,
668 with which the individual is running as a joint-ticket running mate;

669 (D) states that the individual agrees to be the running mate of the presidential candidate
670 described in Subsection ~~[(8)]~~ (7)(a)(i)(C); and

671 (E) contains any other necessary information identified by the lieutenant governor;

672 (ii) pay the filing fee, if applicable; and

673 (iii) submit a letter from the presidential candidate described in Subsection ~~[(8)]~~

674 (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice presidential
675 candidate.

676 (b) A designated agent described in Subsection ~~[(8)]~~ (7)(a)(i) may not sign the
677 declaration of candidacy.

678 (c) A vice presidential candidate who fails to meet the requirements described in this

679 Subsection [~~(8)~~] (7) may not appear on the general election ballot.

680 Section 7. Section **20A-9-203** is amended to read:

681 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

682 (1) An individual may become a candidate for any municipal office if:

683 (a) the individual is a registered voter; and

684 (b) (i) the individual has resided within the municipality in which the individual seeks
685 to hold elective office for the 12 consecutive months immediately before the date of the
686 election; or

687 (ii) the territory in which the individual resides was annexed into the municipality, the
688 individual has resided within the annexed territory or the municipality the 12 consecutive
689 months immediately before the date of the election.

690 (2) (a) For purposes of determining whether an individual meets the residency
691 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
692 before the election, the municipality is considered to have been incorporated 12 months before
693 the date of the election.

694 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
695 council position shall, if elected from a district, be a resident of the council district from which
696 the candidate is elected.

697 (c) In accordance with Utah Constitution, Article IV, Section 6, any mentally
698 incompetent person, any person convicted of a felony, or any person convicted of treason or a
699 crime against the elective franchise may not hold office in this state until the right to hold
700 elective office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

701 (3) (a) An individual seeking to become a candidate for a municipal office shall,
702 regardless of the nomination method by which the individual is seeking to become a candidate:

703 (i) except as provided in Subsection (3)(b), file a declaration of candidacy, in person
704 with the city recorder or town clerk, during the office hours described in Section [10-3-301](#) and
705 not later than the close of those office hours, between June 1 and June 7 of any odd-numbered
706 year; and

707 (ii) pay the filing fee, if one is required by municipal ordinance.

708 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
709 declaration of candidacy with the city recorder or town clerk if:

- 710 (i) the individual is located outside of the state during the entire filing period;
- 711 (ii) the designated agent appears in person before the city recorder or town clerk;
- 712 (iii) the individual communicates with the city recorder or town clerk using an
- 713 electronic device that allows the individual and city recorder or town clerk to see and hear each
- 714 other; and
- 715 (iv) the individual provides the city recorder or town clerk with an email address to
- 716 which the city recorder or town clerk may send the individual the copies described in
- 717 Subsection (4).

718 ~~(b)~~ (c) Any resident of a municipality may nominate a candidate for a municipal
719 office by:

720 (i) filing a nomination petition with the city recorder or town clerk during the office
721 hours described in Section 10-3-301 and not later than the close of those office hours, between
722 June 1 and June 7 of any odd-numbered year; and

723 (ii) paying the filing fee, if one is required by municipal ordinance.

724 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
725 petition, the filing officer shall:

726 (i) read to the prospective candidate or individual filing the petition the constitutional
727 and statutory qualification requirements for the office that the candidate is seeking; and

728 (ii) require the candidate or individual filing the petition to state whether the candidate
729 meets those requirements.

730 (b) If the prospective candidate does not meet the qualification requirements for the
731 office, the filing officer may not accept the declaration of candidacy or nomination petition.

732 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
733 filing officer shall:

734 (i) inform the candidate that the candidate's name will appear on the ballot as it is
735 written on the declaration of candidacy;

736 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
737 for the office the candidate is seeking and inform the candidate that failure to comply will
738 result in disqualification as a candidate and removal of the candidate's name from the ballot;

739 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
740 Electronic Voter Information Website Program and inform the candidate of the submission

