

**Representative Daniel McCay** proposes the following substitute bill:

**ELECTION AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

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

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code.

**Highlighted Provisions:**

This bill:

- ▶ modifies and makes the following deadlines, for a registered political party that is not a qualified political party, consistent with deadlines for a qualified political party:
  - the deadline for filing a declaration of candidacy;
  - the deadline for submitting signature sheets to secure a nomination; and
  - the deadline for a filing officer to verify signatures and issue certifications;
- ▶ removes an unnecessary provision of law relating to the duty of a registered political party;
- ▶ provides that a candidate who is selected at convention may not be kept from the ballot based on an action by a qualified political party to prevent an individual from seeking nomination by gathering signatures;
- ▶ shortens the period of time for filing a notice of intent to gather signatures to qualify for placement on the regular primary election ballot; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-9-202**, as last amended by Laws of Utah 2017, Chapter 63

33 **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91

34 **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91

35 **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91

36 ENACTS:

37 **20A-9-406.5**, Utah Code Annotated 1953



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

40 Section 1. Section **20A-9-202** is amended to read:

41 **20A-9-202. Declarations of candidacy for regular general elections.**

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

44 (i) file a declaration of candidacy in person with the filing officer:

45 (A) on or after January 1 of the regular general election year~~[-and,];~~

46 (B) if applicable, before the candidate circulates nomination petitions under Section  
47 **20A-9-405**; and

48 (C) before 5 p.m. on the third Thursday in March before the next regular general  
49 election; and

50 (ii) pay the filing fee.

51 (b) Each county clerk who receives a declaration of candidacy from a candidate for  
52 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
53 candidacy to the lieutenant governor within one working day after it is filed.

54 (c) Each day during the filing period, each county clerk shall notify the lieutenant  
55 governor electronically or by telephone of candidates who have filed in their office.

56 (d) Each person seeking the office of lieutenant governor, the office of district attorney,

57 or the office of president or vice president of the United States shall comply with the specific  
58 declaration of candidacy requirements established by this section.

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

62 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
63 creating the prosecution district on or after January 1 of the regular general election year, and  
64 before the candidate circulates nomination petitions under Section 20A-9-405; and

65 (ii) pay the filing fee.

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

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

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

72 (ii) pay the filing fee; and

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

76 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a  
77 lieutenant governor is disqualified, another candidate shall file to replace the disqualified  
78 candidate.

79 (4) On or before August 31, each registered political party shall:

80 (a) certify the names of its candidates for president and vice president of the United  
81 States to the lieutenant governor; or

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

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

- 88 (b) If an objection is made, the clerk or lieutenant governor shall:
- 89 (i) mail or personally deliver notice of the objection to the affected candidate
- 90 immediately; and
- 91 (ii) decide any objection within 48 hours after it is filed.
- 92 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
- 93 problem by amending the declaration or petition within three days after the objection is
- 94 sustained or by filing a new declaration within three days after the objection is sustained.
- 95 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.
- 96 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
- 97 by a district court if prompt application is made to the court.
- 98 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
- 99 of its discretion, agrees to review the lower court decision.
- 100 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
- 101 filing a written affidavit with the clerk.
- 102 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
- 103 in this section to file a declaration of candidacy in person, a person may designate an agent to
- 104 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:
- 105 (a) the person is located outside the state during the filing period because:
- 106 (i) of employment with the state or the United States; or
- 107 (ii) the person is a member of:
- 108 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
- 109 Coast Guard of the United States who is on active duty;
- 110 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
- 111 commissioned corps of the National Oceanic and Atmospheric Administration of the United
- 112 States; or
- 113 (C) the National Guard on activated status;
- 114 (b) the person communicates with the filing officer using an electronic device that
- 115 allows the person and filing officer to see and hear each other; and
- 116 (c) the person provides the filing officer with an email address to which the filing
- 117 officer may send the copies described in Subsection 20A-9-201(3).
- 118 (8) (a) Except for a candidate who is certified by a registered political party under

