

PETITIONS BY CANDIDATES OR POLITICAL PARTIES

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Kraig Powell

LONG TITLE

Committee Note:

The Government Operations and Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill amends provisions in Title 20A, Election Code, relating to a certificate of nomination petition by an unaffiliated candidate and a political party registration petition.

Highlighted Provisions:

This bill:

- ▶ establishes the criminal penalty of a class A misdemeanor for certain actions related to signing or verifying the signing of a certificate of nomination petition by an unaffiliated candidate and a political party registration petition;
- ▶ establishes requirements for the form and content of a certificate of nomination petition by an unaffiliated candidate and a political party registration petition;
- ▶ requires a person who is a resident of at least 18 years of age to verify the signing of a certificate of nomination petition by an unaffiliated candidate ~~H→~~ , **except for a presidential candidate, ←H** and a political party registration petition; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-8-103**, as last amended by Laws of Utah 2011, Chapter 17

33 **20A-9-502**, as last amended by Laws of Utah 2011, Chapter 17



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

36 Section 1. Section **20A-8-103** is amended to read:

37 **20A-8-103. Petition procedures -- Criminal penalty.**

38 (1) As used in this section, the proposed name or emblem of a registered political party
39 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
40 difference between the proposed name or emblem and any name or emblem currently being
41 used by another registered political party.

42 (2) To become a registered political party, an organization of registered voters that is
43 not a continuing political party shall:

44 (a) circulate a petition seeking registered political party status beginning no earlier than
45 the date of the statewide canvass held after the last regular general election and ending no later
46 than the February 15 of the year in which the next regular general election will be held; and

47 (b) file a petition with the lieutenant governor that is signed, with a holographic
48 signature, by at least 2,000 registered voters on or before February 15 of the year in which a
49 regular general election will be held.

50 (3) The petition shall:

51 [~~(a) state that the signers are or desire to become members of the designated party or~~
52 ~~group;~~]

53 [~~(b) state the name;~~]

54 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

55 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
56 blank for the purpose of binding;

57 (c) contain the name of the political party and the words "Political Party Registration
58 Petition" printed directly below the horizontal line;

59 (d) contain the word "Warning" printed directly under the words described in
60 Subsection (3)(c);

61 (e) contain, to the right of the word "Warning," the following statement printed in not
62 less than eight-point, single leaded type:

63 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
64 petition signature sheet with any name other than the person's own name or more than once for
65 the same party or if the person is not registered to vote in this state and does not intend to
66 become registered to vote in this state before the petition is submitted to the lieutenant
67 governor.";

68 (f) contain the following statement directly under the statement described in Subsection
69 (3)(e):

70 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
71 Lieutenant Governor:

72 We, the undersigned citizens of Utah, seek registered political party status for _____
73 (name);

74 Each signer says:

75 I have personally signed this petition with a holographic signature;

76 I am registered to vote in Utah or will register to vote in Utah before the petition is
77 submitted to the lieutenant governor;

78 I am or desire to become a member of the political party; and

79 My street address is written correctly after my name."; and

80 (g) be vertically divided into columns as follows:

81 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
82 headed with "For Office Use Only," and be subdivided with a light vertical line down the
83 middle;

84 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
85 Name (must be legible to be counted)";

86 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
87 Registered Voter";

88 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

89 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip

90 Code"; and

91 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
92 information is not required, but it may be used to verify your identity with voter registration
93 records. If you choose not to provide it, your signature may not be certified as a valid signature
94 if you change your address before petition signatures are certified or if the information you
95 provide does not match your voter registration records.";

96 (h) have a final page bound to one or more signature sheets that are bound together that
97 contains the following printed statement:

98 "Verification
99 State of Utah, County of _____

100 I, _____, of _____, hereby state that:

101 I am a Utah resident and am at least 18 years old;

102 All the names that appear on the signature sheets bound to this page were signed by
103 persons who professed to be the persons whose names appear on the signature sheets, and each
104 of them signed the person's name on the signature sheets in my presence;

105 I believe that each has printed and signed the person's name and written the person's
106 street address correctly, and that each signer is registered to vote in Utah or will register to vote
107 in Utah before the petition is submitted to the lieutenant governor.

