

CANDIDATE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends provisions in Title 20A, Election Code, regarding candidates for elective office.

Highlighted Provisions:

This bill:

- ▶ specifies when the name of a candidate certified as a replacement for a candidate who dies, resigns, or is disqualified may be printed on the ballot;
- ▶ provides for certification of a candidate by a registered political party if the party's candidate dies, resigns due to a disability, or is disqualified;
- ▶ establishes deadlines for placing a certified candidate's name on a ballot;
- ▶ increases the filing fee for a candidate for:
 - a local school board by \$25; and
 - a federal, state, or county office, except presidential and judicial candidates, by \$50;
- ▶ establishes a form for write-in candidates;
- ▶ authorizes certain candidates located outside the state to file a declaration of candidacy or certificate of nomination through a designated agent if certain conditions are met; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **20A-1-501**, as last amended by Laws of Utah 2012, Chapter 73

34 **20A-6-302**, as last amended by Laws of Utah 2011, Chapters 292 and 297

35 **20A-9-201**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

36 **20A-9-202**, as last amended by Laws of Utah 2011, Chapter 327

37 **20A-9-203**, as last amended by Laws of Utah 2012, Chapter 294

38 **20A-9-403**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

39 **20A-9-502**, as last amended by Laws of Utah 2012, Chapter 75

40 **20A-9-503**, as last amended by Laws of Utah 2011, Chapter 327

41 **20A-9-601**, as last amended by Laws of Utah 2011, Chapter 40

42 **20A-9-602**, as enacted by Laws of Utah 1997, Chapter 139

43 **20A-9-803**, as last amended by Laws of Utah 2008, Chapter 225

44 **20A-11-206**, as last amended by Laws of Utah 2011, Chapter 396

45 **20A-11-305**, as last amended by Laws of Utah 2011, Chapter 396

46 **20A-11-1305**, as last amended by Laws of Utah 2011, Chapter 396



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

49 Section 1. Section **20A-1-501** is amended to read:

50 **20A-1-501. Candidate vacancies -- Procedure for filling.**

51 (1) The state central committee of a political party, for candidates for United States
52 senator, United States representative, governor, lieutenant governor, attorney general, state
53 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
54 more than one county, and the county central committee of a political party, for all other party
55 candidates seeking an office elected at a regular general election, may certify the name of
56 another candidate to the appropriate election officer if:

- 57 (a) for a registered political party that will have a candidate on a ballot in a primary

58 election, after the close of the period for filing [~~declarations~~] a declaration of candidacy and
59 continuing through the [~~date 15 days before the date of the primary election~~] day before the day
60 on which the lieutenant governor makes the certification described in Subsection

61 20A-9-403(2)(c):

62 (i) only one or two candidates from that party have filed a declaration of candidacy for
63 that office; and

64 (ii) one or both:

65 (A) dies;

66 (B) resigns because of acquiring a physical or mental disability, certified by a
67 physician, that prevents the candidate from continuing the candidacy; or

68 (C) is disqualified by an election officer for improper filing or nominating procedures;

69 [~~or~~]

70 (b) for a registered political party that does not have a candidate on the ballot in a
71 primary, but that will have a candidate on the ballot for a general election, after the close of the
72 [~~primary election~~] period for filing a declaration of candidacy and continuing through the [~~date~~
73 ~~of the voter registration deadline for the general election as established in Section~~
74 ~~20A-2-102.5~~] day before the day on which the lieutenant governor makes the certification
75 described in Section 20A-5-409, the party's candidate:

76 (i) dies;

77 (ii) resigns because of acquiring a physical or mental disability as certified by a
78 physician;

79 (iii) is disqualified by an election officer for improper filing or nominating procedures;

80 or

81 (iv) resigns to become a candidate for president or vice president of the United
82 States[-]; or

83 (c) for a registered political party with a candidate certified as winning a primary
84 election, after the deadline described in Subsection (1)(a) and continuing through the day

85 before that day on which the lieutenant governor makes the certification described in Section

86 20A-5-409, the party's candidate:

87 (i) dies;

88 (ii) resigns because of acquiring a physical or mental disability as certified by a
89 physician;

90 (iii) is disqualified by an election officer for improper filing or nominating procedures;

91 or

92 (iv) resigns to become a candidate for president or vice president of the United States.

93 (2) If no more than two candidates from a political party have filed a declaration of
94 candidacy for an office elected at a regular general election and one resigns to become the party
95 candidate for another position, the state central committee of that political party, for candidates
96 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
97 legislative candidates whose legislative districts encompass more than one county, and the
98 county central committee of that political party, for all other party candidates, may certify the
99 name of another candidate to the appropriate election officer.

100 (3) Each replacement candidate shall file a declaration of candidacy as required by
101 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

102 [~~(4) A replacement candidate may not be certified for an election during the period~~
103 ~~beginning on the day after the date of the voter registration deadline and continuing through the~~
104 ~~date of the election.]~~

105 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
106 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

107 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
108 described in Subsection (1)(b) may not appear on the general election ballot.

109 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
110 described in Subsection (1)(c) may not appear on the general election ballot.

111 Section 2. Section **20A-6-302** is amended to read:

112 **20A-6-302. Paper ballots -- Placement of candidates' names.**

113 (1) Each election officer shall ensure, for paper ballots in regular general elections,

114 that:

115 (a) each candidate is listed by party;

116 (b) candidates' surnames are listed in alphabetical order on the ballots when two or
117 more candidates' names are required to be listed on a ticket under the title of an office; and

118 (c) the names of candidates are placed on the ballot in the order specified under Section
119 20A-6-305.

