

Senator Jacob L. Anderegg proposes the following substitute bill:

**NOMINATION PETITION AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian M. Greene**

Senate Sponsor: Jacob L. Anderegg

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to a petition to nominate a candidate for office.

**Highlighted Provisions:**

This bill:

- ▶ establishes a procedure for an individual to remove the individual's signature from a candidate nomination petition;
  - ▶ recodifies and amends criminal provisions and penalties relating to a candidate nomination petition;
  - ▶ provides that criminal provisions relating to a candidate nomination petition apply to both a candidate nomination petition for a registered political party and a candidate nomination petition for a qualified political party;
  - ▶ imposes criminal penalties when a signature gatherer intentionally misrepresents the purpose of a nomination petition or certain other information relating to the petition;
- and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28

31 **20A-9-405**, as enacted by Laws of Utah 2014, Chapter 17

32 **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28

33 **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296



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

36 Section 1. Section **20A-9-403** is amended to read:

37 **20A-9-403. Regular primary elections.**

38 (1) (a) Candidates for elective office that are to be filled at the next regular general  
39 election shall be nominated in a regular primary election by direct vote of the people in the  
40 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is  
41 designated as regular primary election day. Nothing in this section shall affect a candidate's  
42 ability to qualify for a regular general election's ballot as an unaffiliated candidate under  
43 Section **20A-9-501** or to participate in a regular general election as a write-in candidate under  
44 Section **20A-9-601**.

45 (b) Each registered political party that chooses to have the names of its candidates for  
46 elective office featured with party affiliation on the ballot at a regular general election shall  
47 comply with the requirements of this section and shall nominate its candidates for elective  
48 office in the manner prescribed in this section.

49 (c) A filing officer may not permit an official ballot at a regular general election to be  
50 produced or used if the ballot denotes affiliation between a registered political party or any  
51 other political group and a candidate for elective office who was not nominated in the manner  
52 prescribed in this section or in Subsection **20A-9-202**(4).

53 (d) Unless noted otherwise, the dates in this section refer to those that occur in each  
54 even-numbered year in which a regular general election will be held.

55 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,  
56 shall:

57 (i) either declare their intent to participate in the next regular primary election or  
58 declare that the registered political party chooses not to have the names of its candidates for  
59 elective office featured on the ballot at the next regular general election; and

60 (ii) if the registered political party participates in the upcoming regular primary  
61 election, identify one or more registered political parties whose members may vote for the  
62 registered political party's candidates and whether [~~or not persons~~] individuals identified as  
63 unaffiliated with a political party may vote for the registered political party's candidates.

64 (b) (i) A registered political party that is a continuing political party must file the  
65 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
66 November 15 of each odd-numbered year.

67 (ii) An organization that is seeking to become a registered political party under Section  
68 [20A-8-103](#) must file the statement described in Subsection (2)(a) at the time that the registered  
69 political party files the petition described in Section [20A-8-103](#).

70 (3) (a) Except as provided in Subsection (3)(e), [~~a person who has submitted~~] an  
71 individual who submits a declaration of candidacy under Section [20A-9-202](#) shall appear as a  
72 candidate for elective office on the regular primary ballot of the registered political party listed  
73 on the declaration of candidacy only if the [~~person~~] individual is certified by the appropriate  
74 filing officer as having submitted a set of nomination petitions that was:

75 (i) circulated and completed in accordance with Section [20A-9-405](#); and

76 (ii) signed by at least two percent of the registered political party's members who reside  
77 in the political division of the office that the [~~person~~] individual seeks.

78 (b) A candidate for elective office shall submit nomination petitions to the appropriate  
79 filing officer for verification and certification no later than 5 p.m. on the final day in March.  
80 Candidates may supplement their submissions at any time on or before the filing deadline.

81 (c) The lieutenant governor shall determine for each elective office the total number of  
82 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number  
83 of [~~persons~~] individuals residing in each elective office's political division who have designated  
84 a particular registered political party on their voter registration forms as of November 1 of each  
85 odd-numbered year. The lieutenant governor shall publish this determination for each elective  
86 office no later than November 15 of each odd-numbered year.

