

**POLITICAL PARTY AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Justin L. Fawson**

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

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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:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16

**20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91



- 28           20A-9-407, as last amended by Laws of Utah 2017, Chapter 91
- 29           20A-9-408, as last amended by Laws of Utah 2017, Chapter 91
- 30           20A-9-408.5, as enacted by Laws of Utah 2015, Chapter 296



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 [(i)] (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 [(ii)] (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  
101 20A-9-406(15)(b), the member choosing to seek the nomination by one of the following  
102 methods:

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

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

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

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

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

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

117 **20A-9-406. Qualified political party -- Requirements and exemptions.**

118 The following provisions apply to a qualified political party:

119 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each  
120 odd-numbered year, certify to the lieutenant governor the identity of one or more registered

121 political parties whose members may vote for the qualified political party's candidates and  
122 whether unaffiliated voters may vote for the qualified political party's candidates;

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

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

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

132 (4) the qualified political party shall comply with the provisions of Sections  
133 20A-9-407, 20A-9-408, and 20A-9-409;

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

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

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

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

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

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

150 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
151 includes an individual who files a declaration of candidacy under Section 20A-9-407 or

152 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
153 multicounty office, or county office;

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

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

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

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

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

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

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

173 (15) a registered political party that provides the certification described in Subsection  
174 20A-9-101(12)(d) shall, in the certification, give notice of one of the following:

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

178 (b) that an individual may only seek the nomination of the registered political party by  
179 the individual choosing to use the method described in Section 20A-9-407 or Section  
180 20A-9-408, but not both methods.

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

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

183 party.

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

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

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

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

198 (b) pay the filing fee.

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

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

206 (b) pay the filing fee.

207 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
208 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
209 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
210 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
211 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
212 running mate.

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

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

216 (b) The lieutenant governor shall ensure that the certification described in Subsection  
217 [20A-9-701](#)(1) also includes the name of each candidate nominated by a qualified political party  
218 under this section.

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

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

227 Section 4. Section **20A-9-408** is amended to read:

228 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
229 **political party.**

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

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

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

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



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

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

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

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

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

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

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

256 (c) pay the filing fee.

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

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

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

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

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

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

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

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

276 (c) pay the filing fee.

277 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
278 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
279 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
280 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
281 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
282 running mate.

283 (6) The lieutenant governor shall ensure that the certification described in Subsection  
284 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
285 under this section.

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

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

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

292 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
293 period beginning on the first business day in January [†] of an even-numbered year and ending  
294 14 days before the day on which the qualified political party's convention for the office is held,  
295 in the following amounts:

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

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

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

305 (iv) for a state House district race, 1,000 signatures of registered voters who are  
306 residents of the state House district and are permitted by the qualified political party to vote for

307 the qualified political party's candidates in a primary election;

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

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

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

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

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

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

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

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

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

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

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

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

338 relate:

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

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

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

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

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

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

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

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

361 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

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

364 (1) be substantially as follows:

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

366 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
367 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
368 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in

369 the City or Town of \_\_\_\_, Utah, Zip Code \_\_\_\_, Phone No. \_\_\_\_; I will not knowingly violate  
370 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
371 as required by law; and I understand that failure to do so will result in my disqualification as a  
372 candidate for this office and removal of my name from the ballot. The mailing address that I  
373 designate for receiving official election notices is

374 \_\_\_\_\_  
375 \_\_\_\_\_.

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

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

- 379 (a) the registered political party of which the candidate is a member; or
- 380 (b) that the candidate is not a member of a registered political party; and

381 (3) (a) if the registered political party of which the candidate is a member gives the  
382 notice described in Subsection [20A-9-406\(15\)\(a\)](#), direct the candidate to indicate whether the  
383 candidate is seeking the nomination using:

- 384 [(a)] (i) the convention process described in Section [20A-9-407](#);
- 385 [(b)] (ii) the signature-gathering process described in Section [20A-9-408](#); or
- 386 [(c)] (iii) both processes described in Subsections (3)(a)(i) and [(b):] (ii); or
- 387 (b) if the registered political party gives the notice described in Subsection  
388 [20A-9-406\(15\)\(b\)](#), direct the candidate to indicate whether the candidate is seeking the

389 nomination using:

- 390 (i) the convention process described in Section [20A-9-407](#); or
- 391 (ii) the signature-gathering process described in Section [20A-9-408](#).

392 Section 6. **Effective date.**

393 This bill takes effect on January 1, 2019.