119 Subsection (4), and except as provided in Section 20A-9-504, on or before August 31 of a  
120 general election year, each individual running as a candidate for vice president of the United  
121 States shall:

122 (i) file a declaration of candidacy, in person or via designated agent, on a form  
123 developed by the lieutenant governor, that:

124 (A) contains the individual's name, address, and telephone number;

125 (B) states that the individual meets the qualifications for the office of vice president of  
126 the United States;

127 (C) names the presidential candidate, who has qualified for the general election ballot,  
128 with which the individual is running as a joint-ticket running mate;

129 (D) states that the individual agrees to be the running mate of the presidential candidate  
130 described in Subsection (8)(a)(i)(C); and

131 (E) contains any other necessary information identified by the lieutenant governor;

132 (ii) pay the filing fee, if applicable; and

133 (iii) submit a letter from the presidential candidate described in Subsection (8)(a)(i)(C)  
134 that names the individual as a joint-ticket running mate as a vice presidential candidate.

135 (b) A designated agent described in Subsection (8)(a)(i) may not sign the declaration of  
136 candidacy.

137 (c) A vice presidential candidate who fails to meet the requirements described in this  
138 Subsection (8) may not appear on the general election ballot.

139 Section 2. Section 20A-9-403 is amended to read:

140 **20A-9-403. Regular primary elections.**

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

148 ~~[(b) Each registered political party that chooses to have the names of the registered~~  
149 ~~political party's candidates for elective office featured with party affiliation on the ballot at a~~

150 ~~regular general election shall comply with the requirements of this section and shall nominate~~  
151 ~~the registered political party's candidates for elective office in the manner described in this~~  
152 ~~section.]~~

153 [(c)] (b) A filing officer may not permit an official ballot at a regular general election  
154 to be produced or used if the ballot denotes affiliation between a registered political party or  
155 any other political group and a candidate for elective office who is not nominated in the manner  
156 prescribed in this section or in Subsection 20A-9-202(4).

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

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

161 (i) either declare the registered political party's intent to participate in the next regular  
162 primary election or declare that the registered political party chooses not to have the names of  
163 the registered political party's candidates for elective office featured on the ballot at the next  
164 regular general election; and

165 (ii) if the registered political party participates in the upcoming regular primary  
166 election, identify one or more registered political parties whose members may vote for the  
167 registered political party's candidates and whether individuals identified as unaffiliated with a  
168 political party may vote for the registered political party's candidates.

169 (b) (i) A registered political party that is a continuing political party shall file the  
170 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
171 November 30 of each odd-numbered year.

172 (ii) An organization that is seeking to become a registered political party under Section  
173 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered  
174 political party files the petition described in Section 20A-8-103.

175 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a  
176 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
177 office on the regular primary ballot of the registered political party listed on the declaration of  
178 candidacy only if the individual is certified by the appropriate filing officer as having submitted  
179 a set of nomination petitions that was:

180 (i) circulated and completed in accordance with Section 20A-9-405; and

181 (ii) signed by at least 2% of the registered political party's members who reside in the  
182 political division of the office that the individual seeks.

183 (b) (i) A candidate for elective office shall submit nomination petitions to the  
184 appropriate filing officer for verification and certification no later than 5 p.m. on the ~~[final day~~  
185 ~~in March]~~ second Friday in April.

186 (ii) A candidate may supplement the candidate's submissions at any time on or before  
187 the filing deadline.

188 (c) (i) The lieutenant governor shall determine for each elective office the total number  
189 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate  
190 number of individuals residing in each elective office's political division who have designated a  
191 particular registered political party on the individuals' voter registration forms on or before  
192 November 15 of each odd-numbered year.

193 (ii) The lieutenant governor shall publish the determination for each elective office no  
194 later than November 30 of each odd-numbered year.

