

# HB0111S01 compared with HB0111

~~{deleted text}~~ shows text that was in HB0111 but was deleted in HB0111S01.

Inserted text shows text that was not in HB0111 but was inserted into HB0111S01.

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Representative John R. Westwood proposes the following substitute bill:

## ELECTION LAW ~~{}~~ FILING ~~{DATE}~~ AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John R. Westwood**

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

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### LONG TITLE

#### General Description:

This bill ~~{amends provisions of the Election Code in relation to filing periods and deadlines}~~ addresses certain candidate filings for office.

#### Highlighted Provisions:

This bill:

- ▶ changes from the ~~{time periods for a candidate to file a declaration of candidacy and a declaration of intent to gather signatures}~~ lieutenant governor to the state court administrator, the individual with whom a judge is required to file for candidacy;
- ▶ changes the ~~{date for filing to become a registered political party, in order to conform with the changes described in the preceding paragraph; and~~  
→ ~~makes other~~ dates by which an unaffiliated candidate is required to submit a certificate of nomination and a nomination petition;

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- ▶ 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:

~~{20A-1-501}~~20A-9-201, as last amended by Laws of Utah 2016, Chapter ~~{16}~~28

~~{20A-1-503}~~20A-9-502, as last amended by Laws of Utah ~~{2011}~~2013, Chapters ~~{327}~~253 and ~~{340}~~317

~~{20A-1-509.1}~~20A-9-503, as last amended by Laws of Utah ~~{2011}~~2013, ~~{Chapters 297 and 327}~~Chapter 317

~~{20A-8-103}~~20A-12-201, as last amended by Laws of Utah ~~{2013}~~2014, Chapter ~~{253}~~207

~~{20A-9-202}~~78A-12-206, as last amended by Laws of Utah ~~{2015}~~Chapter 296

~~20A-9-406~~, as last amended by Laws of Utah 2016, Chapters 16 and 66

~~20A-9-407~~, as last amended by Laws of Utah 2015, Chapter 296

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

~~20A-14-203~~, as last amended by Laws of Utah 2016, Chapter 16

#### REPEALS:

~~20A-5-409~~, as last amended by Laws of Utah 2011, Chapter 327  
~~{2011, Chapter 80}~~

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

Section 1. Section ~~{20A-1-501}~~20A-9-201 is amended to read:

~~{20A-1-501. Candidate vacancies -- Procedure for filling.~~

~~(1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state~~

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~~treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if:~~

~~—— (a) for a registered political party that will have a candidate on a ballot in a primary election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a):~~

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

~~—— (ii) one or both:~~

~~—— (A) dies;~~

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

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

~~—— (b) for a registered political party that does not have a candidate on the ballot in a primary, but that will have a candidate on the ballot for a general election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section [20A-5-409] 20A-9-701, the party's candidate:~~

~~—— (i) dies;~~

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

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

~~—— (iv) resigns to become a candidate for president or vice president of the United States;~~  
~~or~~

~~—— (c) for a registered political party with a candidate certified as winning a primary election, after the deadline described in Subsection (1)(a) and continuing through the day before that day on which the lieutenant governor makes the certification described in Section [20A-5-409] 20A-9-701, the party's candidate:~~

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- ~~—— (i) dies;~~
- ~~—— (ii) resigns because of acquiring a physical or mental disability as certified by a physician;~~
- ~~—— (iii) is disqualified by an election officer for improper filing or nominating procedures;~~  
~~or~~
- ~~—— (iv) resigns to become a candidate for president or vice president of the United States.~~
- ~~—— (2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.~~
- ~~—— (3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.~~
- ~~—— (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the deadline described in Subsection (1)(a) may not appear on the primary election ballot.~~
- ~~—— (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline described in Subsection (1)(b) may not appear on the general election ballot.~~
- ~~—— (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline described in Subsection (1)(c) may not appear on the general election ballot.~~
- ~~—— (5) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, or Section 17-16-6.5.~~
- ~~—— Section 2. Section **20A-1-503** is amended to read:~~
- ~~—— **20A-1-503. Midterm vacancies in the Legislature.**~~
- ~~—— (1) As used in this section:~~
- ~~—— (a) "Filing deadline" means the final date for filing:~~
  - ~~—— (i) a declaration of candidacy as provided in Section 20A-9-202; and~~
  - ~~—— (ii) a certificate of nomination as provided in Section 20A-9-503.~~
- ~~—— (b) "Party liaison" means the political party officer designated to serve as a liaison with~~