741 deadline under Subsection 20A-7-801(4)(a);
742 (iv) provide the candidate with a copy of the pledge of fair campaign practices
743 described under Section 20A-9-206 and inform the candidate that:
744 (A) signing the pledge is voluntary; and
745 (B) signed pledges shall be filed with the filing officer; and
746 (v) accept the declaration of candidacy or nomination petition.
747 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
748 officer shall:
749 (i) accept the candidate's pledge; and
750 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
751 candidate's pledge to the chair of the county or state political party of which the candidate is a
752 member.
753 ~~[(5) Notwithstanding the requirement in Subsection (3)(a)(i) to file a declaration of~~
754 ~~candidacy in person, an individual may designate an agent to file the form described in~~
755 ~~Subsection (6) in person with the city recorder or town clerk if:]~~
756 ~~[(a) the individual is located outside the state during the filing period because:]~~
757 ~~[(i) of employment with the state or the United States; or]~~
758 ~~[(ii) the individual is a member of:]~~
759 ~~[(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or~~
760 ~~Coast Guard of the United States who is on active duty;]~~
761 ~~[(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the~~
762 ~~commissioned corps of the National Oceanic and Atmospheric Administration of the United~~
763 ~~States; or]~~
764 ~~[(C) the National Guard on activated status;]~~
765 ~~[(b) the individual makes the declaration of candidacy described in Subsection (6) to an~~
766 ~~individual qualified to administer an oath;]~~
767 ~~[(c) the individual communicates with the city recorder or town clerk using an~~
768 ~~electronic device that allows the individual and the city recorder or town clerk to see and hear~~
769 ~~each other; and]~~
770 ~~[(d) the individual provides the city recorder or town clerk with an email address to~~
771 ~~which the filing officer may send the copies described in Subsection (4):]~~

772 [(6)] (5) (a) The declaration of candidacy shall be in substantially [~~comply with~~] the
773 following form:

774 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
775 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
776 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
777 the legal qualifications required of candidates for this office. If filing via a designated agent, I
778 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
779 all campaign financial disclosure reports as required by law and I understand that failure to do
780 so will result in my disqualification as a candidate for this office and removal of my name from
781 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

782 _____
783 Subscribed and sworn to (or affirmed) before me by _____ on this
784 _____(month\day\year).

785 (Signed) _____ (Clerk or other officer qualified to administer oath)".

786 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy
787 [~~under Subsection (5)~~] may not sign the form described in Subsection [(6)] (5)(a).

788 [~~(7) (a) A registered voter may be nominated for municipal office by submitting a~~
789 ~~petition signed, with a holographic signature, by:]~~

790 [~~(i) 25 residents of the municipality who are at least 18 years old; or]~~

791 [~~(ii) 20% of the residents of the municipality who are at least 18 years old.]~~

792 [~~(b) (i) The petition shall substantially conform to the following form:]~~

793 ["NOMINATION PETITION]

794 [~~The undersigned residents of (name of municipality) being 18 years old or older~~
795 ~~nominate (name of nominee) to the office of _____ for the (two or four-year term, whichever is~~
796 ~~applicable)."]~~

797 [~~(ii) The remainder of the petition shall contain lines and columns for the signatures of~~
798 ~~individuals signing the petition and the individuals' addresses and telephone numbers.]~~

799 [(8)] (6) If the declaration of candidacy or nomination petition fails to state whether the
800 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
801 for the four-year term.

802 [(9)] (7) (a) The clerk shall verify with the county clerk that all candidates are

803 registered voters.

804 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
805 print the candidate's name on the ballot.

806 [~~(10)~~] (8) Immediately after expiration of the period for filing a declaration of
807 candidacy, the clerk shall:

808 (a) cause the names of the candidates as they will appear on the ballot to be published:

809 (i) in at least two successive publications of a newspaper with general circulation in the
810 municipality; and

811 (ii) as required in Section 45-1-101; and

812 (b) notify the lieutenant governor of the names of the candidates as they will appear on
813 the ballot.

814 [~~(11)~~] (9) A declaration of candidacy or nomination petition filed under this section
815 may not be amended after the expiration of the period for filing a declaration of candidacy.

816 [~~(12)~~] (10) (a) A declaration of candidacy or nomination petition filed under this
817 section is valid unless a written objection is filed with the clerk within five days after the last
818 day for filing.

819 (b) If an objection is made, the clerk shall:

820 (i) mail or personally deliver notice of the objection to the affected candidate
821 immediately; and

822 (ii) decide any objection within 48 hours after the objection is filed.

823 (c) If the clerk sustains the objection, the candidate may correct the problem by
824 amending the declaration or petition within three days after the objection is sustained or by
825 filing a new declaration within three days after the objection is sustained.

826 (d) (i) The clerk's decision upon objections to form is final.

827 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
828 prompt application is made to the district court.

829 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
830 of its discretion, agrees to review the lower court decision.

