

Senator Curtis S. Bramble proposes the following substitute bill:

PETITION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill addresses provisions related to certain petitions in the Election Code.

Highlighted Provisions:

This bill:

- ▶ changes the effective date of certain laws enacted by a statewide initiative petition;
- ▶ amends deadlines related to the certification of signatures on certain petitions;
- ▶ allows the lieutenant governor to intervene in the signature certification process for

certain petitions if:

- the person responsible for certifying the signatures does not comply with certain deadlines;
 - requested by the person submitting the petition; or
 - requested by the person responsible for certifying the signatures; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [20A-7-212](#), as last amended by Laws of Utah 2001, Chapter 20

28 [20A-7-506](#), as last amended by Laws of Utah 2012, Chapter 72

29 [20A-7-606](#), as last amended by Laws of Utah 2016, Chapter 365

30 [20A-9-403](#), as last amended by Laws of Utah 2017, Chapter 91

31 [20A-9-408](#), as last amended by Laws of Utah 2017, Chapter 91

32

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

34 Section 1. Section [20A-7-212](#) is amended to read:

35 **[20A-7-212](#). Effective date.**

36 (1) A proposed law submitted to the Legislature by initiative petition and [~~enacted by~~
37 ~~them~~] passed by the Legislature takes effect 60 days after the [~~final adjournment of the session~~
38 ~~of the Legislature that passed it~~] adjournment sine die of the session of the Legislature in which
39 the law was passed, unless a different effective date is included in the proposed law and the
40 proposed law passes the Legislature by a two-thirds vote of the members elected to each house
41 of the Legislature.

42 (2) [~~(a) Any~~] A proposed law submitted to the people by initiative petition that is
43 approved by the voters at [~~any election does not take effect until at least five days after the date~~
44 ~~of the official proclamation of the vote by the governor.~~] an election takes effect:

45 (a) on the day that is 60 days after the adjournment sine die of the annual general
46 session of the Legislature next following the election;

47 (b) if the law effectuates a tax increase, on January 1 of the year following the annual
48 general session of the Legislature next following the election;

49 (c) if the law effectuates a tax decrease, five days after the day on which the governor
50 issues the proclamation described in Section [20A-7-211](#); or

51 (d) if the law specifies a special effective date that is after the applicable effective date
52 described in Subsection (2)(a), (b), or (c), the date specified in the law.

53 [~~(b) Any act or law submitted to the people by initiative that is approved by the voters~~
54 ~~at any election takes effect on the date specified in the initiative petition.~~]

55 [~~(c) If the initiative petition does not specify an effective date, a law approved by the~~
56 ~~voters at any election takes effect five days after the date of the official proclamation of the~~]

57 ~~vote by the governor.]~~

58 (3) (a) The governor may not veto a law adopted by the people.

59 (b) The Legislature may amend any initiative approved by the people at any legislative
60 session.

61 Section 2. Section **20A-7-506** is amended to read:

62 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
63 **county clerks -- Transfer to local clerk.**

64 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
65 county clerk of the county in which the packet was circulated on or before the sooner of:

66 (i) for county initiatives:

67 (A) 316 days after the day on which the application is filed; or

68 (B) the April 15 immediately before the next regular general election immediately after
69 the application is filed under Section [20A-7-502](#); or

70 (ii) for municipal initiatives:

71 (A) 316 days after the day on which the application is filed; or

72 (B) the April 15 immediately before the next municipal general election immediately
73 after the application is filed under Section [20A-7-502](#).

74 (b) A sponsor may not submit an initiative packet after the deadline established in this
75 Subsection (1).

76 (2) (a) No later than the earlier of 15 days after the day on which the county clerk
77 receives an initiative packet or May 1, the county clerk shall:

78 (i) check the names of all persons completing the verification on the last page of each
79 initiative packet to determine whether those persons are residents of Utah and are at least 18
80 years old; and

81 (ii) submit the name of each of those persons who is not a Utah resident or who is not
82 at least 18 years old to the attorney general and county attorney.

83 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
84 packet that is not verified in accordance with Section [20A-7-505](#).

85 (3) No later than the earlier of 30 days after the day on which the county clerk receives
86 an initiative packet or May 15, the county clerk shall:

87 (a) determine, in accordance with Section [20A-7-506.3](#), whether [~~or not~~] each signer is

88 a registered voter [~~according to the requirements of Section 20A-7-506.3~~];

89 (b) certify on the petition whether [~~or not~~] each name is that of a voter; and

90 (c) deliver all of the verified packets to the local clerk.