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~~the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.~~

~~—— (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.~~

~~—— (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.~~

~~—— (b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.~~

~~—— (4) (a) [If] For an even-numbered year in which the term of office does not expire, if a vacancy described in Subsection (3)(a) occurs after the filing deadline but before [August 31 of an even-numbered year in which the term of office does not expire] the day on which the lieutenant governor certifies candidates for the regular general election ballot under Section 20A-9-701, the lieutenant governor shall:~~

~~—— (i) establish a date, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:~~

~~—— (A) a declaration of candidacy; or~~

~~—— (B) a certificate of nomination; and~~

~~—— (ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):~~

~~—— (A) on the lieutenant governor's website; and~~

~~—— (B) to each registered political party.~~

~~—— (b) A person intending to obtain a position on the ballot for the vacant office shall:~~

~~—— (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and~~

~~—— (ii) run in the regular general election if:~~

~~—— (A) nominated as a party candidate; or~~

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~~—— (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.~~

~~—— (c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after the third Saturday in April and before August 31 of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor by August 30 for placement on the regular general election ballot.~~

~~—— (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.~~

~~—— Section 3. Section **20A-1-509.1** is amended to read:~~

~~—— **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.**~~

~~—— (1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.~~

~~—— (2) (a) The requirements of this Subsection (2) apply when:~~

~~—— (i) the office of county attorney or district attorney becomes vacant [and:];~~

~~—— [(i)] (ii) the vacant office has an unexpired term of two years or more; and~~

~~—— [(ii)] (iii) the vacancy occurs before [the third Thursday in March of the] January 1 of an even-numbered year.~~

~~—— (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.~~

~~—— (c) All persons intending to become candidates for the vacant office shall:~~

~~—— (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;~~

~~—— (ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and~~

~~—— (iii) if elected, complete the unexpired term of the person who created the vacancy.~~

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~~——— [(d) If the vacancy occurs after the second Friday in March and before the third Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b), but no later than the fourth Thursday in March.]~~

~~——— (3) (a) The requirements of this Subsection (3) apply when:~~

~~——— (i) the office of county attorney or district attorney becomes vacant [and:];~~

~~——— [(i)] (ii) the vacant office has an unexpired term of two years or more; and~~

~~——— [(ii)] (iii) the vacancy occurs after [the third Thursday in March of the] January 1 of an even-numbered year but more than 75 days before the regular primary election.~~

~~——— (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:~~

~~——— (i) notify the public and each registered political party that the vacancy exists; and~~

~~——— (ii) identify the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.~~

~~——— (c) All persons intending to become candidates for the vacant office shall:~~

~~——— (i) within five days after the date that the notice is made, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and [Declaration] Declarations of Candidacy; and~~

~~——— (ii) if elected, complete the unexpired term of the person who created the vacancy.~~

~~——— (d) The county central committee of each party shall:~~

~~——— (i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and~~

~~——— (ii) certify the name of the candidate or candidates to the county clerk at least 60 days before the regular primary election.~~

~~——— (4) (a) The requirements of this Subsection (4) apply when:~~

~~——— (i) the office of county attorney or district attorney becomes vacant [and:];~~

~~——— [(i)] (ii) the vacant office has an unexpired term of two years or more; and~~

~~——— [(ii)] (iii) 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.~~

~~——— (b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wish to submit a candidate for the office shall~~

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~~summarily certify the name of one candidate to the county clerk for placement on the regular general election ballot.~~

~~—— (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.~~

~~—— (5) (a) The requirements of this Subsection (5) apply when:~~

~~—— (i) the office of county attorney or district attorney becomes vacant; and[:]~~

~~—— [(i)] (ii) (A) the vacant office has an unexpired term of less than two years; or~~

~~—— [(ii)] (B) the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.~~

~~—— (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior officeholder and invite that committee to submit the names of three nominees to fill the vacancy.~~

~~—— (c) That county central committee shall, within 30 days of receiving notice from the county legislative body, submit to the county legislative body the names of three nominees to fill the vacancy.~~

~~—— (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.~~

~~—— (e) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:~~

~~—— (i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and~~

~~—— (ii) contains the list of nominees submitted by the party central committee.~~

