

HB0374S03 compared with HB0374S02

~~{Omitted text}~~ shows text that was in HB0374S02 but was omitted in HB0374S03
inserted text shows text that was not in HB0374S02 but was inserted into HB0374S03

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Signature Collection Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor: Keven J. Stratton

2

3 LONG TITLE

4 General Description:

5 This bill amends provisions related to nominations for elective office.

6 Highlighted Provisions:

7 This bill:

8 ▸ establishes a process for a voter to have the voter's signature removed from a petition to nominate
a candidate of a registered political party that is not a qualified political party to elective office;

11 ▸ requires an election official to post on the lieutenant governor's website the name and date of
signature of each voter who signs a nomination petition;

13 ▸ prohibits an election official from removing a voter's signature from a nomination petition if the
election official has already verified the voter's signature;

15 ▸ requires an election official to notify the county or district attorney if a person whose signature
appears on a nomination petition notifies the election official that the person did not sign the nomination
petition;

18 ▸ describes deadlines and procedures related to the processes described above; {and}

19 ▸

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includes a coordination clause that adds an hourly deadline to Sections 20A-9-405 and 20A-9-408 to reflect the time computation changes made in H.B. 299, Election Code Time Computation Revisions, if both bills pass and become law; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

AMENDS:

20A-9-403 , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws of Utah 2024, Chapter 503

20A-9-405 , as last amended by Laws of Utah 2022, Chapter 325 , as last amended by Laws of Utah 2022, Chapter 325

20A-9-406 , as last amended by Laws of Utah 2022, Chapter 13 , as last amended by Laws of Utah 2022, Chapter 13

20A-9-408 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116

20A-9-502 , as last amended by Laws of Utah 2024, Chapter 17 , as last amended by Laws of Utah 2024, Chapter 17

Utah Code Sections affected by Coordination Clause:

20A-9-405 , as last amended by Laws of Utah 2022, Chapter 325 , as last amended by Laws of Utah 2022, Chapter 325

20A-9-408 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116

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

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

20A-9-403. Regular primary elections.

(1)

(a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this

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section. The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

- 42 (b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.
- 47 (c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).
- 51 (d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.
- 53 (2)
- (a) Each registered political party, in a statement filed with the lieutenant governor, shall:
- 55 (i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and
- 59 (ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.
- 64 (b)
- (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.
- 67 (ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.

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71 (3)

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

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

77 (ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.

79 (b)

(i) A candidate for elective office shall submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.

82 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.

84 (c)

(i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.

90 (ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.

92 (d) The filing officer shall:

93 (i) except as otherwise provided in Section 20A-21-201, verify signatures on ~~[nomination petitions]~~ a nomination petition in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;

97 (ii) for ~~[all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced]~~ each qualifying candidate for elective office who submits a nomination petition to the filing officer, issue the certification described in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);

102 (iii) consider ~~[active and inactive voters eligible to sign nomination petitions]~~ an active voter and inactive voter eligible to sign a nomination petition;

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- 104 (iv) consider an individual who signs a nomination petition a member of a registered political party for
purposes of Subsection (3)(a)(ii) if the individual has designated ~~[that]~~ the registered political party
as the individual's party membership on the individual's voter registration form;~~[-and]~~
- 108 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk
as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination
petition signatures, or use statistical sampling procedures to verify submitted nomination petition
signatures in accordance with rules made under Subsection (3)(f)~~[-]~~ ; and
- 113 (vi) except as provided in Subsection 20A-9-405(11), no later than five business days after the day on
which the signature of an individual who signs a nomination petition is verified under Subsection
(3)(d)(v), post the name and date of signature of the individual on the lieutenant governor's website,
in a conspicuous location designated by the lieutenant governor, for at least 90 calendar days.
- 118 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may
appear on the regular primary ballot of a registered political party without submitting ~~[nomination~~
~~petitions]~~ a nomination petition if the candidate files a declaration of candidacy and complies with
Subsection 20A-9-202(3).
- 122 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of
elections, within the Office of the Lieutenant Governor, may make rules that:
- 125 (i) provide for the use of statistical sampling procedures that:
- 126 (A) ~~[filing officers are]~~ each filing officer is required to use to verify signatures under Subsection (3)
(d); and
- 128 (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely
recognized statistical sampling techniques; and
- 130 (ii) provide for the transparent, orderly, and timely submission, verification, and certification of
nomination petition signatures.
- 132 (g) The county clerk shall:
- 133 (i) review the declarations of candidacy filed by ~~[candidates]~~ each candidate for local boards of
education to determine if more than two candidates have filed for the same seat;
- 136 (ii) place the ~~[names of all candidates who have filed]~~ name of each candidate who filed a declaration
of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than
two candidates have filed for the same seat; and

