

Chapter 9 Candidate Qualifications and Nominating Procedures

Part 1 General Requirements

20A-9-101 Definitions.

As used in this chapter:

- (1)
 - (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.
 - (b) "Candidates for elective office" does not mean candidates for:
 - (i) justice or judge of court of record or not of record;
 - (ii) presidential elector;
 - (iii) any political party offices; and
 - (iv) municipal or local district offices.
- (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
- (3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.
- (4)
 - (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.
 - (b) "County office" does not mean:
 - (i) the office of justice or judge of any court of record or not of record;
 - (ii) the office of presidential elector;
 - (iii) any political party offices;
 - (iv) any municipal or local district offices; and
 - (v) the office of United States Senator and United States Representative.
- (5) "Federal office" means an elective office for United States Senator and United States Representative.
- (6) "Filing officer" means:
 - (a) the lieutenant governor, for:
 - (i) the office of United States Senator and United States Representative; and
 - (ii) all constitutional offices;
 - (b) for the office of a state senator or state representative, the lieutenant governor or the applicable clerk described in Subsection (6)(c) or (d);
 - (c) the county clerk, for county offices and local school district offices;
 - (d) the county clerk in the filer's county of residence, for multicounty offices;
 - (e) the city or town clerk, for municipal offices; or
 - (f) the local district clerk, for local district offices.
- (7) "Local district office" means an elected office in a local district.
- (8) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.
- (9)

- (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.
- (b) "Multicounty office" does not mean:
 - (i) a county office;
 - (ii) a federal office;
 - (iii) the office of justice or judge of any court of record or not of record;
 - (iv) the office of presidential elector;
 - (v) any political party offices; or
 - (vi) any municipal or local district offices.
- (10) "Municipal office" means an elective office in a municipality.
- (11)
 - (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.
 - (b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.
- (12) "Qualified political party" means a registered political party that:
 - (a)
 - (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or
 - (ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;
 - (b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;
 - (c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:
 - (i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or
 - (ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and
 - (d)
 - (i) if the registered political party is a continuing political party, no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or
 - (ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

Amended by Chapter 344, 2020 General Session

Part 2

Candidate Qualifications and Declarations of Candidacy

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 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) 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 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 prosecution district in which the individual is seeking office; and
 - (iv) 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 as of 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.
- (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) as of 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) 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.
- (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.
- (5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:
 - (a) inform the individual that:
 - (i) the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;
 - (ii) the individual may be required to comply with state or local campaign finance disclosure laws; and
 - (iii) the individual is required to file a financial statement before the individual's political convention under:
 - (A) Section 20A-11-204 for a candidate for constitutional office;
 - (B) Section 20A-11-303 for a candidate for the Legislature; or
 - (C) local campaign finance disclosure laws, if applicable;

- (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;
- (c) 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);
- (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.
- (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.
- (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.

Amended by Chapter 20, 2021 General Session

Amended by Chapter 183, 2021 General Session

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

- (1)
 - (a) An individual seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:
 - (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person with the filing officer on or after January 1 of the regular general election year, and, if applicable, before the individual circulates nomination petitions under Section 20A-9-405; and
 - (ii) pay the filing fee.
 - (b) Unless expressly provided otherwise in this title, for a registered political party that is not a qualified political party, the deadline for filing a declaration of candidacy for an elective office that is to be filled at the next regular general election is 5 p.m. on the first Monday after the third Saturday in April.
 - (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file a declaration of candidacy with the filing officer if:
 - (i) the individual is located outside of the state during the entire filing period;
 - (ii) the designated agent appears in person before the filing officer;
 - (iii) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other; and
 - (iv) the individual provides the filing officer with an email address to which the filing officer may send the individual the copies described in Subsection 20A-9-201(5).
 - (d) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one business day after the candidate files the declaration of candidacy.
 - (e) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of candidates who have filed a declaration of candidacy with the county clerk.
 - (f) Each individual seeking the office of lieutenant governor, the office of district attorney, or the office of president or vice president of the United States shall comply with the specific declaration of candidacy requirements established by this section.
- (2)
 - (a) Each individual intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:
 - (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after January 1 of the regular general election year, and before the individual circulates nomination petitions under Section 20A-9-405; and
 - (ii) pay the filing fee.