87 (d) The filing officer shall, subject to Section [20A-9-411](#):

88 (i) verify signatures on a nomination [petitions] petition in a transparent and orderly  
89 manner;

90 (ii) certify signatures on a nomination petition no sooner than February 20;

91 ~~[(ii)]~~ (iii) for all qualifying candidates for elective office who submitted nomination  
92 petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5  
93 p.m. on the first Monday after the third Saturday in April;

94 ~~[(iii)]~~ (iv) consider active and inactive voters eligible to sign nomination petitions;

95 ~~[(iv)]~~ (v) consider ~~[a person]~~ an individual who signs a nomination petition a member  
96 of a registered political party for purposes of Subsection (3)(a)(ii) if the ~~[person has designated]~~  
97 individual designates that registered political party as the ~~[person's]~~ individual's party  
98 membership on the ~~[person's]~~ individual's most recent voter registration form that was signed  
99 by the individual; and

100 ~~[(v)]~~ (vi) utilize procedures described in Section [20A-7-206.3](#) to verify submitted  
101 nomination petition signatures, or use statistical sampling procedures to verify submitted  
102 nomination petition signatures pursuant to rules made under Subsection (3)(f).

103 (e) Notwithstanding any other provision in this Subsection (3), a candidate for  
104 lieutenant governor may appear on the regular primary ballot of a registered political party  
105 without submitting nomination petitions if the candidate files a declaration of candidacy and  
106 complies with Subsection [20A-9-202\(3\)](#).

107 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
108 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

109 (i) provide for the use of statistical sampling procedures that:

110 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

111 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
112 submission, using widely recognized statistical sampling techniques; and

113 (ii) provide for the transparent, orderly, and timely submission, verification, and  
114 certification of nomination petition signatures.

115 (g) The county clerk shall:

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

118 (ii) place the names of all candidates who have filed a declaration of candidacy for a

119 local board of education seat on the nonpartisan section of the ballot if more than two  
120 candidates have filed for the same seat; and

121 (iii) determine the order of the local board of education candidates' names on the ballot  
122 in accordance with Section 20A-6-305.

123 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
124 governor shall provide to the county clerks:

125 (i) a list of the names of all candidates for federal, constitutional, multi-county, and  
126 county offices who have received certifications under Subsection (3), along with instructions  
127 on how those names shall appear on the primary-election ballot in accordance with Section  
128 20A-6-305; and

129 (ii) a list of unopposed candidates for elective office who have been nominated by a  
130 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such  
131 candidates from the primary-election ballot.

132 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
133 joint-ticket running mates shall appear jointly on the primary-election ballot.

134 (c) After the county clerk receives the certified list from the lieutenant governor under  
135 Subsection (4)(a), the county clerk shall post or publish a primary election notice in  
136 substantially the following form:

137 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
138 \_\_\_\_ (year), to nominate party candidates for the parties and candidates for nonpartisan  
139 local school board positions listed on the primary ballot. The polling place for voting precinct  
140 \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

141 Attest: county clerk."

142 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
143 votes cast for each office at the regular primary election are nominated by their registered  
144 political party for that office or are nominated as a candidate for a nonpartisan local school  
145 board position.

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

150 (c) A candidate who is unopposed for an elective office in the regular primary election  
151 of a registered political party is nominated by the party for that office without appearing on the  
152 primary ballot. A candidate is "unopposed" if no ~~[person]~~ individual other than the candidate  
153 has received a certification under Subsection (3) for the regular primary election ballot of the  
154 candidate's registered political party for a particular elective office.

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

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

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

167 (8) An individual may not file a declaration of candidacy for a registered political party  
168 of which the individual is not a member, except to the extent that the registered political party  
169 permits otherwise under the registered political party's bylaws.

170 Section 2. Section **20A-9-405** is amended to read:

171 **20A-9-405. Nomination petitions for regular primary elections.**

172 (1) This section ~~[shall apply]~~ applies to the form and circulation of nomination  
173 petitions for regular primary elections described in Subsection **20A-9-403(3)(a)**.

174 (2) A candidate for elective office, and the agents of the candidate, may not circulate  
175 nomination petitions until the candidate has submitted a declaration of candidacy in accordance  
176 with Subsection **20A-9-202(1)**.