~~—— (f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.~~

~~—— (g) A person appointed to fill the vacancy under Subsection (5) shall complete the unexpired term of the person who created the vacancy.~~

~~—— (6) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.~~

~~—— Section 4. Section **20A-8-103** is amended to read:~~

~~—— **20A-8-103. Petition procedures -- Criminal penalty.**~~



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~~—— (1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.~~

~~—— (2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:~~

~~—— (a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending no later than [the February 15] November 30 of the year before the year in which the next regular general election will be held; and~~

~~—— (b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters on or before [February 15] November 30 of the year before the year in which a regular general election will be held.~~

~~—— (3) The petition shall:~~

~~—— (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;~~

~~—— (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;~~

~~—— (c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;~~

~~—— (d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);~~

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

~~—— "It is a class A misdemeanor for anyone to knowingly sign a political party registration petition signature sheet with any name other than the person's own name or more than once for the same party or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor.";~~

~~—— (f) contain the following statement directly under the statement described in Subsection (3)(e):~~

~~—— "POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_\_;~~

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~~Lieutenant Governor:~~

~~\_\_\_\_\_ We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_\_  
(name);~~

~~\_\_\_\_\_ Each signer says:~~

~~\_\_\_\_\_ I have personally signed this petition with a holographic signature;~~

~~\_\_\_\_\_ I am registered to vote in Utah or will register to vote in Utah before the petition is  
submitted to the lieutenant governor;~~

~~\_\_\_\_\_ I am or desire to become a member of the political party; and~~

~~\_\_\_\_\_ My street address is written correctly after my name."; and~~

~~\_\_\_\_\_ (g) be vertically divided into columns as follows:~~

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

~~\_\_\_\_\_ (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
Name (must be legible to be counted)";~~

~~\_\_\_\_\_ (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of  
Registered Voter";~~

~~\_\_\_\_\_ (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";~~

~~\_\_\_\_\_ (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
Code"; and~~

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

~~\_\_\_\_\_ (h) have a final page bound to one or more signature sheets that are bound together that  
contains the following printed statement:~~

~~\_\_\_\_\_ "Verification~~

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

~~\_\_\_\_\_ I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:~~

~~\_\_\_\_\_ I am a Utah resident and am at least 18 years old;~~

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

~~\_\_\_\_\_ I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor.~~

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~~\_\_\_\_\_ (Signature) \_\_\_\_\_ (Residence Address) \_\_\_\_\_ (Date)"; and~~

~~\_\_\_\_\_ (i) be bound to a cover sheet that:~~

~~\_\_\_\_\_ (i) identifies the political party's name, which may not exceed four words, and the emblem of the party;~~

~~\_\_\_\_\_ (ii) states the process that the organization will follow to organize and adopt a constitution and bylaws; and~~

~~\_\_\_\_\_ (iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.~~

~~\_\_\_\_\_ (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in whose presence each signature sheet is signed:~~

~~\_\_\_\_\_ (a) is at least 18 years old;~~

~~\_\_\_\_\_ (b) meets the residency requirements of Section 20A-2-105; and~~

~~\_\_\_\_\_ (c) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.~~

~~\_\_\_\_\_ (5) A person may not sign the verification if the person signed a signature sheet bound to the verification.~~

~~\_\_\_\_\_ (6) The lieutenant governor shall:~~

~~\_\_\_\_\_ (a) determine whether the required number of voters appears on the petition;~~

~~\_\_\_\_\_ (b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and~~

~~\_\_\_\_\_ (c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.~~

~~\_\_\_\_\_ (7) (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant~~

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~~governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party:~~

~~—— (b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor:~~

~~—— (8) A registered political party may not change its name or emblem during the regular general election cycle:~~

~~—— (9) (a) It is unlawful for any person to:~~

~~—— (i) knowingly sign a political party registration petition:~~

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

~~—— (B) more than once for the same political party; or~~

~~—— (C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or~~

~~—— (ii) sign the verification of a political party registration petition signature sheet if the person:~~

~~—— (A) does not meet the residency requirements of Section 20A-2-105;~~

~~—— (B) has not witnessed the signing by those persons whose names appear on the political party registration petition signature sheet; or~~

~~—— (C) knows that a person whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state:~~

