

CANDIDATE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

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;
- ▶ requires a vote cast for a candidate who dies, resigns, or is disqualified to be counted for the replacement candidate;
- ▶ 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.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **20A-1-501**, as last amended by Laws of Utah 2012, Chapter 73
- 35 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177
- 36 **20A-4-104**, as last amended by Laws of Utah 2006, Chapter 326
- 37 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309
- 38 **20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 39 **20A-6-302**, as last amended by Laws of Utah 2011, Chapters 292 and 297
- 40 **20A-9-201**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 41 **20A-9-202**, as last amended by Laws of Utah 2011, Chapter 327
- 42 **20A-9-203**, as last amended by Laws of Utah 2012, Chapter 294
- 43 **20A-9-502**, as last amended by Laws of Utah 2012, Chapter 75
- 44 **20A-9-503**, as last amended by Laws of Utah 2011, Chapter 327
- 45 **20A-9-601**, as last amended by Laws of Utah 2011, Chapter 40
- 46 **20A-9-602**, as enacted by Laws of Utah 1997, Chapter 139
- 47 **20A-9-803**, as last amended by Laws of Utah 2008, Chapter 225
- 48 **20A-11-206**, as last amended by Laws of Utah 2011, Chapter 396
- 49 **20A-11-305**, as last amended by Laws of Utah 2011, Chapter 396
- 50 **20A-11-1305**, as last amended by Laws of Utah 2011, Chapter 396

51

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

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

54 **20A-1-501. Candidate vacancies -- Procedure for filling.**

55 (1) The state central committee of a political party, for candidates for United States
56 senator, United States representative, governor, lieutenant governor, attorney general, state
57 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
58 more than one county, and the county central committee of a political party, for all other party

59 candidates seeking an office elected at a regular general election, may certify the name of
60 another candidate to the appropriate election officer if:

61 (a) after the close of the period for filing declarations of candidacy and continuing
62 through the date 15 days before the date of the primary election:

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

65 (ii) one or both:

66 (A) dies;

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

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

70 or

71 (b) after the close of the primary election and continuing through the date of the voter
72 registration deadline for the general election as established in Section 20A-2-102.5, the party's
73 candidate:

74 (i) dies;

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

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

78 or

79 (iv) resigns to become a candidate for President or Vice President of the United States.

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

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

89 (4) A replacement candidate may not be certified for an election during the period

90 beginning on the day after the date of the voter registration deadline and continuing through the
91 date of the election.

92 (5) (a) (i) The name of a candidate who is certified under Subsection (1)(a) may not
93 appear on the ballot.

94 (ii) A vote cast for the candidate who died, resigned, or was disqualified counts as a
95 vote cast for a candidate certified under Subsection (1)(a) as the replacement as provided in
96 Section 20A-4-102.

97 (b) If the certification described in Subsection (1)(b) occurs after August 30:

98 (i) the name of a candidate who is certified under Subsection (1)(b) may not appear on
99 the ballot; and

100 (ii) a vote cast for the candidate who died, resigned, or was disqualified counts as a
101 vote cast for a candidate certified under Subsection (1)(b) as the replacement as provided in
102 Section 20A-4-102.

103 Section 2. Section **20A-4-102** is amended to read:

104 **20A-4-102. Counting paper ballots after the polls close.**

105 (1) (a) Except as provided in Subsection (2), as soon as the polls have been closed and
106 the last qualified voter has voted, the election judges shall count the ballots by performing the
107 tasks specified in this section in the order that they are specified.

108 (b) The election judges shall apply the standards and requirements of Section
109 20A-4-105 to resolve any questions that arise as they count the ballots.

110 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

111 (b) (i) If there are more ballots in the ballot box than there are names entered in the
112 pollbook, the judges shall examine the official endorsements on the ballots.

113 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper
114 official endorsement, the judges shall put those ballots in an excess ballot file and not count
115 them.

116 (c) (i) If, after examining the official endorsements, there are still more ballots in the
117 ballot box than there are names entered in the pollbook, the judges shall place the remaining
118 ballots back in the ballot box.

119 (ii) One of the judges, without looking, shall draw a number of ballots equal to the
120 excess from the ballot box.

121 (iii) The judges shall put those excess ballots into the excess ballot envelope and not
122 count them.

123 (d) When the ballots in the ballot box equal the number of names entered in the
124 pollbook, the judges shall count the votes.

125 (3) The judges shall:

126 (a) place all unused ballots in the envelope or container provided for return to the
127 county clerk or city recorder; and

128 (b) seal that envelope or container.

129 (4) The judges shall:

130 (a) place all of the provisional ballot envelopes in the envelope provided for them for
131 return to the election officer; and

132 (b) seal that envelope or container.

133 (5) (a) In counting the votes, the election judges shall read and count each ballot
134 separately.

135 (b) In regular primary elections the judges shall:

136 (i) count the number of ballots cast for each party;

137 (ii) place the ballots cast for each party in separate piles; and

138 (iii) count all the ballots for one party before beginning to count the ballots cast for
139 other parties.