177 (3) The nomination petitions shall be in substantially the following form:

178 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

179 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the  
180 space above that line blank for purposes of binding;

181 (c) the petition shall be headed by a caption stating the purpose of the petition and the  
182 name of the proposed candidate;

183 (d) the petition shall feature the word "Warning" followed by the following statement  
184 in no less than eight-point, single leaded type: "It is a class [~~A~~] C misdemeanor for anyone to  
185 knowingly sign a certificate of nomination signature sheet with any name other than the  
186 [~~person's~~] individual's own name or more than once for the same candidate or if the [~~person~~]  
187 individual is not registered to vote in this state and does not intend to become registered to vote  
188 in this state before signatures are certified by a filing officer.";

189 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively  
190 numbered one through 10;

191 (f) the signature portion of the petition shall be divided into columns headed by the  
192 following titles:

- 193 (i) Registered Voter's Printed Name;
- 194 (ii) Signature of Registered Voter;
- 195 (iii) Party Affiliation of Registered Voter;
- 196 (iv) Birth Date or Age (Optional);
- 197 (v) Street Address, City, Zip Code; and
- 198 (vi) Date of Signature; and

199 (g) a photograph of the candidate may appear on the nomination petition.

200 (4) If one or more nomination petitions are bound together, a page shall be bound to  
201 the nomination petition(s) that features the following printed verification statement to be signed  
202 and dated by the petition circulator:

203 "Verification  
204 State of Utah, County of \_\_\_\_  
205 I, \_\_\_\_, of \_\_\_\_, hereby state under that:

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

207 All the names that appear on the signature sheets bound to this page were, to the best of  
208 my knowledge, signed by the [~~persons~~] individuals who professed to be the [~~persons~~]  
209 individuals whose names appear on the signature sheets, and each of [~~them~~] the individuals  
210 signed the [~~person's~~] individual's name on the signature sheets in my presence;

211 I believe that each has printed and signed the [~~person's~~] individual's name and written

212 the ~~[person's]~~ individual's street address correctly, and that each signer is registered to vote in  
213 Utah or will register to vote in Utah before the county clerk certifies the signatures on the  
214 signature sheet."

215 (5) The lieutenant governor shall prepare and make public model nomination petition  
216 forms and associated instructions.

217 (6) A nomination petition circulator must be at least 18 years old and a resident of the  
218 state, but may affiliate with any political party.

219 ~~[(7) It is unlawful for any person to:]~~

220 ~~[(a) knowingly sign the nomination petition sheet described in Subsection (3):]~~

221 ~~[(i) with any name other than the person's own name;]~~

222 ~~[(ii) more than once for the same candidate; or]~~

223 ~~[(iii) if the person is not registered to vote in this state and does not intend to become~~  
224 ~~registered to vote in this state prior to 5 p.m. on the final day in March;]~~

225 ~~[(b) sign the verification of a certificate of nomination signature sheet described in~~  
226 ~~Subsection (4) if the person:]~~

227 ~~[(i) does not meet the residency requirements of Section [20A-2-105](#);~~

228 ~~[(ii) has not witnessed the signing by those persons whose names appear on the~~  
229 ~~certificate of nomination signature sheet; or]~~

230 ~~[(iii) knows that a person whose signature appears on the certificate of nomination~~  
231 ~~signature sheet is not registered to vote in this state and does not intend to become registered to~~  
232 ~~vote in this state;]~~

233 ~~[(c) pay compensation to any person to sign a nomination petition; or]~~

234 ~~[(d) pay compensation to any person to circulate a nomination petition, if the~~  
235 ~~compensation is based directly on the number of signatures submitted to a filing officer rather~~  
236 ~~than on the number of signatures verified or on some other basis.]~~

237 ~~[(8) Any person violating Subsection (7) is guilty of a class A misdemeanor.]~~

238 ~~[(9) Withdrawal of petition signatures shall not be permitted.]~~

239 Section 3. Section **20A-9-408** is amended to read:

240 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
241 **political party.**

242 (1) This section describes the requirements for a member of a qualified political party



243 who is seeking the nomination of the qualified political party for an elective office through the  
244 signature-gathering process described in this section.