~~—— (b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.~~

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

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

(a) be a United States citizen;

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

(c) if seeking a registered political party's nomination as a candidate for elective office,

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state:

- (i) the registered political party of which the [person] individual is a member; or
  - (ii) that the [person] individual is not a member of a registered political party.
- (2) (a) Except as provided in Subsection (2)(b), an individual may not:
- (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;
  - (ii) appear on the ballot as the candidate of more than one political party; or
  - (iii) file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise in the registered political party's bylaws.
- (b) (i) ~~[A person]~~ An individual may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the [person] individual resigns the [person's] individual's candidacy for the other office after the [person] individual is officially nominated for president or vice president of the United States.
- (ii) ~~[A person]~~ An individual may file a [declaration] notice of candidacy described in Section 20A-12-201 for, or be a candidate for, more than one justice court judge office.
- (iii) ~~[A person]~~ An individual may file a declaration of candidacy for lieutenant governor even if the [person] individual filed a declaration of candidacy for another office in the same election year if the [person] individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.
- (3) (a) (i) Except for presidential candidates, before the filing officer may accept any declaration of candidacy, the filing officer shall:
- (A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
  - (B) require the candidate to state whether the candidate meets those requirements.
- (ii) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the [person] individual filing that declaration of candidacy is:
- (A) a United States citizen;
  - (B) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;

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

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

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

(A) a United States citizen;

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

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

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

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

(A) as of the date of filing:

(I) is a United States citizen;

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

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

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

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

(B) as of the date of the election, shall have been a resident of the county in which the

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[person] individual seeks office for at least one year.

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

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

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

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

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

(i) inform the candidate that:

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

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

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

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

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

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

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

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

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

- (A) signing the pledge is voluntary; and
- (B) signed pledges shall be filed with the filing officer;
- (v) accept the candidate's declaration of candidacy; and

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

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

- (i) accept the candidate's pledge; and
- (ii) if the candidate has filed for a partisan office, provide a certified copy of the

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

(4) (a) Except for presidential candidates, the form of the declaration of candidacy shall:

- (i) be substantially as follows:

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

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

---

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

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

- (ii) require the candidate to state, in the sworn statement described in Subsection



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(4)(a)(i):

(A) the registered political party of which the candidate is a member; or

(B) that the candidate is not a member of a registered political party.

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

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

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

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

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

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

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

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

(iii) (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under

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Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

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

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

"Affidavit of Impecuniosity

Individual Name \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

Phone Number \_\_\_\_\_

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

Date \_\_\_\_\_ Signature \_\_\_\_\_

Affiant

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

\_\_\_\_\_  
(signature)

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

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

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

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

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

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participate in the regular primary election shall:

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

(A) on a form developed and provided by the lieutenant governor; and

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

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

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

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

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

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

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

Section ~~{5}~~2. Section ~~{20A-9-202}~~20A-9-502 is amended to read:

~~{~~ **20A-9-202. Declarations of candidacy for regular general elections:**

~~———— (1) (a) Each person seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:~~

~~———— (i) file a declaration of candidacy in person with the filing officer;~~

~~———— (A) on or after the first business day following January 1 of the regular general election year[, and,];~~

~~———— (B) no later than 14 calendar days after the day described in Subsection (1)(a)(i)(A);~~  
and

~~———— (C) if applicable, before the candidate circulates nomination petitions under Section 20A-9-405; and~~

~~———— (ii) pay the filing fee.~~

~~———— (b) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of~~

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~~candidacy to the lieutenant governor within one working day after [it is filed.] the day on which the county clerk receives the declaration of candidacy.~~

~~—— (c) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of candidates who have filed in [their] the county clerk's office.~~

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

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

~~—— (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district;~~

~~—— (A) on or after the first business day following January 1 of the regular general election year[, and];~~

~~—— (B) no later than 14 calendar days after the day described in Subsection (2)(a)(i)(A);~~  
~~and~~

~~—— (C) if applicable, before the candidate circulates nomination petitions under Section 20A-9-405; and~~

~~—— (ii) pay the filing fee.~~

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

~~—— (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each lieutenant governor candidate shall:~~

~~—— (i) file a declaration of candidacy with the lieutenant governor;~~

~~—— (ii) pay the filing fee; and~~

~~—— (iii) submit a letter from a candidate for governor who has received certification for the primary election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.~~