120 [~~(2) (a) The election officer may not allow the name of a candidate who dies or
121 withdraws before election day to be printed upon the ballots.~~]

122 [~~(b) If the ballots have already been printed, the election officer:~~]

123 [~~(i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a
124 line through the candidate's name before the ballots are delivered to voters; and]~~

125 [~~(ii) may not count any votes for that dead or withdrawn candidate.~~]

126 [~~(3)~~] (2) (a) When there is only one candidate for county attorney at the regular general
127 election in counties that have three or fewer registered voters of the county who are licensed
128 active members in good standing of the Utah State Bar, the county clerk shall cause that
129 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
130 with the following question: "Shall (name of candidate) be elected to the office of county
131 attorney? Yes ____ No ____."

132 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
133 elected to the office of county attorney.

134 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
135 elected and may not take office, nor may the candidate continue in the office past the end of the
136 term resulting from any prior election or appointment.

137 (d) When the name of only one candidate for county attorney is printed on the ballot
138 under authority of this Subsection [~~(3)~~] (2), the county clerk may not count any write-in votes
139 received for the office of county attorney.

140 (e) If no qualified person files for the office of county attorney or if the candidate is not
141 elected by the voters, the county legislative body shall appoint the county attorney as provided

142 in Section 20A-1-509.2.

143 (f) If the candidate whose name would, except for this Subsection [~~(3)~~] (2)(f), be
144 placed on the ballot under Subsection [~~(3)~~] (2)(a) has been elected on a ballot under Subsection
145 [~~(3)~~] (2)(a) to the two consecutive terms immediately preceding the term for which the
146 candidate is seeking election, Subsection [~~(3)~~] (2)(a) does not apply and that candidate shall be
147 considered to be an unopposed candidate the same as any other unopposed candidate for
148 another office, unless a petition is filed with the county clerk before the date of that year's
149 primary election that:

150 (i) requests the procedure set forth in Subsection [~~(3)~~] (2)(a) to be followed; and

151 (ii) contains the signatures of registered voters in the county representing in number at
152 least 25% of all votes cast in the county for all candidates for governor at the last election at
153 which a governor was elected.

154 [~~(4)~~] (3) (a) When there is only one candidate for district attorney at the regular general
155 election in a prosecution district that has three or fewer registered voters of the district who are
156 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
157 that candidate's name and party affiliation, if any, to be placed on a separate section of the
158 ballot with the following question: "Shall (name of candidate) be elected to the office of district
159 attorney? Yes ____ No ____."

160 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
161 elected to the office of district attorney.

162 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
163 elected and may not take office, nor may the candidate continue in the office past the end of the
164 term resulting from any prior election or appointment.

165 (d) When the name of only one candidate for district attorney is printed on the ballot
166 under authority of this Subsection [~~(4)~~] (3), the county clerk may not count any write-in votes
167 received for the office of district attorney.

168 (e) If no qualified person files for the office of district attorney, or if the only candidate
169 is not elected by the voters under this subsection, the county legislative body shall appoint a

170 new district attorney for a four-year term as provided in Section 20A-1-509.2.

171 (f) If the candidate whose name would, except for this Subsection [~~(4)~~] (3)(f), be
172 placed on the ballot under Subsection [~~(4)~~] (3)(a) has been elected on a ballot under Subsection
173 [~~(4)~~] (3)(a) to the two consecutive terms immediately preceding the term for which the
174 candidate is seeking election, Subsection [~~(4)~~] (3)(a) does not apply and that candidate shall be
175 considered to be an unopposed candidate the same as any other unopposed candidate for
176 another office, unless a petition is filed with the county clerk before the date of that year's
177 primary election that:

- 178 (i) requests the procedure set forth in Subsection [~~(4)~~] (3)(a) to be followed; and
- 179 (ii) contains the signatures of registered voters in the county representing in number at
180 least 25% of all votes cast in the county for all candidates for governor at the last election at
181 which a governor was elected.

182 Section 3. Section **20A-9-201** is amended to read:

183 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
184 **more than one political party prohibited with exceptions -- General filing and form**
185 **requirements -- Affidavit of impecuniosity.**

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

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

189 (2) (a) Except as provided in Subsection (2)(b), a person may not:

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

192 (ii) appear on the ballot as the candidate of more than one political party.

193 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president
194 or vice president of the United States and another office, if the person resigns the person's
195 candidacy for the other office after the person is officially nominated for president or vice
196 president of the United States.

197 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than

198 one justice court judge office.

199 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any
200 declaration of candidacy, the filing officer shall:

201 (A) read to the prospective candidate the constitutional and statutory qualification
202 requirements for the office that the candidate is seeking; and

203 (B) require the candidate to state whether or not the candidate meets those
204 requirements.

205 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
206 county clerk shall ensure that the person filing that declaration of candidacy is:

207 (A) a United States citizen;

208 (B) an attorney licensed to practice law in Utah who is an active member in good
209 standing of the Utah State Bar;

210 (C) a registered voter in the county in which the person is seeking office; and

211 (D) a current resident of the county in which the person is seeking office and either has
212 been a resident of that county for at least one year or was appointed and is currently serving as
213 county attorney and became a resident of the county within 30 days after appointment to the
214 office.

215 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
216 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
217 candidacy is:

218 (A) a United States citizen;

219 (B) an attorney licensed to practice law in Utah who is an active member in good
220 standing of the Utah State Bar;

221 (C) a registered voter in the prosecution district in which the person is seeking office;
222 and

223 (D) a current resident of the prosecution district in which the person is seeking office
224 and either will have been a resident of that prosecution district for at least one year as of the
225 date of the election or was appointed and is currently serving as district attorney and became a

226 resident of the prosecution district within 30 days after receiving appointment to the office.

