

**Representative John R. Westwood** proposes the following substitute bill:

**ELECTION LAW - FILING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John R. Westwood**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses certain candidate filings for office.

**Highlighted Provisions:**

This bill:

▶ changes from the lieutenant governor to the state court administrator, the individual with whom a judge is required to file for candidacy;

~~↪ [↪ changes the dates by which an unaffiliated candidate is required to submit a certificate of nomination and a nomination petition;~~

~~↪ provides that an unaffiliated candidate is required to file a certificate of nomination before the unaffiliated candidate collects signatures for a candidate nomination~~

~~petition;] ←↪ and~~

▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 ~~H~~→ [~~20A-9-201, as last amended by Laws of Utah 2016, Chapter 28~~  
 27 ~~20A-9-502, as last amended by Laws of Utah 2013, Chapters 253 and 317~~  
 28 ~~20A-9-503, as last amended by Laws of Utah 2013, Chapter 317]~~ ←~~H~~  
 29 20A-12-201, as last amended by Laws of Utah 2014, Chapter 207  
 30 78A-12-206, as last amended by Laws of Utah 2011, Chapter 80

31

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

33 ~~H~~→ [Section 1. Section 20A-9-201 is amended to read:

34 ~~20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of~~  
 35 ~~more than one political party prohibited with exceptions -- General filing and form~~  
 36 ~~requirements -- Affidavit of impecuniosity.~~

37 ~~(1) Before filing a declaration of candidacy for election to any office, [a person] an~~  
 38 ~~individual shall:~~

39 ~~(a) be a United States citizen;~~

40 ~~(b) meet the legal requirements of that office; and~~

41 ~~(c) if seeking a registered political party's nomination as a candidate for elective office,~~  
 42 ~~state:~~

43 ~~(i) the registered political party of which the [person] individual is a member; or~~

44 ~~(ii) that the [person] individual is not a member of a registered political party.~~

45 ~~(2) (a) Except as provided in Subsection (2)(b), an individual may not:~~

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

48 ~~(ii) appear on the ballot as the candidate of more than one political party; or~~

49 ~~(iii) file a declaration of candidacy for a registered political party of which the~~  
 50 ~~individual is not a member, except to the extent that the registered political party permits~~  
 51 ~~otherwise in the registered political party's bylaws.~~

52 ~~(b) (i) [A person] An individual may file a declaration of candidacy for, or be a~~  
 53 ~~candidate for, president or vice president of the United States and another office, if the [person]~~  
 54 ~~individual resigns the [person's] individual's candidacy for the other office after the [person]~~  
 55 ~~individual is officially nominated for president or vice president of the United States.~~

56 ~~(ii) [A person] An individual may file a [declaration] notice of candidacy described in~~ ☹

57 ~~Section 20A-12-201~~ for, or be a candidate for, more than one justice court judge office.

58 ~~— (iii) [A person] An individual~~ may file a declaration of candidacy for lieutenant  
 59 governor even if the [person] individual filed a declaration of candidacy for another office in  
 60 the same election year if the [person] individual withdraws as a candidate for the other office in  
 61 accordance with Subsection ~~20A-9-202(6)~~ before filing the declaration of candidacy for  
 62 lieutenant governor.

63 ~~— (3) (a) (i) Except for presidential candidates, before the filing officer may accept any~~  
 64 ~~declaration of candidacy, the filing officer shall:~~

65 ~~— (A) read to the prospective candidate the constitutional and statutory qualification~~  
 66 ~~requirements for the office that the candidate is seeking; and~~

67 ~~— (B) require the candidate to state whether the candidate meets those requirements.~~

68 ~~— (ii) Before accepting a declaration of candidacy for the office of county attorney, the~~  
 69 ~~county clerk shall ensure that the [person] individual filing that declaration of candidacy is:~~

70 ~~— (A) a United States citizen;~~

71 ~~— (B) an attorney licensed to practice law in Utah who is an active member in good~~  
 72 ~~standing of the Utah State Bar;~~

73 ~~— (C) a registered voter in the county in which the [person] individual is seeking office;~~  
 74 ~~and~~

75 ~~— (D) a current resident of the county in which the [person] individual is seeking office~~  
 76 ~~and either has been a resident of that county for at least one year or was appointed and is~~  
 77 ~~currently serving as county attorney and became a resident of the county within 30 days after~~  
 78 ~~appointment to the office.~~