91 (4) The lieutenant governor may intervene to perform a responsibility described in

92 Subsection (2) or (3) related to an initiative packet if:

93 (a) the county clerk does not timely comply with the deadline described in Subsection

94 (2) or (3);

95 (b) requested by each of the first five sponsors described in Subsection

96 20A-7-502(2)(a) of the initiative petition; or

97 (c) requested by the county clerk.

98 Section 3. Section 20A-7-606 is amended to read:

99 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
100 **the county clerks -- Transfer to local clerk.**

101 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
102 county clerk of the county in which the packet was circulated no later than 45 days after the day
103 on which the sponsors receive the items described in Subsection 20A-7-604(2) from the local
104 clerk.

105 (b) A sponsor may not submit a referendum packet after the deadline established in this
106 Subsection (1).

107 (2) (a) No later than 15 days after the day on which a county clerk receives a
108 referendum packet under Subsection (1)(a), the county clerk shall:

109 (i) check the names of all persons completing the verification on the last page of each
110 referendum packet to determine whether those persons are Utah residents and are at least 18
111 years old; and

112 (ii) submit the name of each of those persons who is not a Utah resident or who is not
113 at least 18 years old to the attorney general and county attorney.

114 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
115 packet that is not verified in accordance with Section 20A-7-605.

116 (3) No later than 30 days after the day on which a county clerk receives a referendum
117 packet under Subsection (1)(a), the county clerk shall:

118 (a) determine, in accordance with Section 20A-7-606.3, whether each signer is a

119 registered voter [according to the requirements of Section [20A-7-606.3](#)];

120 (b) certify on the referendum petition whether each name is that of a registered voter;

121 and

122 (c) deliver all of the verified referendum packets to the local clerk.

123 (4) The lieutenant governor may intervene to perform a responsibility described in
124 Subsection (2) or (3) related to a referendum packet if:

125 (a) the county clerk does not timely comply with the deadline described in Subsection
126 (2) or (3);

127 (b) requested by each of the first five sponsors described in Subsection
128 [20A-7-602\(2\)\(a\)](#) of the referendum petition; or

129 (c) requested by the county clerk.

130 Section 4. Section **20A-9-403** is amended to read:

131 **20A-9-403. Regular primary elections.**

132 (1) (a) Candidates for elective office that are to be filled at the next regular general
133 election shall be nominated in a regular primary election by direct vote of the people in the
134 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
135 designated as regular primary election day. Nothing in this section shall affect a candidate's
136 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
137 Section [20A-9-501](#) or to participate in a regular general election as a write-in candidate under
138 Section [20A-9-601](#).

139 (b) Each registered political party that chooses to have the names of the registered
140 political party's candidates for elective office featured with party affiliation on the ballot at a
141 regular general election shall comply with the requirements of this section and shall nominate
142 the registered political party's candidates for elective office in the manner described in this
143 section.

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

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

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

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

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

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

163 (ii) An organization that is seeking to become a registered political party under Section
164 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
165 political party files the petition described in Section 20A-8-103.

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

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

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

174 (b) (i) A candidate for elective office shall submit nomination petitions to the
175 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
176 in March.

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

179 (c) (i) The lieutenant governor shall determine for each elective office the total number
180 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate

181 number of individuals residing in each elective office's political division who have designated a
182 particular registered political party on the individuals' voter registration forms on or before
183 November 15 of each odd-numbered year.

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

186 (d) The filing officer shall:

187 (i) verify signatures ~~[on]~~ in a nomination [petitions] petition signature packet:

188 (A) in a transparent and orderly manner; and

189 (B) before the earlier of 30 days after the day on which the filing officer receives the
190 signature packet or the deadline described in Subsection (3)(d)(ii);

191 (ii) for all qualifying candidates for elective office who submit nomination petitions to
192 the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the
193 first Monday after the third Saturday in April;

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

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

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

202 (e) The lieutenant governor may intervene to perform a responsibility described in
203 Subsection (3)(d) related to a candidate nomination signature packet if:

204 (i) the filing officer does not timely comply with the deadline described in Subsection
205 (3)(d)(i)(B);

206 (ii) requested by the candidate to whom the signature packet relates; or

207 (iii) requested by the filing officer.

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

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

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

217 (B) reflect a bona fide effort to determine the validity of a candidate's entire

218 submission, using widely recognized statistical sampling techniques; and

219 (ii) provide for the transparent, orderly, and timely submission, verification, and

220 certification of nomination petition signatures.