140 (6) (a) In all elections, the counting judges shall:

141 (i) count one vote for each candidate designated by the marks in the squares next to the
142 candidate's name;

143 (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding
144 any candidate for an office for which a vote has been cast for a candidate for the same office
145 upon another ticket by the placing of a mark in the square opposite the name of that candidate
146 on the other ticket;

147 (iii) count each vote for each write-in candidate who has qualified by filing a
148 declaration of candidacy under Section 20A-9-601;

149 (iv) read every name marked on the ballot and mark every name upon the tally sheets
150 before another ballot is counted;

151 (v) evaluate each ballot and each vote based on the standards and requirements of

152 Section 20A-4-105;

153 (vi) write the word "spoiled" on the back of each ballot that lacks the official
154 endorsement and deposit it in the spoiled ballot envelope; and

155 (vii) read, count, and record upon the tally sheets the votes that each candidate and
156 ballot proposition received from all ballots, except excess or spoiled ballots.

157 (b) (i) If a candidate listed on the ballot is replaced in accordance with Section
158 20A-1-501, the counting judge shall count a vote cast for the listed candidate as a vote for the
159 replacement candidate.

160 (ii) If a candidate listed on the ballot has died, resigned, or has been disqualified and
161 the candidate was not replaced, the counting judge may not count a vote cast for the listed
162 candidate.

163 [~~b~~] (iii) Election judges need not tally write-in votes for fictitious persons,
164 nonpersons, or persons clearly not eligible to qualify for office.

165 (c) The judges shall certify to the accuracy and completeness of the tally list in the
166 space provided on the tally list.

167 (d) When the judges have counted all of the voted ballots, they shall record the results
168 on the total votes cast form.

169 (7) Only election judges and counting poll watchers may be present at the place where
170 counting is conducted until the count is completed.

171 Section 3. Section **20A-4-104** is amended to read:

172 **20A-4-104. Counting ballots electronically.**

173 (1) (a) Before beginning to count ballot sheets using automatic tabulating equipment,
174 the election officer shall test the automatic tabulating equipment to ensure that it will
175 accurately count the votes cast for all offices and all measures.

176 (b) The election officer shall publish public notice of the time and place of the test at
177 least 48 hours before the test in one or more daily or weekly newspapers of general circulation
178 published in the county, municipality, or jurisdiction where the equipment is used.

179 (c) The election officer shall conduct the test by processing a preaudited group of ballot
180 sheets.

181 (d) The election officer shall ensure that:

182 (i) a predetermined number of valid votes for each candidate and measure are recorded

183 on the ballot sheets;

184 (ii) for each office, one or more ballot sheets have votes in excess of the number
185 allowed by law in order to test the ability of the automatic tabulating equipment to reject those
186 votes; and

187 (iii) a different number of valid votes are assigned to each candidate for an office, and
188 for and against each measure.

189 (e) If any error is detected, the election officer shall determine the cause of the error
190 and correct it.

191 (f) The election officer shall ensure that:

192 (i) the automatic tabulating equipment produces an errorless count before beginning
193 the actual counting; and

194 (ii) the automatic tabulating equipment passes the same test at the end of the count
195 before the election returns are approved as official.

196 (2) (a) The election officer or his designee shall supervise and direct all proceedings at
197 the counting center.

198 (b) (i) Proceedings at the counting center are public and may be observed by interested
199 persons.

200 (ii) Only those persons authorized to participate in the count may touch any ballot,
201 ballot sheet, or return.

202 (c) The election officer shall deputize and administer an oath or affirmation to all
203 persons who are engaged in processing and counting the ballots that they will faithfully
204 perform their assigned duties.

205 (d) (i) Counting poll watchers appointed as provided in Section 20A-3-201 may
206 observe the testing of equipment and actual counting of the ballot sheets.

207 (ii) Those counting poll watchers may make independent tests of the equipment before
208 or after the vote count as long as the testing does not interfere in any way with the official
209 tabulation of the ballot sheets.

210 (3) If any ballot sheet is damaged or defective so that it cannot properly be counted by
211 the automatic tabulating equipment, the election officer shall:

212 (a) cause a true duplicate copy of the ballot sheet to be made with an identifying serial
213 number;

214 (b) substitute the duplicate for the damaged ballot sheet;
215 (c) label the duplicate ballot card "duplicate"; and
216 (d) record the duplicate ballot sheet's serial number on the damaged or defective ballot
217 sheet.

218 (4) The election officer may:
219 (a) conduct an unofficial count before conducting the official count in order to provide
220 early unofficial returns to the public;

221 (b) release unofficial returns from time to time after the polls close; and
222 (c) report the progress of the count for each candidate during the actual counting of
223 ballots.

224 (5) (a) If a candidate listed on the ballot is replaced in accordance with Section
225 20A-1-501, the election officer shall count a vote cast for the listed candidate as a vote for the
226 replacement candidate.

227 (b) If a candidate listed on the ballot has died, resigned, or has been disqualified and
228 the candidate was not replaced, the election officer may not count a vote cast for the listed
229 candidate.

230 [~~5~~] (6) The election officer shall review and evaluate the provisional ballot envelopes
231 and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

232 [~~6~~] (7) (a) The election officer or his designee shall:
233 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
234 (ii) complete the standard form provided by the clerk for recording valid write-in votes.
235 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
236 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
237 count the valid write-in vote as being the obvious intent of the voter.

238 [~~7~~] (8) (a) The election officer shall certify the return printed by the automatic
239 tabulating equipment, to which have been added write-in and absentee votes, as the official
240 return of each voting precinct.

241 (b) Upon completion of the count, the election officer shall make official returns open
242 to the public.