- (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.
- (3)
 - (a) Before the deadline described in Subsection (1)(b), each lieutenant governor candidate shall:
 - (i) file a declaration of candidacy with the lieutenant governor;
 - (ii) pay the filing fee; and
 - (iii) submit a letter from a candidate for governor who has received certification for the primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.
 - (b)
 - (i) A candidate for lieutenant governor who fails to timely file is disqualified.
 - (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to replace the disqualified candidate.
- (4) Before 5 p.m. no later than August 31, each registered political party shall:
 - (a) certify the names of the political party's candidates for president and vice president of the United States to the lieutenant governor; or
 - (b) provide written authorization for the lieutenant governor to accept the certification of candidates for president and vice president of the United States from the national office of the registered political party.
- (5)
 - (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor before 5 p.m. on the last business day that is at least 10 days before the deadline described in Subsection 20A-9-409(4)(c).
 - (b) If an objection is made, the clerk or lieutenant governor shall:
 - (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
 - (ii) decide any objection within 48 hours after it is filed.
 - (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition before 5 p.m. within three days after the day on which the objection is sustained or by filing a new declaration before 5 p.m. within three days after the day on which the objection is sustained.
 - (d)
 - (i) The clerk's or lieutenant governor's decision upon objections to form is final.
 - (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.
 - (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.
- (7)
 - (a) Except for a candidate who is certified by a registered political party under Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than August 31 of a general election year, each individual running as a candidate for vice president of the United States shall:
 - (i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the lieutenant governor, that:
 - (A) contains the individual's name, address, and telephone number;
 - (B) states that the individual meets the qualifications for the office of vice president of the United States;

- (C) names the presidential candidate, who has qualified for the general election ballot, with which the individual is running as a joint-ticket running mate;
 - (D) states that the individual agrees to be the running mate of the presidential candidate described in Subsection (7)(a)(i)(C); and
 - (E) contains any other necessary information identified by the lieutenant governor;
- (ii) pay the filing fee; and
 - (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice presidential candidate.
- (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of candidacy.
 - (c) A vice presidential candidate who fails to meet the requirements described in this Subsection (7) may not appear on the general election ballot.
- (8) An individual filing a declaration of candidacy for president or vice president of the United States shall pay a filing fee of \$500.

Amended by Chapter 183, 2021 General Session

20A-9-202.5 Declaration of candidacy -- Presidential primary election.

- (1) As used in this section:
 - (a) "Presidential candidate" means a person seeking nomination for President of the United States from a Utah registered political party.
 - (b) "Utah registered political party" means a political party that has complied with the requirements of Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.
- (2) Each presidential candidate, or the candidate's designated agent, shall file a declaration of candidacy with the lieutenant governor as provided in Section 20A-9-803, for participation in the presidential primary election.

Amended by Chapter 433, 2019 General Session

Superseded 7/1/2021

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

- (1) An individual may become a candidate for any municipal office if:
 - (a) the individual is a registered voter; and
 - (b)
 - (i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or
 - (ii) the territory in which the individual resides was annexed into the municipality, the individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.
- (2)
 - (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.
 - (b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.

- (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
- (3)
- (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:
- (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
 - (ii) pay the filing fee, if one is required by municipal ordinance.
- (b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with the city recorder or town clerk if:
- (i) the individual is located outside of the state during the entire filing period;
 - (ii) the designated agent appears in person before the city recorder or town clerk;
 - (iii) the individual communicates with the city recorder or town clerk using an electronic device that allows the individual and city recorder or town clerk to see and hear each other; and
 - (iv) the individual provides the city recorder or town clerk with an email address to which the city recorder or town clerk may send the individual the copies described in Subsection (4).
- (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support of the nomination petition of the lesser of at least:
 - (A) 25 registered voters who reside in the municipality; or
 - (B) 20% of the registered voters who reside in the municipality; and
 - (ii) paying the filing fee, if one is required by municipal ordinance.
- (4)
- (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:
- (i) read to the prospective candidate or individual filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking;
 - (ii) require the candidate or individual filing the petition to state whether the candidate meets the requirements described in Subsection (4)(a)(i); and
 - (iii) inform the candidate or the individual filing the petition that an individual who holds a municipal elected office may not, at the same time, hold a county elected office.
- (b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.
- (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:
- (i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
 - (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
 - (A) signing the pledge is voluntary; and
 - (B) signed pledges shall be filed with the filing officer; and
- (v) accept the declaration of candidacy or nomination petition.
- (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
 - (i) accept the candidate's pledge; and
 - (ii) 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.
- (5)
 - (a) The declaration of candidacy shall be in substantially the following form:

"I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that 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. I request that my name be printed upon the applicable official ballots. (Signed) _____

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

(Signed) _____ (Clerk or other officer qualified to administer oath)."
 - (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).
 - (c)
 - (i) A nomination petition shall be in substantially the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."
 - (ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.
- (6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.
- (7)
 - (a) The clerk shall verify with the county clerk that all candidates are registered voters.
 - (b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.
- (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
 - (a) publish a list of the names of the candidates as they will appear on the ballot:
 - (i)

- (A) by posting one copy of the list, and at least one additional copy of the list per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality; or
 - (B) by mailing notice to each registered voter in the municipality;
 - (ii) on the Utah Public Notice Website created in Section 63A-12-201, for seven days; and
 - (iii) if the municipality has a website, on the municipality's website for seven days; and
 - (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.
- (10)
- (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk before 5 p.m. within 10 days after the last day for filing.
 - (b) If a person files an objection, the clerk shall:
 - (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
 - (ii) decide any objection within 48 hours after the objection is filed.
 - (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.
 - (d)
 - (i) The clerk's decision upon objections to form is final.
 - (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
 - (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.