79 ~~— (iii) Before accepting a declaration of candidacy for the office of district attorney, the~~  
 80 ~~county clerk shall ensure that, as of the date of the election, the [person] individual filing that~~  
 81 ~~declaration of candidacy is:~~

82 ~~— (A) a United States citizen;~~

83 ~~— (B) an attorney licensed to practice law in Utah who is an active member in good~~  
 84 ~~standing of the Utah State Bar;~~

85 ~~— (C) a registered voter in the prosecution district in which the [person] individual is~~  
 86 ~~seeking office; and~~

87 ~~— (D) a current resident of the prosecution district in which the [person] individual is~~ Ⓢ

88 ~~ⓐ seeking office and either will have been a resident of that prosecution district for at least one~~  
89 ~~year as of the date of the election or was appointed and is currently serving as district attorney~~  
90 ~~and became a resident of the prosecution district within 30 days after receiving appointment to~~  
91 ~~the office.~~

92 ~~—— (iv) Before accepting a declaration of candidacy for the office of county sheriff, the~~  
93 ~~county clerk shall ensure that the [person] individual filing the declaration of candidacy:~~

94 ~~—— (A) as of the date of filing:~~

95 ~~—— (I) is a United States citizen;~~

96 ~~—— (II) is a registered voter in the county in which the [person] individual seeks office;~~

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

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

101 ~~—— (IV) is qualified to be certified as a law enforcement officer, as defined in Section~~  
102 ~~53-13-103; and~~

103 ~~—— (B) as of the date of the election, shall have been a resident of the county in which the~~  
104 ~~[person] individual seeks office for at least one year.~~

105 ~~—— (v) Before accepting a declaration of candidacy for the office of governor, lieutenant~~  
106 ~~governor, state auditor, state treasurer, attorney general, state legislator, or State Board of~~  
107 ~~Education member, the filing officer shall ensure:~~

108 ~~—— (A) that the [person] individual filing the declaration of candidacy also files the~~  
109 ~~financial disclosure required by Section 20A-11-1603; and~~

110 ~~—— (B) if the filing officer is not the lieutenant governor, that the financial disclosure is~~  
111 ~~provided to the lieutenant governor according to the procedures and requirements of Section~~  
112 ~~20A-11-1603.~~

113 ~~—— (b) If the prospective candidate states that the qualification requirements for the office~~  
114 ~~are not met, the filing officer may not accept the prospective candidate's declaration of~~  
115 ~~candidacy.~~

116 ~~—— (c) If the candidate meets the requirements of Subsection (3)(a) and states that the~~  
117 ~~requirements of candidacy are met, the filing officer shall:~~

118 ~~—— (i) inform the candidate that: ⓐ~~

- 119 ~~ⓐ~~ (A) the candidate's name will appear on the ballot as the candidate's name is written on  
 120 the declaration of candidacy;
- 121 ~~ⓑ~~ (B) the candidate may be required to comply with state or local campaign finance  
 122 disclosure laws; and
- 123 ~~ⓒ~~ (C) the candidate is required to file a financial statement before the candidate's political  
 124 convention under:
- 125 ~~(i)~~ Section 20A-11-204 for a candidate for constitutional office;
- 126 ~~(ii)~~ Section 20A-11-303 for a candidate for the Legislature; or
- 127 ~~(iii)~~ local campaign finance disclosure laws, if applicable;
- 128 ~~(iv)~~ except for a presidential candidate, provide the candidate with a copy of the current  
 129 campaign financial disclosure laws for the office the candidate is seeking and inform the  
 130 candidate that failure to comply will result in disqualification as a candidate and removal of the  
 131 candidate's name from the ballot;
- 132 ~~(v)~~ provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
 133 Electronic Voter Information Website Program and inform the candidate of the submission  
 134 deadline under Subsection 20A-7-801(4)(a);
- 135 ~~(vi)~~ provide the candidate with a copy of the pledge of fair campaign practices  
 136 described under Section 20A-9-206 and inform the candidate that:
- 137 ~~(A)~~ signing the pledge is voluntary; and
- 138 ~~(B)~~ signed pledges shall be filed with the filing officer;
- 139 ~~(vii)~~ accept the candidate's declaration of candidacy; and
- 140 ~~(viii)~~ if the candidate has filed for a partisan office, provide a certified copy of the  
 141 declaration of candidacy to the chair of the county or state political party of which the  
 142 candidate is a member.
- 143 ~~(d)~~ If the candidate elects to sign the pledge of fair campaign practices, the filing  
 144 officer shall:
- 145 ~~(i)~~ accept the candidate's pledge; and
- 146 ~~(ii)~~ if the candidate has filed for a partisan office, provide a certified copy of the  
 147 candidate's pledge to the chair of the county or state political party of which the candidate is a  
 148 member.
- 149 ~~(4) (a)~~ Except for presidential candidates, the form of the declaration of candidacy ~~ⓐ~~

