

Stephanie Pitcher proposes the following substitute bill:

Candidate Licensing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- updates the statute to reflect the requirements in the Utah Constitution for the office of attorney general; and
- requires potential candidates for district attorney or attorney general to submit certain information affirming that the potential candidate meets the constitutional requirements for that office.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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.

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

- (a) be a United States citizen;
- (b) meet the legal requirements of that office; and

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

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

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

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

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

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

(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.

(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.

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

(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 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.

(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:

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

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

(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

(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.

- (b) 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:
- (i) a United States citizen;
 - (ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
 - (iii) a registered voter in the county in which the individual is seeking office; and
 - (iv) 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.

- (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:
- [(i)] (A) a United States citizen;
 - [(ii)] (B) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
 - [(iii)] (C) a registered voter in the prosecution district in which the individual is seeking office; and
 - [(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 and became a resident of the prosecution district within 30 days after receiving appointment to the office.

- (ii) An individual filing a declaration of candidacy for the office of district attorney shall submit with the individual's declaration:
- (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;
 - (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status of the individual's application; or
 - (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.

(iii) In addition to the requirements described in Subsection (3)(c)(ii), an individual shall also provide the county clerk with the individual's license number with:

(A) the Utah State Bar, if the individual is a member; or

(B) any other state bar association, if the individual is a member.

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

(i) is a United States citizen;

(ii) is a registered voter in the county in which the individual seeks office;

(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

(B) has met the waiver requirements in Section 53-6-206;

(iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and

(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.

(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:

(A) a United States citizen;

(B) an attorney licensed to practice law in the state;

(C) admitted to practice before the Supreme Court of the State of Utah; and

(D) an active member in good standing with the Utah State Bar.

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

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

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

(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.

(iii) In addition to the requirements described in Subsection (3)(e)(ii), an individual shall also provide the county clerk with the individual's license number with:

- 132 (A) the Utah State Bar, if the individual is a member; or
133 (B) any other state bar association, if the individual is a member.
134 (iv) The filing officer shall ensure that the individual filing the declaration of
135 candidacy for the office of attorney general also makes the conflict of interest
136 disclosure described in Section 20A-11-1603.
- 137 [(e)] (f) Before accepting a declaration of candidacy for the office of governor, lieutenant
138 governor, state auditor, state treasurer, ~~[attorney general,]~~ state legislator, or State
139 Board of Education member, the filing officer shall ensure that the individual filing
140 the declaration of candidacy also makes the conflict of interest disclosure described
141 in Section 20A-11-1603.
- 142 (4) If an individual who files a declaration of candidacy does not meet the qualification
143 requirements for the office the individual is seeking, the filing officer may not accept the
144 individual's declaration of candidacy.
- 145 (5) If an individual who files a declaration of candidacy meets the requirements described
146 in Subsection (3), the filing officer shall:
- 147 (a) inform the individual that:
- 148 (i) the individual's name will appear on the ballot as the individual's name is written
149 on the individual's declaration of candidacy;
- 150 (ii) the individual may be required to comply with state or local campaign finance
151 disclosure laws; and
- 152 (iii) the individual is required to file a financial statement before the individual's
153 political convention under:
- 154 (A) Section 20A-11-204 for a candidate for constitutional office;
- 155 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 156 (C) local campaign finance disclosure laws, if applicable;
- 157 (b) except for a presidential candidate, provide the individual with a copy of the current
158 campaign financial disclosure laws for the office the individual is seeking and inform
159 the individual that failure to comply will result in disqualification as a candidate and
160 removal of the individual's name from the ballot;
- 161 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the
162 Statewide Electronic Voter Information Website Program and inform the
163 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 164 (ii) inform the individual that the individual must provide the filing officer with an
165 email address that the individual actively monitors:

- (A) to receive a communication from a filing officer or an election officer; and
- (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);
- (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
- (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- (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:
- (i) signing the pledge is voluntary; and
- (ii) signed pledges shall be filed with the filing officer;
- (e) accept the individual's declaration of candidacy; and
- (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.
- (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- (a) accept the candidate's pledge; and
- (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.
- (7)(a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:
- (i) be substantially as follows:
- "State of Utah, County of ____
- 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
_____.

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

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

(ii) require the candidate to state, in the sworn statement described in Subsection
(7)(a)(i):

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

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

(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.

(8)(a) Except for a candidate for president or vice president of the United States, the fee
for filing a declaration of candidacy is:

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

(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.

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

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

(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.

(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.

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

(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.

(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).

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

"Affidavit of Impecuniosity

Individual Name _____

_____ Address _____

Phone Number _____

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.

Date _____

Signature _____ Affiant

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

(signature)

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

(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:

"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."

(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.

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

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

272 Section 2. **Effective Date.**

273 This bill takes effect on May 7, 2025.