~~—— (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a~~

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~~lieutenant governor is disqualified, another candidate shall file to replace the disqualified candidate:~~

~~———— (4) Each registered political party shall:~~

~~———— (a) certify the names of [its] the registered political party's candidates for president and vice president of the United States to the lieutenant governor no later than August 31; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~———— (ii) the person is a member of:~~

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

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

~~—— (C) the National Guard on activated status;~~

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

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

~~—— Section 6. Section ~~20A-9-406~~ is amended to read:~~

~~—— **20A-9-406. Qualified political party -- Requirements and exemptions.**~~

~~—— The following provisions apply to a qualified political party:~~

~~—— (1) the qualified political party shall, no later than 5 p.m. on [March 1 of each even-numbered] November 15 of each odd-numbered year, certify to the lieutenant governor the identity of one or more registered political parties whose members may vote for the qualified political party's candidates and whether unaffiliated voters may vote for the qualified political party's candidates;~~

~~—— (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified political party;~~

~~—— (3) an individual may only seek the nomination of the qualified political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both;~~

~~—— (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;~~

~~—— (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer shall ensure that a ballot described in Section 20A-6-301 includes each [person] individual nominated by a qualified political party:~~

~~—— (a) under the qualified political party's name, if any; or~~

~~—— (b) under the title of the qualified registered political party as designated by the qualified political party in the certification described in Subsection (1), or, if none is~~

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~~designated, then under some suitable title;~~

~~—— (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for paper ballots in regular general elections, that each candidate who is nominated by the qualified political party is listed by party;~~

~~—— (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;~~

~~—— (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is displayed adjacent to the candidate's name on an electronic ballot;~~

~~—— (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office;~~

~~—— (10) an individual who is nominated by, or seeking the nomination of, the qualified political party is not required to comply with Subsection 20A-9-201(1)(c);~~

~~—— (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;~~

~~—— (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include on the list provided by the lieutenant governor to the county clerks:~~

~~—— (a) the names of all candidates of the qualified political party for federal, constitutional, multicounty, and county offices; and~~

~~—— (b) the names of unopposed candidates for elective office who have been nominated by the qualified political party and instruct the county clerks to exclude such candidates from the primary election ballot;~~

~~—— (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot; and~~

~~—— (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section~~

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~~20A-9-405, the qualified political party is entitled to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election:~~

~~Section 7. Section **20A-9-407** is amended to read:~~

~~**20A-9-407. Convention process to seek the nomination of a qualified political party:**~~

~~(1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of a qualified political party for an elective office through the qualified political party's convention process:~~

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

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

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

~~[(b) pay the filing fee.]~~

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

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

~~[(b) pay the filing fee.]~~

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



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~~the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate:~~

~~——— [(6)] (4) (a) A qualified political party that nominates a candidate under this section shall certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday after the fourth Saturday in April.~~

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

~~——— [(7)] (5) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate:~~

~~——— Section 8. Section 20A-9-408 is amended to read:~~

~~——— **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party:**~~

~~——— (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section:~~

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

~~——— [(3) Notwithstanding Subsection 20A-9-202(1)(a), and except]~~

~~——— (3) Except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall: (a) within the period beginning on January 1 before the next regular general election and ending on the third Thursday in March of the same year], on or after the first business day in January, on or before 14 calendar days after the first business day in January, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:~~

~~——— [(i)] (a) the name of the member who will attempt to become a candidate for a~~

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~~registered political party under this section;~~

~~—— [(ii)] (b) the name of the registered political party for which the member is seeking nomination;~~

~~—— [(iii)] (c) the office for which the member is seeking to become a candidate;~~

~~—— [(iv)] (d) the address and telephone number of the member; and~~

~~—— [(v)] (e) other information required by the lieutenant governor[;].~~

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

~~—— [(c) pay the filing fee.]~~

~~—— [(4) Notwithstanding Subsection 20A-9-202(2)(a), a]~~

~~(4) A member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filed at the next regular general election shall[- (a) on or after January 1 before the next regular general election], on or after the first business day in January, on or before 14 calendar days after the first business day in January, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:~~

~~—— [(i)] (a) the name of the member who will attempt to become a candidate for a registered political party under this section;~~