150 ~~Ⓢ~~ shall:

151 ~~\_\_\_\_\_ (i) be substantially as follows:~~

152 ~~\_\_\_\_\_ "State of Utah, County of \_\_\_\_\_~~

153 ~~\_\_\_\_\_ I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the~~  
154 ~~nomination of the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications to~~  
155 ~~hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_~~  
156 ~~in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not~~  
157 ~~knowingly violate any law governing campaigns and elections; I will file all campaign~~  
158 ~~financial disclosure reports as required by law; and I understand that failure to do so~~  
159 ~~will result in my disqualification as a candidate for this office and removal of my name~~  
160 ~~from the ballot. The mailing address that I designate for receiving official election~~  
161 ~~notices is \_\_\_\_\_.~~

162 ~~\_\_\_\_\_~~

163 ~~\_\_\_\_\_ Subscribed and sworn before me this \_\_\_\_\_ (month\day\year).~~

164 ~~\_\_\_\_\_ Notary Public (or other officer qualified to administer oath)."; and~~

165 ~~\_\_\_\_\_ (ii) require the candidate to state, in the sworn statement described in Subsection~~  
166 ~~(4)(a)(i):~~

167 ~~\_\_\_\_\_ (A) the registered political party of which the candidate is a member; or~~

168 ~~\_\_\_\_\_ (B) that the candidate is not a member of a registered political party.~~

169 ~~\_\_\_\_\_ (b) An agent designated to file a declaration of candidacy under Section 20A-9-202~~  
170 ~~may not sign the form described in Subsection (4)(a):~~

171 ~~\_\_\_\_\_ (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy~~  
172 ~~is:~~

173 ~~\_\_\_\_\_ (i) \$50 for candidates for the local school district board; and~~

174 ~~\_\_\_\_\_ (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the~~  
175 ~~person holding the office for all other federal, state, and county offices:~~

176 ~~\_\_\_\_\_ (b) Except for presidential candidates, the filing officer shall refund the filing fee to~~  
177 ~~any candidate:~~

178 ~~\_\_\_\_\_ (i) who is disqualified; or~~

179 ~~\_\_\_\_\_ (ii) who the filing officer determines has filed improperly.~~

180 ~~\_\_\_\_\_ (c) (i) The county clerk shall immediately pay to the county treasurer all fees received ~~Ⓢ~~~~

181 ~~⊕~~ from candidates:

182 ~~—— (ii) The lieutenant governor shall:~~

183 ~~—— (A) apportion to and pay to the county treasurers of the various counties all fees~~  
184 ~~received for filing of nomination certificates or acceptances; and~~

185 ~~—— (B) ensure that each county receives that proportion of the total amount paid to the~~  
186 ~~lieutenant governor from the congressional district that the total vote of that county for all~~  
187 ~~candidates for representative in Congress bears to the total vote of all counties within the~~  
188 ~~congressional district for all candidates for representative in Congress.~~

189 ~~—— (d) (i) [A person] An individual who is unable to pay the filing fee may file a~~  
190 ~~declaration of candidacy without payment of the filing fee upon a prima facie showing of~~  
191 ~~impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if~~  
192 ~~requested by the filing officer, a financial statement filed at the time the affidavit is submitted.~~

193 ~~—— (ii) [A person] An individual who is able to pay the filing fee may not claim~~  
194 ~~impecuniosity.~~

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

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

201 ~~—— (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in~~  
202 ~~substantially the following form:~~

203 ~~—— "Affidavit of Impecuniosity~~

204 ~~Individual Name~~

205 ~~\_\_\_\_\_ Address \_\_\_\_\_~~

206 ~~Phone Number \_\_\_\_\_~~

207 ~~I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law~~  
208 ~~for false statements, that, owing to my poverty, I am unable to pay the filing fee required by~~  
209 ~~law.~~