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

142 (4)

(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to ~~[the county clerks]~~ each county clerk:

144 (i) a list of the names of ~~[all candidates]~~ each candidate for federal, constitutional, multi-county, single county, and county ~~[offices who have received certifications]~~ office who has received a certification under Subsection (3)(a), along with instructions on how ~~[those names]~~ each name shall appear on the primary election ballot in accordance with Section 20A-6-305; and

149 (ii) a list of ~~[unopposed candidates for elective office who have]~~ each unopposed candidate for elective office who has been nominated by a registered political party under Subsection (5)(c) and ~~[instruct the county clerks]~~ instructions to exclude the unopposed ~~[candidates]~~ candidate from the primary election ballot.

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

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

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

163 (5)

(a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

165 (i) nominated for that office by the candidate's registered political party; or

166 (ii) for a nonpartisan local school board position, nominated for that office.

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

171 (c)

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(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

(A) no individual other than the candidate receives a certification under Subsection (3)(a) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3)(a) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

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

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

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

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

(1) This section applies to the form and circulation of nomination petitions for regular primary elections described in Subsection 20A-9-403(3)(a) and Section 20A-9-408.

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

(3) For the manual candidate qualification process, the nomination petitions shall be in substantially the following form:

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

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

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- (c) the petition shall be headed by a caption stating the purpose of the petition and the name of the proposed candidate;
- 203 (d) the petition shall feature the word "Warning" followed by the following statement in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to knowingly sign a nomination petition with any name other than the person's own name, or more than once for the same candidate, or if the person is not registered to vote in this state.";
- 208 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively numbered one through 10;
- 210 (f) the signature portion of the petition shall be divided into columns headed by the following titles:
- 212 (i) Registered Voter's Printed Name;
- 213 (ii) Signature of Registered Voter;
- 214 (iii) Party Affiliation of Registered Voter;
- 215 (iv) Birth Date or Age (Optional);
- 216 (v) Street Address, City, Zip Code; and
- 217 (vi) Date of Signature; and
- 218 (g) a photograph of the candidate may appear on the nomination petition.
- 219 (4) For the electronic candidate qualification process, the lieutenant governor shall design an electronic form, using progressive screens, that includes:
- 221 (a) the following warning:
- 222 "Warning: It is a class A misdemeanor for anyone to knowingly sign a nomination petition with any name other than the person's own name, or more than once for the same candidate, or if the person is not registered to vote in this state."; and
- 225 (b) the following information for each individual who signs the petition:
- 226 (i) name;
- 227 (ii) party affiliation;
- 228 (iii) date of birth or age, (optional);
- 229 (iv) street address, city, zip code;
- 230 (v) date of signature;
- 231 (vi) other information required under Section 20A-21-201; and
- 232 (vii) other information required by the lieutenant governor.
- 233

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- (5) For the manual candidate qualification process, if one or more nomination petitions are bound together, a page shall be bound to the nomination petition(s) that features the following printed verification statement to be signed and dated by the petition circulator:

"Verification

State of Utah, County of ____

I, ____, of ____, hereby state that:

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

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

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah."

- (6) The lieutenant governor shall prepare and make public model nomination petition forms and associated instructions.