227 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
228 county clerk shall ensure that the person filing the declaration of candidacy:

229 (A) as of the date of filing:

230 (I) is a United States citizen;

231 (II) is a registered voter in the county in which the person seeks office;

232 (III) (Aa) has successfully met the standards and training requirements established for
233 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
234 Certification Act; or

235 (Bb) has met the waiver requirements in Section 53-6-206; and

236 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
237 53-13-103; and

238 (B) as of the date of the election, shall have been a resident of the county in which the
239 person seeks office for at least one year.

240 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant
241 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
242 Education member, the filing officer shall ensure:

243 (A) that the person filing the declaration of candidacy also files the financial disclosure
244 required by Section 20A-11-1603; and

245 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
246 provided to the lieutenant governor according to the procedures and requirements of Section
247 20A-11-1603.

248 (b) If the prospective candidate states that the qualification requirements for the office
249 are not met, the filing officer may not accept the prospective candidate's declaration of
250 candidacy.

251 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
252 requirements of candidacy are met, the filing officer shall:

253 (i) inform the candidate that:

254 (A) the candidate's name will appear on the ballot as it is written on the declaration of
255 candidacy;

256 (B) the candidate may be required to comply with state or local campaign finance
257 disclosure laws; and

258 (C) the candidate is required to file a financial statement before the candidate's political
259 convention under:

260 (I) Section 20A-11-204 for a candidate for constitutional office;

261 (II) Section 20A-11-303 for a candidate for the Legislature; or

262 (III) local campaign finance disclosure laws, if applicable;

263 (ii) except for a presidential candidate, provide the candidate with a copy of the current
264 campaign financial disclosure laws for the office the candidate is seeking and inform the
265 candidate that failure to comply will result in disqualification as a candidate and removal of the
266 candidate's name from the ballot;

267 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
268 Electronic Voter Information Website Program and inform the candidate of the submission
269 deadline under Subsection 20A-7-801(4)(a);

270 (iv) provide the candidate with a copy of the pledge of fair campaign practices
271 described under Section 20A-9-206 and inform the candidate that:

272 (A) signing the pledge is voluntary; and

273 (B) signed pledges shall be filed with the filing officer;

274 (v) accept the candidate's declaration of candidacy; and

275 (vi) if the candidate has filed for a partisan office, provide a certified copy of the
276 declaration of candidacy to the chair of the county or state political party of which the
277 candidate is a member.

278 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
279 officer shall:

280 (i) accept the candidate's pledge; and

281 (ii) if the candidate has filed for a partisan office, provide a certified copy of the

282 candidate's pledge to the chair of the county or state political party of which the candidate is a
283 member.

284 (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall
285 be substantially as follows:

286 "State of Utah, County of ____
287 I, _____, declare my intention of becoming a candidate for the office
288 of ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the
289 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
290 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I
291 will not knowingly violate any law governing campaigns and elections; I will file all
292 campaign financial disclosure reports as required by law; and I understand that failure
293 to do so will result in my disqualification as a candidate for this office and removal of
294 my name from the ballot. The mailing address that I designate for receiving official
295 election notices is _____.

296 _____

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

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

299 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202
300 may not sign the form described in Subsection (4)(a).

301 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
302 is:

- 303 (i) [~~\$25~~] \$50 for candidates for the local school district board; and
- 304 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
305 person holding the office[~~,-but not less than \$5,-~~] for all other federal, state, and county offices.

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

- 308 (i) who is disqualified; or
- 309 (ii) who the filing officer determines has filed improperly.

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

312 (ii) The lieutenant governor shall:

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

315 (B) ensure that each county receives that proportion of the total amount paid to the
316 lieutenant governor from the congressional district that the total vote of that county for all
317 candidates for representative in Congress bears to the total vote of all counties within the
318 congressional district for all candidates for representative in Congress.

319 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
320 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
321 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
322 a financial statement filed at the time the affidavit is submitted.

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

324 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
325 statement filed under this section shall be subject to the criminal penalties provided under
326 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

327 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be
328 considered an offense under this title for the purposes of assessing the penalties provided in
329 Subsection 20A-1-609(2).

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

332 "Affidavit of Impecuniosity

333 Individual Name

334 _____ Address _____

335 Phone Number _____

336 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
337 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by

338 law.

339 Date _____ Signature _____

340 Affiant

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

342 _____
343 (signature)

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

345 (v) The filing officer shall provide to a person who requests an affidavit of
346 impecuniosity a statement printed in substantially the following form, which may be included
347 on the affidavit of impecuniosity:

348 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
349 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
350 penalties, will be removed from the ballot."

351 (vi) The filing officer may request that a person who makes a claim of impecuniosity
352 under this Subsection (5)(d) file a financial statement on a form prepared by the election
353 official.

354 (6) (a) If there is no legislative appropriation for the Western States Presidential
355 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
356 president of the United States who is affiliated with a registered political party and chooses to
357 participate in the regular primary election shall:

358 [~~a~~] (i) file a declaration of candidacy, in person or via a designated agent, with the
359 lieutenant governor:

360 [~~i~~] (A) on a form developed and provided by the lieutenant governor; and

361 [~~ii~~] (B) on or after the second Friday in March and before 5 p.m. on the third
362 Thursday in March before the next regular primary election;

363 [~~b~~] (ii) identify the registered political party whose nomination the candidate is
364 seeking;

365 [~~c~~] (iii) provide a letter from the registered political party certifying that the candidate

366 may participate as a candidate for that party in that party's presidential primary election; and
367 [~~(d)~~] (iv) pay the filing fee of \$500.

368 (b) An agent designated to file a declaration of candidacy may not sign the form
369 described in Subsection (6)(a)(i)(A).

370 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
371 within the time provided in this chapter is ineligible for nomination to office.