243 [~~8~~] (9) If for any reason it becomes impracticable to count all or a part of the ballot
244 sheets with tabulating equipment, the election officer may direct that they be counted manually

245 according to the procedures and requirements of this part.

246 [~~9~~] (10) After the count is completed, the election officer shall seal and retain the
247 programs, test materials, and ballots as provided in Section 20A-4-202.

248 Section 4. Section **20A-4-304** is amended to read:

249 **20A-4-304. Declaration of results -- Canvassers' report.**

250 (1) Each board of canvassers shall:

251 (a) declare "elected" or "nominated" those persons who:

252 (i) had the highest number of votes; and

253 (ii) sought election or nomination to an office completely within the board's
254 jurisdiction;

255 (b) declare:

256 (i) "approved" those ballot propositions that:

257 (A) had more "yes" votes than "no" votes; and

258 (B) were submitted only to the voters within the board's jurisdiction;

259 (ii) "rejected" those ballot propositions that:

260 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
261 votes; and

262 (B) were submitted only to the voters within the board's jurisdiction;

263 (c) certify the vote totals for persons and for and against ballot propositions that were
264 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
265 the lieutenant governor; and

266 (d) if applicable, certify the results of each local district election to the local district
267 clerk.

268 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
269 result, which shall contain:

270 (i) the total number of votes cast in the board's jurisdiction;

271 (ii) the names of each candidate whose name appeared on the ballot and any
272 replacement candidate certified in accordance with Section 20A-1-501;

273 (iii) the title of each ballot proposition that appeared on the ballot;

274 (iv) each office that appeared on the ballot;

275 (v) from each voting precinct:

- 276 (A) the number of votes for each candidate; and
- 277 (B) the number of votes for and against each ballot proposition;
- 278 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
- 279 for and against each ballot proposition;
- 280 (vii) the number of ballots that were rejected; and
- 281 (viii) a statement certifying that the information contained in the report is accurate.
- 282 (b) The election officer and the board of canvassers shall:
- 283 (i) review the report to ensure that it is correct; and
- 284 (ii) sign the report.
- 285 (c) The election officer shall:
- 286 (i) record or file the certified report in a book kept for that purpose;
- 287 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
- 288 to each nominated or elected candidate;
- 289 (iii) publish a copy of the certified report:
- 290 (A) in one or more conspicuous places within the jurisdiction;
- 291 (B) in a conspicuous place on the county's website; and
- 292 (C) in a newspaper with general circulation in the board's jurisdiction; and
- 293 (iv) file a copy of the certified report with the lieutenant governor.
- 294 (3) When there has been a regular general or a statewide special election for statewide
- 295 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
- 296 or more county ballot proposition, each board of canvassers shall:
- 297 (a) prepare a separate report detailing the number of votes for each candidate and the
- 298 number of votes for and against each ballot proposition; and
- 299 (b) transmit it by registered mail to the lieutenant governor.
- 300 (4) In each county election, municipal election, school election, local district election,
- 301 and local special election, the election officer shall transmit the reports to the lieutenant
- 302 governor within 14 days after the date of the election.
- 303 (5) In regular primary elections and in the Western States Presidential Primary, the
- 304 board shall transmit to the lieutenant governor:
- 305 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
- 306 governor:

307 (i) not later than the second Tuesday after the primary election for the regular primary
308 election; and

309 (ii) not later than the Tuesday following the election for the Western States Presidential
310 Primary; and

311 (b) a complete tabulation showing voting totals for all primary races, precinct by
312 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
313 primary election.

314 Section 5. Section **20A-4-306** is amended to read:

315 **20A-4-306. Statewide canvass.**

316 (1) (a) The state board of canvassers shall convene:

317 (i) on the fourth Monday of November, at noon; or

318 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
319 returns of a statewide special election.

320 (b) The state auditor, the state treasurer, and the attorney general are the state board of
321 canvassers.

322 (c) Attendance of all members of the state board of canvassers shall be required to
323 constitute a quorum for conducting the canvass.

324 (2) (a) The state board of canvassers shall:

325 (i) meet in the lieutenant governor's office; and

326 (ii) compute and determine the vote for officers and for and against any ballot
327 propositions voted upon by the voters of the entire state or of two or more counties.

328 (b) The lieutenant governor, as secretary of the board shall file a report in his office
329 that details:

330 (i) for each statewide officer and ballot proposition:

331 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

332 (B) the candidates for each statewide office whose names appeared on the ballot, plus
333 any recorded write-in candidates and replacement candidates certified under Section
334 20A-1-501;

335 (C) the number of votes from each county cast for each candidate and for and against
336 each ballot proposition;

337 (D) the total number of votes cast statewide for each candidate and for and against each

