



28 20A-9-503, as last amended by Laws of Utah 2007, Chapter 329



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

31 Section 1. Section 20A-1-509.1 is amended to read:

32 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**  
33 **or more attorneys.**

34 (1) When a vacancy occurs in the office of county or district attorney in a county or  
35 district having 15 or more attorneys who are licensed active members in good standing with the  
36 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

37 (2) (a) The requirements of this Subsection (2) apply when the office of county  
38 attorney or district attorney becomes vacant and:

- 39 (i) the vacant office has an unexpired term of two years or more; and
- 40 (ii) the vacancy occurs before the third Friday in March [~~17~~] of the even-numbered  
41 year.

42 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall  
43 notify the public and each registered political party that the vacancy exists.

44 (c) All persons intending to become candidates for the vacant office shall:

- 45 (i) file a declaration of candidacy according to the procedures and requirements of Title  
46 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 47 (ii) if nominated as a party candidate or qualified as an independent or write-in  
48 candidate under Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures,  
49 run in the regular general election; and

50 (iii) if elected, complete the unexpired term of the person who created the vacancy.

51 (d) If the vacancy occurs after the second Friday in March [9] and before the third  
52 Friday in March [~~17~~], the time for filing a declaration of candidacy under Section 20A-9-202  
53 shall be extended until [~~ten~~] seven days after the county clerk gives notice under Subsection  
54 (2)(b), but no later than the fourth Friday in March [~~27~~].

55 (3) (a) The requirements of this Subsection (3) apply when the office of county  
56 attorney or district attorney becomes vacant and:

- 57 [~~(i)~~] (3) the vacant office has an unexpired term of two years or more; and
- 58 (ii) the vacancy occurs after the third Friday in March [~~16~~] of the even-numbered year

59 but more than 50 days before the regular primary election.

60 (b) When the conditions established in Subsection (3)(a) are met, the county clerk  
61 shall:

62 (i) notify the public and each registered political party that the vacancy exists; and

63 (ii) identify the date and time by which a person interested in becoming a candidate  
64 must file a declaration of candidacy.

65 (c) All persons intending to become candidates for the vacant office shall:

66 (i) within five days after the date that the notice is made, ending at 5 p.m. on the fifth  
67 day, file a declaration of candidacy for the vacant office as required by Title 20A, Chapter 9,  
68 Part 2, Candidate Qualifications and Nominating Procedures; and

69 (ii) if elected, complete the unexpired term of the person who created the vacancy.

70 (d) The county central committee of each party shall:

71 (i) select a candidate or candidates from among those qualified candidates who have  
72 filed declarations of candidacy; and

73 (ii) certify the name of the candidate or candidates to the county clerk at least 35 days  
74 before the regular primary election.

75 (4) (a) The requirements of this Subsection (4) apply when the office of county  
76 attorney or district attorney becomes vacant and:

77 (i) the vacant office has an unexpired term of two years or more; and

78 (ii) 50 days or less remain before the regular primary election but more than 50 days  
79 remain before the regular general election.

80 (b) When the conditions established in Subsection (4)(a) are met, the county central  
81 committees of each registered political party that wish to submit a candidate for the office shall  
82 summarily certify the name of one candidate to the county clerk for placement on the regular  
83 general election ballot.

84 (c) The candidate elected shall complete the unexpired term of the person who created  
85 the vacancy.

86 (5) (a) The requirements of this Subsection (5) apply when the office of county  
87 attorney or district attorney becomes vacant and:

88 (i) the vacant office has an unexpired term of less than two years; or

89 (ii) the vacant office has an unexpired term of two years or more but 50 days or less

90 remain before the next regular general election.

91 (b) When the conditions established in Subsection (5)(a) are met, the county legislative  
92 body shall give notice of the vacancy to the county central committee of the same political  
93 party of the prior officeholder and invite that committee to submit the names of three nominees  
94 to fill the vacancy.

95 (c) That county central committee shall, within 30 days of receiving notice from the  
96 county legislative body, submit to the county legislative body the names of three nominees to  
97 fill the vacancy.

98 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint  
99 one of those nominees to serve out the unexpired term.

100 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45  
101 days, the county clerk shall send to the governor a letter that:

102 (i) informs the governor that the county legislative body has failed to appoint a person  
103 to fill the vacancy within the statutory time period; and

104 (ii) contains the list of nominees submitted by the party central committee.

105 (f) The governor shall appoint a person to fill the vacancy from that list of nominees  
106 within 30 days after receipt of the letter.

