

ELECTIONS MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: Curtis S. Bramble

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;
- provides that, if a political party that certifies as a qualified political party:
- the political party may not change the political party's status as a qualified political party before the regular general election;
 - the lieutenant governor shall administer the election in a manner that is consistent with the political party's status as a qualified political party; and
 - may not take any action that interferes with the orderly process of the election or the duty of the lieutenant governor to administer the election in a manner that is consistent with the political party's status as a qualified political party;
- describes the duties of the lieutenant governor if a political party takes certain actions in violation of a provision of this bill; and



28 ▶ removes an unnecessary provision of law relating to the duty of a registered political
29 party.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-9-202**, as last amended by Laws of Utah 2017, Chapter 63

37 **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91

38 **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91

39 **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91

40 ENACTS:

41 **20A-9-406.5**, Utah Code Annotated 1953



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

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

45 **20A-9-202. Declarations of candidacy for regular general elections.**

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

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

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

50 (B) if applicable, before the candidate circulates nomination petitions under Section
51 **20A-9-405**; and

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

54 (ii) pay the filing fee.

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

58 (c) Each day during the filing period, each county clerk shall notify the lieutenant

59 governor electronically or by telephone of candidates who have filed in their office.

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

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

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

69 (ii) pay the filing fee.

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

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

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

76 (ii) pay the filing fee; and

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

80 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
81 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
82 candidate.

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

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

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

89 (5) (a) A declaration of candidacy filed under this section is valid unless a written

90 objection is filed with the clerk or lieutenant governor within five days after the last day for
91 filing.

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

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

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

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

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

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

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

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

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

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

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

111 (ii) the person is a member of:

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

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

117 (C) the National Guard on activated status;

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

120 (c) the person provides the filing officer with an email address to which the filing

121 officer may send the copies described in Subsection 20A-9-201(3).

122 (8) (a) Except for a candidate who is certified by a registered political party under
123 Subsection (4), and except as provided in Section 20A-9-504, on or before August 31 of a
124 general election year, each individual running as a candidate for vice president of the United
125 States shall:

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

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

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

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

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

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

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

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

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

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

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

144 **20A-9-403. Regular primary elections.**

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

152 ~~[(b) Each registered political party that chooses to have the names of the registered~~
153 ~~political party's candidates for elective office featured with party affiliation on the ballot at a~~
154 ~~regular general election shall comply with the requirements of this section and shall nominate~~
155 ~~the registered political party's candidates for elective office in the manner described in this~~
156 ~~section.]~~

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

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

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

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

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

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

176 (ii) An organization that is seeking to become a registered political party under Section
177 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
178 political party files the petition described in Section 20A-8-103.

179 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
180 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
181 office on the regular primary ballot of the registered political party listed on the declaration of
182 candidacy only if the individual is certified by the appropriate filing officer as having submitted

183 a set of nomination petitions that was:

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

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

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

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

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

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

199 (d) The filing officer shall:

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

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

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

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

209 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
210 petition signatures, or use statistical sampling procedures to verify submitted nomination
211 petition signatures in accordance with rules made under Subsection (3)(f).

212 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
213 lieutenant governor may appear on the regular primary ballot of a registered political party

214 without submitting nomination petitions if the candidate files a declaration of candidacy and
215 complies with Subsection 20A-9-202(3).

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

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

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

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

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

224 (g) The county clerk shall:

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

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

230 (iii) determine the order of the local board of education candidates' names on the ballot
231 in accordance with Section 20A-6-305.

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

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

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

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

243 (c) After the county clerk receives the certified list from the lieutenant governor under
244 Subsection (4)(a), the county clerk shall post or publish a primary election notice in

245 substantially the following form:

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

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

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

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

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

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

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

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

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

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

274 (b) When a tie vote occurs in any primary election for any county office, the district
275 court judges of the district in which the county is located shall, at a public meeting called by

276 the judges and in the presence of the candidates involved, select the nominee by lot cast in
277 whatever manner the judges determine.

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

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

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

286 **20A-9-406.5. Candidate status of political party not in compliance -- Interference**
287 **with qualified political party election process prohibited.**

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

291 (2) If a political party provides the certification described in Subsection
292 [20A-9-101\(12\)\(d\)](#):

293 (a) the political party may not change the political party's status as a qualified political
294 party before the regular general election that follows the certification;

295 (b) the lieutenant governor shall, with respect to the political party, administer the
296 election to which the declaration relates in a manner consistent with the political party's status
297 as a qualified political party; and

298 (c) the political party may not take any action that interferes with the orderly process of
299 the election, or the duty of the lieutenant governor to administer the election in accordance with
300 Subsection (2)(b), including:

301 (i) taking or threatening to take an action against a valid candidate for seeking or
302 intending to seek nomination by gathering signatures under Section [20A-9-408](#); or

303 (ii) because a valid candidate seeks or intends to seek nomination by gathering
304 signatures under Section [20A-9-408](#), seeking to prevent the placement of the valid candidate on
305 the primary election ballot as a potential nominee of the political party, or on the general
306 election ballot as the political party's nominee, in any manner, including by:

307 (A) revoking the valid candidate's status as a member of the political party; or
308 (B) refusing to allow the valid candidate to participate in the political party's
309 convention nominating process.