~~—— [(ii)] (b) the name of the registered political party for which the member is seeking nomination;~~

~~—— [(iii)] (c) the office for which the member is seeking to become a candidate;~~

~~—— [(iv)] (d) the address and telephone number of the member; and~~

~~—— [(v)] (e) other information required by the lieutenant governor[;].~~

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

~~—— [(c) pay the filing fee.]~~

~~(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified~~

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~~political party, under this section, for the office of governor shall submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.~~

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

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

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

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

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

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

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

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

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

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

~~—— (A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified~~

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~~political party's candidates in a primary election; or~~

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

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

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

~~—— (i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and~~

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

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

~~—— (c) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:~~

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

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

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

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

~~—— (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a~~

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~~Utah resident or who is not at least 18 years old to the attorney general and the county attorney;~~

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

~~—— (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet; and~~

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

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

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

~~[(1) The candidate shall:]~~

~~[(a) prepare a certificate of nomination in substantially the following form:]~~

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

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

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

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

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candidate for this office and removal of my name from the ballot.

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

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

~~[(b) bind signature sheets to the certificate that:~~

~~]~~

(ii) pay the filing fee.

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

(c) A filing officer with whom an individual files a certificate of nomination under Subsection (1)(a) shall provide the individual with one copy of:

(i) a signature sheet described in Subsection (3)(a); and

(ii) the verification described in Subsection (3)(b).

(2) (a) After filing the certificate of nomination described in Subsection (1), an individual seeking to qualify for the general election ballot as an unaffiliated candidate shall circulate a nomination petition that complies with the requirements of this section.

(b) An individual may not circulate a nomination petition before the individual files a certificate of nomination under Subsection (1).

(3) A nomination petition that an individual circulates under this section shall:

(a) contain signature sheets, bound to a copy of the proposed candidate's nomination certificate, that:

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

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

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

(iv) contain the word "Warning" printed directly under the words described in Subsection ~~[(1)(b)(iii)]~~ (3)(a)(iii);

(v) contain, to the right of the word "Warning," the following statement printed in not

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less than eight-point, single leaded type:

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

"It is a class A misdemeanor for an individual to knowingly sign a candidate nomination petition with a name other than the individual's own name, or knowingly sign the individual's name more than once for the same candidate, or to sign a candidate nomination petition if the individual knows the individual is not a registered voter and does not intend to become registered to vote before the certification of petition names by the county clerk.";

(vi) contain the following statement directly under the statement described in

Subsection ~~(1)(b)(v)~~ (3)(a)(v):

"Each signer says:

I have personally signed this petition with a holographic signature;

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

My I have written my street address ~~is written~~ correctly after my name.";

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

(viii) be vertically divided into columns as follows:

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

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

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

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

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

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

~~[(c) bind a final page]~~

(b) except as provided in Subsection (4), contain a final page, bound to one or more signature sheets that are bound together, that contains~~[, except as provided by Subsection (3),]~~ the following printed statement:

"Verification

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

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

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

---

(Signature)

(Residence Address)

(Date)".

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

~~[(3)]~~ (4) (a) The candidate shall circulate the nomination petition and ensure that the ~~[person]~~ individual in whose presence each signature sheet is signed:

(i) is at least 18 years old;

(ii) except as provided by Subsection ~~[(3)]~~ (4)(b), meets the residency requirements of Section 20A-2-105; and

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

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



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

(c) ~~[A person]~~ An individual may not sign the verification if the ~~[person]~~ individual signed a signature sheet bound to the verification.

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

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

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

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

(C) if the ~~[person]~~ individual is not ~~[registered to vote in this state]~~ a registered voter and does not intend to become registered to vote ~~[in this state]~~ before the county clerk certifies the petition signatures; or

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

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

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

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

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

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

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

~~[(ii) at least];~~ a statewide office; or

~~[(ii) at least]~~

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

(A) 300 registered voters residing within [a political division] the jurisdiction or

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district that the candidate is running to represent; or [at least]

(B) 5% of the registered voters residing within [a political division, whichever is less, when the nomination is for an office to be filled by the voters of any political division smaller than the state

— (b) } ] the jurisdiction or district that the candidate is running to represent.

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

(i) are registered voters~~{ within the }~~

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

[(ii)] (iii) did not sign any other certificate of nomination for that office.