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

374 Section 4. Section **20A-9-202** is amended to read:

375 **20A-9-202. Declarations of candidacy for regular general elections --**
376 **Requirements for candidates.**

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

379 (i) file a declaration of candidacy in person with the county clerk on or after the second
380 Friday in March and before 5 p.m. on the third Thursday in March before the next regular
381 general election; and

382 (ii) pay the filing fee.

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

385 (i) file a declaration of candidacy in person with either the lieutenant governor or the
386 county clerk in the candidate's county of residence on or after the second Friday in March and
387 before 5 p.m. on the third Thursday in March before the next regular general election; and

388 (ii) pay the filing fee.

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

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

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

396 (i) file a declaration of candidacy in person with the lieutenant governor on or after the
397 second Friday in March and before 5 p.m. on the third Thursday in March before the next
398 regular general election; and

399 (ii) pay the filing fee.

400 (e) Each person seeking the office of lieutenant governor, the office of district attorney,
401 or the office of president or vice president of the United States shall comply with the specific
402 declaration of candidacy requirements established by this section.

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

406 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
407 creating the prosecution district on or after the second Friday in March and before 5 p.m. on the
408 third Thursday in March before the next regular general election; and

409 (ii) pay the filing fee.

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

413 (3) (a) Within five working days of nomination, each lieutenant governor candidate
414 shall:

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

416 (ii) pay the filing fee.

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

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

421 (4) Each registered political party shall:

422 (a) certify the names of its candidates for president and vice president of the United
423 States to the lieutenant governor no later than August 31; or

424 (b) provide written authorization for the lieutenant governor to accept the certification
425 of candidates for president and vice president of the United States from the national office of
426 the registered political party.

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

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

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

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

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

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

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

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

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

444 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
445 in this section to file a declaration of candidacy in person, a person may designate an agent to
446 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

447 (a) the person is located outside the state during the filing period because:

448 (i) of employment with the state or the United States; or

449 (ii) the person is a member of:

450 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
451 Coast Guard of the United States who is on active duty;

452 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
453 commissioned corps of the National Oceanic and Atmospheric Administration of the United
454 States; or

455 (C) the National Guard on activated status;

456 (b) the person communicates with the filing officer using an electronic device that
457 allows the person and filing officer to see and hear each other; and

458 (c) the person provides the filing officer with an email address to which the filing
459 officer may send the copies described in Subsection 20A-9-201(3).

460 Section 5. Section **20A-9-203** is amended to read:

461 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

462 (1) (a) (i) A person may become a candidate for any municipal office if:

463 (A) the person is a registered voter; and

464 (B) (I) the person has resided within the municipality in which that person seeks to
465 hold elective office for the 12 consecutive months immediately before the date of the election;
466 or

467 (II) if the territory in which the person resides was annexed into the municipality, the
468 person has resided within the annexed territory or the municipality the 12 consecutive months
469 immediately before the date of the election.

470 (ii) For purposes of determining whether a person meets the residency requirement of
471 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
472 the election, the municipality shall be considered to have been incorporated 12 months before
473 the date of the election.

474 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal
475 council position shall, if elected from a district, be a resident of the council district from which
476 elected.

477 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally

478 incompetent person, any person convicted of a felony, or any person convicted of treason or a
479 crime against the elective franchise may not hold office in this state until the right to hold
480 elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

481 (2) (a) A person seeking to become a candidate for a municipal office shall:

482 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
483 office hours and not later than the close of normal office hours, between June 1 and June 15 of
484 any odd-numbered year; and

485 (ii) pay the filing fee, if one is required by municipal ordinance.

486 (b) Any resident of a municipality may nominate a candidate for a municipal office by:

487 (i) filing a nomination petition with the city recorder or town clerk during office hours,
488 but not later than the close of normal office hours, between June 1 and June 15 of any
489 odd-numbered year; and

490 (ii) paying the filing fee, if one is required by municipal ordinance.

491 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
492 petition, the filing officer shall:

493 (i) read to the prospective candidate or person filing the petition the constitutional and
494 statutory qualification requirements for the office that the candidate is seeking; and

495 (ii) require the candidate or person filing the petition to state whether the candidate
496 meets those requirements.

497 (b) If the prospective candidate does not meet the qualification requirements for the
498 office, the filing officer may not accept the declaration of candidacy or nomination petition.

499 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
500 filing officer shall:

501 (i) inform the candidate that the candidate's name will appear on the ballot as it is
502 written on the declaration of candidacy;

503 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
504 for the office the candidate is seeking and inform the candidate that failure to comply will
505 result in disqualification as a candidate and removal of the candidate's name from the ballot;

506 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
507 Electronic Voter Information Website Program and inform the candidate of the submission
508 deadline under Subsection 20A-7-801(4)(a);

509 (iv) provide the candidate with a copy of the pledge of fair campaign practices
510 described under Section 20A-9-206 and inform the candidate that:

511 (A) signing the pledge is voluntary; and

512 (B) signed pledges shall be filed with the filing officer; and

513 (v) accept the declaration of candidacy or nomination petition.

514 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
515 officer shall:

516 (i) accept the candidate's pledge; and

517 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
518 candidate's pledge to the chair of the county or state political party of which the candidate is a
519 member.

520 (4) Notwithstanding the requirement in Subsection (2)(a)(i) to file a declaration of
521 candidacy in person, a person may designate an agent to file the form described in Subsection
522 (5) in person with the city recorder or town clerk if:

523 (a) the person is located outside the state during the filing period because:

524 (i) of employment with the state or the United States; or

525 (ii) the person is a member of:

526 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
527 Coast Guard of the United States who is on active duty;

528 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
529 commissioned corps of the National Oceanic and Atmospheric Administration of the United
530 States; or

531 (C) the National Guard on activated status;

532 (b) the person makes the declaration of candidacy described in Subsection (5) to a
533 person qualified to administer an oath;

534 (c) the person communicates with the city recorder or town clerk using an electronic
535 device that allows the person and the city recorder or town clerk to see and hear each other; and

536 (d) the person provides the city recorder or town clerk with an email address to which
537 the filing officer may send the copies described in Subsection (3).