338 ballot proposition; and
339 (E) the total number of votes cast statewide; and
340 (ii) for each officer or ballot proposition voted on in two or more counties:
341 (A) the name of each of those offices and ballot propositions that appeared on the
342 ballot;
343 (B) the candidates for those offices, including a replacement candidate certified under
344 Section 20A-1-501, plus any recorded write-in candidates;
345 (C) the number of votes from each county cast for each candidate and for and against
346 each ballot proposition; and
347 (D) the total number of votes cast for each candidate and for and against each ballot
348 proposition.
349 (c) The lieutenant governor shall:
350 (i) prepare certificates of election for:
351 (A) each successful candidate; and
352 (B) each of the presidential electors of the candidate for president who received a
353 majority of the votes;
354 (ii) authenticate each certificate with his seal; and
355 (iii) deliver a certificate of election to:
356 (A) each candidate who had the highest number of votes for each office; and
357 (B) each of the presidential electors of the candidate for president who received a
358 majority of the votes.
359 (3) If the lieutenant governor has not received election returns from all counties on the
360 fifth day before the day designated for the meeting of the state board of canvassers, the
361 lieutenant governor shall:
362 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
363 county;
364 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
365 required by Section 20A-4-304 from the clerk; and
366 (c) pay the messenger the per diem provided by law as compensation.
367 (4) The state board of canvassers may not withhold the declaration of the result or any
368 certificate of election because of any defect or informality in the returns of any election if the

369 board can determine from the returns, with reasonable certainty, what office is intended and
370 who is elected to it.

371 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
372 governor shall:

373 (i) canvass the returns for all multicounty candidates required to file with the office of
374 the lieutenant governor; and

375 (ii) publish and file the results of the canvass in the lieutenant governor's office.

376 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
377 certify the results of:

378 (i) the primary canvass, except for the office of President of the United States, to the
379 county clerks; and

380 (ii) the primary canvass for the office of President of the United States to each
381 registered political party that participated in the primary.

382 (6) (a) At noon on the day that falls seven days after the last day on which a county
383 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary
384 election, the lieutenant governor shall:

385 (i) canvass the returns; and

386 (ii) publish and file the results of the canvass in the lieutenant governor's office.

387 (b) The lieutenant governor shall certify the results of the Western States Presidential
388 Primary canvass to each registered political party that participated in the primary not later than
389 the April 15 after the primary election.

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

391 **20A-6-302. Paper ballots -- Placement of candidates' names.**

392 (1) Each election officer shall ensure, for paper ballots in regular general elections,
393 that:

394 (a) each candidate is listed by party;

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

397 (c) the names of candidates are placed on the ballot in the order specified under Section
398 20A-6-305.

399 ~~[(2) (a) The election officer may not allow the name of a candidate who dies or~~

400 ~~withdraws before election day to be printed upon the ballots;]~~

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

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

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

405 ~~[(3)]~~ (2) (a) When there is only one candidate for county attorney at the regular general
406 election in counties that have three or fewer registered voters of the county who are licensed
407 active members in good standing of the Utah State Bar, the county clerk shall cause that
408 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
409 with the following question: "Shall (name of candidate) be elected to the office of county
410 attorney? Yes ____ No ____."

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

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

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

419 (e) If no qualified person files for the office of county attorney or if the candidate is not
420 elected by the voters, the county legislative body shall appoint the county attorney as provided
421 in Section 20A-1-509.2.

422 (f) If the candidate whose name would, except for this Subsection ~~[(3)]~~ (2)(f), be
423 placed on the ballot under Subsection ~~[(3)]~~ (2)(a) has been elected on a ballot under Subsection
424 ~~[(3)]~~ (2)(a) to the two consecutive terms immediately preceding the term for which the
425 candidate is seeking election, Subsection ~~[(3)]~~ (2)(a) does not apply and that candidate shall be
426 considered to be an unopposed candidate the same as any other unopposed candidate for
427 another office, unless a petition is filed with the county clerk before the date of that year's
428 primary election that:

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

430 (ii) contains the signatures of registered voters in the county representing in number at

431 least 25% of all votes cast in the county for all candidates for governor at the last election at
432 which a governor was elected.

433 ~~[(4)]~~ (3) (a) When there is only one candidate for district attorney at the regular general
434 election in a prosecution district that has three or fewer registered voters of the district who are
435 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
436 that candidate's name and party affiliation, if any, to be placed on a separate section of the
437 ballot with the following question: "Shall (name of candidate) be elected to the office of district
438 attorney? Yes ____ No ____."

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

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

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

447 (e) If no qualified person files for the office of district attorney, or if the only candidate
448 is not elected by the voters under this subsection, the county legislative body shall appoint a
449 new district attorney for a four-year term as provided in Section 20A-1-509.2.

450 (f) If the candidate whose name would, except for this Subsection ~~[(4)]~~ (3)(f), be
451 placed on the ballot under Subsection ~~[(4)]~~ (3)(a) has been elected on a ballot under Subsection
452 ~~[(4)]~~ (3)(a) to the two consecutive terms immediately preceding the term for which the
453 candidate is seeking election, Subsection ~~[(4)]~~ (3)(a) does not apply and that candidate shall be
454 considered to be an unopposed candidate the same as any other unopposed candidate for
455 another office, unless a petition is filed with the county clerk before the date of that year's
456 primary election that:

457 (i) requests the procedure set forth in Subsection ~~[(4)]~~ (3)(a) to be followed; and

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

461 Section 7. Section **20A-9-201** is amended to read:

462 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
463 **more than one political party prohibited with exceptions -- General filing and form**
464 **requirements -- Affidavit of impecuniosity.**

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

466 (a) be a United States citizen; and

467 (b) meet the legal requirements of that office.

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

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

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

472 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, President
473 or Vice President of the United States and another office, if the person resigns the person's
474 candidacy for the other office after the person is officially nominated for President or Vice
475 President of the United States.

476 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than
477 one justice court judge office.

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

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

482 (B) require the candidate to state whether or not the candidate meets those
483 requirements.