210 ~~Date \_\_\_\_\_ Signature \_\_\_\_\_~~

211 ~~Affiant ⊕~~

212 ~~ⓐ~~ Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)  
213 \_\_\_\_\_  
214 \_\_\_\_\_ (signature)

215 \_\_\_\_\_ Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

216 ~~\_\_\_\_\_ (v) The filing officer shall provide to [a person] an individual who requests an affidavit  
217 of impecuniosity a statement printed in substantially the following form, which may be  
218 included on the affidavit of impecuniosity:~~

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

222 ~~\_\_\_\_\_ (vi) The filing officer may request that [a person] an individual who makes a claim of  
223 impecuniosity under this Subsection (5)(d) file a financial statement on a form prepared by the  
224 election official:~~

225 ~~\_\_\_\_\_ (6) (a) If there is no legislative appropriation for the Western States Presidential  
226 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for  
227 president of the United States who is affiliated with a registered political party and chooses to  
228 participate in the regular primary election shall:~~

229 ~~\_\_\_\_\_ (i) file a declaration of candidacy, in person or via a designated agent, with the  
230 lieutenant governor:~~

231 ~~\_\_\_\_\_ (A) on a form developed and provided by the lieutenant governor; and~~

232 ~~\_\_\_\_\_ (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
233 March before the next regular primary election;~~

234 ~~\_\_\_\_\_ (ii) identify the registered political party whose nomination the candidate is seeking;~~

235 ~~\_\_\_\_\_ (iii) provide a letter from the registered political party certifying that the candidate may  
236 participate as a candidate for that party in that party's presidential primary election; and~~

237 ~~\_\_\_\_\_ (iv) pay the filing fee of \$500.~~

238 ~~\_\_\_\_\_ (b) An agent designated to file a declaration of candidacy may not sign the form  
239 described in Subsection (6)(a)(i)(A):~~

240 ~~\_\_\_\_\_ (7) [Any person] An individual who fails to file a declaration of candidacy or  
241 certificate of nomination within the time provided in this chapter is ineligible for nomination to  
242 office. ~~ⓐ~~~~



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

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

246 ~~20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --~~  
247 ~~Criminal penalty.~~

248 ~~{(1) The candidate shall:}~~

249 ~~{(a) prepare a certificate of nomination in substantially the following form:}~~

250 ~~(1) (a) An individual seeking to qualify for the regular general election ballot as an~~  
251 ~~unaffiliated candidate shall, on or after the first business day and on or before the fifth business~~  
252 ~~day in January of the regular general election year:~~

253 ~~(i) file a certificate of nomination, in person with the appropriate filing officer, in~~  
254 ~~substantially the following form:~~

255 ~~"State of Utah, County of \_\_\_\_\_~~

256 ~~I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the~~  
257 ~~political group designated as \_\_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can~~  
258 ~~qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_\_~~  
259 ~~Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, zip code \_\_\_\_\_, phone \_\_\_\_\_, and~~  
260 ~~that I am providing, or have provided, the required number of holographic signatures of~~  
261 ~~registered voters required by law; that as a candidate at the next election I will not knowingly~~  
262 ~~violate any election or campaign law; I will file all campaign financial disclosure reports as~~  
263 ~~required by law; and I understand that failure to do so will result in my disqualification as a~~  
264 ~~candidate for this office and removal of my name from the ballot.~~

265 \_\_\_\_\_  
266 \_\_\_\_\_ Subscribed and sworn to before me this \_\_\_\_\_ (month\day\year).  
267 \_\_\_\_\_

268 \_\_\_\_\_  
269 \_\_\_\_\_ Notary Public (or other officer  
qualified to administer oaths); and

270 ~~{(b) bind signature sheets to the certificate that:}~~

271 ~~(ii) pay the filing fee.~~

272 ~~(b) An agent designated to file a certificate of nomination under Subsection~~

273 ~~20A-9-503(4) may not sign a nomination certificate described in Subsection (1)(a). Ⓢ~~