108 _____
109 (Signature) (Residence Address) (Date)"; and

110 (i) be bound to a cover sheet that:

111 (i) identifies the political party's name, which may not exceed four words, and
112 [identify] the emblem of the party [or group];

113 [~~(c) state~~] (ii) states the process that the organization will follow to organize and adopt
114 a constitution and bylaws; and

115 [~~(d) be~~] (iii) is signed by a filing officer, who agrees to receive communications on
116 behalf of the organization.

117 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in
118 whose presence each signature sheet is signed:

119 (a) is at least 18 years old;

120 (b) meets the residency requirements of Section 20A-2-105; and

121 (c) verifies each signature sheet by completing the verification bound to one or more
122 signature sheets that are bound together.

123 (5) A person may not sign the verification if the person signed a signature sheet bound
124 to the verification.

125 [~~4~~] (6) The lieutenant governor shall:

126 (a) determine whether the required number of voters appears on the petition;

127 (b) review the proposed name and emblem to determine if they are "distinguishable"
128 from the names and emblems of other registered political parties; and

129 (c) certify the lieutenant governor's findings to the filing officer [~~of the group~~]
130 described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

131 [~~5~~] (7) (a) If the lieutenant governor determines that the petition meets the
132 requirements of this section, and that the proposed name and emblem are distinguishable, [~~he~~]
133 the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to
134 organize the prospective political party.

135 (b) If the lieutenant governor finds that the name, emblem, or both are not
136 distinguishable from the names and emblems of other registered political parties, the lieutenant
137 governor shall notify the filing officer that the filing officer has seven days to submit a new
138 name or emblem to the lieutenant governor.

139 [~~6~~] (8) A registered political party may not change its name or emblem during the
140 regular general election cycle.

141 (9) (a) It is unlawful for any person to:

142 (i) knowingly sign a political party registration petition:

143 (A) with any name other than the person's own name;

144 (B) more than once for the same political party; or

145 (C) if the person is not registered to vote in this state and does not intend to become
146 registered to vote in this state before the petition is submitted to the lieutenant governor; or

147 (ii) sign the verification of a political party registration petition signature sheet if the
148 person:

149 (A) does not meet the residency requirements of Section 20A-2-105;

150 (B) has not witnessed the signing by those persons whose names appear on the political
151 party registration petition signature sheet; or

152 (C) knows that a person whose signature appears on the political party registration
153 petition signature sheet is not registered to vote in this state and does not intend to become
154 registered to vote in this state.

155 (b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.

156 (c) The attorney general or the county attorney shall prosecute any violation of this
157 Subsection (9).

158 Section 2. Section 20A-9-502 is amended to read:

159 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**
160 **Criminal penalty.**

161 (1) The candidate shall:

162 (a) prepare a certificate of nomination in substantially the following form:

163 "State of Utah, County of _____

164 I, _____, declare my intention of becoming an unaffiliated candidate for the

165 political group designated as ____ for the office of _____. I do solemnly swear that I can

166 qualify to hold that office both legally and constitutionally if selected, and that I reside at _____

167 Street, in the city of _____, county of _____, state of ~~Utah~~ [Utah] _____, zip code _____, phone

167a _____, and that I

168 am providing, or have provided, the required number of holographic signatures of registered

169 voters required by law; that as a candidate at the next election I will not knowingly violate any

170 election or campaign law; I will file all campaign financial disclosure reports as required by

171 law; and I understand that failure to do so will result in my disqualification as a candidate for

172 this office and removal of my name from the ballot.

173 _____

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

175 _____

176 Notary Public (or other officer
177 qualified to administer oaths)"; [~~and~~]

178 (b) [~~attach~~] bind signature sheets to the certificate that [~~contain a place for the~~
179 ~~registered voter's holographic signature, a place for the registered voter to print the registered~~
180 ~~voter's name, and a place for the registered voter's address.];~~

181 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;

182 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line

183 blank for the purpose of binding;

184 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate
185 Certificate of Nomination Petition" printed directly below the horizontal line;

186 (iv) contain the word "Warning" printed directly under the words described in
187 Subsection (1)(b)(iii);

188 (v) contain, to the right of the word "Warning," the following statement printed in not
189 less than eight-point, single leaded type:

190 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination
191 signature sheet with any name other than the person's own name or more than once for the
192 same candidate or if the person is not registered to vote in this state and does not intend to
193 become registered to vote in this state before the county clerk certifies the signatures.";

194 (vi) contain the following statement directly under the statement described in
195 Subsection (1)(b)(v):