(c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline described in Subsection 20A-9-503(1).

Section 3. Section 20A-9-503 is amended to read:

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

(1) [After the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the] An individual who seeks to qualify for the regular general election ballot as an unaffiliated candidate shall~~[:~~

— } (a) { } between the second Friday in March and ] before the close of normal office hours on the [third Thursday] last business day in March of the year in which the regular general election will be held, file the petition in person with:

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

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

— (iii) ]

(a) file the nomination petition described in Section 20A-9-502 with the filing officer; and

[(iii)] (b) pay the filing fee~~[: or ]~~

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

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

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

~~[(iii) pay the filing fee.]~~

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

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

(3) (a) ~~[Persons]~~ An individual filing a certificate of nomination for president of the United States under this section shall pay a filing fee of \$500.

(b) Notwithstanding Subsection (1), ~~[a person filing]~~ an individual who files a certificate of nomination for president or vice president of the United States:

(i) may file the certificate of nomination ~~[between the second Friday in March and]~~ or the nomination petition before the close of normal office hours on August 15 of the year in which the regular general election will be held; and

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

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

(4) Notwithstanding the requirement in Subsection (1) to file a certificate of nomination or a nomination petition in person, ~~[a person]~~ an individual may designate an agent to file the certificate of nomination or nomination petition in person with the filing officer if:

(a) the ~~[person]~~ individual is located outside the state during the filing period because:

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

(ii) the ~~[person]~~ individual is a member of:

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

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

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(C) the National Guard on activated status; and

(b) the ~~[person]~~ individual communicates with the filing officer using an electronic device that allows the person and the filing officer to see and hear each other.

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

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

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

(b) After the first retention election:

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

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

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

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

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

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

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

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

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

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

## HB0111S01 compared with HB0111

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

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

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

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

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

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

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

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

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

Yes ()

No ()."

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

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

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

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regular general election.

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

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

Section ~~{9}~~5. Section ~~{20A-14-203}~~78A-12-206 is amended to read:

~~{20A-14-203}~~78A-12-206. ~~{Becoming a member of a local board of education --~~  
**Declaration of candidacy -- Election:**

~~—— (1) An individual may become a candidate for a local school board:~~

~~—— [(a) (i) in the 2016 general election, by filing a declaration of candidacy with the county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or]~~

~~—— [(ii) in a general election held after 2016,]~~

~~—— (a) by filing a declaration of candidacy with the county clerk;~~

~~—— (i) on or after the [second Friday in March, and before 5 p.m. on the third Thursday in March, before the next] first business day following January 1 of the regular general election[; and] year; and~~

~~—— (ii) not later than 14 calendar days after the day described in Subsection~~

~~—— (1)(a)(i); and~~

~~—— (b) by paying the fee } Publication of the judicial performance evaluation --~~

**Response by judge.**

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

(b) The report of a judicial performance evaluation nearest the judge's next scheduled retention election shall be provided to the judge at least 45 days before the last day on which the judge may file a [declaration of the judge's] notice of candidacy [in] described in Section {20A-9-202.

~~—— (2) (a) The term of office for an individual elected to a local board of education is four years, beginning on the first Monday in January after the election.~~

## HB0111S01 compared with HB0111

~~— (b) A member of a local board of education shall serve until a successor is elected or appointed and qualified.~~

~~— (c) A member of a local board of education is "qualified" when the member takes or signs the constitutional oath of office.~~

~~— Section 10. Repealer:~~

~~— This bill repeals:~~

~~— Section 20A-5-409, Certification of candidates to county clerks.~~

### Legislative Review Note

~~Office of Legislative Research and General Counsel;~~ 20A-12-201 for the retention election.

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

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

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

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

(i) provide a written response to the commission about the report; and

(ii) request an interview with the commission for the purpose of addressing the report;

and

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

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

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

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

(a) the results of the judicial performance survey, in both raw and summary form;

(b) information concerning the judge's compliance with the minimum performance standards;

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

(d) a narrative concerning the judge's performance;

(e) the commission's recommendation concerning whether the judge should be retained, or the statement required of the commission if it declines to make a recommendation;

(f) the number of votes for and against the commission's recommendation; and

(g) any other information the commission considers appropriate to include in the report.

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

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

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

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

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



## **HB0111S01 compared with HB0111**

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

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

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

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

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