831 [~~(13)~~] (11) An individual who files a declaration of candidacy and is nominated, and an
832 individual who is nominated by a nomination petition, may, any time up to 23 days before the
833 election, withdraw the nomination by filing a written affidavit with the clerk.

834 Section 8. Section 20A-9-407 is amended to read:

835 **20A-9-407. Convention process to seek the nomination of a qualified political**
836 **party.**

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

840 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](7)(a), the form of the declaration of
841 candidacy for a member of a qualified political party who is nominated by, or who is seeking
842 the nomination of, the qualified political party under this section shall be substantially as
843 described in Section 20A-9-408.5.

844 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
845 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
846 nomination of the qualified political party for an elective office that is to be filled at the next
847 general election, shall:

848 (a) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy
849 in person with the filing officer on or after the second Friday in March and before 5 p.m. on the
850 third Thursday in March before the next regular general election; and

851 (b) pay the filing fee.

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

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

859 (b) pay the filing fee.

860 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
861 who files as the joint-ticket running mate of an individual who is nominated by a qualified
862 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
863 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
864 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket

865 running mate.

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

869 (b) The lieutenant governor shall ensure that the certification described in Subsection
870 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
871 under this section.

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

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

876 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
877 **political party.**

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

881 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](7)(a), the form of the declaration of
882 candidacy for a member of a qualified political party who is nominated by, or who is seeking
883 the nomination of, the qualified political party under this section shall be substantially as
884 described in Section 20A-9-408.5.

885 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
886 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
887 nomination of the qualified political party for an elective office that is to be filled at the next
888 general election shall:

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

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

895 (ii) the name of the registered political party for which the member is seeking

896 nomination;

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

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

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

900 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,
901 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
902 the third Thursday in March before the next regular general election; and

903 (c) pay the filing fee.

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

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

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

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

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

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

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

918 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,
919 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
920 the third Thursday in March before the next regular general election; and

921 (c) pay the filing fee.

922 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
923 who files as the joint-ticket running mate of an individual who is nominated by a qualified
924 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
925 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
926 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket

927 running mate.

928 (6) The lieutenant governor shall ensure that the certification described in Subsection
929 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
930 under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

989 on a petition;

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

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

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

999 Section 10. Section 20A-9-502 is amended to read:

1000 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**

1001 **Criminal penalty.**

1002 (1) The candidate shall:

1003 (a) prepare a certificate of nomination in substantially the following form:

1004 "State of Utah, County of _____

1005 I, _____, declare my intention of becoming an unaffiliated candidate for the
1006 political group designated as ____ for the office of _____. I do solemnly swear that I can
1007 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
1008 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
1009 that I am providing, or have provided, the required number of holographic signatures of
1010 registered voters required by law; that as a candidate at the next election I will not knowingly
1011 violate any election or campaign law; that, if filing via a designated agent for an office other
1012 than president of the United States, I will be out of the state of Utah during the entire candidate
1013 filing period; I will file all campaign financial disclosure reports as required by law; and I
1014 understand that failure to do so will result in my disqualification as a candidate for this office
1015 and removal of my name from the ballot.

1016

1017

Subscribed and sworn to before me this _____(month/day/year).

1018

1019

Notary Public (or other officer)

1020 qualified to administer oaths)";

1021 (b) bind signature sheets to the certificate that:

1022 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1023 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line

1024 blank for the purpose of binding;

1025 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate

1026 Certificate of Nomination Petition" printed directly below the horizontal line;

1027 (iv) contain the word "Warning" printed directly under the words described in

1028 Subsection (1)(b)(iii);

1029 (v) contain, to the right of the word "Warning," the following statement printed in not

1030 less than eight-point, single leaded type:

1031 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination

1032 signature sheet with any name other than the person's own name or more than once for the

1033 same candidate or if the person is not registered to vote in this state and does not intend to

1034 become registered to vote in this state before the county clerk certifies the signatures.";

1035 (vi) contain the following statement directly under the statement described in

1036 Subsection (1)(b)(v):

1037 "Each signer says:

1038 I have personally signed this petition with a holographic signature;

1039 I am registered to vote in Utah or intend to become registered to vote in Utah before the

1040 county clerk certifies my signature; and

1041 My street address is written correctly after my name.";

1042 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in

1043 Subsection (1)(b)(vi); and

1044 (viii) be vertically divided into columns as follows:

1045 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be

1046 headed with "For Office Use Only," and be subdivided with a light vertical line down the

1047 middle;