245 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
246 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
247 the nomination of, the qualified political party under this section shall be substantially as  
248 described in Section 20A-9-408.5.

249 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
250 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
251 nomination of the qualified political party for an elective office that is to be filled at the next  
252 general election shall:

253 (a) within the period beginning on January 1 before the next regular general election  
254 and ending on the third Thursday in March of the same year, and before gathering signatures  
255 under this section, file with the filing officer on a form approved by the lieutenant governor a  
256 notice of intent to gather signatures for candidacy that includes:

257 (i) the name of the member who will attempt to become a candidate for a registered  
258 political party under this section;

259 (ii) the name of the registered political party for which the member is seeking  
260 nomination;

261 (iii) the office for which the member is seeking to become a candidate;

262 (iv) the address and telephone number of the member; and

263 (v) other information required by the lieutenant governor;

264 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
265 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
266 regular general election; and

267 (c) pay the filing fee.

268 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
269 party who, under this section, is seeking the nomination of the qualified political party for the  
270 office of district attorney within a multicounty prosecution district that is to be filled at the next  
271 general election shall:

272 (a) on or after January 1 before the next regular general election, and before gathering  
273 signatures under this section, file with the filing officer on a form approved by the lieutenant

274 governor a notice of intent to gather signatures for candidacy that includes:

275 (i) the name of the member who will attempt to become a candidate for a registered  
276 political party under this section;

277 (ii) the name of the registered political party for which the member is seeking  
278 nomination;

279 (iii) the office for which the member is seeking to become a candidate;

280 (iv) the address and telephone number of the member; and

281 (v) other information required by the lieutenant governor;

282 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
283 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
284 regular general election; and

285 (c) pay the filing fee.

286 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
287 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
288 political party, under this section, for the office of governor shall submit a letter from the  
289 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
290 mate.

291 (6) The lieutenant governor shall ensure that the certification described in Subsection  
292 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
293 under this section.

294 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
295 is nominated by a qualified political party under this section, designate the qualified political  
296 party that nominated the candidate.

297 (8) A member of a qualified political party may seek the nomination of the qualified  
298 political party for an elective office by:

299 (a) complying with the requirements described in this section; and

300 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
301 period beginning on January 1 of an even-numbered year and ending 14 days before the day on  
302 which the qualified political party's convention for the office is held, in the following amounts:

303 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
304 permitted by the qualified political party to vote for the qualified political party's candidates in

305 a primary election;

306 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
307 residents of the congressional district and are permitted by the qualified political party to vote  
308 for the qualified political party's candidates in a primary election;

309 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
310 residents of the state Senate district and are permitted by the qualified political party to vote for  
311 the qualified political party's candidates in a primary election;

312 (iv) for a state House district race, 1,000 signatures of registered voters who are  
313 residents of the state House district and are permitted by the qualified political party to vote for  
314 the qualified political party's candidates in a primary election;

315 (v) for a State Board of Education race, the lesser of:

316 (A) 2,000 signatures of registered voters who are residents of the State Board of  
317 Education district and are permitted by the qualified political party to vote for the qualified  
318 political party's candidates in a primary election; or

319 (B) 3% of the registered voters of the qualified political party who are residents of the  
320 applicable State Board of Education district; and

321 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
322 of the area permitted to vote for the county office and are permitted by the qualified political  
323 party to vote for the qualified political party's candidates in a primary election.

324 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
325 for the qualified political party's nomination for an elective office under this section, the  
326 member shall:

327 (i) except as otherwise provided in Section 20A-9-411, collect the signatures on a form  
328 approved by the lieutenant governor, using the same circulation and verification requirements  
329 described in Sections 20A-7-204 and 20A-7-205; and

330 (ii) submit the signatures to the election officer no later than 14 days before the day on  
331 which the qualified political party holds its convention to select candidates, for the elective  
332 office, for the qualified political party's nomination.

333 (b) An individual may not gather signatures under this section until after the individual  
334 files a notice of intent to gather signatures for candidacy described in this section.

335 (c) An individual who files a notice of intent to gather signatures for candidacy,

336 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
337 the notice of intent to gather signatures for candidacy:

338 (i) required to comply with the reporting requirements that a candidate for office is  
339 required to comply with; and

340 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
341 apply to a candidate for office in relation to the reporting requirements described in Subsection  
342 (9)(c)(i).