538 [~~4~~] (5) (a) The declaration of candidacy shall substantially comply with the following
539 form:

540 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
541 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
542 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
543 the legal qualifications required of candidates for this office. I will file all campaign financial
544 disclosure reports as required by law and I understand that failure to do so will result in my
545 disqualification as a candidate for this office and removal of my name from the ballot. I
546 request that my name be printed upon the applicable official ballots. (Signed)

547 _____

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

550 (Signed) _____ (Clerk or other officer qualified to administer oath)"

551 (b) An agent designated to file a declaration of candidacy under Subsection (4) may not
552 sign the form described in Subsection (5)(a).

553 [~~5~~] (6) (a) A registered voter may be nominated for municipal office by submitting a
554 petition signed, with a holographic signature, by:

- 555 (i) 25 residents of the municipality who are at least 18 years old; or
- 556 (ii) 20% of the residents of the municipality who are at least 18 years old.

557 (b) (i) The petition shall substantially conform to the following form:

558 "NOMINATION PETITION

559 The undersigned residents of (name of municipality) being 18 years old or older
560 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
561 applicable)."

562 (ii) The remainder of the petition shall contain lines and columns for the signatures of
563 persons signing the petition and their addresses and telephone numbers.

564 [~~(6)~~] (7) If the declaration of candidacy or nomination petition fails to state whether the
565 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
566 the four-year term.

567 [~~(7)~~] (8) (a) The clerk shall verify with the county clerk that all candidates are
568 registered voters.

569 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
570 print the candidate's name on the ballot.

571 [~~(8)~~] (9) Immediately after expiration of the period for filing a declaration of
572 candidacy, the clerk shall:

573 (a) cause the names of the candidates as they will appear on the ballot to be published:

574 (i) in at least two successive publications of a newspaper with general circulation in the
575 municipality; and

576 (ii) as required in Section 45-1-101; and

577 (b) notify the lieutenant governor of the names of the candidates as they will appear on
578 the ballot.

579 [~~(9)~~] (10) A declaration of candidacy or nomination petition filed under this section
580 may not be amended after the expiration of the period for filing a declaration of candidacy.

581 [~~(10)~~] (11) (a) A declaration of candidacy or nomination petition filed under this
582 section is valid unless a written objection is filed with the clerk within five days after the last
583 day for filing.

584 (b) If an objection is made, the clerk shall:

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

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

588 (c) If the clerk sustains the objection, the candidate may correct the problem by
589 amending the declaration or petition within three days after the objection is sustained or by

590 filing a new declaration within three days after the objection is sustained.

591 (d) (i) The clerk's decision upon objections to form is final.

592 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
593 prompt application is made to the district court.

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

596 [~~(H)~~] (12) Any person who filed a declaration of candidacy and was nominated, and
597 any person who was nominated by a nomination petition, may, any time up to 23 days before
598 the election, withdraw the nomination by filing a written affidavit with the clerk.

599 Section 6. Section **20A-9-403** is amended to read:

600 **20A-9-403. Regular primary elections.**

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

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

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

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

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

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

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

615 (i) certify the name and office of all of the registered political party's candidates to the
616 lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of
617 each even-numbered year and indicate which of the candidates will be on the primary ballot;

618 and

619 (ii) certify the name and office of each of its county candidates to the county clerks by
620 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and
621 indicate which of the candidates will be on the primary ballot.

622 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each
623 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
624 names of all statewide candidates, multicounty candidates, or single county candidates that
625 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in
626 accordance with Section 20A-6-305.

627 (d) Except for presidential candidates, if a registered political party does not wish to
628 participate in the primary election, it shall submit the names of its county candidates to the
629 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May
630 30 of each even-numbered year.

631 (3) The county clerk shall:

632 (a) review the declarations of candidacy filed by candidates for local boards of
633 education to determine if more than two candidates have filed for the same seat;

634 (b) place the names of all candidates who have filed a declaration of candidacy for a
635 local board of education seat on the nonpartisan section of the ballot if more than two
636 candidates have filed for the same seat; and

637 (c) determine the order of the candidates' names on the ballot in accordance with
638 Section 20A-6-305.

639 (4) After the county clerk receives the certified list from a registered political party, the
640 county clerk shall post or publish a primary election notice in substantially the following form:

641 "Notice is given that a primary election will be held Tuesday, June _____,
642 _____(year), to nominate party candidates for the parties and nonpartisan offices listed on
643 the primary ballot. The polling place for voting precinct _____ is _____. The polls will open at 7
644 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."

645 (5) (a) Candidates, other than presidential candidates, receiving the highest number of

646 votes cast for each office at the regular primary election are nominated by their party or
647 nonpartisan group for that office.

648 (b) If two or more candidates, other than presidential candidates, are to be elected to
649 the office at the regular general election, those party candidates equal in number to positions to
650 be filled who receive the highest number of votes at the regular primary election are the
651 nominees of their party for those positions.

652 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
653 office that represents more than one county, the governor, lieutenant governor, and attorney
654 general shall, at a public meeting called by the governor and in the presence of the candidates
655 involved, select the nominee by lot cast in whatever manner the governor determines.

656 (b) When a tie vote occurs in any primary election for any county office, the district
657 court judges of the district in which the county is located shall, at a public meeting called by
658 the judges and in the presence of the candidates involved, select the nominee by lot cast in
659 whatever manner the judges determine.