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

486 (A) a United States citizen;

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

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

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

493 office.

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

497 (A) a United States citizen;

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

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

501 and

502 (D) a current resident of the prosecution district in which the person is seeking office
503 and either will have been a resident of that prosecution district for at least one year as of the
504 date of the election or was appointed and is currently serving as district attorney and became a
505 resident of the prosecution district within 30 days after receiving appointment to the office.

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

508 (A) as of the date of filing:

509 (I) is a United States citizen;

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

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

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

515 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
516 53-13-103; and

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

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

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

524 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
525 provided to the lieutenant governor according to the procedures and requirements of Section
526 20A-11-1603.

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

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

532 (i) inform the candidate that:

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

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

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

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

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

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

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

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

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

551 (A) signing the pledge is voluntary; and

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

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

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

555 declaration of candidacy to the chair of the county or state political party of which the
556 candidate is a member.

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

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

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

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

565 "State of Utah, County of _____

566 I, _____, declare my intention of becoming a candidate for the office
567 of _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the
568 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
569 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I
570 will not knowingly violate any law governing campaigns and elections; I will file all
571 campaign financial disclosure reports as required by law; and I understand that failure
572 to do so will result in my disqualification as a candidate for this office and removal of
573 my name from the ballot. The mailing address that I designate for receiving official
574 election notices is _____.

575 _____

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

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

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

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

582 (i) [~~\$25~~] \$50 for candidates for the local school district board; and

583 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
584 person holding the office[~~, but not less than \$5,~~] for all other federal, state, and county offices.

585 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

586 any candidate:

587 (i) who is disqualified; or

588 (ii) who the filing officer determines has filed improperly.

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

591 (ii) The lieutenant governor shall:

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

594 (B) ensure that each county receives that proportion of the total amount paid to the
595 lieutenant governor from the congressional district that the total vote of that county for all
596 candidates for representative in Congress bears to the total vote of all counties within the
597 congressional district for all candidates for representative in Congress.

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

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

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

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

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

611 "Affidavit of Impecuniosity

612 Individual Name

613 _____ Address _____

614 Phone Number _____

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

617 law.
618 Date _____ Signature _____

619 Affiant

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

621 _____
622 (signature)

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

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

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

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

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

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

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

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

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

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

646 [~~(d)~~] (iv) pay the filing fee of \$500.

647 (b) An agent designated to file a declaration of candidacy may not sign the form

648 described in Subsection (6)(a)(i)(A).

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

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

653 Section 8. Section **20A-9-202** is amended to read:

654 **20A-9-202. Declarations of candidacy for regular general elections --**
655 **Requirements for candidates.**

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

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

661 (ii) pay the filing fee.

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

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

667 (ii) pay the filing fee.

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

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

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

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

678 (ii) pay the filing fee.

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

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

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

688 (ii) pay the filing fee.

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

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

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

695 (ii) pay the filing fee.

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

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

700 (4) Each registered political party shall:

701 (a) certify the names of its candidates for President and Vice President of the United
702 States to the lieutenant governor no later than August 31; or

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

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

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

- 710 (i) mail or personally deliver notice of the objection to the affected candidate
711 immediately; and
- 712 (ii) decide any objection within 48 hours after it is filed.
- 713 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
714 problem by amending the declaration or petition within three days after the objection is
715 sustained or by filing a new declaration within three days after the objection is sustained.
- 716 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.
717 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
718 by a district court if prompt application is made to the court.
- 719 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
720 of its discretion, agrees to review the lower court decision.
- 721 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
722 filing a written affidavit with the clerk.
- 723 (7) Notwithstanding a requirement in this section to file a declaration of candidacy in
724 person, a person may designate an agent to file the form described in Subsection 20A-9-201(4)
725 in person with the filing officer if:
- 726 (a) the person is located outside the state during the filing period because:
- 727 (i) of employment with the state or the United States; or
- 728 (ii) the person is a member of:
- 729 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
730 Coast Guard of the United States who is on active duty;
- 731 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
732 commissioned corps of the National Oceanic and Atmospheric Administration of the United
733 States; or
- 734 (C) the National Guard on activated status;
- 735 (b) the person communicates with the filing officer using an electronic device that
736 allows the person and filing officer to see and hear each other; and
- 737 (c) the person provides the filing officer with an email address to which the filing
738 officer may send the copies described in Subsection 20A-9-201(3).
- 739 Section 9. Section **20A-9-203** is amended to read:
- 740 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

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

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

756 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
757 incompetent person, any person convicted of a felony, or any person convicted of treason or a
758 crime against the elective franchise may not hold office in this state until the right to hold
759 elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

790 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

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

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

804 (ii) the person is a member of:

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

807 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
808 commissioned corps of the National Oceanic and Atmospheric Administration of the United
809 States; or

810 (C) the National Guard on activated status;

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

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

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

817 [~~4~~] (5) (a) The declaration of candidacy shall substantially comply with the following
818 form:

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

826 _____

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

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

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

832 [~~5~~] (6) (a) A registered voter may be nominated for municipal office by submitting a
833 petition signed, with a holographic signature, by:

- 834 (i) 25 residents of the municipality who are at least 18 years old; or
- 835 (ii) 20% of the residents of the municipality who are at least 18 years old.
- 836 (b) (i) The petition shall substantially conform to the following form:

837 "NOMINATION PETITION

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

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

843 [~~6~~] (7) If the declaration of candidacy or nomination petition fails to state whether the
844 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
845 the four-year term.