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

- (8) It is unlawful for any person to:

- (a) knowingly sign the nomination petition described in this section or Section 20A-9-408:

- (i) with any name other than the person's own name;

- (ii) more than once for the same candidate; or

- (iii) if the person is not registered to vote in this state;

- (b) sign the verification of a signature for a nomination petition if the person:

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

- (ii) has not witnessed the signing by those persons whose names appear on the nomination petition; or

- (iii) knows that a person whose signature appears on the nomination petition is not registered to vote in this state;

- (c) pay compensation to any person to sign a nomination petition; or

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

- (9) Any person violating Subsection (8) is guilty of a class A misdemeanor.

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- 267 (10) If a person whose signature appears on a nomination petition notifies a filing officer that the person
272 did not sign the nomination petition, the filing officer shall, after making a reasonable attempt to
273 determine the accuracy of the person's allegation, but no later than three business days after the day
274 on which the allegation is received, notify the county or district attorney of:
- 275 (a) the nature of the allegation; and
276 (b) the name of, and available contact information for:
(i) the person making the allegation; and
(ii) the person who collected the signature.
- (11)
(a) Except as provided in Subsection (12)(a), a voter who signs a nomination petition may have the
voter's signature removed from the petition by, no later than three business days after the day on
which the candidate files the petition with the appropriate filing officer, submitting to the filing
officer a statement requesting that the voter's signature be removed.
- 281 (b) A statement described in Subsection (11)(a) shall comply with the requirements described in
Subsection 20A-1-1003(2).
- 283 (c) The filing officer shall use the procedures described in Subsection 20A-1-1003(3) to determine
whether to remove an individual's signature from a nomination petition after receiving a timely,
valid statement requesting removal of the signature.
- 286 (12)
(a) A filing officer may not remove a voter's signature from a nomination petition if, before the date and
time that the filing officer receives the statement described in Subsection (11)(a), the filing officer
verifies the voter's signature under Subsection 20A-9-403(3)(d)(v).
- 290 (b) A filing officer who removes a voter's signature under Subsection (11) shall:
291 (i) ensure that the voter's name and date of signature are not included in the posting described in
Subsection 20A-9-403(3)(d)(vi); and
293 (ii) remove the voter's signature from the nomination petition and the nomination petition signature
totals.
- 295 [~~(10) Withdrawal of petition signatures is prohibited.~~]
303 Section 3. Section **20A-9-406** is amended to read:
304 **20A-9-406. Qualified political party -- Requirements and exemptions.**
The following provisions apply to a qualified political party:

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- 299 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of October of each
odd-numbered year, certify to the lieutenant governor the identity of one or more registered
political parties whose members may vote for the qualified political party's candidates and whether
unaffiliated voters may vote for the qualified political party's candidates;
- 304 (2) the following provisions do not apply to a nomination for the qualified political party:
- 305 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a); and
- 306 (b) Subsection 20A-9-403(5)(c);~~[-and]~~
- 307 ~~[(e) Section 20A-9-405;]~~
- 308 (3) an individual may only seek the nomination of the qualified political party by using a method
described in Section 20A-9-407, Section 20A-9-408, or both;
- 310 (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408,
and 20A-9-409;
- 312 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer shall ensure that
a ballot described in Section 20A-6-301 includes each individual nominated by a qualified political
party:
- 315 (a) under the qualified political party's name , if any; or
- 316 (b) under the title of the qualified registered political party as designated by the qualified political party
in the certification described in Subsection (1), or, if none is designated, then under some suitable
title;
- 319 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for ballots in
regular general elections, that each candidate who is nominated by the qualified political party is
listed by party;
- 322 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that the party
designation of each candidate who is nominated by the qualified political party is displayed adjacent
to the candidate's name on a mechanical ballot;
- 325 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual
who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular
general election for a federal office, constitutional office, multicounty office, or county office;
- 329 (9) an individual who is nominated by, or seeking the nomination of, the qualified political party is not
required to comply with Subsection 20A-9-201(1)(c);

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

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

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

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

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

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

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

357 **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party**
-- Removal of signature.