1048 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed

1049 Name (must be legible to be counted)";

1050 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of

1051 Registered Voter";

1052 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

1053 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1054 Code"; and

1055 (F) at the bottom of the sheet, contain the following statement: "Birth date or age
1056 information is not required, but it may be used to verify your identity with voter registration
1057 records. If you choose not to provide it, your signature may not be certified as a valid signature
1058 if you change your address before petition signatures are certified or if the information you
1059 provide does not match your voter registration records."; and

1060 (c) bind a final page to one or more signature sheets that are bound together that
1061 contains, except as provided by Subsection (3), the following printed statement:

1062 "Verification
1063 State of Utah, County of _____

1064 I, _____, of _____, hereby state that:

1065 I am a Utah resident and am at least 18 years old;

1066 All the names that appear on the signature sheets bound to this page were signed by
1067 persons who professed to be the persons whose names appear on the signature sheets, and each
1068 of them signed the person's name on the signature sheets in my presence;

1069 I believe that each has printed and signed the person's name and written the person's
1070 street address correctly, and that each signer is registered to vote in Utah or will register to vote
1071 in Utah before the county clerk certifies the signatures on the signature sheet.

1072 _____
1073 (Signature) (Residence Address) (Date)".

1074 (2) An agent designated to file a certificate of nomination under Subsection
1075 20A-9-503~~(4)~~(1)(b) may not sign the form described in Subsection (1)(a).

1076 (3) (a) The candidate shall circulate the nomination petition and ensure that the person
1077 in whose presence each signature sheet is signed:

1078 (i) is at least 18 years old;

1079 (ii) except as provided by Subsection (3)(b), meets the residency requirements of
1080 Section 20A-2-105; and

1081 (iii) verifies each signature sheet by completing the verification bound to one or more

1082 signature sheets that are bound together.

1083 (b) A person who is not a resident may sign the verification on a petition for an
1084 unaffiliated candidate for the office of president of the United States.

1085 (c) A person may not sign the verification if the person signed a signature sheet bound
1086 to the verification.

1087 (4) (a) It is unlawful for any person to:

1088 (i) knowingly sign a certificate of nomination signature sheet:

1089 (A) with any name other than the person's own name;

1090 (B) more than once for the same candidate; or

1091 (C) if the person is not registered to vote in this state and does not intend to become
1092 registered to vote in this state before the county clerk certifies the signatures; or

1093 (ii) sign the verification of a certificate of nomination signature sheet if the person:

1094 (A) except as provided by Subsection (3)(b), does not meet the residency requirements
1095 of Section [20A-2-105](#);

1096 (B) has not witnessed the signing by those persons whose names appear on the
1097 certificate of nomination signature sheet; or

1098 (C) knows that a person whose signature appears on the certificate of nomination
1099 signature sheet is not registered to vote in this state and does not intend to become registered to
1100 vote in this state.

1101 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.

1102 (5) (a) The candidate shall submit the petition and signature sheets to the county clerk
1103 for certification when the petition has been completed by:

1104 (i) at least 1,000 registered voters residing within the state when the nomination is for
1105 an office to be filled by the voters of the entire state; or

1106 (ii) at least 300 registered voters residing within a political division or at least 5% of
1107 the registered voters residing within a political division, whichever is less, when the
1108 nomination is for an office to be filled by the voters of any political division smaller than the
1109 state.

1110 (b) In reviewing the petition, the county clerk shall count and certify only those persons
1111 who signed the petition with a holographic signature who:

1112 (i) are registered voters within the political division that the candidate seeks to

1113 represent; and

1114 (ii) did not sign any other certificate of nomination for that office.

1115 (c) The candidate may supplement or amend the certificate of nomination at any time
1116 on or before the filing deadline.

1117 Section 11. Section **20A-9-503** is amended to read:

1118 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1119 (1) ~~[After]~~ (a) Except as provided in Subsection (1)(b), after the certificate of
1120 nomination has been certified, executed, and acknowledged by the county clerk, the candidate
1121 shall:

1122 ~~[(a)]~~ (i) between the second Friday in March and the close of normal office hours on
1123 the third Thursday in March of the year in which the regular general election will be held~~[-file~~
1124 ~~the petition in person with]~~:

1125 ~~[(i)]~~ (A) file the petition in person with the lieutenant governor, if the office the
1126 candidate seeks is a constitutional office or a federal office~~[-or (i)]~~ , or the county clerk, if the
1127 office the candidate seeks is a county office; and

1128 ~~[(iii)]~~ (B) pay the filing fee; or

1129 ~~[(b)]~~ (ii) not later than the close of normal office hours on June 15 of any
1130 odd-numbered year~~[-file the petition in person with]~~:

1131 ~~[(i)]~~ (A) file the petition in person with the municipal clerk, if the candidate seeks an
1132 office in a city or town~~[-(i)]~~ , or the local district clerk, if the candidate seeks an office in a
1133 local district; and

1134 ~~[(iii)]~~ (B) pay the filing fee.