846 [~~7~~] (8) (a) The clerk shall verify with the county clerk that all candidates are
847 registered voters.

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

850 [~~8~~] (9) Immediately after expiration of the period for filing a declaration of
851 candidacy, the clerk shall:

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

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

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

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

858 [~~9~~] (10) A declaration of candidacy or nomination petition filed under this section
859 may not be amended after the expiration of the period for filing a declaration of candidacy.

860 [~~10~~] (11) (a) A declaration of candidacy or nomination petition filed under this
861 section is valid unless a written objection is filed with the clerk within five days after the last
862 day for filing.

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

864 (i) mail or personally deliver notice of the objection to the affected candidate

865 immediately; and

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

867 (c) If the clerk sustains the objection, the candidate may correct the problem by
868 amending the declaration or petition within three days after the objection is sustained or by
869 filing a new declaration within three days after the objection is sustained.

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

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

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

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

878 Section 10. Section 20A-9-502 is amended to read:

879 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**
880 **Criminal penalty.**

881 (1) The candidate shall:

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

883 "State of Utah, County of _____

884 I, _____, declare my intention of becoming an unaffiliated candidate for the
885 political group designated as ____ for the office of _____. I do solemnly swear that I can
886 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
887 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
888 that I am providing, or have provided, the required number of holographic signatures of
889 registered voters required by law; that as a candidate at the next election I will not knowingly
890 violate any election or campaign law; I will file all campaign financial disclosure reports as
891 required by law; and I understand that failure to do so will result in my disqualification as a
892 candidate for this office and removal of my name from the ballot.

893 _____

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

895 _____

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

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

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

900 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line
901 blank for the purpose of binding;

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

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

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

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

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

914 "Each signer says:

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

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

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

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

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

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

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

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

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

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

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

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

939 "Verification

940 State of Utah, County of _____

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

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

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

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

949 _____
950 (Signature) (Residence Address) (Date)".

951 (2) An agent designated to file a certificate of nomination under Subsection
952 20A-9-503(4) may not sign the form described in Subsection (1)(a).

953 [~~(2)~~] (3) (a) The candidate shall circulate the nomination petition and ensure that the
954 person in whose presence each signature sheet is signed:

955 (i) is at least 18 years old;

956 (ii) except as provided by Subsection [~~(2)~~] (3)(b), meets the residency requirements of
957 Section 20A-2-105; and

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

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

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

964 [~~3~~] (4) (a) It is unlawful for any person to:

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

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

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

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

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

971 (A) except as provided by Subsection [~~2~~] (3)(b), does not meet the residency
972 requirements of Section 20A-2-105;

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

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

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

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

981 [~~4~~] (5) (a) The candidate shall submit the petition and signature sheets to the county
982 clerk for certification when the petition has been completed by:

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

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

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

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

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

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

996 Section 11. Section **20A-9-503** is amended to read:

997 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

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

1000 (a) between the second Friday in March and the close of normal office hours on the
1001 third Thursday in March of the year in which the regular general election will be held, file the
1002 petition in person with:

1003 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
1004 a federal office; or

1005 (ii) the county clerk, if the office the candidate seeks is a county office; and

1006 (iii) pay the filing fee; or

1007 (b) not later than the close of normal office hours on June 15 of any odd-numbered
1008 year, file the petition in person with:

1009 (i) the municipal clerk, if the candidate seeks an office in a city or town;

1010 (ii) the local district clerk, if the candidate seeks an office in a local district; and

1011 (iii) pay the filing fee.

1012 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
1013 read the constitutional and statutory requirements for candidacy to the candidate.

1014 (b) If the candidate states that he does not meet the requirements, the filing officer may
1015 not accept the petition.

1016 (3) (a) Persons filing a certificate of nomination for President of the United States
1017 under this section shall pay a filing fee of \$500.

1018 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
1019 President or Vice President of the United States:

1020 (i) may file the certificate of nomination between the second Friday in March and the
1021 close of normal office hours on August 15 of the year in which the regular general election will
1022 be held; and

1023 (ii) may use a designated agent to file the certificate of nomination.

1024 (c) An agent designated to file the certificate of nomination may not sign the certificate
1025 of nomination form.

1026 (4) Notwithstanding the requirement in Subsection (1) to file a certificate of
1027 nomination in person, a person may designate an agent to file the certificate of nomination in
1028 person with the filing officer if:

1029 (a) the person is located outside the state during the filing period because:

1030 (i) of employment with the state or the United States; or

1031 (ii) the person is a member of:

1032 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1033 Coast Guard of the United States who is on active duty;

1034 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1035 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1036 States; or

1037 (C) the National Guard on activated status; and

1038 (b) the person communicates with the filing officer using an electronic device that
1039 allows the person and the filing officer to see and hear each other.

1040 Section 12. Section **20A-9-601** is amended to read:

1041 **20A-9-601. Qualifying as a write-in candidate.**

1042 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
1043 of candidacy in person, or through a designated agent for a candidate for President or Vice
1044 President of the United States, with the appropriate filing officer not later than 30 days before
1045 the regular general election or 45 days before a municipal general election in which the person
1046 intends to be a write-in candidate.