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

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

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

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- (a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:
- 366 (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
- 368 (ii) the name of the registered political party for which the member is seeking nomination;
- 370 (iii) the office for which the member is seeking to become a candidate;
- 371 (iv) the address and telephone number of the member; and
- 372 (v) other information required by the lieutenant governor;
- 373 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and
- 376 (c) pay the filing fee.
- 377 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:
- 381 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:
- 385 (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
- 387 (ii) the name of the registered political party for which the member is seeking nomination;
- 389 (iii) the office for which the member is seeking to become a candidate;
- 390 (iv) the address and telephone number of the member; and
- 391 (v) other information required by the lieutenant governor;
- 392 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and
- 395 (c) pay the filing fee.
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- (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, during the declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- 402 (6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.
- 405 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.
- 408 (8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:
- 410 (a) complying with the requirements described in this section; and
- 411 (b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), during the period beginning on the day on which the member files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:
- 416 (i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 419 (ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 422 (iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 425 (iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 428 (v) for a State Board of Education race, the lesser of:
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- (A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or
- 432 (B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and
- 434 (vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.
- 438 (9)
- (a) This Subsection (9) applies only to the manual candidate qualification process.
- 439 (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:
- 442 (i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in [~~Sections 20A-7-105 and 20A-7-204~~] Section 20A-9-405; and
- 445 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.
- 449 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:
- 454 (i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;
- 457 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
- 460 (iii) with the assistance of the county clerk as applicable, determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-1-1002, used to verify a signature on a petition; and
- 464 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.
- 466

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(d) Except as provided in Subsection (11), an election officer shall, no later than five business days after the day on which the signature of an individual who signs a petition is verified under Subsection (9)(c)(iii), post the name and date of signature of the individual on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 calendar days.

471 ~~[(d)~~

~~(i) A registered voter who physically signs a form under Subsections (8) and (9)(b) may have the voter's signature removed from the form by, no later than three business days after the day on which the member submits the signature form to the election officer, submitting to the election officer a statement requesting that the voter's signature be removed.]~~

476 ~~[(ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).]~~

478 ~~[(iii) With the assistance of the county clerk as applicable, the election officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature after receiving a timely, valid statement requesting removal of the signature.]~~

482 (10)

(a) This Subsection (10) applies only to the electronic candidate qualification process.

484 (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

490 (i) in accordance with Section 20A-21-201; and

491 (ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

493 (c) Upon timely receipt of the signatures described in Subsections (8) and ~~[(9)(b)]~~ (10)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

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

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(ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

504 (d) Except as provided in Subsection (11), an election officer shall, no later than five business days after the day on which the signature of an individual who signs a petition is verified under Section 20A-21-201, post the name and date of signature of the individual on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 calendar days.

509 (11)

(a) Except as provided in Subsection (12)(a), a registered voter who physically signs a petition under Subsections (8) and (9)(b), or who electronically signs a petition under Subsections (8) and (10)(b), may have the voter's signature removed from the petition by, no later than three business days after the day on which the member of the qualified political party submits the signatures to the election officer, submitting to the election officer a statement requesting that the voter's signature be removed.

515 (b) A statement described in Subsection (11)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

517 (c) With the assistance of the county clerk as applicable, the election officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

521 (12)

(a) An election officer may not remove a voter's signature from a petition if, before the date and time that the election officer receives the statement described in Subsection (11)(a), the election officer verifies the voter's signature under Subsection (9)(c)(iii) or Section 20A-21-201.

525 (b) An election officer who removes a voter's signature under Subsection (11) shall:

526 (i) ensure that the voter's name and date of signature are not included in the posting described in Subsection (9)(d) or (10)(d); and

528 (ii) remove the voter's signature from the signature packet and the signature packet totals.

530 [~~(11)~~] (13)

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

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

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

538 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection [~~(11)(b)~~ ~~(i)~~] (13)(b)(i).

