

SB0290S02 compared with SB0290

~~{Omitted text}~~ shows text that was in SB0290 but was omitted in SB0290S02

inserted text shows text that was not in SB0290 but was inserted into SB0290S02

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1

Candidate Licensing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill codifies the requirements in the Utah Constitution for an individual seeking the
6 office of attorney general.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ updates the statute to reflect the requirements in the Utah Constitution for the office of attorney
general{ } ; and

11 ▶ requires potential candidates for district attorney, county attorney, or attorney general
to submit certain information affirming that the potential candidate meets the constitutional
requirements for that office.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

19 **AMENDS:**

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20 **20A-9-201** , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah
21 2024, Chapter 465

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

23 Section 1. Section **20A-9-201** is amended to read:

24 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than
one political party prohibited with exceptions -- General filing and form requirements -- Affidavit
of impecuniosity.**

24 (1) Before filing a declaration of candidacy for election to any office, an individual shall:

25 (a) be a United States citizen;

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

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

29 (i) the registered political party of which the individual is a member; or

30 (ii) that the individual is not a member of a registered political party.

31 (2)

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

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

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

35 (iii) 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 in the
registered political party's bylaws.

38 (b)

(i) An individual may file a declaration of candidacy for, or be a candidate for, president or vice
president of the United States and another office, if the individual resigns the individual's candidacy
for the other office after the individual is officially nominated for president or vice president of the
United States.

43 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice
court judge office.

45 (iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual
filed a declaration of candidacy for another office in the same election year if the individual

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withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

50 (3)

(a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:

52 (i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking;

54 (ii) require the individual to state whether the individual meets the requirements described in Subsection (3)(a)(i);

56 (iii) if the declaration of candidacy is for a county office, inform the individual that an individual who holds a county elected office may not, at the same time, hold a municipal elected office; and

59 (iv) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.

63 (b)

(i) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the individual filing that declaration of candidacy is:

65 [(i)] (A) a United States citizen;

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

68 [(iii)] (C) a registered voter in the county in which the individual is seeking office; and

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

79 (ii) An individual filing a declaration of candidacy for the office of county attorney shall submit with the individual's declaration:

81 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;

83 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status of the individual's application; or

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- 85 (C) an affidavit describing how the individual intends to comply with the requirements for office of
county attorney described in Subsection (3)(b)(i), prior to taking office.
- 88 (iii) In addition to the requirements described in Subsection (3)(b)(ii), an individual shall also provide
the filing officer with the individual's license number with:
- 90 (A) the Utah State Bar, if the individual is a member; or
- 91 (B) any other state bar association, if the individual is a member.
- 73 (c)
- (i) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall
ensure that, as of the date of the election, the individual filing that declaration of candidacy is:
- 76 ~~(i)~~ (A) a United States citizen;
- 77 ~~(ii)~~ (B) an attorney licensed to practice law in the state who is an active member in good standing of
the Utah State Bar;
- 79 ~~(iii)~~ (C) a registered voter in the prosecution district in which the individual is seeking office; and
- 81 ~~(iv)~~ (D) a current resident of the prosecution district in which the individual is seeking office and
either will have been a resident of that prosecution district for at least one year before the date of the
election or was appointed and is currently serving as district attorney or county attorney and became
a resident of the prosecution district within 30 days after receiving appointment to the office.
- 106 (ii) An individual filing a declaration of candidacy for the office of district attorney shall submit with
the individual's declaration:
- 108 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;
- 110 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status
of the individual's application; or
- 112 (C) an affidavit describing how the individual intends to comply with the requirements for office of
district attorney described in Subsection (3)(c)(i), prior to taking office.
- 115 (iii) In addition to the requirements described in Subsection (3)(c)(ii), an individual shall also provide
the filing officer with the individual's license number with:
- 117 (A) the Utah State Bar, if the individual is a member; or
- 118 (B) any other state bar association, if the individual is a member.
- 86 (d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall
ensure that the individual filing the declaration:
- 88 (i) is a United States citizen;