274 ~~Ⓢ~~ ~~(c) A filing officer with whom an individual files a certificate of nomination under~~  
 275 ~~Subsection (1)(a) shall provide the individual with one copy of:~~  
 276 ~~—— (i) a signature sheet described in Subsection (3)(a); and~~  
 277 ~~—— (ii) the verification described in Subsection (3)(b);~~  
 278 ~~—— (2) (a) After filing the certificate of nomination described in Subsection (1), an~~  
 279 ~~individual seeking to qualify for the general election ballot as an unaffiliated candidate shall~~  
 280 ~~circulate a nomination petition that complies with the requirements of this section:~~  
 281 ~~—— (b) An individual may not circulate a nomination petition before the individual files a~~  
 282 ~~certificate of nomination under Subsection (1):~~  
 283 ~~—— (3) A nomination petition that an individual circulates under this section shall:~~  
 284 ~~—— (a) contain signature sheets, bound to a copy of the proposed candidate's nomination~~  
 285 ~~certificate, that:~~  
 286 ~~—— (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;~~  
 287 ~~—— (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line~~  
 288 ~~blank for the purpose of binding;~~  
 289 ~~—— (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate~~  
 290 ~~Certificate of Nomination Petition" printed directly below the horizontal line;~~  
 291 ~~—— (iv) contain the word "Warning" printed directly under the words described in~~  
 292 ~~Subsection [(1)(b)(iii)] (3)(a)(iii);~~  
 293 ~~—— (v) contain, to the right of the word "Warning," the following statement printed in not~~  
 294 ~~less than eight-point, single leaded type:~~  
 295 ~~—— ["It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination~~  
 296 ~~signature sheet with any name other than the person's own name or more than once for the~~  
 297 ~~same candidate or if the person is not registered to vote in this state and does not intend to~~  
 298 ~~become registered to vote in this state before the county clerk certifies the signatures."];~~  
 299 ~~—— "It is a class A misdemeanor for an individual to knowingly sign a candidate~~  
 300 ~~nomination petition with a name other than the individual's own name, or knowingly sign the~~  
 301 ~~individual's name more than once for the same candidate, or to sign a candidate nomination~~  
 302 ~~petition if the individual knows the individual is not a registered voter and does not intend to~~  
 303 ~~become registered to vote before the certification of petition names by the county clerk.";]~~  
 304 ~~—— (vi) contain the following statement directly under the statement described in ~~Ⓢ~~~~

305 ~~ⓐ Subsection [(1)(b)(v)] (3)(a)(v):~~  
306 ~~———— "Each signer says:~~  
307 ~~———— I have personally signed this petition with a holographic signature;~~  
308 ~~———— I am registered to vote in Utah or intend to become registered to vote in Utah before the~~  
309 ~~county clerk certifies my signature; and~~  
310 ~~———— [My] I have written my street address [is written] correctly after my name.";~~  
311 ~~———— (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in~~  
312 ~~Subsection [(1)(b)(vi)] (3)(a)(vi); and~~  
313 ~~———— (viii) be vertically divided into columns as follows:~~  
314 ~~———— (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be~~  
315 ~~headed with "For Office Use Only," and be subdivided with a light vertical line down the~~  
316 ~~middle;~~  
317 ~~———— (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed~~  
318 ~~Name (must be legible to be counted)";~~  
319 ~~———— (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of~~  
320 ~~Registered Voter";~~  
321 ~~———— (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";~~  
322 ~~———— (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip~~  
323 ~~Code"; and~~  
324 ~~———— (F) at the bottom of the sheet, contain the following statement: "Birth date or age~~  
325 ~~information is not required[, ] but [it] may be used to verify your identity with voter registration~~  
326 ~~records. If you choose not to provide [it] this information, your signature may not be certified~~  
327 ~~as a valid signature if you change your address before petition signatures are certified or if the~~  
328 ~~information you provide does not match your voter registration records.";~~ and  
329 ~~———— [(c) bind a final page]~~  
330 ~~———— (b) except as provided in Subsection (4), contain a final page, bound to one or more~~  
331 ~~signature sheets that are bound together, that contains[, ] except as provided by Subsection (3),]~~  
332 ~~the following printed statement:~~  
333 ~~———— "Verification~~  
334 ~~———— State of Utah, County of \_\_\_\_\_~~  
335 ~~———— I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that: ⓐ~~

336 ~~Ⓢ~~ I am a Utah resident and am at least 18 years old;

337 ~~— All the names that appear on the signature sheets bound to this page were signed by~~

338 ~~persons who professed to be the persons whose names appear on the signature sheets, and each~~

339 ~~of them signed the person's name on the signature sheets in my presence;~~

340 ~~— I believe that each has printed and signed the person's name and written the person's~~

