

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: _____

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 **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
- 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 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 (ii) 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 (iii) 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 (iv) 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 (v) accept the candidate's declaration of candidacy; and

140 (vi) 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 Notary Public (or other officer
269 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.

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.

460 ~~[(i) file a declaration of candidacy with the lieutenant governor, or with the county~~
461 ~~clerk in the candidate's county of residence, within the period beginning on April 1 and ending~~
462 ~~at 5 p.m. on April 15 in the year of a regular general election; and]~~

463 ~~[(ii) pay a filing fee of \$50.]~~

464 ~~[(b) (i) Each justice court judge who wishes to retain office shall, in the year the justice~~
465 ~~court judge is subject to a retention election:]~~

466 ~~[(A) file a declaration of candidacy with the lieutenant governor, or with the county~~
467 ~~clerk in the candidate's county of residence, within the period beginning on April 1 and ending~~
468 ~~at 5 p.m. on April 15 in the year of a regular general election; and]~~

469 ~~[(B) pay a filing fee of \$25 for each judicial office.]~~

470 ~~[(ii) If a justice court judge is appointed or elected to more than one judicial office, the~~
471 ~~declaration of candidacy shall identify all of the courts included in the same general election.]~~

472 ~~[(iii) If a justice court judge is appointed or elected to more than one judicial office,~~
473 ~~filing a declaration of candidacy in one county in which one of those courts is located is valid~~
474 ~~for the courts in any other county.]~~

475 (b) The state court administrator shall, no later than July 15 of a year in which a regular
476 general election is held, transmit to the lieutenant governor a certified list of judges, including
477 each judge's judicial office, who:

478 (i) are subject to a retention election under Subsection (1) that year; and

479 (ii) file a notice of candidacy described in Subsection (2)(a).

480 (3) (a) The lieutenant governor shall, no later than August 31 of each regular general
481 election year:

482 (i) transmit ~~[a certified list containing the names of the justices of the Supreme Court~~
483 ~~and judges of the Court of Appeals declaring their candidacy to the county clerk of each~~
484 ~~county; and]~~ the name of each judge on the certified list described in Subsection (2)(b) to the
485 county clerk of the county in which the judge is subject to a retention election.

486 ~~[(ii) transmit a certified list containing the names of judges of other courts declaring~~
487 ~~their candidacy to the county clerk of each county in the geographic division in which the judge~~
488 ~~filing the declaration holds office.]~~

489 (b) Each county clerk shall place the names of justices and judges standing for
490 retention election in the nonpartisan section of the ballot.

491 (4) (a) At the general election, the ballots shall contain, as to each justice or judge of
492 any court to be voted on in the county, the following question:

493 "Shall _____ (name of justice or judge) be retained in the
494 office of _____? (name of office, such as "Justice of the Supreme
495 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
496 Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";
497 "Justice Court Judge of (name of county) County or (name of municipality)")

498 Yes ()

499 No ()."

500 (b) If a justice court exists by means of an interlocal agreement under Section
501 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

502 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
503 is retained for the term of office provided by law.

504 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
505 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
506 regular general election.

507 (6) A justice or judge not retained is ineligible for appointment to the office for which
508 the justice or judge was defeated until after the expiration of that term of office.

509 (7) If a justice court judge is standing for retention for more than one office, the county
510 clerk shall place the judge's name on the ballot separately for each office. If the justice court
511 judge receives more no votes than yes votes in one office, but more yes votes than no votes in
512 the other, the justice court judge shall be retained only in the office for which the judge
513 received more yes votes than no votes.

514 Section 5. Section [78A-12-206](#) is amended to read:

515 **[78A-12-206. Publication of the judicial performance evaluation -- Response by](#)**
516 **judge.**

517 (1) (a) The commission shall compile a retention report of its judicial performance
518 evaluation of a judge.

519 (b) The report of a judicial performance evaluation nearest the judge's next scheduled
520 retention election shall be provided to the judge at least 45 days before the last day on which
521 the judge may file a [~~declaration of the judge's~~] notice of candidacy [~~in~~] described in Section

522 [20A-12-201](#) for the retention election.

523 (c) A report prepared in accordance with Subsection (1)(b) and information obtained in
524 connection with the evaluation becomes a public record under Title 63G, Chapter 2,
525 Government Records Access and Management Act, on the day following the last day on which
526 the judge who is the subject of the report may file a declaration of the judge's candidacy in the
527 judge's scheduled retention election if the judge declares the judge's candidacy for the retention
528 election.

529 (d) Information collected and a report that is not public under Subsection (1)(c) is a
530 protected record under Title 63G, Chapter 2, Government Records Access and Management
531 Act.

532 (2) Within 15 days of receiving a copy of the commission's report under Subsection
533 (1)(b):

534 (a) a judge who is the subject of an unfavorable retention recommendation under this
535 section may:

- 536 (i) provide a written response to the commission about the report; and
 - 537 (ii) request an interview with the commission for the purpose of addressing the report;
- 538 and

539 (b) a judge who is the subject of a favorable retention recommendation under this
540 section may provide a written response to the commission about the commission's report.

541 (3) (a) After receiving a response from a judge in any form allowed by Subsection (2),
542 the commission may meet and reconsider its decision to recommend the judge not be retained.

543 (b) If the commission does not change its decision to recommend the judge not be
544 retained, the judge may provide a written statement, not to exceed 100 words, that shall be
545 included in the commission's report.

546 (4) The retention report of a judicial performance evaluation shall include:

- 547 (a) the results of the judicial performance survey, in both raw and summary form;
- 548 (b) information concerning the judge's compliance with the minimum performance
549 standards;

550 (c) information concerning any public discipline that a judge has received that is not
551 subject to restrictions on disclosure under Title 78A, Chapter 11, Judicial Conduct
552 Commission;

553 (d) a narrative concerning the judge's performance;
554 (e) the commission's recommendation concerning whether the judge should be
555 retained, or the statement required of the commission if it declines to make a recommendation;
556 (f) the number of votes for and against the commission's recommendation; and
557 (g) any other information the commission considers appropriate to include in the
558 report.

559 (5) (a) The commission may not include in its retention report specific information
560 concerning an earlier judicial performance evaluation.

561 (b) The commission may refer to information from an earlier judicial performance
562 evaluation concerning the judge in the commission's report only if the reference is in general
563 terms.

564 (6) The retention report of the commission's judicial performance evaluation shall be
565 made publicly available on an Internet website.

566 (7) The commission may make the report of the judicial performance evaluation
567 immediately preceding the judge's retention election publicly available through other means
568 within budgetary constraints.

569 (8) The commission shall provide a summary of the judicial performance evaluation
570 for each judge to the lieutenant governor for publication in the voter information pamphlet in
571 the manner required by Title 20A, Chapter 7, Issues Submitted to the Voters.

572 (9) The commission may also provide any information collected during the course of a
573 judge's judicial performance evaluation immediately preceding the judge's retention election to
574 the public to the extent that information is not otherwise subject to restrictions on disclosure.

575 (10) The commission shall provide the Judicial Council with:

576 (a) the judicial performance survey results for each judge; and

577 (b) a copy of the retention report of each judicial performance evaluation.

578 (11) The Judicial Council shall provide information obtained concerning a judge under
579 Subsection (10) to the subject judge's presiding judge, if any.