

1 **Candidate Licensing Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

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
10 attorney general.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **20A-9-201**, as last amended by Laws of Utah 2024, Chapter 465

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

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

21 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**
22 **of more than one political party prohibited with exceptions -- General filing and form**
23 **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,
28 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
- 33 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
- 36 individual is not a member, except to the extent that the registered political party
- 37 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,
- 39 president or vice president of the United States and another office, if the
- 40 individual resigns the individual's candidacy for the other office after the
- 41 individual is officially nominated for president or vice president of the United
- 42 States.
- 43 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
- 44 than one justice court judge office.
- 45 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
- 46 the individual filed a declaration of candidacy for another office in the same
- 47 election year if the individual withdraws as a candidate for the other office in
- 48 accordance with Subsection 20A-9-202(6) before filing the declaration of
- 49 candidacy for lieutenant governor.
- 50 (3)(a) Except for a candidate for president or vice president of the United States, before
- 51 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
- 53 for the office that the individual is seeking;
- 54 (ii) require the individual to state whether the individual meets the requirements
- 55 described in Subsection (3)(a)(i);
- 56 (iii) if the declaration of candidacy is for a county office, inform the individual that
- 57 an individual who holds a county elected office may not, at the same time, hold a
- 58 municipal elected office; and
- 59 (iv) if the declaration of candidacy is for a legislative office, inform the individual
- 60 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
- 61 public office of profit or trust, under authority of the United States or Utah, from
- 62 being a member of the Legislature.
- 63 (b) Before accepting a declaration of candidacy for the office of county attorney, the
- 64 county clerk shall ensure that the individual filing that declaration of candidacy is:

- 65 (i) a United States citizen;
- 66 (ii) an attorney licensed to practice law in the state who is an active member in good
67 standing of the Utah State Bar;
- 68 (iii) a registered voter in the county in which the individual is seeking office; and
- 69 (iv) a current resident of the county in which the individual is seeking office and
70 either has been a resident of that county for at least one year before the date of the
71 election or was appointed and is currently serving as county attorney and became
72 a resident of the county within 30 days after appointment to the office.
- 73 (c) Before accepting a declaration of candidacy for the office of district attorney, the
74 county clerk shall ensure that, as of the date of the election, the individual filing that
75 declaration of candidacy is:
- 76 (i) a United States citizen;
- 77 (ii) an attorney licensed to practice law in the state who is an active member in good
78 standing of the Utah State Bar;
- 79 (iii) a registered voter in the prosecution district in which the individual is seeking
80 office; and
- 81 (iv) a current resident of the prosecution district in which the individual is seeking
82 office and either will have been a resident of that prosecution district for at least
83 one year before the date of the election or was appointed and is currently serving
84 as district attorney and became a resident of the prosecution district within 30
85 days after receiving appointment to the office.
- 86 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
87 county clerk shall ensure that the individual filing the declaration:
- 88 (i) is a United States citizen;
- 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
91 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
92 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
95 53-13-103; and
- 96 (v) before the date of the election, will have been a resident of the county in which
97 the individual seeks office for at least one year.
- 98 (e)(i) Before accepting a declaration of candidacy for the office of attorney general,

- 99 the filing officer shall ensure that, as of the date of the election, the individual
100 filing that declaration of candidacy is:
- 101 (A) a United States citizen;
102 (B) an attorney licensed to practice law in the state;
103 (C) admitted to practice before the Supreme Court of the State of Utah; and
104 (D) an active member in good standing with the Utah State Bar.
- 105 (ii) The filing officer shall ensure that the individual filing the declaration of
106 candidacy for the office of attorney general also makes the conflict of interest
107 disclosure described in Section 20A-11-1603.
- 108 ~~(e)~~ (f) Before accepting a declaration of candidacy for the office of governor, lieutenant
109 governor, state auditor, state treasurer, ~~attorney general,~~ state legislator, or State
110 Board of Education member, the filing officer shall ensure that the individual filing
111 the declaration of candidacy also makes the conflict of interest disclosure described
112 in Section 20A-11-1603.
- 113 (4) If an individual who files a declaration of candidacy does not meet the qualification
114 requirements for the office the individual is seeking, the filing officer may not accept the
115 individual's declaration of candidacy.
- 116 (5) If an individual who files a declaration of candidacy meets the requirements described
117 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
120 on the individual's declaration of candidacy;
- 121 (ii) the individual may be required to comply with state or local campaign finance
122 disclosure laws; and
- 123 (iii) the individual is required to file a financial statement before the individual's
124 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
129 campaign financial disclosure laws for the office the individual is seeking and inform
130 the individual that failure to comply will result in disqualification as a candidate and
131 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

- 133 Statewide Electronic Voter Information Website Program and inform the
 134 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
 136 email address that the individual actively monitors:
- 137 (A) to receive a communication from a filing officer or an election officer; and
 138 (B) if the individual wishes to display a candidate profile on the Statewide
 139 Electronic Voter Information Website, to submit to the website the
 140 biographical and other information described in Subsection 20A-7-801
 141 (4)(a)(ii);
- 142 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
 143 not a record under Title 63G, Chapter 2, Government Records Access and
 144 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
 147 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
 152 declaration of candidacy to the chair of the county or state political party of which the
 153 individual is a member.
- 154 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 155 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
 158 candidate's pledge to the chair of the county or state political party of which the
 159 candidate is a member.
- 160 (7)(a) Except for a candidate for president or vice president of the United States, the
 161 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
 165 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet
 166 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at

167 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 168 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
 169 I will be out of the state of Utah during the entire candidate filing period; I will file all
 170 campaign financial disclosure reports as required by law; and I understand that failure to do so
 171 will result in my disqualification as a candidate for this office and removal of my name from
 172 the ballot. The mailing address that I designate for receiving official election notices is
 173 _____.

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

178 (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
 182 candidacy may not sign the form described in Subsection (7)(a) or Section
 183 20A-9-408.5.

184 (8)(a) Except for a candidate for president or vice president of the United States, the fee
 185 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
 188 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
 190 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
 194 from candidates.

195 (ii) The lieutenant governor shall:

196 (A) apportion to and pay to the county treasurers of the various counties all fees
 197 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
 199 lieutenant governor from the congressional district that the total vote of that
 200 county for all candidates for representative in Congress bears to the total vote

201 of all counties within the congressional district for all candidates for
202 representative in Congress.

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

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
210 statement filed under this section shall be subject to the criminal penalties
211 provided under Sections 76-8-503 and 76-8-504 and any other applicable
212 criminal provision.

213 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
214 considered an offense under this title for the purposes of assessing the penalties
215 provided in Subsection 20A-1-609(2).

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

218 "Affidavit of Impecuniosity

219 Individual Name

220 _____ Address _____

221 Phone Number _____

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

225 Date _____

226 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
232 statement printed in substantially the following form, which may be included on the affidavit
233 of impecuniosity:

234 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

235 candidate who is found guilty of filing a false statement, in addition to being subject to
236 criminal penalties, will be removed from the ballot."

237 (vi) The filing officer may request that a person who makes a claim of impecuniosity
238 under this Subsection (8)(d) file a financial statement on a form prepared by the
239 election official.

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

242 (10) A declaration of candidacy filed under this section may not be amended or modified
243 after the final date established for filing a declaration of candidacy.

244 Section 2. **Effective Date.**

245 This bill takes effect on May 7, 2025.