341 ~~street address correctly, and that each signer is registered to vote in Utah or will register to vote~~

342 ~~in Utah before the county clerk certifies the signatures on the signature sheet.~~

343 \_\_\_\_\_

344 ~~— (Signature) \_\_\_\_\_ (Residence Address) \_\_\_\_\_ (Date)''.~~

345 ~~— [(2) An agent designated to file a certificate of nomination under Subsection~~

346 ~~20A-9-503(4) may not sign the form described in Subsection (1)(a).]~~

347 ~~— [(3)] (4) (a) The candidate shall circulate the nomination petition and ensure that the~~

348 ~~[person] individual in whose presence each signature sheet is signed:~~

349 ~~— (i) is at least 18 years old;~~

350 ~~— (ii) except as provided by Subsection [(3)] (4)(b), meets the residency requirements of~~

351 ~~Section 20A-2-105; and~~

352 ~~— (iii) verifies each signature sheet by completing the verification bound to one or more~~

353 ~~signature sheets that are bound together.~~

354 ~~— (b) [A person] An individual who is not a resident may sign the verification on a~~

355 ~~petition for an unaffiliated candidate for the office of president of the United States.~~

356 ~~— (c) [A person] An individual may not sign the verification if the [person] individual~~

357 ~~signed a signature sheet bound to the verification.~~

358 ~~— [(4)] (5) (a) It is unlawful for [any person] an individual to:~~

359 ~~— (i) knowingly sign a certificate of nomination signature sheet:~~

360 ~~— (A) with [any] a name other than the [person's] individual's own name;~~

361 ~~— (B) more than once for the same candidate; or~~

362 ~~— (C) if the [person] individual is not [registered to vote in this state] a registered voter~~

363 ~~and does not intend to become registered to vote [in this state] before the county clerk certifies~~

364 ~~the petition signatures; or~~

365 ~~— (ii) sign the verification of a certificate of nomination signature sheet if the [person]~~

366 ~~individual: ~~Ⓢ~~~~

367 ~~ⓐ~~ (A) except as provided by Subsection [(3)] (4)(b), does not meet the residency  
 368 requirements of Section 20A-2-105;

369 ~~\_\_\_\_\_~~ (B) has not witnessed the signing by [those persons] the individuals whose names  
 370 appear on the certificate of nomination signature sheet; or

371 ~~\_\_\_\_\_~~ (C) knows that [a person] an individual whose signature appears on the certificate of  
 372 nomination signature sheet is not [registered to vote in this state] a registered voter and does  
 373 not intend to become registered to vote [in this state].

374 ~~\_\_\_\_\_~~ (b) [Any person violating] A person who violates this Subsection [(4)] (5) is guilty of a  
 375 class A misdemeanor.

376 ~~\_\_\_\_\_~~ [(5)] (6) (a) The candidate shall submit the petition [and signature sheets] to the  
 377 [county clerk] election officer for certification [when the petition has been completed] after the  
 378 petition is signed by:

379 ~~\_\_\_\_\_~~ (i) at least 1,000 registered voters residing within the state, when the nomination is for  
 380 [an office to be filled by the voters of the entire state] a statewide office; or

381 ~~\_\_\_\_\_~~ [(ii) at least]

382 ~~\_\_\_\_\_~~ (ii) when the petition is to nominate an individual for an office other than a statewide  
 383 office, at least the lesser of:

384 ~~\_\_\_\_\_~~ (A) 300 registered voters residing within [a political division] the jurisdiction or  
 385 district that the candidate is running to represent; or [at least]

386 ~~\_\_\_\_\_~~ (B) 5% of the registered voters residing within [a political division, whichever is less,  
 387 when the nomination is for an office to be filled by the voters of any political division smaller  
 388 than the state] the jurisdiction or district that the candidate is running to represent;

389 ~~\_\_\_\_\_~~ (b) [In reviewing the petition, the county clerk] No later than 14 days after the deadline  
 390 described in Subsection 20A-9-503(1), the election officer shall count and certify [only those  
 391 persons who signed the petition with a holographic signature] the petition signatures of  
 392 individuals who:

393 ~~\_\_\_\_\_~~ (i) are registered voters;

394 ~~\_\_\_\_\_~~ (ii) if the petition is to nominate an individual for an office other than a statewide  
 395 office, reside within the [political division that the candidate seeks to represent] jurisdiction or  
 396 district that the candidate is running to represent; and