195 (d) The filing officer shall:

196 (i) verify signatures on nomination petitions in a transparent and orderly manner;

197 (ii) for all qualifying candidates for elective office who submit nomination petitions to  
198 the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the  
199 ~~[first Monday after the third Saturday]~~ fourth Friday in April;

200 (iii) consider active and inactive voters eligible to sign nomination petitions;

201 (iv) consider an individual who signs a nomination petition a member of a registered  
202 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that  
203 registered political party as the individual's party membership on the individual's voter  
204 registration form; and

205 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination  
206 petition signatures, or use statistical sampling procedures to verify submitted nomination  
207 petition signatures in accordance with rules made under Subsection (3)(f).

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

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

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

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

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

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

220 (g) The county clerk shall:

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

223 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
224 local board of education seat on the nonpartisan section of the ballot if more than two  
225 candidates have filed for the same seat; and

226 (iii) determine the order of the local board of education candidates' names on the ballot  
227 in accordance with Section [20A-6-305](#).

228 (4) (a) [~~By 5 p.m. on~~] On the first [~~Wednesday~~] Monday after the [~~third~~] fourth  
229 Saturday in April, the lieutenant governor shall provide to the county clerks:

230 (i) a list of the names of all candidates for federal, constitutional, multi-county, single  
231 county, and county offices who have received certifications under Subsection (3), along with  
232 instructions on how those names shall appear on the primary election ballot in accordance with  
233 Section [20A-6-305](#); and

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

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

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

242 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,



243 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan  
244 local school board positions listed on the primary ballot. The polling place for voting precinct  
245 \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

246 Attest: county clerk."

247 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary  
248 election, receives the highest number of votes cast for the office sought by the candidate is:

249 (i) nominated for that office by the candidate's registered political party; or

250 (ii) for a nonpartisan local school board position, nominated for that office.

251 (b) If two or more candidates, other than presidential candidates, are to be elected to  
252 the office at the regular general election, those party candidates equal in number to positions to  
253 be filled who receive the highest number of votes at the regular primary election are the  
254 nominees of the candidates' party for those positions.

255 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

256 (A) no individual other than the candidate receives a certification under Subsection (3)  
257 for the regular primary election ballot of the candidate's registered political party for a  
258 particular elective office; or

259 (B) for an office where more than one individual is to be elected or nominated, the  
260 number of candidates who receive certification under Subsection (3) for the regular primary  
261 election of the candidate's registered political party does not exceed the total number of  
262 candidates to be elected or nominated for that office.

263 (ii) A candidate who is unopposed for an elective office in the regular primary election  
264 of a registered political party is nominated by the party for that office without appearing on the  
265 primary election ballot.

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

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

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

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

281 Section 3. Section **20A-9-406.5** is enacted to read:

282 **20A-9-406.5. Candidate's right to placement on ballot.**

283 (1) As used in this section, "valid candidate" means a candidate who lawfully files a  
284 declaration of candidacy to seek nomination to run for office as a member of a political party  
285 that certifies as a qualified political party under Subsection 20A-9-101(12)(d).

286 (2) If a political party that provides the certification described in Subsection  
287 20A-9-101(12)(d) takes any action to prevent an individual from seeking nomination by  
288 gathering signatures under Section 20A-9-408, the lieutenant governor may not refuse to place  
289 a nominee of the political party, who is selected at the political party's convention, or who  
290 qualifies for the ballot by collecting signatures, on the primary election ballot or the general  
291 election ballot, as applicable.

292 (3) If a person brings a legal action claiming that a political party has taken the action  
293 described in Subsection (2), the legal action may not result in prohibiting placement of a  
294 nominee of the political party, who is selected at the political party's convention, or who  
295 qualifies for the ballot by collecting signatures, on the primary election ballot or the general  
296 election ballot, as applicable.

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

298 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
299 **political party.**

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

303 (2) Notwithstanding Subsection **20A-9-201(4)(a)**, the form of the declaration of  
304 candidacy for a member of a qualified political party who is nominated by, or who is seeking

305 the nomination of, the qualified political party under this section shall be substantially as  
306 described in Section 20A-9-408.5.