660 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
661 primary election provided for by this section, and all expenses necessarily incurred in the
662 preparation for or the conduct of that primary election shall be paid out of the treasury of the
663 county or state, in the same manner as for the regular general elections.

664 Section 7. Section **20A-9-502** is amended to read:

665 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**
666 **Criminal penalty.**

667 (1) The candidate shall:

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

669 "State of Utah, County of _____

670 I, _____, declare my intention of becoming an unaffiliated candidate for the
671 political group designated as ____ for the office of _____. I do solemnly swear that I can
672 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
673 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and

674 that I am providing, or have provided, the required number of holographic signatures of
675 registered voters required by law; that as a candidate at the next election I will not knowingly
676 violate any election or campaign law; I will file all campaign financial disclosure reports as
677 required by law; and I understand that failure to do so will result in my disqualification as a
678 candidate for this office and removal of my name from the ballot.

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

681 _____
682 Notary Public (or other officer
683 qualified to administer oaths);

684 (b) bind signature sheets to the certificate that:
685 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
686 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line
687 blank for the purpose of binding;

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

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

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

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

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

700 "Each signer says:

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

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

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

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

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

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

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

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

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

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

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

723 (c) bind a final page to one or more signature sheets that are bound together that
724 contains, except as provided by Subsection [~~(2)~~] (3), the following printed statement:

725 "Verification

726 State of Utah, County of _____

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

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

729 All the names that appear on the signature sheets bound to this page were signed by

730 persons who professed to be the persons whose names appear on the signature sheets, and each
731 of them signed the person's name on the signature sheets in my presence;

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

735 _____
736 (Signature) (Residence Address) (Date)".

737 (2) An agent designated to file a certificate of nomination under Subsection
738 20A-9-503(4) may not sign the form described in Subsection (1)(a).

739 [~~2~~] (3) (a) The candidate shall circulate the nomination petition and ensure that the
740 person in whose presence each signature sheet is signed:

- 741 (i) is at least 18 years old;
- 742 (ii) except as provided by Subsection [~~2~~] (3)(b), meets the residency requirements of
743 Section 20A-2-105; and

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

746 (b) A person who is not a resident may sign the verification on a petition for an
747 unaffiliated candidate for the office of president of the United States.

748 (c) A person may not sign the verification if the person signed a signature sheet bound
749 to the verification.

750 [~~3~~] (4) (a) It is unlawful for any person to:

- 751 (i) knowingly sign a certificate of nomination signature sheet:
 - 752 (A) with any name other than the person's own name;
 - 753 (B) more than once for the same candidate; or
 - 754 (C) if the person is not registered to vote in this state and does not intend to become
755 registered to vote in this state before the county clerk certifies the signatures; or
- 756 (ii) sign the verification of a certificate of nomination signature sheet if the person:
 - 757 (A) except as provided by Subsection [~~2~~] (3)(b), does not meet the residency

758 requirements of Section 20A-2-105;

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

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

764 (b) Any person violating this Subsection [~~(3)~~] (4) is guilty of a class A misdemeanor.

765 (c) The attorney general or the county attorney shall prosecute any violation of this
766 Subsection [~~(3)~~] (4).

767 [~~(4)~~] (5) (a) The candidate shall submit the petition and signature sheets to the county
768 clerk for certification when the petition has been completed by:

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

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

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

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

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

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

782 Section 8. Section **20A-9-503** is amended to read:

783 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

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

786 (a) between the second Friday in March and the close of normal office hours on the
787 third Thursday in March of the year in which the regular general election will be held, file the
788 petition in person with:

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

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

792 (iii) pay the filing fee; or

793 (b) not later than the close of normal office hours on June 15 of any odd-numbered
794 year, file the petition in person with:

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

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

797 (iii) pay the filing fee.

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

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

802 (3) (a) Persons filing a certificate of nomination for president of the United States
803 under this section shall pay a filing fee of \$500.

804 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
805 president or vice president of the United States:

806 (i) may file the certificate of nomination between the second Friday in March and the
807 close of normal office hours on August 15 of the year in which the regular general election will
808 be held; and

809 (ii) may use a designated agent to file the certificate of nomination.

810 (c) An agent designated to file the certificate of nomination may not sign the certificate
811 of nomination form.

812 (4) Notwithstanding the requirement in Subsection (1) to file a certificate of
813 nomination in person, a person may designate an agent to file the certificate of nomination in

814 person with the filing officer if:

815 (a) the person is located outside the state during the filing period because:

816 (i) of employment with the state or the United States; or

817 (ii) the person is a member of:

818 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
819 Coast Guard of the United States who is on active duty;

820 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
821 commissioned corps of the National Oceanic and Atmospheric Administration of the United
822 States; or

823 (C) the National Guard on activated status; and

824 (b) the person communicates with the filing officer using an electronic device that
825 allows the person and the filing officer to see and hear each other.

826 Section 9. Section **20A-9-601** is amended to read:

827 **20A-9-601. Qualifying as a write-in candidate.**

828 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
829 of candidacy in person, or through a designated agent for a candidate for president or vice
830 president of the United States, with the appropriate filing officer not later than 30 days before
831 the regular general election or 45 days before a municipal general election in which the person
832 intends to be a write-in candidate.

833 (b) (i) The form of the declaration of candidacy for all offices, except president of the
834 United States, is substantially as follows:

835 "State of Utah, County of _____

836 I, _____, declare my intention of becoming a candidate for the office of

837 _____ for the _____ district (if applicable). I do solemnly swear that: I will meet the

838 qualifications to hold the office, both legally and constitutionally, if selected; I reside at

839 _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will

840 not knowingly violate any law governing campaigns and elections; I will file all campaign

841 financial disclosure reports as required by law; and I understand that failure to do so will result

842 in my disqualification as a candidate for this office and removal of my name from the ballot.