397 ~~\_\_\_\_\_~~ [(ii)] (iii) did not sign any other certificate of nomination for that office. ~~ⓐ~~

398 ~~Ⓢ~~ (c) The candidate may supplement or amend the certificate of nomination at any time  
 399 on or before the filing deadline described in Subsection 20A-9-503(1).  
 400 ~~Section 3. Section 20A-9-503 is amended to read:~~  
 401 ~~20A-9-503. Certificate of nomination -- Filing -- Fees:~~  
 402 ~~(1) [After the certificate of nomination has been certified, executed, and acknowledged~~  
 403 ~~by the county clerk, the] An individual who seeks to qualify for the regular general election~~  
 404 ~~ballot as an unaffiliated candidate shall: (a) between the second Friday in March and], before~~  
 405 ~~the close of normal office hours on the [third Thursday] last business day in March of the year~~  
 406 ~~in which the regular general election will be held[, file the petition in person with]:~~  
 407 ~~—— [(i) the lieutenant governor, if the office the candidate seeks is a constitutional office or~~  
 408 ~~a federal office; or]~~  
 409 ~~—— [(ii) the county clerk, if the office the candidate seeks is a county office; and]~~  
 410 ~~—— (a) file the nomination petition described in Section 20A-9-502 with the filing officer;~~  
 411 ~~and~~  
 412 ~~—— [(iii)] (b) pay the filing fee[; or];~~  
 413 ~~—— [(b) not later than the close of normal office hours on June 15 of any odd-numbered~~  
 414 ~~year, file the petition in person with:]~~  
 415 ~~—— [(i) the municipal clerk, if the candidate seeks an office in a city or town;]~~  
 416 ~~—— [(ii) the local district clerk, if the candidate seeks an office in a local district; and]~~  
 417 ~~—— [(iii) pay the filing fee.]~~  
 418 ~~—— (2) (a) At the time of filing, and before accepting the petition, the filing officer shall~~  
 419 ~~read the constitutional and statutory requirements for candidacy to the candidate:~~  
 420 ~~—— (b) If the candidate states that [he] the candidate does not meet the requirements, the~~  
 421 ~~filing officer may not accept the petition.~~  
 422 ~~—— (3) (a) [Persons] An individual filing a certificate of nomination for president of the~~  
 423 ~~United States under this section shall pay a filing fee of \$500:~~  
 424 ~~—— (b) Notwithstanding Subsection (1), [a person filing] an individual who files a~~  
 425 ~~certificate of nomination for president or vice president of the United States:~~  
 426 ~~—— (i) may file the certificate of nomination [between the second Friday in March and] or~~  
 427 ~~the nomination petition before the close of normal office hours on August 15 of the year in~~  
 428 ~~which the regular general election will be held; and ~~Ⓢ~~~~

429 ~~☛~~ (ii) may use a designated agent to file the certificate of nomination or the nomination  
 430 petition.  
 431 (c) An agent designated to file the certificate of nomination may not sign the certificate  
 432 of nomination form.  
 433 (4) Notwithstanding the requirement in Subsection (1) to file a certificate of  
 434 nomination or a nomination petition in person, [a person] an individual may designate an agent  
 435 to file the certificate of nomination or nomination petition in person with the filing officer if:  
 436 (a) the [person] individual is located outside the state during the filing period because:  
 437 (i) of employment with the state or the United States; or  
 438 (ii) the [person] individual is a member of:  
 439 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
 440 Coast Guard of the United States who is on active duty;  
 441 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
 442 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
 443 States; or  
 444 (C) the National Guard on activated status; and  
 445 (b) the [person] individual communicates with the filing officer using an electronic  
 446 device that allows the person and the filing officer to see and hear each other.] ~~☛~~ **H**

447 Section 4. Section 20A-12-201 is amended to read:

448 **20A-12-201. Judicial appointees -- Retention elections.**

449 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election  
 450 at the first general election held more than three years after the judge or justice was appointed.

451 (b) After the first retention election:

452 (i) each Supreme Court justice shall be on the regular general election ballot for an  
 453 unopposed retention election every tenth year; and

454 (ii) each judge of other courts shall be on the regular general election ballot for an  
 455 unopposed retention election every sixth year.

456 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in  
 457 the year in which the justice or judge is subject to a retention election[;], file a notice of  
 458 candidacy with the state court administrator in a form approved by the state court  
 459 administrator.