Amended by Chapter 84, 2021 General Session
Amended by Chapter 183, 2021 General Session
Amended by Chapter 355, 2021 General Session

Effective 7/1/2021

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

- (1) An individual may become a candidate for any municipal office if:
- (a) the individual is a registered voter; and
 - (b)
 - (i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or
 - (ii) the territory in which the individual resides was annexed into the municipality, the individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.
- (2)
- (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.

- (b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.
 - (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
- (3)
- (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:
 - (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
 - (ii) pay the filing fee, if one is required by municipal ordinance.
 - (b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with the city recorder or town clerk if:
 - (i) the individual is located outside of the state during the entire filing period;
 - (ii) the designated agent appears in person before the city recorder or town clerk;
 - (iii) the individual communicates with the city recorder or town clerk using an electronic device that allows the individual and city recorder or town clerk to see and hear each other; and
 - (iv) the individual provides the city recorder or town clerk with an email address to which the city recorder or town clerk may send the individual the copies described in Subsection (4).
 - (c) Any resident of a municipality may nominate a candidate for a municipal office by:
 - (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support of the nomination petition of the lesser of at least:
 - (A) 25 registered voters who reside in the municipality; or
 - (B) 20% of the registered voters who reside in the municipality; and
 - (ii) paying the filing fee, if one is required by municipal ordinance.
- (4)
- (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:
 - (i) read to the prospective candidate or individual filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking;
 - (ii) require the candidate or individual filing the petition to state whether the candidate meets the requirements described in Subsection (4)(a)(i); and
 - (iii) inform the candidate or the individual filing the petition that an individual who holds a municipal elected office may not, at the same time, hold a county elected office.
 - (b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.
 - (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:
 - (i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

- (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;
- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
 - (A) signing the pledge is voluntary; and
 - (B) signed pledges shall be filed with the filing officer; and
- (v) accept the declaration of candidacy or nomination petition.
- (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
 - (i) accept the candidate's pledge; and
 - (ii) 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.
- (5)
 - (a) The declaration of candidacy shall be in substantially the following form:

"I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that 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. I request that my name be printed upon the applicable official ballots. (Signed) _____

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

(Signed) _____ (Clerk or other officer qualified to administer oath)."
 - (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).
 - (c)
 - (i) A nomination petition shall be in substantially the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."
 - (ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.
- (6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.
- (7)
 - (a) The clerk shall verify with the county clerk that all candidates are registered voters.
 - (b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.
- (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
 - (a) publish a list of the names of the candidates as they will appear on the ballot:

- (i)
 - (A) by posting one copy of the list, and at least one additional copy of the list per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality; or
 - (B) by mailing notice to each registered voter in the municipality;
 - (ii) on the Utah Public Notice Website created in Section 63A-16-601, for seven days; and
 - (iii) if the municipality has a website, on the municipality's website for seven days; and
 - (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.
- (10)
- (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk before 5 p.m. within 10 days after the last day for filing.
 - (b) If a person files an objection, the clerk shall:
 - (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
 - (ii) decide any objection within 48 hours after the objection is filed.
 - (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.
 - (d)
 - (i) The clerk's decision upon objections to form is final.
 - (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
 - (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.

Amended by Chapter 84, 2021 General Session

Amended by Chapter 183, 2021 General Session

Amended by Chapter 345, 2021 General Session

Amended by Chapter 355, 2021 General Session

20A-9-203.5 Requirement to post candidate information on website.

The clerk of a county or a municipality shall, within three business days after the day on which the clerk accepts a declaration of candidacy, post the following information on the website of the county or municipality:

- (1) the name and campaign contact information of the candidate; and
- (2) the office that the candidate is seeking.

Enacted by Chapter 48, 2016 General Session

20A-9-204 Inducements not to become candidate.

- (1)

- (a) It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.
 - (b) It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.
- (2) Any person who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1994 General Session

20A-9-206 Fair campaign practices -- Voluntary pledge -- Pledge is a public record -- Retention requirements.

- (1) Each person seeking to become a candidate for any elective office that is to be filled at the next election shall be provided with a copy of the pledge of fair campaign practices.
- (2) The pledge shall be in the following form:

"PLEDGE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

I SHALL conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees or volunteers.

I SHALL immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

I SHALL defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

Name: _____

Signature: _____ Date: _____

- (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be distributed to persons filing a declaration of candidacy.
- (4) A pledge that is submitted for filing by a candidate is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (5) The filing officer shall:
 - (a) accept all signed pledges that are submitted for filing; and
 - (b) retain each filed pledge for public inspection for 30 calendar days after the election.
- (6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair campaign practices.