843 The mailing address that I designate for receiving official election notices is

844 _____.

845 _____

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

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

848 (ii) The form of the declaration of candidacy for president of the United States is

849 substantially as follows:

850 "State of Utah, County of _____

851 I, _____, declare my intention of becoming a candidate for the office of the

852 president of the United States. I do solemnly swear that: I will meet the qualifications to hold

853 the office, both legally and constitutionally, if selected; I reside at _____ in the City

854 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate

855 any law governing campaigns and elections. The mailing address that I designate for receiving

856 official election notices is _____ . I designate _____ as

857 my vice presidential candidate.

858 _____

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

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

861 (iii) An agent designated to file a declaration of candidacy under Subsection (2) may

862 not sign the form described in Subsection (1)(b)(i) or (ii).

863 [~~(b)~~] (c) (i) The filing officer shall:

864 (A) read to the candidate the constitutional and statutory requirements for the office;

865 and

866 (B) ask the candidate whether or not the candidate meets the requirements.

867 (ii) If the candidate cannot meet the requirements of office, the filing officer may not

868 accept the write-in candidate's declaration of candidacy.

869 (2) Notwithstanding the requirement in Subsection (1) to file a declaration of

870 candidacy in person, a person may designate an agent to file the declaration of candidacy in
871 person with the filing officer if:

872 (a) the person is located outside the state during the filing period because:

873 (i) of employment with the state or the United States; or

874 (ii) the person is a member of:

875 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
876 Coast Guard of the United States who is on active duty;

877 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
878 commissioned corps of the National Oceanic and Atmospheric Administration of the United
879 States; or

880 (C) the National Guard on activated status; and

881 (b) the person communicates with the filing officer using an electronic device that
882 allows the person and filing officer to see and hear each other.

883 ~~[(2)]~~ (3) By November 1 of each regular general election year, the lieutenant governor
884 shall certify to each county clerk the names of all write-in candidates who filed their
885 declaration of candidacy with the lieutenant governor.

886 Section 10. Section **20A-9-602** is amended to read:

887 **20A-9-602. Write-in candidacy and voting prohibited in certain circumstances.**

888 In elections for county attorney or district attorney that meet the requirements of
889 Subsections 20A-6-302~~[(3)]~~(2) and ~~[(4)]~~ (3), a person may not file a declaration of candidacy
890 as a write-in candidate under this part and the county clerk may not count any write-in votes
891 received for the office of county or district attorney.

892 Section 11. Section **20A-9-803** is amended to read:

893 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

894 (1) Candidates for president of the United States who are affiliated with a registered
895 political party in Utah that has elected to participate in Utah's Western States Presidential
896 Primary and who wish to participate in the primary shall:

897 (a) ~~[except as provided in Subsection (1)(b);]~~ file a declaration of candidacy, in person

898 or via a designated agent, with the lieutenant governor between July 1 of the year before the
 899 primary election will be held and 5 p.m. on October 15 of the year before the primary election
 900 will be held;

- 901 (b) identify the registered political party whose nomination the candidate is seeking;
- 902 (c) provide a letter from the registered political party certifying that the candidate may
 903 participate as a candidate for that party in that party's presidential primary election; and
- 904 (d) pay the filing fee of \$500.

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

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

909 Section 12. Section **20A-11-206** is amended to read:

910 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

911 (1) (a) If a state office candidate fails to file an interim report due before the regular
 912 primary election, on August 31, or before the regular general election, the lieutenant governor
 913 shall, after making a reasonable attempt to discover if the report was timely filed~~[-(i)]~~, inform
 914 the county clerk and other appropriate election officials ~~[who:]~~ that the state office candidate is
 915 disqualified.

916 ~~[(A) (I) shall, if practicable, remove the name of the candidate from the ballots before~~
 917 ~~the ballots are delivered to voters; or]~~

918 ~~[(H) shall, if removing the candidate's name from the ballot is not practicable, inform~~
 919 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
 920 ~~cast for the candidate will not be counted; and]~~

921 ~~[(B) may not count any votes for that candidate; and]~~

922 ~~[(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.]~~

923 (b) (i) ~~[Any state office candidate who fails to file timely a financial statement required~~
 924 ~~by Subsection 20A-11-204(1)(b), (c), or (d) is disqualified and the] The vacancy on the ballot~~
 925 resulting from the disqualification may be filled as provided in Section 20A-1-501.

926 (ii) If a state office candidate is disqualified under Subsection (1)(a), the election
927 official shall:
928 (A) remove the candidate's name from the ballot; or
929 (B) if removing the candidate's name from the ballot is not practicable, inform the
930 voters by any practicable method that the candidate has been disqualified and that votes cast for
931 the candidate will not be counted.

932 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
933 disqualified and the lieutenant governor may not impose a fine if:

934 (i) the candidate timely files the reports required by this section no later than the due
935 date in accordance with Section 20A-11-103;

936 (ii) the reports are completed, detailing accurately and completely the information
937 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
938 and

939 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
940 corrected in:

941 (A) an amended report; or
942 (B) the next scheduled report.

943 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
944 governor shall review each filed summary report to ensure that:

945 (i) each state office candidate that is required to file a summary report has filed one;
946 and

947 (ii) each summary report contains the information required by this part.

948 (b) If it appears that any state office candidate has failed to file the summary report
949 required by law, if it appears that a filed summary report does not conform to the law, or if the
950 lieutenant governor has received a written complaint alleging a violation of the law or the
951 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
952 violation or receipt of a written complaint, notify the state office candidate of the violation or
953 written complaint and direct the state office candidate to file a summary report correcting the

954 problem.

