

**Representative Justin L. Fawson** proposes the following substitute bill:

**ELECTION LAW AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code.

**Highlighted Provisions:**

This bill:

▶ permits a qualified political party to choose whether an individual may seek the nomination of the qualified political party by the individual choosing:

• to seek the nomination through the convention process, the signature gathering-process, or both; or

• to seek the nomination through the convention process or the signature-gathering process, but not both; and

▶ shortens the period for filing a notice of intent to gather signatures to qualify for placement on the regular primary election ballot.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



- 26            [20A-9-101](#), as last amended by Laws of Utah 2016, Chapter 16
- 27            [20A-9-406](#), as last amended by Laws of Utah 2016, Chapters 16 and 66
- 28            [20A-9-407](#), as last amended by Laws of Utah 2015, Chapter 296
- 29            [20A-9-408](#), as last amended by Laws of Utah 2016, Chapter 28
- 30            [20A-9-408.5](#), as enacted by Laws of Utah 2015, Chapter 296

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

33            Section 1. Section [20A-9-101](#) is amended to read:

34            **20A-9-101. Definitions.**

35            As used in this chapter:

36            (1) (a) "Candidates for elective office" means persons who file a declaration of  
37 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,  
38 constitutional office, multicounty office, or county office.

39            (b) "Candidates for elective office" does not mean candidates for:

- 40            (i) justice or judge of court of record or not of record;
- 41            (ii) presidential elector;
- 42            (iii) any political party offices; and
- 43            (iv) municipal or local district offices.

44            (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
45 attorney general, state auditor, and state treasurer.

46            (3) "Continuing political party" means the same as that term is defined in Section  
47 [20A-8-101](#).

48            (4) (a) "County office" means an elective office where the officeholder is selected by  
49 voters entirely within one county.

50            (b) "County office" does not mean:

- 51            (i) the office of justice or judge of any court of record or not of record;
- 52            (ii) the office of presidential elector;
- 53            (iii) any political party offices;
- 54            (iv) any municipal or local district offices; and
- 55            (v) the office of United States Senator and United States Representative.

56            (5) "Federal office" means an elective office for United States Senator and United

57 States Representative.

58 (6) "Filing officer" means:

59 (a) the lieutenant governor, for:

60 (i) the office of United States Senator and United States Representative; and

61 (ii) all constitutional offices;

62 (b) the county clerk, for county offices and local school district offices, and the county  
63 clerk in the filer's county of residence, for multicounty offices;

64 (c) the city or town clerk, for municipal offices; and

65 (d) the local district clerk, for local district offices.

66 (7) "Local district office" means an elected office in a local district.

67 (8) "Local government office" includes county offices, municipal offices, and local  
68 district offices and other elective offices selected by the voters from a political division entirely  
69 within one county.

70 (9) (a) "Multicounty office" means an elective office where the officeholder is selected  
71 by the voters from more than one county.

72 (b) "Multicounty office" does not mean:

73 (i) a county office;

74 (ii) a federal office;

75 (iii) the office of justice or judge of any court of record or not of record;

76 (iv) the office of presidential elector;

77 (v) any political party offices; and

78 (vi) any municipal or local district offices.

79 (10) "Municipal office" means an elective office in a municipality.

80 (11) (a) "Political division" means a geographic unit from which an officeholder is  
81 elected and that an officeholder represents.

82 (b) "Political division" includes a county, a city, a town, a local district, a school  
83 district, a legislative district, and a county prosecution district.