Amended by Chapter 202, 2009 General Session

Part 4 Primary Elections

20A-9-401 Primary elections.

- (1) This part shall be construed liberally so as to ensure full opportunity for persons to become candidates and for voters to express their choice.
- (2) This part may not be construed to govern or regulate the internal procedures of a registered political party.

Enacted by Chapter 1, 1994 General Session

20A-9-402 General requirements for all primary elections.

- (1) Except as provided in Subsection (2), the lieutenant governor, county clerks, and election judges shall follow the procedures and requirements of this title in administering primary elections.
- (2) If there is any conflict between any provision of this part and any other sections in Title 20A, Election Code, this part takes precedence.

Amended by Chapter 3, 1996 Special Session 2

Amended by Chapter 3, 1996 Special Session 2

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 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.
 - (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.

- (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).
 - (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.
- (2)
- (a) Each registered political party, in a statement filed with the lieutenant governor, shall:
 - (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
 - (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.
 - (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.
 - (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.
- (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 set of nomination petitions that was:
 - (i) circulated and completed in accordance with Section 20A-9-405; and
 - (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.
 - (b)
 - (i) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.
 - (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
 - (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.
 - (ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.
 - (d) The filing officer shall:
 - (i) verify signatures on nomination petitions 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;

- (ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);
 - (iii) consider active and inactive voters eligible to sign nomination petitions;
 - (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 registered political party as the individual's party membership on the individual's voter registration form; and
 - (v) utilize procedures described in Section 20A-7-206.3 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).
- (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 if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).
- (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:
- (i) provide for the use of statistical sampling procedures that:
 - (A) filing officers are required to use to verify signatures under Subsection (3)(d); and
 - (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and
 - (ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.
- (g) The county clerk shall:
- (i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
 - (ii) place the names of all candidates who have 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
 - (iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.
- (4)
- (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the county clerks:
 - (i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and
 - (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.
 - (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.
 - (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:

"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."

- (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:
 - (i) nominated for that office by the candidate's registered political party; or
 - (ii) for a nonpartisan local school board position, nominated for that office.
 - (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.
 - (c)
 - (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) 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) 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)
- (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.
 - (b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.
- (7) 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.
- (8) 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.

Amended by Chapter 22, 2020 General Session

20A-9-404 Municipal primary elections.

- (1)
- (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.

- (b) Municipal primary elections shall be held:
 - (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first Monday in the August before the regular municipal election; and
 - (ii) whenever possible, at the same polling places as the regular municipal election.
- (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal office does not exceed twice the number of individuals needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.
- (3)
 - (a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.
 - (b)
 - (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a municipal party convention or committee.
 - (ii) The municipal party convention or committee described in Subsection (3)(b)(i) shall be held on or before May 30 of an odd-numbered year.
 - (iii) Any primary election exemption ordinance adopted under this Subsection (3) remains in effect until repealed by ordinance.
 - (c)
 - (i) A convention or committee may not nominate more than one candidate for each of the municipal offices to be voted upon at the municipal election.
 - (ii) A convention or committee may not nominate an individual who has accepted the nomination of a different convention or committee.
 - (iii) A municipal party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.
 - (d)
 - (i) On or before May 31 of an odd-numbered year, a convention or committee shall prepare and submit to the filing officer a certificate of nomination for each individual nominated.
 - (ii) The certificate of nomination shall:
 - (A) contain the name of the office for which each individual is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each individual nominated;
 - (B) designate in not more than five words the party that the convention or committee represents;
 - (C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;
 - (D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;
 - (E) be signed by the presiding officer and secretary of the convention or committee; and
 - (F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.
 - (iii) A candidate nominated by a municipal party convention or committee shall file a declaration with the filing officer in accordance with Subsection 20A-9-203(3) that includes:

- (A) the name of the municipal party or convention that nominated the candidate; and
 - (B) the office for which the convention or committee nominated the candidate.
 - (e) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a convention if the committee makes the nomination before the deadline for a write-in candidate to file a declaration of candidacy under Section 20A-9-601.
 - (f) The election ballot shall substantially comply with the form prescribed in Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.
- (4)
- (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the May 1 that falls before the regular municipal election that:
 - (i) exempts the city or town from the other methods of nominating candidates to municipal office provided in this section; and
 - (ii) provides for a municipal partisan convention method of nominating candidates as provided in this Subsection (4).
 - (b)
 - (i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.
 - (ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:
 - (A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;
 - (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);
 - (C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and
 - (D) contains the name of the municipal political party using not more than five words.
 - (c)
 - (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no primary election for that office shall be held and the candidates are considered to be nominated.
 - (ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a municipal primary election.
 - (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.
 - (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the blank ballot box.
 - (f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.

Amended by Chapter 142, 2019 General Session
Amended by Chapter 142, 2019 General Session, (Coordination Clause)
Amended by Chapter 255, 2019 General Session

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

- (1) This section shall apply to the form and circulation of nomination petitions for regular primary elections described in Subsection 20A-9-403(3)(a).
- (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) 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;
 - (c) the petition shall be headed by a caption stating the purpose of the petition and the name of the proposed candidate;
 - (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 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 signatures are certified by a filing officer.";
 - (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively numbered one through 10;
 - (f) the signature portion of the petition shall be divided into columns headed by the following titles:
 - (i) Registered Voter's Printed Name;
 - (ii) Signature of Registered Voter;
 - (iii) Party Affiliation of Registered Voter;
 - (iv) Birth Date or Age (Optional);
 - (v) Street Address, City, Zip Code; and
 - (vi) Date of Signature; and
 - (g) a photograph of the candidate may appear on the nomination petition.
- (4) 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 or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet."
- (5) The lieutenant governor shall prepare and make public model nomination petition forms and associated instructions.
- (6) A nomination petition circulator must be at least 18 years old and a resident of the state, but may affiliate with any political party.
- (7) It is unlawful for any person to:

- (a) knowingly sign the nomination petition sheet described in Subsection (3):
 - (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 and does not intend to become registered to vote in this state prior to 5 p.m. on the final day in March;
 - (b) sign the verification of a certificate of nomination signature sheet described in Subsection (4) 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 certificate of nomination signature sheet; or
 - (iii) 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;
 - (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.
- (8) Any person violating Subsection (7) is guilty of a class A misdemeanor.
- (9) Withdrawal of petition signatures shall not be permitted.

Amended by Chapter 281, 2018 General Session

20A-9-406 Qualified political party -- Requirements and exemptions.

The following provisions apply to a qualified political party:

- (1) the qualified political party shall, no later than 5 p.m. on November 30 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;
- (2) the following provisions do not apply to a nomination for the qualified political party:
 - (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);
 - (b) Subsection 20A-9-403(5)(c); and
 - (c) Section 20A-9-405;
- (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;
- (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;
- (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:
 - (a) under the qualified political party's name , if any; or
 - (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;
- (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;

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

Amended by Chapter 22, 2020 General Session

Amended by Chapter 31, 2020 General Session

Amended by Chapter 49, 2020 General Session

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

- (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of a qualified political party for an elective office through the qualified political party's convention process.
- (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.
- (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:
 - (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in person with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (b) pay the filing fee.

- (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:
 - (a) file a declaration of candidacy with the county clerk designated in the interlocal agreement creating the prosecution district on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (b) pay the filing fee.
- (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, before the deadline described in Subsection 20A-9-202(1)(b), 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.
- (6)
 - (a) A qualified political party that nominates a candidate under this section shall certify the name of the candidate to the lieutenant governor before the deadline described in Subsection 20A-9-202(1)(b).
 - (b) The lieutenant governor shall include, in the primary ballot certification or, for a race where a primary is not held because the candidate is unopposed, in the general election ballot certification, the name of each candidate nominated by a qualified political party under this section.
- (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.

Amended by Chapter 4, 2019 Special Session 1

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

- (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.
- (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.
- (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:
 - (a) within the period beginning on January 1 before the next regular general election and ending at 5 p.m. on the third Thursday in March of the same year, 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:
 - (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
 - (ii) the name of the registered political party for which the member is seeking nomination;
 - (iii) the office for which the member is seeking to become a candidate;
 - (iv) the address and telephone number of the member; and

- (v) other information required by the lieutenant governor;
 - (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (c) pay the filing fee.
- (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:
- (a) on or after January 1 before the next regular general election, 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:
 - (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
 - (ii) the name of the registered political party for which the member is seeking nomination;
 - (iii) the office for which the member is seeking to become a candidate;
 - (iv) the address and telephone number of the member; and
 - (v) other information required by the lieutenant governor;
 - (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (c) pay the filing fee.
- (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, before the deadline described in Subsection 20A-9-202(1)(b), 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.
- (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.
- (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.
- (8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:
- (a) complying with the requirements described in this section; and
 - (b) collecting signatures, on a form approved by the lieutenant governor, during the period beginning on January 1 of an even-numbered year 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:
 - (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;
 - (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;

- (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;
 - (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;
 - (v) for a State Board of Education race, the lesser of:
 - (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
 - (B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and
 - (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.
- (9)
- (a) 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:
 - (i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and
 - (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.
 - (b) 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.
 - (c) 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:
 - (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and
 - (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 (9)(c)(i).
 - (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), 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:
 - (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;
 - (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
 - (iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition; and
 - (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

- (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), 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.
- (f) 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.

Amended by Chapter 4, 2019 Special Session 1

20A-9-408.5 Declaration of candidacy form for qualified political party.

The declaration of candidacy form described in Sections 20A-9-407 and 20A-9-408 shall:

(1) be substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of _____ as a candidate for 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; 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).";

- (2) direct the candidate to state, in the sworn statement described in Subsection (1):
 - (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; and
- (3) direct the candidate to indicate whether the candidate is seeking the nomination using:
 - (a) the convention process described in Section 20A-9-407;
 - (b) the signature-gathering process described in Section 20A-9-408; or
 - (c) both processes described in Subsections (3)(a) and (b).

Amended by Chapter 183, 2021 General Session

20A-9-409 Primary election provisions relating to qualified political party.

- (1) The regular primary election is held on the date specified in Section 20A-1-201.5.
- (2)
 - (a) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.
 - (b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under

- Section 20A-9-407, may, but is not required to, participate in the primary election for that office.
- (c) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.
 - (d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.
- (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election for a county commission office if:
- (a) there is more than one:
 - (i) open position as defined in Section 17-52a-201; or
 - (ii) midterm vacancy as defined in Section 17-52a-201; and
 - (b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.
- (4)
- (a) As used in this Subsection (4), a candidate is "unopposed" if:
 - (i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
 - (ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, 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.
 - (b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:
 - (i) provide to the county clerks:
 - (A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and
 - (B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and
 - (ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.
 - (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the third Saturday in April.

Amended by Chapter 4, 2019 Special Session 1

20A-9-410 Rulemaking authority.

The director of elections, within the Office of the Lieutenant Governor, shall make rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, relating to procedures for complying with, and verifying compliance with, the candidate nominating process described in this part.

Enacted by Chapter 17, 2014 General Session

20A-9-411 Signing multiple nomination petitions.

- (1) An individual who signs a petition, described in Section 20A-9-403 or 20A-9-408, to nominate a candidate may not sign a petition to nominate another candidate for the same office.
- (2) If an individual signs more than one petition in violation of Subsection (1), the election officer may only count the signature on the first petition that the election officer reviews for that office.

Enacted by Chapter 296, 2015 General Session

Part 5
Candidates not Affiliated with a Party

20A-9-501 Candidates not affiliated with a party -- General requirements.

- (1)
 - (a) Candidates for public office who do not wish to affiliate with a registered political party may obtain a position on the ballot by following the procedures and requirements of this part.
 - (b) Upon compliance with the provisions of this part, the unaffiliated candidate is entitled to all the rights and subject to all the penalties of candidates selected by a registered political party.
- (2) A candidate who has filed a declaration of candidacy may not file a certificate of nomination as an unaffiliated candidate in the same year.
- (3) The courts shall construe this part liberally so as to give unaffiliated candidates for public office every reasonable opportunity to make their candidacy effective.

Amended by Chapter 21, 1994 General Session

20A-9-502 Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty.

- (1) The candidate shall:
 - (a) prepare a certificate of nomination in substantially the following form:

"State of Utah, County of _____
 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 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.

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

 Notary Public (or other officer qualified to administer oaths)";

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

- (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- (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;
- (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;
- (iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);
- (v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:
 - "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.";
- (vi) contain the following statement directly under the statement described in Subsection (1)(b)(v):
 - "Each signer says:
I have personally signed this petition with a holographic signature; I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and My street address is written correctly after my name.";
- (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in Subsection (1)(b)(vi); and
- (viii) be vertically divided into columns as follows:
 - (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;
 - (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
 - (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";
 - (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
 - (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
 - (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
- (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:
 - "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 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;
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.

-
- (Signature) (Residence Address) (Date)".
- (2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(1)(b) may not sign the form described in Subsection (1)(a).
- (3)
- (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:
- (i) is at least 18 years old;
 - (ii) except as provided by Subsection (3)(b), meets the residency requirements of Section 20A-2-105; and
 - (iii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.
- (b) A person who is not a resident may sign the verification on a petition for an unaffiliated candidate for the office of president of the United States.
- (c) A person may not sign the verification if the person signed a signature sheet bound to the verification.
- (4)
- (a) It is unlawful for any person to:
- (i) knowingly sign a certificate of nomination signature sheet:
 - (A) with any name other than the person's own name;
 - (B) more than once for the same candidate; or
 - (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
 - (ii) sign the verification of a certificate of nomination signature sheet if the person:
 - (A) except as provided by Subsection (3)(b), does not meet the residency requirements of Section 20A-2-105;
 - (B) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or
 - (C) 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.
- (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- (5)
- (a) The candidate shall submit the petition and signature sheets to the county clerk for certification when the petition has been completed by:
- (i) 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
 - (ii) 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.
- (b) In reviewing the petition, the county clerk shall count and certify only those persons who signed the petition with a holographic signature who:
- (i) are registered voters within the political division that the candidate seeks to represent; and
 - (ii) did not sign any other certificate of nomination for that office.
- (c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline.

Amended by Chapter 11, 2018 General Session

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

- (1)
 - (a) Except as provided in Subsection (1)(b), after the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:
 - (i) between the second Friday in March and the close of normal office hours on the third Thursday in March of the year in which the regular general election will be held:
 - (A) file the petition in person with the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate seeks is a county office; and
 - (B) pay the filing fee; or
 - (ii) not later than the close of normal office hours on June 15 of any odd-numbered year:
 - (A) file the petition in person with the municipal clerk, if the candidate seeks an office in a city or town, or the local district clerk, if the candidate seeks an office in a local district; and
 - (B) pay the filing fee.
 - (b)
 - (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a declaration of candidacy for president of the United States.
 - (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:
 - (A) the individual is located outside of the state during the entire filing period;
 - (B) the designated agent appears in person before the filing officer; and
 - (C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.
- (2)
 - (a) At the time of filing, and before accepting the petition, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.
 - (b) If the candidate states that he does not meet the requirements, the filing officer may not accept the petition.
- (3)
 - (a) An individual filing a certificate of nomination for president or vice president of the United States under this section shall pay a filing fee of \$500.
 - (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for president or vice president of the United States:
 - (i) may file the certificate of nomination between the second Friday in March and the close of normal office hours on August 15 of the year in which the regular general election will be held; and
 - (ii) may use a designated agent to file the certificate of nomination.
 - (c) An agent designated under Subsection (1)(b)(ii) or described in Subsection (3)(b)(ii) may not sign the certificate of nomination form.

Amended by Chapter 22, 2020 General Session

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

- (1)

- (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than July 1 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.
 - (b) The unaffiliated lieutenant governor candidate shall, before 5 p.m. no later than July 1 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part.
- (2)
- (a) Each unaffiliated candidate for president of the United States shall, before 5 p.m. no later than August 15 of a regular general election year, select a running mate to file as an unaffiliated candidate for the office of vice president of the United States.
 - (b) Before 5 p.m. no later than August 15 of a regular general election year, the unaffiliated candidate for vice president of the United States described in Subsection (2)(a) shall comply with the requirements of Subsection 20A-9-202(7).

Amended by Chapter 255, 2019 General Session

Part 6 Write-in Candidates

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

- (1)
- (a) Except as provided in Subsection (1)(b), an individual who wishes to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer before 5 p.m. no later than 65 days before the regular general election or a municipal general election in which the individual intends to be a write-in candidate.
 - (b)
 - (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a declaration of candidacy for president of the United States.
 - (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:
 - (A) the individual is located outside of the state during the entire filing period;
 - (B) the designated agent appears in person before the filing officer; and
 - (C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.
- (2)
- (a) The form of the declaration of candidacy for a write-in candidate for all offices, except president or vice president of the United States, is substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of _____ for the _____ district (if applicable). I do solemnly swear 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 rejection of any votes cast for me. 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)."

- (b) The form of the declaration of candidacy for a write-in candidate for president of the United States is substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of the president of the United States. I do solemnly swear 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 _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate for receiving official election notices is _____. I designate _____ as my vice presidential candidate.

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

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

- (c) A declaration of candidacy for a write-in candidate for vice president of the United States shall be in substantially the same form as a declaration of candidacy described in Subsection 20A-9-202(7).
- (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in Subsection (2)(a) or (b).

- (3)
- (a) The filing officer shall:
- (i) read to the candidate the constitutional and statutory requirements for the office;
 - (ii) ask the candidate whether the candidate meets the requirements; and
 - (iii) 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) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

- (4)
- (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to Subsection 20A-9-201(8).
- (b) A write-in candidate for president of the United States is subject to Subsection 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.
- (5) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Amended by Chapter 142, 2019 General Session
Amended by Chapter 255, 2019 General Session
Amended by Chapter 279, 2019 General Session

20A-9-602 Write-in candidacy and voting prohibited in certain circumstances.

In elections for county attorney or district attorney that meet the requirements of Subsections 20A-6-302(2) and (3), a person may not file a declaration of candidacy as a write-in candidate under this part and the county clerk may not count any write-in votes received for the office of county or district attorney.

Amended by Chapter 317, 2013 General Session

Part 7 Party Candidates

20A-9-701 Certification of party candidates to county clerks -- Display on ballot.

- (1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk, for offices to be voted upon at the regular general election in that county clerk's county:
 - (a) the names of each candidate nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and
 - (b) the names of the candidates for president and vice president that are certified by the registered political party as the party's nominees.
- (2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy. No other names may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered political party, political party, or other political group.

Amended by Chapter 296, 2015 General Session

Part 8 Presidential Primary Election

20A-9-801 Definitions.

As used in this part, "registered political party" means a political party that has complied with the requirements of Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

Amended by Chapter 433, 2019 General Session

20A-9-802 Presidential primary election established -- Other ballot items prohibited.