1047 (b) (i) The form of the declaration of candidacy for all offices, except President of the
1048 United States, is substantially as follows:

1049 "State of Utah, County of _____

1050 I, _____, declare my intention of becoming a candidate for the office of

1082 accept the write-in candidate's declaration of candidacy.

1083 (2) Notwithstanding the requirement in Subsection (1) to file a declaration of
 1084 candidacy in person, a person may designate an agent to file the declaration of candidacy in
 1085 person with the filing officer if:

1086 (a) the person is located outside the state during the filing period because:

1087 (i) of employment with the state or the United States; or

1088 (ii) the person is a member of:

1089 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
 1090 Coast Guard of the United States who is on active duty;

1091 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
 1092 commissioned corps of the National Oceanic and Atmospheric Administration of the United
 1093 States; or

1094 (C) the National Guard on activated status; and

1095 (b) the person communicates with the filing officer using an electronic device that
 1096 allows the person and filing officer to see and hear each other.

1097 ~~[(2)]~~ (3) By November 1 of each regular general election year, the lieutenant governor
 1098 shall certify to each county clerk the names of all write-in candidates who filed their
 1099 declaration of candidacy with the lieutenant governor.

1100 Section 13. Section **20A-9-602** is amended to read:

1101 **20A-9-602. Write-in candidacy and voting prohibited in certain circumstances.**

1102 In elections for county attorney or district attorney that meet the requirements of
 1103 Subsections 20A-6-302~~[(3)]~~(2) and ~~[(4)]~~ (3), a person may not file a declaration of candidacy
 1104 as a write-in candidate under this part and the county clerk may not count any write-in votes
 1105 received for the office of county or district attorney.

1106 Section 14. Section **20A-9-803** is amended to read:

1107 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

1108 (1) Candidates for President of the United States who are affiliated with a registered
 1109 political party in Utah that has elected to participate in Utah's Western States Presidential
 1110 Primary and who wish to participate in the primary shall:

1111 (a) ~~[except as provided in Subsection (1)(b);]~~ file a declaration of candidacy, in person
 1112 or via a designated agent, with the lieutenant governor between July 1 of the year before the

1113 primary election will be held and 5 p.m. on October 15 of the year before the primary election
1114 will be held;

1115 (b) identify the registered political party whose nomination the candidate is seeking;

1116 (c) provide a letter from the registered political party certifying that the candidate may
1117 participate as a candidate for that party in that party's presidential primary election; and

1118 (d) pay the filing fee of \$500.

1119 (2) The lieutenant governor shall develop a declaration of candidacy form for
1120 presidential candidates participating in the primary.

1121 (3) An agent designated to file a declaration of candidacy may not sign the form
1122 described in Subsection (2).

1123 Section 15. Section **20A-11-206** is amended to read:

1124 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

1125 (1) (a) If a state office candidate fails to file an interim report due before the regular
1126 primary election, on August 31, or before the regular general election, the lieutenant governor
1127 shall, after making a reasonable attempt to discover if the report was timely filed~~[-(†)]~~, inform
1128 the county clerk and other appropriate election officials ~~[who:]~~ that the state office candidate is
1129 disqualified.

1130 ~~[(A) (†) shall, if practicable, remove the name of the candidate from the ballots before~~
1131 ~~the ballots are delivered to voters; or]~~

1132 ~~[(H) shall, if removing the candidate's name from the ballot is not practicable, inform~~
1133 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
1134 ~~cast for the candidate will not be counted; and]~~

1135 ~~[(B) may not count any votes for that candidate; and]~~

1136 ~~[(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.]~~

1137 (b) (i) ~~[Any state office candidate who fails to file timely a financial statement required~~
1138 ~~by Subsection 20A-11-204(1)(b), (c), or (d) is disqualified and the] The vacancy on the ballot
1139 resulting from the disqualification may be filled as provided in Section 20A-1-501.~~

1140 (ii) If a replacement candidate is not certified under Section 20A-1-501, the election
1141 official shall:

1142 (A) remove the candidate's name from the ballot; or

1143 (B) if removing the candidate's name from the ballot is not practicable, inform the

1144 voters by any practicable method that the candidate has been disqualified and that votes cast for
1145 the candidate will not be counted.

1146 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
1147 disqualified and the lieutenant governor may not impose a fine if:

1148 (i) the candidate timely files the reports required by this section no later than the due
1149 date in accordance with Section 20A-11-103;

1150 (ii) the reports are completed, detailing accurately and completely the information
1151 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1152 and

1153 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
1154 corrected in:

1155 (A) an amended report; or

1156 (B) the next scheduled report.

1157 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1158 governor shall review each filed summary report to ensure that:

1159 (i) each state office candidate that is required to file a summary report has filed one;
1160 and

1161 (ii) each summary report contains the information required by this part.

1162 (b) If it appears that any state office candidate has failed to file the summary report
1163 required by law, if it appears that a filed summary report does not conform to the law, or if the
1164 lieutenant governor has received a written complaint alleging a violation of the law or the
1165 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1166 violation or receipt of a written complaint, notify the state office candidate of the violation or
1167 written complaint and direct the state office candidate to file a summary report correcting the
1168 problem.

1169 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
1170 report within 14 days after receiving notice from the lieutenant governor under this section.

1171 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
1172 misdemeanor.

1173 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1174 attorney general.