955 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
956 report within 14 days after receiving notice from the lieutenant governor under this section.

957 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
958 misdemeanor.

959 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
960 attorney general.

961 Section 13. Section **20A-11-305** is amended to read:

962 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

963 (1) (a) If a legislative office candidate fails to file an interim report due before the
964 regular primary election, on August 31, or before the regular general election, the lieutenant
965 governor shall, after making a reasonable attempt to discover if the report was timely filed[
966 (†)], inform the county clerk and other appropriate election officials [~~who:~~] that the legislative
967 office candidate is disqualified.

968 [~~(A) (I) shall, if practicable, remove the name of the candidate from the ballots before~~
969 ~~the ballots are delivered to voters; or]~~

970 [~~(H) shall, if removing the candidate's name from the ballot is not practicable, inform~~
971 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
972 ~~cast for the candidate will not be counted; and]~~

973 [~~(B) may not count any votes for that candidate; and]~~

974 [~~(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.]~~

975 (b) (i) [~~Any legislative office candidate who fails to file timely a financial statement~~
976 ~~required by Subsection 20A-11-303(1)(b), (c), or (d) is disqualified and the] The vacancy on
977 the ballot resulting from the disqualification may be filled as provided in Section 20A-1-501.~~

978 (ii) If a legislative office candidate is disqualified under Subsection (1)(a), the election
979 officer shall:

980 (A) remove the candidate's name from the ballot; or

981 (B) if removing the candidate's name from the ballot is not practicable, inform the

982 voters by any practicable method that the candidate has been disqualified and that votes cast for
983 the candidate will not be counted.

984 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not
985 disqualified and the lieutenant governor may not impose a fine if:

986 (i) the candidate timely files the reports required by this section no later than the due
987 date in accordance with Section 20A-11-103;

988 (ii) the reports are completed, detailing accurately and completely the information
989 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
990 and

991 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
992 corrected in:

- 993 (A) an amended report; or
- 994 (B) the next scheduled report.

995 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
996 governor shall review each filed summary report to ensure that:

997 (i) each legislative office candidate that is required to file a summary report has filed
998 one; and

999 (ii) each summary report contains the information required by this part.

1000 (b) If it appears that any legislative office candidate has failed to file the summary
1001 report required by law, if it appears that a filed summary report does not conform to the law, or
1002 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1003 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1004 violation or receipt of a written complaint, notify the legislative office candidate of the
1005 violation or written complaint and direct the legislative office candidate to file a summary
1006 report correcting the problem.

1007 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
1008 summary report within 14 days after receiving notice from the lieutenant governor under this
1009 section.

1010 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
1011 class B misdemeanor.

1012 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1013 attorney general.

1014 Section 14. Section **20A-11-1305** is amended to read:

1015 **20A-11-1305. School board office candidate -- Failure to file statement --**
1016 **Penalties.**

1017 (1) (a) If a school board office candidate fails to file an interim report due before the
1018 regular primary election, on August 31, or before the regular general election, the chief election
1019 officer shall, after making a reasonable attempt to discover if the report was timely filed:

1020 (i) inform the county clerk and other appropriate election officials who:

1021 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
1022 the ballots are delivered to voters; or

1023 (II) shall, if removing the candidate's name from the ballot is not practicable, inform
1024 the voters by any practicable method that the candidate has been disqualified and that votes
1025 cast for the candidate will not be counted; and

1026 (B) may not count any votes for that candidate; and

1027 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1028 (b) Any school board office candidate who fails to file timely a financial statement
1029 required by Subsection 20A-11-1303(1)(b), (c), or (d) is disqualified [~~and the vacancy on the~~
1030 ~~ballot may be filled as provided in Section 20A-1-501~~].

1031 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is
1032 not disqualified and the chief election officer may not impose a fine if:

1033 (i) the candidate timely files the reports required by this section in accordance with
1034 Section 20A-11-103;

1035 (ii) those reports are completed, detailing accurately and completely the information
1036 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1037 and

1038 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
1039 corrected in:

- 1040 (A) an amended report; or
- 1041 (B) the next scheduled report.

1042 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1043 for state school board, the lieutenant governor shall review each filed summary report to ensure
1044 that:

1045 (i) each state school board candidate that is required to file a summary report has filed
1046 one; and

1047 (ii) each summary report contains the information required by this part.

1048 (b) If it appears that any state school board candidate has failed to file the summary
1049 report required by law, if it appears that a filed summary report does not conform to the law, or
1050 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1051 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1052 violation or receipt of a written complaint, notify the state school board candidate of the
1053 violation or written complaint and direct the state school board candidate to file a summary
1054 report correcting the problem.

1055 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1056 summary report within 14 days after receiving notice from the lieutenant governor under this
1057 section.

1058 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1059 class B misdemeanor.

1060 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1061 attorney general.

1062 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1063 clerk shall review each filed summary report to ensure that:

1064 (i) each local school board candidate that is required to file a summary report has filed
1065 one; and

- 1066 (ii) each summary report contains the information required by this part.
- 1067 (b) If it appears that any local school board candidate has failed to file the summary
- 1068 report required by law, if it appears that a filed summary report does not conform to the law, or
- 1069 if the county clerk has received a written complaint alleging a violation of the law or the falsity
- 1070 of any summary report, the county clerk shall, within five days of discovery of a violation or
- 1071 receipt of a written complaint, notify the local school board candidate of the violation or
- 1072 written complaint and direct the local school board candidate to file a summary report
- 1073 correcting the problem.
- 1074 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
- 1075 summary report within 14 days after receiving notice from the county clerk under this section.
- 1076 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
- 1077 class B misdemeanor.
- 1078 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
- 1079 county attorney.