1135 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1136 declaration of candidacy for president of the United States.

1137 (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an
1138 agent to file a declaration of candidacy with the appropriate filing officer if:

1139 (A) the individual is located outside of the state during the entire filing period;

1140 (B) the designated agent appears in person before the filing officer; and

1141 (C) the individual communicates with the filing officer using an electronic device that
1142 allows the individual and filing officer to see and hear each other.

1143 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall

1144 read the constitutional and statutory requirements for candidacy to the candidate.

1145 (b) If the candidate states that he does not meet the requirements, the filing officer may
1146 not accept the petition.

1147 (3) (a) Persons filing a certificate of nomination for president of the United States
1148 under this section shall pay a filing fee of \$500.

1149 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
1150 president or vice president of the United States:

1151 (i) may file the certificate of nomination between the second Friday in March and the
1152 close of normal office hours on August 15 of the year in which the regular general election will
1153 be held; and

1154 (ii) may use a designated agent to file the certificate of nomination.

1155 (c) An agent designated [~~to file the certificate of nomination~~] under Subsection
1156 (1)(b)(ii) or described in Subsection (3)(b)(ii) may not sign the certificate of nomination form.

1157 [~~(4) Notwithstanding the requirement in Subsection (1) to file a certificate of~~
1158 ~~nomination in person, a person may designate an agent to file the certificate of nomination in~~
1159 ~~person with the filing officer if:]~~

1160 [~~(a) the person is located outside the state during the filing period because:]~~

1161 [~~(i) of employment with the state or the United States; or]~~

1162 [~~(ii) the person is a member of:]~~

1163 [~~(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or~~
1164 ~~Coast Guard of the United States who is on active duty;]~~

1165 [~~(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the~~
1166 ~~commissioned corps of the National Oceanic and Atmospheric Administration of the United~~
1167 ~~States; or]~~

1168 [~~(C) the National Guard on activated status; and]~~

1169 [~~(b) the person communicates with the filing officer using an electronic device that~~
1170 ~~allows the person and the filing officer to see and hear each other.]~~

1171 Section 12. Section **20A-9-504** is amended to read:

1172 **20A-9-504. Unaffiliated candidates -- Governor and president of the United**
1173 **States.**

1174 (1) (a) Each unaffiliated candidate for governor shall, before July 1 of the regular

1175 general election year, select a running mate to file as an unaffiliated candidate for the office of
1176 lieutenant governor.

1177 (b) The unaffiliated lieutenant governor candidate shall, by July 1 of the regular general
1178 election year, file as an unaffiliated candidate by following the procedures and requirements of
1179 this part.

1180 (2) (a) Each unaffiliated candidate for president of the United States shall, before 5
1181 p.m. on August 15 of a regular general election year, select a running mate to file as an
1182 unaffiliated candidate for the office of vice president of the United States.

1183 (b) Before 5 p.m. on August 15 of a regular general election year, the unaffiliated
1184 candidate for vice president of the United States described in Subsection (2)(a) shall comply
1185 with the requirements of Subsection 20A-9-202[(+8)](7).

1186 Section 13. Section 20A-9-601 is amended to read:

1187 **20A-9-601. Qualifying as a write-in candidate.**

1188 (1) (a) ~~[Each person wishing]~~ Except as provided in Subsection (1)(b), an individual
1189 who wishes to become a valid write-in candidate shall file a declaration of candidacy in person,
1190 or through a designated agent for a candidate for president or vice president of the United
1191 States, with the appropriate filing officer not later than 60 days before the regular general
1192 election or a municipal general election in which the [person] individual intends to be a
1193 write-in candidate.

1194 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1195 declaration of candidacy for president of the United States.

1196 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
1197 declaration of candidacy with the appropriate filing officer if:

1198 (A) the individual is located outside of the state during the entire filing period;

1199 (B) the designated agent appears in person before the filing officer; and

1200 (C) the individual communicates with the filing officer using an electronic device that
1201 allows the individual and filing officer to see and hear each other.