541 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

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

560 Section 5. Section **20A-9-502** is amended to read:

561 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty -- Removal of petition signature.**

555 (1) The candidate shall:

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

557 "State of Utah, County of _____

558 I, _____, declare my intention of becoming an unaffiliated candidate for the political group designated as ____ for the office of _____. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at ____ Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; that, if filing via a designated agent for an office other than president of the United States, I

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will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

- 569 _____
- 570 Subscribed and sworn to before me this _____(month\day\year).
- 571 _____
- 572 Notary Public (or other officer
- 573 qualified to administer oaths)";
- 574 (b) for each signature packet, bind signature sheets to a copy of the certificate of nomination and the circulator verification, that:
- 576 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 577 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
- 579 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;
- 582 (iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);
- 584 (v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:
- 586 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures.";
- 590 (vi) contain the following statement directly under the statement described in Subsection (1)(b)(v):
- 592 "Each signer says:
- 593 I have personally signed this petition with a holographic signature;
- 594 I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and
- 596 My street address is written correctly after my name.";
- 597 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in Subsection (1)(b)(vi); and
- 599 (viii) be vertically divided into columns as follows:

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- 600 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For
Office Use Only," and be subdivided with a light vertical line down the middle;
- 603 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be
legible to be counted)";
- 605 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";
- 607 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
- 609 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
- 611 (F) at the bottom of the sheet, contain the following statement: "Birth date or age information is not
required, but it may be used to verify your identity with voter registration records. If you choose
not to provide it, your signature may not be certified as a valid signature if you change your address
before petition signatures are certified or if the information you provide does not match your voter
registration records."; and
- 617 (c) bind a final page to one or more signature sheets that are bound together that contains, except as
provided by Subsection (3), the following printed statement:
- 619 "Verification
- 620 State of Utah, County of ____
- 621 I, _____, of _____, hereby state that:
- 622 I am at least 18 years old;
- 623 All the names that appear on the signature sheets bound to this page were signed by persons
who professed to be the persons whose names appear on the signature sheets, and each of them
signed the person's name on the signature sheets in my presence;
- 626 I believe that each has printed and signed the person's name and written the person's street
address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah
before the county clerk certifies the signatures on the signature sheet.
- 629 _____
- 630 (Signature) (Residence Address) (Date)".
- 631 (2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(2)(b) or (4)(b)
may not sign the form described in Subsection (1)(a).
- 633 (3)
- (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence
each signature sheet is signed:

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- 635 (i) is at least 18 years old; and
- 636 (ii) verifies each signature sheet by completing the verification bound to one or more signature
sheets that are bound together.
- 638 (b) A person may not sign the circulator verification if the person signed a signature sheet bound to the
verification.
- 640 (4)
- (a) It is unlawful for any person to:
- 641 (i) knowingly sign a certificate of nomination signature sheet:
- 642 (A) with any name other than the person's own name;
- 643 (B) more than once for the same candidate; or
- 644 (C) if the person is not registered to vote in this state and does not intend to become registered to vote in
this state before the county clerk certifies the signatures; or
- 647 (ii) sign the verification of a certificate of nomination signature sheet if the person:
- 648 (A) has not witnessed the signing by those persons whose names appear on the certificate of nomination
signature sheet; or
- 650 (B) knows that a person whose signature appears on the certificate of nomination signature sheet is not
registered to vote in this state and does not intend to become registered to vote in this state.
- 653 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- 654 (c) If a person whose signature appears on a nomination petition notifies a county clerk that the person
did not sign the nomination petition, the county clerk shall, after making a reasonable attempt to
determine the accuracy of the person's allegation, but no later than three business days after the day
on which the allegation is received, notify the county or district attorney of:
- 659 (i) the nature of the allegation; and
- 660 (ii) the name of, and available contact information for:
- 661 (A) the person making the allegation; and
- 662 (B) the person who collected the signature.
- 663 (5)
- (a) To qualify for placement on the general election ballot, the candidate shall, no earlier than the start
of the declaration of candidacy period described in Section 20A-9-201.5 and no later than 5 p.m. on
June 15 of the year in which the election will be held:
- 667 (i) comply with Subsection 20A-9-503(1); and