221 ~~[(g)]~~ (h) The county clerk shall:

222 (i) review the declarations of candidacy filed by candidates for local boards of

223 education to determine if more than two candidates have filed for the same seat;

224 (ii) place the names of all candidates who have filed a declaration of candidacy for a

225 local board of education seat on the nonpartisan section of the ballot if more than two

226 candidates have filed for the same seat; and

227 (iii) determine the order of the local board of education candidates' names on the ballot

228 in accordance with Section [20A-6-305](#).

229 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
230 governor shall provide to the county clerks:

231 (i) a list of the names of all candidates for federal, constitutional, multi-county, single

232 county, and county offices who have received certifications under Subsection (3), along with

233 instructions on how those names shall appear on the primary election ballot in accordance with

234 Section [20A-6-305](#); and

235 (ii) a list of unopposed candidates for elective office who have been nominated by a

236 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the

237 unopposed candidates from the primary election ballot.

238 (b) A candidate for lieutenant governor and a candidate for governor campaigning as

239 joint-ticket running mates shall appear jointly on the primary election ballot.

240 (c) After the county clerk receives the certified list from the lieutenant governor under

241 Subsection (4)(a), the county clerk shall post or publish a primary election notice in

242 substantially the following form:

243 "Notice is given that a primary election will be held Tuesday, June _____,
244 _____ (year), to nominate party candidates for the parties and candidates for nonpartisan
245 local school board positions listed on the primary ballot. The polling place for voting precinct
246 _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

247 Attest: county clerk."

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

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

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

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

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

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

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

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

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

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

274 whatever manner the judges determine.

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

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

282 Section 5. Section **20A-9-408** is amended to read:

283 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
284 **political party.**

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

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

292 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection
293 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the
294 nomination of the qualified political party for an elective office that is to be filled at the next
295 general election shall:

296 (a) within the period beginning on January 1 before the next regular general election
297 and ending on the third Thursday in March of the same year, and before gathering signatures
298 under this section, file with the filing officer on a form approved by the lieutenant governor a
299 notice of intent to gather signatures for candidacy that includes:

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

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

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

- 305 (iv) the address and telephone number of the member; and
- 306 (v) other information required by the lieutenant governor;
- 307 (b) file a declaration of candidacy, in person, with the filing officer on or after the
- 308 second Friday in March and before 5 p.m. on the third Thursday in March before the next
- 309 regular general election; and
- 310 (c) pay the filing fee.
- 311 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
- 312 party who, under this section, is seeking the nomination of the qualified political party for the
- 313 office of district attorney within a multicounty prosecution district that is to be filled at the next
- 314 general election shall:
 - 315 (a) on or after January 1 before the next regular general election, and before gathering
 - 316 signatures under this section, file with the filing officer on a form approved by the lieutenant
 - 317 governor a notice of intent to gather signatures for candidacy that includes:
 - 318 (i) the name of the member who will attempt to become a candidate for a registered
 - 319 political party under this section;
 - 320 (ii) the name of the registered political party for which the member is seeking
 - 321 nomination;
 - 322 (iii) the office for which the member is seeking to become a candidate;
 - 323 (iv) the address and telephone number of the member; and
 - 324 (v) other information required by the lieutenant governor;
 - 325 (b) file a declaration of candidacy, in person, with the filing officer on or after the
 - 326 second Friday in March and before 5 p.m. on the third Thursday in March before the next
 - 327 regular general election; and
 - 328 (c) pay the filing fee.
- 329 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
- 330 who files as the joint-ticket running mate of an individual who is nominated by a qualified
- 331 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
- 332 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
- 333 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
- 334 running mate.
- 335 (6) The lieutenant governor shall ensure that the certification described in Subsection

336 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
337 under this section.

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

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

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

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

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

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

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

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

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

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

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

365 (vi) for a county office race, signatures of 3% of the registered voters who are residents
366 of the area permitted to vote for the county office and are permitted by the qualified political

367 party to vote for the qualified political party's candidates in a primary election.

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

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

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

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

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

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

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

386 (d) Upon timely receipt of ~~the signatures~~ a signature packet containing a signature
387 described in Subsections (8) and (9)(a), the election officer shall, no later than the earlier of 30
388 days after the day on which the election officer receives the signature packet or one day before
389 the day on which the qualified political party holds the convention to select a nominee for the
390 elective office to which the signature packets relate:

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

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

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

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

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

403 (e) The lieutenant governor may intervene to perform a responsibility described in
404 Subsection (9)(d) related to a candidate nomination signature packet if:

405 (i) the election officer does not timely comply with the deadline described in
406 Subsection (9)(d);

407 (ii) requested by the candidate to whom the signature packet relates; or

408 (iii) requested by the election officer.

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