84 (12) "Qualified political party" means a registered political party that:

85 (a) (i) permits a delegate for the registered political party to vote on a candidate  
86 nomination in the registered political party's convention remotely; or

87 (ii) provides a procedure for designating an alternate delegate if a delegate is not

88 present at the registered political party's convention;

89 (b) does not hold the registered political party's convention before the fourth Saturday  
90 in March of an even-numbered year;

91 (c) permits a member of the registered political party to seek the registered political  
92 party's nomination for any elective office by:

93 (i) if the registered political party gives the notice described in Subsection  
94 20A-9-406(15)(a), the member choosing to seek the nomination by either or both of the  
95 following methods:

96 [(†)] (A) seeking the nomination through the registered political party's convention  
97 process, in accordance with the provisions of Section 20A-9-407; or

98 [(†)] (B) seeking the nomination by collecting signatures, in accordance with the  
99 provisions of Section 20A-9-408; [~~and~~] or

100 (ii) if the registered political party gives the notice described in Subsection 20A-9-  
101 406(15)(b), the member choosing to seek the nomination by one of the following methods:

102 (A) seeking the nomination through the registered political party's convention process,  
103 in accordance with the provisions of Section 20A-9-407; or

104 (B) seeking the nomination by collecting signatures, in accordance with the provisions  
105 of Section 20A-9-408;

106 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.  
107 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the  
108 election in the following year, the registered political party intends to nominate the registered  
109 political party's candidates in accordance with the provisions of Section 20A-9-406; or

110 (ii) if the registered political party is not a continuing political party, certifies at the  
111 time that the registered political party files the petition described in Section 20A-8-103 that, for  
112 the next election, the registered political party intends to nominate the registered political  
113 party's candidates in accordance with the provisions of Section 20A-9-406[:]; and

114 (e) complies with Subsection 20A-9-406(15).

115 Section 2. Section 20A-9-406 is amended to read:

116 **20A-9-406. Qualified political party -- Requirements and exemptions.**

117 The following provisions apply to a qualified political party:

118 (1) the qualified political party shall, no later than 5 p.m. on March 1 of each

119 even-numbered year, certify to the lieutenant governor the identity of one or more registered  
120 political parties whose members may vote for the qualified political party's candidates and  
121 whether unaffiliated voters may vote for the qualified political party's candidates;

122 (2) the provisions of Subsections [20A-9-403](#)(1) through (4)(a), Subsection  
123 [20A-9-403](#)(5)(c), and Section [20A-9-405](#) do not apply to a nomination for the qualified  
124 political party;

125 (3) (a) if the registered political party gives the notice described in Subsection  
126 [20A-9-406](#)(15)(a), an individual may only seek the nomination of the qualified political party  
127 by using a method described in Section [20A-9-407](#), Section [20A-9-408](#), or both; or

128 (b) if the registered political party gives the notice described in Subsection [20A-9-](#)  
129 [406](#)(15)(b), an individual may only seek the nomination of the qualified political party by using  
130 the method described in Section [20A-9-407](#) or Section [20A-9-408](#);

131 (4) the qualified political party shall comply with the provisions of Sections  
132 [20A-9-407](#), [20A-9-408](#), and [20A-9-409](#);

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

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

137 (b) under the title of the qualified registered political party as designated by the  
138 qualified political party in the certification described in Subsection (1), or, if none is  
139 designated, then under some suitable title;

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

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

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

149 (9) "candidates for elective office," defined in Subsection [20A-9-101](#)(1)(a), also

150 includes an individual who files a declaration of candidacy under Section 20A-9-407 or  
151 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
152 multicounty office, or county office;

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

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

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

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

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

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

169 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section  
170 20A-9-405, the qualified political party is entitled to have the names of its candidates for  
171 elective office featured with party affiliation on the ballot at a regular general election[-]; and

172 (15) a registered political party that provides the certification described in Subsection  
173 20A-9-101(12)(d) shall, in the certification, give notice of one of the following:

174 (a) that an individual may only seek the nomination of the registered political party by  
175 the individual choosing to use the method described in Section 20A-9-407, Section 20A-9-408,  
176 or both methods; or

177 (b) that an individual may only seek the nomination of the registered political party by  
178 the individual choosing to use the method described in Section 20A-9-407 or Section  
179 20A-9-408, but not both methods.

180 Section 3. Section 20A-9-407 is amended to read:

181           **20A-9-407. Convention process to seek the nomination of a qualified political**  
182 **party.**

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

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

190           (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
191 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
192 nomination of the qualified political party for an elective office that is to be filled at the next  
193 general election, shall:

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

197           (b) pay the filing fee.