307 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
308 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
309 nomination of the qualified political party for an elective office that is to be filled at the next  
310 general election shall:

311 (a) within the period beginning on [~~January 1 before the next regular general election~~  
312 ~~and ending on the third Thursday in March~~] the first business day in January of an  
313 even-numbered year and ending at 5 p.m. on the fifth business day in January of the same year,  
314 and before gathering signatures under this section, file with the filing officer on a form  
315 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that  
316 includes:

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

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

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

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

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

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

327 (c) pay the filing fee.

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

332 (a) [~~on or after January 1 before the next regular general election, and before gathering~~  
333 ~~signatures under this section~~] within the period beginning on the first business day in January  
334 of an even-numbered year and ending on the fifth business day in January of the same year, file  
335 with the filing officer on a form approved by the lieutenant governor a notice of intent to gather

336 signatures for candidacy that includes:

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

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

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

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

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

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

347 (c) pay the filing fee.

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

354 (6) The lieutenant governor shall ensure that the certification described in Subsection  
355 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
356 under this section.

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

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

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

363 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
364 period beginning on [~~January 1~~] the first business day in January of an even-numbered year and  
365 ending [~~14 days before the day on which the qualified political party's convention for the office~~  
366 ~~is held~~] at 5 p.m. on the second Friday in April, in the following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

426 Section 5. Section **20A-9-409** is amended to read:

427 **20A-9-409. Primary election provisions relating to qualified political party.**

428 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular

429 primary election day.

430 (2) (a) A qualified political party that nominates one or more candidates for an elective  
431 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that  
432 office under Section 20A-9-408, may, but is not required to, participate in the primary election  
433 for that office.

434 (b) A qualified political party that has only one candidate qualify as a candidate for an  
435 elective office under Section 20A-9-408 and does not nominate a candidate for that office  
436 under Section 20A-9-407, may, but is not required to, participate in the primary election for  
437 that office.

438 (c) A qualified political party that nominates one or more candidates for an elective  
439 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that  
440 office under Section 20A-9-408 shall participate in the primary election for that office.

441 (d) A qualified political party that has two or more candidates qualify as candidates for  
442 an elective office under Section 20A-9-408 and does not nominate a candidate for that office  
443 under Section 20A-9-407 shall participate in the primary election for that office.

444 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section  
445 17-52-501 or Section 17-52-502, a qualified political party shall participate in the primary  
446 election for a county commission office if:

447 (a) there is more than one:

448 (i) open position as defined in Section 17-52-501; or

449 (ii) midterm vacancy as defined in Section 17-52-501; and

450 (b) the number of candidates nominated under Section 20A-9-407 or qualified under  
451 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number  
452 of respective open positions or midterm vacancies.

453 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

454 (i) no individual other than the candidate receives a certification, from the appropriate  
455 filing officer, for the regular primary election ballot of the candidate's registered political party  
456 for a particular elective office; or

457 (ii) for an office where more than one individual is to be elected or nominated, the  
458 number of candidates who receive certification, from the appropriate filing officer, for the  
459 regular primary election of the candidate's registered political party does not exceed the total

460 number of candidates to be elected or nominated for that office.

461 (b) [~~By 5 p.m. on~~] On the first [~~Wednesday~~ Monday after the [~~third~~ fourth Saturday  
462 in April, the lieutenant governor shall:

463 (i) provide to the county clerks:

464 (A) a list of the names of all candidates for federal, constitutional, multi-county, single  
465 county, and county offices who have received certifications from the appropriate filing officer,  
466 along with instructions on how those names shall appear on the primary election ballot in  
467 accordance with Section [20A-6-305](#); and

468 (B) a list of unopposed candidates for elective office who have been nominated by a  
469 registered political party; and

470 (ii) instruct the county clerks to exclude unopposed candidates from the primary  
471 election ballot.

472 Section 6. **Effective date.**

473 If approved by two-thirds of all the members elected to each house, this bill takes effect  
474 upon approval by the governor, or the day following the constitutional time limit of Utah  
475 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
476 the date of veto override.