196 "Each signer says:

197 I have personally signed this petition with a holographic signature;

198 I am registered to vote in Utah or intend to become registered to vote in Utah before the
199 county clerk certifies my signature; and

200 My street address is written correctly after my name.";

201 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in
202 Subsection (1)(b)(vi); and

203 (viii) be vertically divided into columns as follows:

204 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
205 headed with "For Office Use Only," and be subdivided with a light vertical line down the
206 middle;

207 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
208 Name (must be legible to be counted)";

209 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
210 Registered Voter";

211 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

212 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
213 Code"; and

214 (F) at the bottom of the sheet, contain the following statement: "Birth date or age
 215 information is not required, but it may be used to verify your identity with voter registration
 216 records. If you choose not to provide it, your signature may not be certified as a valid signature
 217 if you change your address before petition signatures are certified or if the information you
 218 provide does not match your voter registration records."; and

219 (c) bind a final page to one or more signature sheets that are bound together that
 220 contains ~~H~~→ , except as provided by Subsection (2), ←~~H~~ the following printed statement:

221 "Verification

222 State of Utah, County of _____

223 I, _____, of _____, hereby state that:

224 I am a Utah resident and am at least 18 years old;

225 All the names that appear on the signature sheets bound to this page were signed by
 226 persons who professed to be the persons whose names appear on the signature sheets, and each
 227 of them signed the person's name on the signature sheets in my presence;

228 I believe that each has printed and signed the person's name and written the person's
 229 street address correctly, and that each signer is registered to vote in Utah or will register to vote
 230 in Utah before the county clerk certifies the signatures on the signature sheet.

231 _____
 232 (Signature) (Residence Address) (Date)".

233 (2) (a) The candidate shall circulate the nomination petition and ensure that the person
 234 in whose presence each signature sheet is signed:

235 (i) is at least 18 years old;

236 (ii) ~~H~~→ except as provided by Subsection (2)(b), ←~~H~~ meets the residency requirements of
 236a Section 20A-2-105; and

237 (iii) verifies each signature sheet by completing the verification bound to one or more
 238 signature sheets that are bound together.

238a ~~H~~→ (b) A person who is not a resident may sign the verification on a petition for an
 238b unaffiliated candidate for the office of President of the United States.

239 ~~(b)~~ (c) ←~~H~~ A person may not sign the verification if the person signed a signature sheet
 239a bound
 240 to the verification.

241 (3) (a) It is unlawful for any person to:

242 (i) knowingly sign a certificate of nomination signature sheet:

243 (A) with any name other than the person's own name;

244 (B) more than once for the same candidate; or

245 (C) if the person is not registered to vote in this state and does not intend to become
246 registered to vote in this state before the county clerk certifies the signatures; or

247 (ii) sign the verification of a certificate of nomination signature sheet if the person:

248 (A) ~~H~~→ **except as provided by Subsection (2)(b), ←H** does not meet the residency
248a requirements of Section 20A-2-105;

249 (B) has not witnessed the signing by those persons whose names appear on the
250 certificate of nomination signature sheet; or

251 (C) knows that a person whose signature appears on the certificate of nomination
252 signature sheet is not registered to vote in this state and does not intend to become registered to
253 vote in this state.

254 (b) Any person violating this Subsection (3) is guilty of a class A misdemeanor.

255 (c) The attorney general or the county attorney shall prosecute any violation of this
256 Subsection (3).

257 (4) (a) The candidate shall submit [it] the petition and signature sheets to the county
258 clerk for certification when the petition has been completed by:

259 (i) at least 1,000 registered voters residing within the state when the nomination is for
260 an office to be filled by the voters of the entire state; or

261 (ii) at least 300 registered voters residing within a political division or at least 5% of
262 the registered voters residing within a political division, whichever is less, when the
263 nomination is for an office to be filled by the voters of any political division smaller than the
264 state.

265 (b) In reviewing the petition, the county clerk shall count and certify only those persons
266 who signed the petition with a holographic signature who:

267 (i) are registered voters within the political division that the candidate seeks to
268 represent; and

269 (ii) did not sign any other certificate of nomination for that office.

270 (c) The candidate may supplement or amend the certificate of nomination at any time
271 on or before the filing deadline.

Legislative Review Note
as of 10-26-11 7:02 AM

Office of Legislative Research and General Counsel