107 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the  
108 unexpired term of the person who created the vacancy.

109 (6) Nothing in this section prevents or prohibits independent candidates from filing a  
110 declaration of candidacy for the office within the required time limits.

111 Section 2. Section **20A-9-202** is amended to read:

112 **20A-9-202. Declarations of candidacy for regular general elections --**

113 **Requirements for candidates.**

114 (1) (a) Each person seeking to become a candidate for elective office for any county  
115 office that is to be filled at the next regular general election shall:

116 (i) file a declaration of candidacy in person with the county clerk on or after the second  
117 Friday in March [7] and before 5 p.m. on the third Friday in March [17] before the next regular  
118 general election; and

119 (ii) pay the filing fee.

120 (b) Each person intending to become a candidate for any legislative office or

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

122 (i) file a declaration of candidacy in person with either the lieutenant governor or the  
123 county clerk in the candidate's county of residence on or after the second Friday in March [7]  
124 and before 5 p.m. on the third Friday in March [17] before the next regular general election;  
125 and

126 (ii) pay the filing fee.

127 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for  
128 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
129 candidacy to the lieutenant governor within one working day after it is filed.

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

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

134 (i) file a declaration of candidacy in person with the lieutenant governor on or after the  
135 second Friday in March [7] and before 5 p.m. on the third Friday in March [17] before the next  
136 regular general election; and

137 (ii) pay the filing fee.

138 (e) Each person seeking the office of lieutenant governor, the office of district attorney,  
139 or the office of President or Vice President of the United States shall comply with the specific  
140 declaration of candidacy requirements established by this section.

141 (2) (a) Each person intending to become a candidate for the office of district attorney  
142 within a multicounty prosecution district that is to be filled at the next regular general election  
143 shall:

144 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
145 creating the prosecution district on or after the second Friday in March [7] and before 5 p.m. on  
146 the third Friday in March [17] before the next regular general election; and

147 (ii) pay the filing fee.

148 (b) The designated clerk shall provide to the county clerk of each county in the  
149 prosecution district a certified copy of each declaration of candidacy filed for the office of  
150 district attorney.

151 (3) (a) Within five working days of nomination, each lieutenant governor candidate

152 shall:

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

154 (ii) pay the filing fee.

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

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

159 (4) Each registered political party shall:

160 (a) certify the names of its candidates for President and Vice President of the United  
161 States to the lieutenant governor no later than September 8; or

162 (b) provide written authorization for the lieutenant governor to accept the certification  
163 of candidates for President and Vice President of the United States from the national office of  
164 the registered political party.

165 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
166 objection is filed with the clerk or lieutenant governor within five days after the last day for  
167 filing.

168 (b) If an objection is made, the clerk or lieutenant governor shall:

169 (i) mail or personally deliver notice of the objection to the affected candidate  
170 immediately; and

171 (ii) decide any objection within 48 hours after it is filed.

172 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
173 problem by amending the declaration or petition within three days after the objection is  
174 sustained or by filing a new declaration within three days after the objection is sustained.

175 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

176 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
177 by a district court if prompt application is made to the court.

178 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
179 of its discretion, agrees to review the lower court decision.

180 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by  
181 filing a written affidavit with the clerk.

182 Section 3. Section **20A-9-503** is amended to read:

183           **20A-9-503. Certificate of nomination -- Filing -- Fees.**

184           (1) After the certificate of nomination has been certified, executed, and acknowledged  
185 by the county clerk, the candidate shall:

186           (a) between [~~March 7 and March 17~~] the second Friday in March and the third Friday  
187 in March of the year in which the regular general election will be held, file the petition in  
188 person with:

189           (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or  
190 a federal office; or

191           (ii) the county clerk, if the office the candidate seeks is a county office; and

192           (iii) pay the filing fee; or

193           (b) not later than the sixth Tuesday before the primary election date, file the petition in  
194 person with:

195           (i) the municipal clerk, if the candidate seeks an office in a city or town;

196           (ii) the local district clerk, if the candidate seeks an office in a local district; and

197           (iii) pay the filing fee.

198           (2) (a) At the time of filing, and before accepting the petition, the filing officer shall  
199 read the constitutional and statutory requirements for candidacy to the candidate.

200           (b) If the candidate states that he does not meet the requirements, the filing officer may  
201 not accept the petition.

202           (3) Persons filing a certificate of nomination for President of the United States under  
203 this section shall pay a filing fee of \$500.

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**Legislative Review Note**

**as of 11-20-08 12:17 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 56 - Declaration of Candidacy Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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