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- 89 (ii) is a registered voter in the county in which the individual seeks office;
90 (iii)
(A) has successfully met the standards and training requirements established for law enforcement
officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
93 (B) has met the waiver requirements in Section 53-6-206;
94 (iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and
96 (v) before the date of the election, will have been a resident of the county in which the individual seeks
office for at least one year.
- 98 (e)
(i) Before accepting a declaration of candidacy for the office of attorney general, the filing officer shall
ensure that, as of the date of the election, the individual filing that declaration of candidacy is:
101 (A) a United States citizen;
102 (B) an attorney licensed to practice law in the state{;} who is an active member in good standing of
the Utah State Bar; and
103 (C) admitted to practice before the Utah Supreme Court {of the State of Utah; and} .
138 (ii) An individual filing a declaration of candidacy for the office of attorney general shall submit with
the individual's declaration:
140 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;
142 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status
of the individual's application; or
144 (C) an affidavit describing how the individual intends to comply with the requirements for office of
attorney general, described in Subsection (3)(e)(i), prior to taking office.
147 (iii) In addition to the requirements described in Subsection (3)(e)(ii), an individual shall also provide
the filing officer with the individual's license number with:
104 {~~(D)~~} (A) {an active member in good standing with} the Utah State Bar{.}, if the individual is a
member; or
150 (B) any other state bar association, if the individual is a member.
105 {~~(ii)~~} (iv) {The filing officer shall ensure that the} An individual filing the declaration of candidacy for
the office of attorney general shall also {makes} make the conflict of interest disclosure described
in Section 20A-11-1603.

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[(e)] (f) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, ~~[attorney general,]~~ state legislator, or State Board of Education member, the filing officer shall ensure that the individual filing the declaration of candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.

113 (4) If an individual who files a declaration of candidacy does not meet the qualification requirements for the office the individual is seeking, the filing officer may not accept the individual's declaration of candidacy.

116 (5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:

118 (a) inform the individual that:

119 (i) the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;

121 (ii) the individual may be required to comply with state or local campaign finance disclosure laws; and

123 (iii) the individual is required to file a financial statement before the individual's political convention under:

125 (A) Section 20A-11-204 for a candidate for constitutional office;

126 (B) Section 20A-11-303 for a candidate for the Legislature; or

127 (C) local campaign finance disclosure laws, if applicable;

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

132 (c)

(i) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);

135 (ii) inform the individual that the individual must provide the filing officer with an email address that the individual actively monitors:

137 (A) to receive a communication from a filing officer or an election officer; and

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(B) if the individual wishes to display a candidate profile on the Statewide Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801(4)(a)(ii);

142 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act; and

145 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);

146 (d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

148 (i) signing the pledge is voluntary; and

149 (ii) signed pledges shall be filed with the filing officer;

150 (e) accept the individual's declaration of candidacy; and

151 (f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.

154 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

156 (a) accept the candidate's pledge; and

157 (b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

160 (7)

(a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:

162 (i) be substantially as follows:

163 "State of Utah, County of ____

164 I, _____, declare my candidacy for the office of _____, seeking the nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I 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. The mailing address that I designate for receiving official election notices is _____.

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174 _____
175 Subscribed and sworn before me this _____(month\day\year).
176 Notary Public (or other officer qualified to administer oath)."; and
177 (ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):
179 (A) the registered political party of which the candidate is a member; or
180 (B) that the candidate is not a member of a registered political party.
181 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of candidacy may not
sign the form described in Subsection (7)(a) or Section 20A-9-408.5.
184 (8)
(a) Except for a candidate for president or vice president of the United States, the fee for filing a
declaration of candidacy is:
186 (i) \$50 for candidates for the local school district board; and
187 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person
holding the office for all other federal, state, and county offices.
189 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:
191 (i) who is disqualified; or
192 (ii) who the filing officer determines has filed improperly.
193 (c)
(i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.
195 (ii) The lieutenant governor shall:
196 (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of
nomination certificates or acceptances; and
198 (B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor
from the congressional district that the total vote of that county for all candidates for representative
in Congress bears to the total vote of all counties within the congressional district for all candidates
for representative in Congress.
203 (d)
(i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment
of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of
impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement
filed at the time the affidavit is submitted.

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- 208 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
209 (iii)
- (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
- 213 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).
- 216 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:
- 218 "Affidavit of Impecuniosity
219 Individual Name _____ Address _____
221 Phone Number _____
222 I, _____ (name), do solemnly [swear] [affirm], under penalty of law for false statements, that, owing to my poverty, I am unable to pay the filing fee required by law.
225 Date _____ Signature _____
Affiant
227 Subscribed and sworn to before me on _____ (month\day\year)
228 _____
229 (signature)
230 Name and Title of Officer Authorized to Administer Oath _____".
- 231 (v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:
- 234 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a candidate who is found guilty of filing a false statement, in addition to being subject to criminal penalties, will be removed from the ballot."
- 237 (vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (8)(d) file a financial statement on a form prepared by the election official.
- 240 (9) An individual who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.
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(10) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

290 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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