343 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
344 election officer shall, no later than one day before the day on which the qualified political party  
345 holds the convention to select a nominee for the elective office to which the signature packets  
346 relate:

347 (i) check the name of each individual who completes the verification for a signature  
348 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

349 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
350 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

351 (iii) determine whether each signer is a registered voter who is qualified to sign the  
352 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
353 on a petition;

354 (iv) no sooner than February 20, certify whether each name is that of a registered voter  
355 who is qualified to sign the signature packet; and

356 (v) notify the qualified political party and the lieutenant governor of the name of each  
357 member of the qualified political party who qualifies as a nominee of the qualified political  
358 party, under this section, for the elective office to which the convention relates.

359 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in  
360 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
361 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
362 posts a declaration of candidacy.

363 (10) If a qualified political party restricts, based on party affiliation, the voters who are  
364 eligible to vote for the qualified political party's candidates in a primary election, the election  
365 officer shall determine a voter's party affiliation, for purposes of determining whether the  
366 individual is qualified to sign a nomination petition, based on the declaration of party

367 affiliation made in the voter's most recent voter registration form that was signed by the voter.

368 Section 4. Section **20A-9-411** is amended to read:

369 **20A-9-411. Signing multiple nomination petitions -- Removing signatures --**

370 **Unlawful conduct.**

371 (1) An individual who signs a petition, described in Section [20A-9-403](#) or [20A-9-408](#),  
372 to nominate a candidate may not sign a petition to nominate another candidate for the same  
373 office.

374 (2) If an individual signs more than one petition in violation of Subsection (1), the  
375 election officer may only count the signature on the first petition that the election officer  
376 reviews for that office.

377 (3) (a) An individual who signs a petition, described in Section [20A-9-403](#) or  
378 [20A-9-408](#), to nominate a candidate may remove the individual's signature from the petition by  
379 submitting, to the filing officer who is required to verify the signatures on the petition, a  
380 written request that the individual's signature be removed.

381 (b) The filing officer shall comply with a request described in Subsection (3)(a) if the  
382 filing officer receives the request before the filing officer verifies the individual's signature.

383 (c) The filing officer may not comply with a request described in Subsection (3)(a) if:

384 (i) the filing officer receives the request after the deadline described in Subsection

385 (3)(b); or

386 (ii) the request does not comply with the requirements of this Subsection (3).

387 (d) The request described in Subsection (3)(a) shall include:

388 (i) the name of the individual;

389 (ii) the resident address at which the individual is registered to vote;

390 (iii) the name of the candidate from whose petition the individual desires the

391 individual's signature to be removed; and

392 (iv) the signature of the individual.

393 (4) An individual is guilty of a class C misdemeanor if the individual knowingly signs  
394 a petition, described in Section [20A-9-403](#) or [20A-9-408](#):

395 (a) with a name other than the individual's own name; or

396 (b) more than once for the same candidate.

397 (5) An individual who signs the verification for a signature sheet for a petition,

398 described in Section 20A-9-403 or 20A-9-408, is guilty of a class B misdemeanor if the  
399 individual did not witness the signing by the individuals whose names appear on the signature  
400 sheet.

401 (6) A person is guilty of a class B misdemeanor if the person:

402 (a) pays compensation to an individual to sign a nomination petition, described in  
403 Section 20A-9-403 or 20A-9-408; or

404 (b) pays compensation to a person to circulate a nomination petition, if the  
405 compensation is based directly on the number of signatures submitted to a filing officer rather  
406 than on the number of signatures verified or on some other basis.

407 (7) A person that circulates a nomination petition, described in Section 20A-9-403 or  
408 20A-9-408, is guilty of a class B misdemeanor if the person intentionally misrepresents:

409 (a) the purpose of the petition;

410 (b) the name or political party of the candidate to be nominated by the petition;

411 (c) the office for which the candidate is seeking to be nominated by the petition; or

412 (d) that the candidate seeking nomination by the petition is or is not an incumbent of  
413 the office for which the candidate is seeking nomination by the petition.