1175 Section 16. Section **20A-11-305** is amended to read:

1176 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

1177 (1) (a) If a legislative office candidate fails to file an interim report due before the
1178 regular primary election, on August 31, or before the regular general election, the lieutenant
1179 governor shall, after making a reasonable attempt to discover if the report was timely filed[
1180 (†)], inform the county clerk and other appropriate election officials [~~who:~~] that the legislative
1181 office candidate is disqualified.

1182 [~~(A) (I) shall, if practicable, remove the name of the candidate from the ballots before~~
1183 ~~the ballots are delivered to voters; or]~~

1184 [~~(H) shall, if removing the candidate's name from the ballot is not practicable, inform~~
1185 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
1186 ~~cast for the candidate will not be counted; and]~~

1187 [~~(B) may not count any votes for that candidate; and]~~

1188 [~~(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.]~~

1189 (b) (i) [~~Any legislative office candidate who fails to file timely a financial statement~~
1190 ~~required by Subsection 20A-11-303(1)(b), (c), or (d) is disqualified and the] The vacancy on
1191 the ballot resulting from the disqualification may be filled as provided in Section 20A-1-501.~~

1192 (ii) If a replacement candidate is not certified under Section 20A-1-501, the election
1193 officer shall:

1194 (A) remove the candidate's name from the ballot; or

1195 (B) if removing the candidate's name from the ballot is not practicable, inform the
1196 voters by any practicable method that the candidate has been disqualified and that votes cast for
1197 the candidate will not be counted.

1198 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not
1199 disqualified and the lieutenant governor may not impose a fine if:

1200 (i) the candidate timely files the reports required by this section no later than the due
1201 date in accordance with Section 20A-11-103;

1202 (ii) the reports are completed, detailing accurately and completely the information
1203 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1204 and

1205 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are

1206 corrected in:

1207 (A) an amended report; or

1208 (B) the next scheduled report.

1209 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1210 governor shall review each filed summary report to ensure that:

1211 (i) each legislative office candidate that is required to file a summary report has filed
1212 one; and

1213 (ii) each summary report contains the information required by this part.

1214 (b) If it appears that any legislative office candidate has failed to file the summary
1215 report required by law, if it appears that a filed summary report does not conform to the law, or
1216 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1217 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1218 violation or receipt of a written complaint, notify the legislative office candidate of the
1219 violation or written complaint and direct the legislative office candidate to file a summary
1220 report correcting the problem.

1221 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
1222 summary report within 14 days after receiving notice from the lieutenant governor under this
1223 section.

1224 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
1225 class B misdemeanor.

1226 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1227 attorney general.

1228 Section 17. Section **20A-11-1305** is amended to read:

1229 **20A-11-1305. School board office candidate -- Failure to file statement --**

1230 **Penalties.**

1231 (1) (a) If a school board office candidate fails to file an interim report due before the
1232 regular primary election, on August 31, or before the regular general election, the chief election
1233 officer shall, after making a reasonable attempt to discover if the report was timely filed:

1234 (i) inform the county clerk and other appropriate election officials who:

1235 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
1236 the ballots are delivered to voters; or

1237 (II) shall, if removing the candidate's name from the ballot is not practicable, inform
1238 the voters by any practicable method that the candidate has been disqualified and that votes
1239 cast for the candidate will not be counted; and

1240 (B) may not count any votes for that candidate; and

1241 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1242 (b) Any school board office candidate who fails to file timely a financial statement
1243 required by Subsection 20A-11-1303(1)(b), (c), or (d) is disqualified [~~and the vacancy on the~~
1244 ~~ballot may be filled as provided in Section 20A-1-501~~].

1245 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is
1246 not disqualified and the chief election officer may not impose a fine if:

1247 (i) the candidate timely files the reports required by this section in accordance with
1248 Section 20A-11-103;

1249 (ii) those reports are completed, detailing accurately and completely the information
1250 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1251 and

1252 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
1253 corrected in:

1254 (A) an amended report; or

1255 (B) the next scheduled report.

1256 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1257 for state school board, the lieutenant governor shall review each filed summary report to ensure
1258 that:

1259 (i) each state school board candidate that is required to file a summary report has filed
1260 one; and

1261 (ii) each summary report contains the information required by this part.

1262 (b) If it appears that any state school board candidate has failed to file the summary
1263 report required by law, if it appears that a filed summary report does not conform to the law, or
1264 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1265 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1266 violation or receipt of a written complaint, notify the state school board candidate of the
1267 violation or written complaint and direct the state school board candidate to file a summary

1268 report correcting the problem.

1269 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1270 summary report within 14 days after receiving notice from the lieutenant governor under this
1271 section.

1272 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1273 class B misdemeanor.

1274 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1275 attorney general.

1276 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1277 clerk shall review each filed summary report to ensure that:

1278 (i) each local school board candidate that is required to file a summary report has filed
1279 one; and

1280 (ii) each summary report contains the information required by this part.

1281 (b) If it appears that any local school board candidate has failed to file the summary
1282 report required by law, if it appears that a filed summary report does not conform to the law, or
1283 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1284 of any summary report, the county clerk shall, within five days of discovery of a violation or
1285 receipt of a written complaint, notify the local school board candidate of the violation or
1286 written complaint and direct the local school board candidate to file a summary report
1287 correcting the problem.

1288 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
1289 summary report within 14 days after receiving notice from the county clerk under this section.

1290 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1291 class B misdemeanor.

1292 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1293 county attorney.

Legislative Review Note
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Office of Legislative Research and General Counsel