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

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

205           (b) pay the filing fee.

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

211           (6) (a) A qualified political party that nominates a candidate under this section shall

212 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday  
213 after the fourth Saturday in April.

214 (b) The lieutenant governor shall ensure that the certification described in Subsection  
215 [20A-9-701](#)(1) also includes the name of each candidate nominated by a qualified political party  
216 under this section.

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

220 (8) If a qualified political party gives the notice described in Subsection [20A-9-](#)  
221 [406](#)(15)(b), a member of the qualified political party who is seeking the nomination of the  
222 qualified political party for an elective office through the qualified political party's convention  
223 process may not seek the nomination of the qualified political party under the  
224 signature-gathering process described in Section [20A-9-408](#).

225 Section 4. Section [20A-9-408](#) is amended to read:

226 **[20A-9-408](#). Signature-gathering process to seek the nomination of a qualified**  
227 **political party.**

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

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

235 (3) Notwithstanding Subsection [20A-9-202](#)(1)(a), and except as provided in Subsection  
236 [20A-9-202](#)(4), a member of a qualified political party who, under this section, is seeking the  
237 nomination of the qualified political party for an elective office that is to be filled at the next  
238 general election shall:

239 (a) within the period beginning on [~~January 1 before the next regular general election~~  
240 ~~and ending on the third Thursday in March]~~ the first business day in January of an  
241 even-numbered year and ending on the fifth business day in January of the same year, and  
242 before gathering signatures under this section, file with the filing officer on a form approved by



243 the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

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

254 (c) pay the filing fee.

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

259 (a) ~~[on or after January 1 before the next regular general election, and before gathering~~  
260 ~~signatures under this section]~~ within the period beginning on the first business day in January  
261 of an even-numbered year and ending on the fifth business day in January of the same year, file  
262 with the filing officer on a form approved by the lieutenant governor a notice of intent to gather  
263 signatures for candidacy that includes:

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

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

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

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

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

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

274 (c) pay the filing fee.

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

280 (6) The lieutenant governor shall ensure that the certification described in Subsection  
281 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
282 under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

352 (10) If a qualified political party gives the notice described in Subsection 20A-9-  
353 406(15)(b), a member of the qualified political party who is seeking the nomination of the  
354 qualified political party for an elective office through the qualified political party's  
355 signature-gathering process may not seek the nomination of the qualified political party under  
356 the convention process described in Section 20A-9-407.

357 Section 5. Section 20A-9-408.5 is amended to read:

358 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

359 The declaration of candidacy form described in Sections 20A-9-407 and 20A-9-408  
360 shall:

361 (1) be substantially as follows:

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

363 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
364 \_\_\_\_ as a candidate for the \_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
365 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
366 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate

367 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
368 as required by law; and I understand that failure to do so will result in my disqualification as a  
369 candidate for this office and removal of my name from the ballot. The mailing address that I  
370 designate for receiving official election notices is

371 \_\_\_\_\_  
372 \_\_\_\_\_.

373 Subscribed and sworn before me this \_\_\_\_\_(month\day\year). Notary Public (or  
374 other officer qualified to administer oath).";

375 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

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

377 (b) that the candidate is not a member of a registered political party; and

378 (3) (a) if the registered political party gives the notice described in Subsection

379 20A-9-406(15)(a), direct the candidate to indicate whether the candidate is seeking the  
380 nomination using:

381 [~~(a)~~] (i) the convention process described in Section 20A-9-407;

382 [~~(b)~~] (ii) the signature-gathering process described in Section 20A-9-408; or

383 [~~(c)~~] (iii) both processes described in Subsections (3)(a) and (b)~~[-]~~; or

384 (b) if the registered political party gives the notice described in Subsection 20A-9-  
385 406(15)(b), direct the candidate to indicate whether the candidate is seeking the nomination  
386 using:

387 (i) the convention process described in Section 20A-9-407; or

388 (ii) the signature-gathering process described in Section 20A-9-408.