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- 668 (ii) submit each signature packet to the county clerk where the majority of the signatures in the
packet were collected, with signatures totaling:
- 670 (A) at least 1,000 registered voters residing within the state when the nomination is for an office to be
filled by the voters of the entire state; or
- 672 (B) at least 300 registered voters residing within a political division or at least 5% of the registered
voters residing within a political division, whichever is less, when the nomination is for an office to
be filled by the voters of any political division smaller than the state.
- 676 (b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks verify that each
required signature is a valid signature of a registered voter who is eligible to sign the signature
packet and has not signed a signature packet to nominate another candidate for the same office.
- 680 (c) In reviewing the signature packets, the county clerk shall count and certify only those persons who
signed with a holographic signature, who:
- 682 (i) are registered voters within the political division that the candidate seeks to represent; and
- 684 (ii) did not sign any other certificate of nomination for that office.
- 685 (d) The county clerk shall count and certify the number of registered voters who validly signed a
signature packet, no later than 30 days after the day on which the candidate submits the signature
packet.
- 688 (e) The candidate may supplement the signatures or amend the certificate of nomination or declaration
of candidacy at any time on or before 5 p.m. on June 15 of the year in which the election will be
held.
- 691 (f) The county clerk shall use the procedures described in Section 20A-1-1002 to determine whether a
signer is a registered voter who is qualified to sign the signature packet.
- 694 (6) Except as provided in Subsection (7), the county clerk shall, no later than five business days after
the day on which the signature of a voter who signs a signature packet is verified under Subsection
(5)(b), post the name and date of signature of the voter on the lieutenant governor's website, in a
conspicuous location designated by the lieutenant governor, for at least 90 calendar days.
- 699 [~~(6)~~] (7)
- (a) [A] Except as provided in Subsection (8)(a), a voter who signs a signature packet under this
section may have the voter's signature removed from the signature packet by, no later than three
business days after the day on which the candidate submits the signature packet to the county clerk,
submitting to the county clerk a statement requesting that the voter's signature be removed.

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- 704 (b) A statement described in Subsection [~~(6)(a)~~] (7)(a) shall comply with the requirements described in
Subsection 20A-1-1003(2).
- 706 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine
whether to remove an individual's signature from a signature packet after receiving a timely, valid
statement requesting removal of the signature.
- 709 (8)
- (a) A county clerk may not remove a voter's signature from a petition packet if, before the date and time
that the county clerk receives the statement described in Subsection (7)(a), the county clerk verifies
the voter's signature under Subsection (5)(b).
- 713 (b) A county clerk who removes a voter's signature under Subsection (7) shall:
- 714 (i) ensure that the voter's name and date of signature are not included in the posting described in
Subsection (6); and
- 716 (ii) remove the voter's signature from the signature packet and the signature packet totals.
- 726 Section 6. **Effective date.**
This bill takes effect on May 7, 2025.
- 728 Section 7. **Coordinating H.B. 374 with H.B. 299.**

If H.B. 374, Signature Collection Amendments, and H.B. 299, Election Code Time
Computation Revisions, both pass and become law, the Legislature intends that, on May 7,
2024:

(1) Subsection 20A-9-405(11)(a) enacted in H.B. 374 be amended to read:

"(a) Except as provided in Subsection (12)(a), a voter who signs a nomination petition
may have the voter's signature removed from the petition by, no later than 5 p.m. three
business days after the day on which the candidate files the petition with the appropriate filing
officer, submitting to the filing officer a statement requesting that the voter's signature be
removed."; and

(2) Subsection 20A-9-408(11)(a) enacted in H.B. 374 be amended to read:

"(a) Except as provided in Subsection (12)(a), a registered voter who physically signs a
petition under Subsections (8) and (9)(b), or who electronically signs a petition under
Subsections (8) and (10)(b), may have the voter's signature removed from the petition by, no
later than 5 p.m. three business days after the day on which the member of the qualified
political party submits the signatures to the election officer, submitting to the election officer a

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statement requesting that the voter's signature be removed."

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