1202 ~~[(b)(i)]~~ (2) (a) The form of the declaration of candidacy for all offices, except
1203 president or vice president of the United States, is substantially as follows:

1204 "State of Utah, County of _____

1205 I, _____, declare my intention of becoming a candidate for the office of

1206 ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the
 1207 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
 1208 _____ in the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will
 1209 not knowingly violate any law governing campaigns and elections; if filing via a designated
 1210 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all
 1211 campaign financial disclosure reports as required by law; and I understand that failure to do so
 1212 will result in my disqualification as a candidate for this office and removal of my name from
 1213 the ballot. The mailing address that I designate for receiving official election notices is
 1214 _____.

1215 _____

1216 Subscribed and sworn before me this _____(month\day\year).

1217 Notary Public (or other officer qualified to administer oath)."

1218 [(ii)] (b) The form of the declaration of candidacy for president of the United States is
 1219 substantially as follows:

1220 "State of Utah, County of ____

1221 I, _____, declare my intention of becoming a candidate for the office of the
 1222 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
 1223 the office, both legally and constitutionally, if selected; I reside at _____ in the City
 1224 or Town of ____, State ____, Zip Code ____, Phone No. ____; I will not knowingly violate
 1225 any law governing campaigns and elections. The mailing address that I designate for receiving
 1226 official election notices is _____. I designate _____ as
 1227 my vice presidential candidate.

1228 _____

1229 Subscribed and sworn before me this _____(month\day\year).

1230 Notary Public (or other officer qualified to administer oath)."

1231 [(iii)] (c) A declaration of candidacy for a write-in candidate for vice president of the
 1232 United States shall be in substantially the same form as a declaration of candidacy described in
 1233 Subsection [20A-9-202](#)~~[(8)]~~(7).

1234 [(iv)] (d) An agent [~~designated to file a declaration of candidacy under Subsection (2)]~~
 1235 described in Subsection (1)(a) or (b) may not sign the form described in Subsection [~~(1)(b)(i) or~~
 1236 ~~(ii)] (2)(a) or (b).~~

1237 ~~[(e)(i)]~~ (3) (a) The filing officer shall:
 1238 ~~[(A)]~~ (i) read to the candidate the constitutional and statutory requirements for the
 1239 office; and
 1240 ~~[(B)]~~ (ii) ask the candidate whether or not the candidate meets the requirements.
 1241 ~~[(ii)]~~ (b) If the candidate cannot meet the requirements of office, the filing officer may
 1242 not accept the write-in candidate's declaration of candidacy.

1243 ~~[(2) Notwithstanding the requirement in Subsection (1) to file a declaration of~~
 1244 ~~candidacy in person, a person may designate an agent to file the declaration of candidacy in~~
 1245 ~~person with the filing officer if:]~~

1246 ~~[(a) the person is located outside the state during the filing period because:]~~

1247 ~~[(i) of employment with the state or the United States; or]~~

1248 ~~[(ii) the person is a member of:]~~

1249 ~~[(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or~~
 1250 ~~Coast Guard of the United States who is on active duty;]~~

1251 ~~[(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the~~
 1252 ~~commissioned corps of the National Oceanic and Atmospheric Administration of the United~~
 1253 ~~States; or]~~

1254 ~~[(C) the National Guard on activated status; and]~~

1255 ~~[(b) the person communicates with the filing officer using an electronic device that~~
 1256 ~~allows the person and filing officer to see and hear each other.]~~

1257 ~~[(3)]~~ (4) By November 1 of each regular general election year, the lieutenant governor
 1258 shall certify to each county clerk the names of all write-in candidates who filed their
 1259 declaration of candidacy with the lieutenant governor.

1260 Section 14. Section **20A-11-1005** is amended to read:

1261 **20A-11-1005. Fines for failing to file a financial statement.**

1262 (1) Except as provided in Subsections **20A-11-512**(1)(b) and (4), the chief election
 1263 officer shall fine a filing entity \$100 for failing to file a financial statement by the filing
 1264 deadline.

1265 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
 1266 manner similar to Subsection **20A-9-201**~~[(5)]~~(8)(d), the chief election officer shall impose the
 1267 fine against the candidate or treasurer, as appropriate.

1268 (3) The chief election officer shall deposit fines collected under this chapter in the
1269 General Fund.

1270 Section 15. **Effective date.**

1271 If approved by two-thirds of all the members elected to each house, this bill takes effect
1272 upon approval by the governor, or the day following the constitutional time limit of Utah
1273 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1274 the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel