

**CERTIFICATION DEADLINE FOR
POLITICAL PARTIES**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the Election Code by changing the date that the names of presidential candidates must be certified to the lieutenant governor.

Highlighted Provisions:

This bill:

▶ amends the certification date for political parties to certify the names of their candidates for President and Vice President of the United States to the lieutenant governor.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-9-202, as last amended by Chapter 45, Laws of Utah 1999

20A-9-403, as last amended by Chapters 75 and 328, Laws of Utah 2000

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

Section 1. Section **20A-9-202** is amended to read:

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

Requirements for candidates.

(1) (a) Each person seeking to become a candidate for elective office for any county

office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the county clerk between the March 7 and before 5 p.m. on the March 17 before the next regular general election; and

(ii) pay the filing fee.

(b) Each person intending to become a candidate for any legislative office or multicounty office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with either the lieutenant governor or the county clerk in the candidate's county of residence between the March 7 and before 5 p.m. on the March 17 before the next regular general election; and

(ii) pay the filing fee.

(c) (i) 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 working day after it is filed.

(ii) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of legislative candidates who have filed in their office.

(d) Each person seeking to become a candidate for elective office for any federal office or constitutional office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the lieutenant governor between the March 7 and before 5 p.m. on the March 17 before the next regular general election; and

(ii) pay the filing fee.

(e) Each person 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 person 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 between the March 7 and before 5 p.m. on the March 17 before

the next regular general election; 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) Within five working days of nomination, each lieutenant governor candidate shall:

(i) file a declaration of candidacy with the lieutenant governor; and

(ii) pay the filing fee.

(b) (i) Any candidate for lieutenant governor who fails to file within five working days is disqualified.

(ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace the disqualified candidate.

(4) Each registered political party shall:

(a) certify the names of its candidates for President and Vice President of the United States to the lieutenant governor by [~~August 30~~] September 3; 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 within five days after the last day for filing.

(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 within three days after the objection is sustained or by filing a new declaration within three days after 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.

Section 2. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

(b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.

(2) (a) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) declare their intent to participate in the primary election;

(ii) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and

(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year.

(b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

(ii) certify the name and office of each of its county candidates to the county clerks by 5 p.m. on May 13 of each even-numbered year.

(c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide or multicounty candidates that must

be printed on the primary ballot.

(d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

(ii) A registered political party's candidates for President and Vice-President of the United States shall be certified to the lieutenant governor as provided in Subsection 20A-9-202(4).

(e) Each political party shall certify the names of its presidential and vice-presidential candidates and presidential electors to the lieutenant governor's office by [~~August 30~~] September 3 of each presidential election year.

(3) The county clerk shall:

(a) 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;

(b) 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

(c) conduct a lottery to determine the order of the candidates' names on the ballot.

(4) After the county clerk receives the certified list from a registered political party, 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 nonpartisan offices 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) Candidates receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group 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 their party for those positions.

(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.