310 (3) Subsection (2)(c)(ii) does not prohibit a political party from controlling the political
311 party's membership or internal processes, but prohibits the political party from taking an action
312 described in Subsection (2)(c)(ii) as a means of violating Subsection (2)(a) or (c), interfering
313 with the orderly process of the election or the lieutenant governor's duties under Subsection
314 (2)(b), or acting in a manner contrary to the political party's voluntary certification under
315 Subsection 20A-9-101(12)(d).

316 (4) (a) If a political party revokes a valid candidate's status as a member of the political
317 party in violation of Subsection (2)(c)(ii)(A), the lieutenant governor shall:

318 (i) if the valid candidate otherwise qualifies under this chapter for placement on the
319 primary election ballot, place the valid candidate on the primary election ballot as a candidate
320 for nomination by the political party; and

321 (ii) if the valid candidate otherwise qualifies under this chapter for placement on the
322 general election ballot, place the valid candidate on the general election ballot as the political
323 party's nominee.

324 (b) If a qualified political party refuses to allow a valid candidate to participate in the
325 political party's convention nominating process, in violation of Subsection (2)(c)(ii)(B), the
326 lieutenant governor shall certify the candidate for the primary election ballot as a candidate for
327 nomination by the political party.

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

329 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
330 **political party.**

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

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

338 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
339 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
340 nomination of the qualified political party for an elective office that is to be filled at the next
341 general election shall:

342 (a) within the period beginning on January 1 before the next regular general election
343 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering
344 signatures under this section, file with the filing officer on a form approved by the lieutenant
345 governor a notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

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

356 (c) pay the filing fee.

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

361 (a) on or after January 1 before the next regular general election, and before gathering
362 signatures under this section, file with the filing officer on a form approved by the lieutenant
363 governor a notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

371 (b) file a declaration of candidacy, in person, with the filing officer on or after the

372 second Friday in March and before 5 p.m. on the third Thursday in March before the next

373 regular general election; and

374 (c) pay the filing fee.

375 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate

376 who files as the joint-ticket running mate of an individual who is nominated by a qualified

377 political party, under this section, for the office of governor shall, on or before 5 p.m. on the

378 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter

379 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket

380 running mate.

381 (6) The lieutenant governor shall ensure that the certification described in Subsection

382 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party

383 under this section.

384 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who

385 is nominated by a qualified political party under this section, designate the qualified political

386 party that nominated the candidate.

387 (8) A member of a qualified political party may seek the nomination of the qualified

388 political party for an elective office by:

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

390 (b) collecting signatures, on a form approved by the lieutenant governor, during the

391 period beginning on January 1 of an even-numbered year and ending [~~14 days before the day on~~

392 ~~which the qualified political party's convention for the office is held~~] at 5 p.m. on the second

393 Friday in April, in the following amounts:

394 (i) for a statewide race, 28,000 signatures of registered voters in the state who are

395 permitted by the qualified political party to vote for the qualified political party's candidates in

396 a primary election;

397 (ii) for a congressional district race, 7,000 signatures of registered voters who are

398 residents of the congressional district and are permitted by the qualified political party to vote

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

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

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

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

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

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

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

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

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

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

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

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

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

430 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that

431 apply to a candidate for office in relation to the reporting requirements described in Subsection
432 (9)(c)(i).

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

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

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

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

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

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

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

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

454 **20A-9-409. Primary election provisions relating to qualified political party.**

455 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
456 primary election day.

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

461 (b) A qualified political party that has only one candidate qualify as a candidate for an

462 elective office under Section 20A-9-408 and does not nominate a candidate for that office
463 under Section 20A-9-407, may, but is not required to, participate in the primary election for
464 that office.

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

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

471 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
472 17-52-501 or Section 17-52-502, a qualified political party shall participate in the primary
473 election for a county commission office if:

474 (a) there is more than one:

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

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

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

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

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

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

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

490 (i) provide to the county clerks:

491 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
492 county, and county offices who have received certifications from the appropriate filing officer,

493 along with instructions on how those names shall appear on the primary election ballot in
494 accordance with Section 20A-6-305; and

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

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

499 Section 6. **Effective date.**

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

Legislative Review Note
Office of Legislative Research and General Counsel