- (1)
 - (a) There is established a presidential primary election held on the first Tuesday in March in the year in which a presidential election will be held.
 - (b) Except as otherwise specifically provided in this chapter, county clerks shall administer the presidential primary election according to the provisions of this title, including:
 - (i) Chapter 1, General Provisions;
 - (ii) Chapter 2, Voter Registration;
 - (iii) Chapter 3a, Voting;
 - (iv) Chapter 4, Election Returns and Election Contests;

(v)Chapter 5, Election Administration; and

(vi)Chapter 6, Ballot Form.

(c)

(i) The county clerks shall ensure that the ballot voted by the voters at the presidential primary election contains only the names of candidates for President of the United States who have qualified as provided in this part.

(ii) The county clerks may not present any other items to the voters to be voted upon at this election.

(2) Registered political parties, and candidates for President of the United States who are affiliated with a registered political party, may participate in the presidential primary election established by this part.

(3) As a condition for using the state's election system, each registered political party wishing to participate in the presidential primary election held under this section shall:

(a) declare the political party's intent to participate in the presidential primary election;

(b) 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; and

(c) certify that information to the lieutenant governor no later than 5 p.m. on August 10 of the year before the year in which the presidential primary election will be held.

Amended by Chapter 433, 2019 General Session

20A-9-802.5 Presidential primary required.

(1) A presidential primary election shall be held under this part each year in which a presidential election will be held.

(2) A registered political party that wishes to nominate a presidential candidate for the general election may participate in a presidential primary election conducted under this part.

(3) The Legislature shall appropriate sufficient funds to administer each presidential primary election conducted under this part.

Renumbered and Amended by Chapter 433, 2019 General Session

20A-9-803 Declaration of candidacy -- Filing fee -- Form.

(1) Candidates for president of the United States who are affiliated with a registered political party that has elected to participate in the presidential primary election and who wish to participate in the primary election shall:

(a) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor between August 15 of the year before the primary election will be held and 5 p.m. on December 1 of the year before the primary election will be held;

(b) identify the registered political party whose nomination the candidate is seeking;

(c) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and

(d) pay the filing fee of \$500.

(2) The lieutenant governor shall develop a declaration of candidacy form for presidential candidates participating in the primary.

(3) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (2).

Amended by Chapter 433, 2019 General Session

20A-9-805 Closed primary -- Determining party affiliation -- Changing party affiliation.

- (1) If a registered political party has restricted voting for its presidential candidates as authorized by Subsection 20A-9-802(3)(b), the lieutenant governor shall direct the county clerks and other election officials to allow only those voters meeting the registered political party's criteria to vote for that party's presidential candidates.
- (2)
 - (a) For each individual who registers to vote, the county clerk shall:
 - (i) record the party affiliation designated by the individual on the voter registration form as the individual's party affiliation; or
 - (ii) if no political party affiliation is designated by the individual on the voter registration form, record the individual's party affiliation as "unaffiliated."
 - (b) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of Section 20A-2-107 or Section 20A-9-808.

Amended by Chapter 433, 2019 General Session

20A-9-806 Ballots.

- (1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:
 - (a) develop manual ballots, mechanical ballots, return envelopes and provisional ballot envelopes to be used in a presidential primary election;
 - (b) ensure that the ballots, return envelopes, and provisional ballot envelopes comply generally with the requirements of Chapter 6, Part 1, General Requirements for All Ballots; and
 - (c) provide voting booths, election records and supplies, and ballot boxes for each voting precinct as required by Section 20A-5-403.
- (2)
 - (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, return envelopes, provisional ballot envelopes, voting booths, election records and supplies, and ballot boxes:
 - (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;
 - (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
 - (iii) minimize the possibility of spoiled ballots due to voter confusion; and
 - (iv) protect against fraud.
 - (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:
 - (i) mark ballots as being for a particular registered political party; and
 - (ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.
 - (c) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties may:
 - (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ballots for each registered political party;
 - (ii) place ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or

(iii) consider other means of accomplishing the objectives described in Subsection (2)(a).

Amended by Chapter 31, 2020 General Session

20A-9-807 Combining voting precincts.

- (1) The county legislative body may combine voting precincts for the presidential primary election by following the procedures and requirements of Section 20A-5-303.
- (2) The county legislative body may not combine voting precincts if the voting precincts are in different congressional districts as established by Section 20A-13-102.

Amended by Chapter 433, 2019 General Session

20A-9-808 Voting.

Voting in a presidential primary election shall be conducted in accordance with the procedures of Section 20A-3a-203.

Amended by Chapter 31, 2020 General Session

20A-9-809 Counting votes -- Canvass -- Certification of results to parties.

- (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and retained, returns canvassed, and recounts and election contests conducted as provided in Chapter 4, Election Returns and Election Contests.
- (2) After the canvass is complete and the report is prepared, the lieutenant governor shall transmit a copy of the report to each registered political party that participated in the presidential primary election.

Amended by Chapter 433, 2019 General Session