

# HB0485S01 compared with HB0485

~~{deleted text}~~ shows text that was in HB0485 but was deleted in HB0485S01.

Inserted text shows text that was not in HB0485 but was inserted into HB0485S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Adam Robertson proposes the following substitute bill:

## ELECTIONS MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

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

---

### 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~~ prohibits the lieutenant governor from

## HB0485S01 compared with HB0485

- recognizing or implementing a change in a political party's status as a  
~~{qualified}~~ registered 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}~~ or 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~~  
→ ~~removes an unnecessary provision of law relating to the duty of a registered political~~  
~~party}~~ during a certain period of time related to an election cycle.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

~~{AMENDS:~~

- ~~20A-9-202, as last amended by Laws of Utah 2017, Chapter 63~~  
~~20A-9-403, as last amended by Laws of Utah 2017, Chapter 91~~  
~~20A-9-408, as last amended by Laws of Utah 2017, Chapter 91~~  
~~20A-9-409, as last amended by Laws of Utah 2017, Chapters 54 and 91~~

~~{ENACTS:~~

20A-9-406.5, Utah Code Annotated 1953

---

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

Section 1. Section ~~{20A-9-202}~~ 20A-9-406.5 is ~~{amended}~~ enacted to read:

~~{20A-9-202. Declarations of candidacy for}~~ 20A-9-406.5. Political party -- Change of status.

(1) If, on or after October 1 of an odd-numbered year, and on or before the following regular general ~~{elections.~~

~~(1) (a) Each person seeking to become a candidate for an elective office that is to be~~

## HB0485S01 compared with HB0485

~~filled at the next regular general election shall:~~

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

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

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

~~—— (C) before 5 p.m. on the third Thursday in March before the next} election, a qualified political party changes the qualified political party's bylaws in a manner that would have the effect of the political party no longer being a qualified political party, the lieutenant governor:~~

~~(a) may not take any action recognizing the changes until after the regular general election; and~~

~~{(ii) pay the filing fee.~~

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

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

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

~~—— (2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next}{ (b) shall conduct the election in a manner consistent with the political party's status as a qualified political party.~~

~~(2) If, on or after October 1 of an odd-numbered year, and on or before the following regular general election{ shall:~~

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

~~—— (ii) pay the filing fee.~~

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

## HB0485S01 compared with HB0485

- ~~(3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each lieutenant governor candidate shall:~~
- ~~(i) file a declaration of candidacy with the lieutenant governor;~~
  - ~~(ii) pay the filing fee; and~~
  - ~~(iii) submit a letter from a candidate for governor who has received certification for the primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.~~
- ~~(b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a lieutenant governor is disqualified, another candidate shall file to replace the disqualified candidate.~~
- ~~(4) On or before August 31, each } a registered political party {shall:~~
- ~~(a) certify the names of its candidates for president and vice president of the United States to the lieutenant governor; or~~
  - ~~(b) provide written authorization for the lieutenant governor to accept the certification of candidates for president and vice president of the United States from the national office of } that is not a qualified political party changes the registered political {party.~~
- ~~(5) (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or } party's bylaws in a manner that would have the effect of the political party being a qualified political party, the lieutenant governor { within five days after the last day for filing:~~
- ~~(b) If an objection is made, the clerk or lieutenant governor shall:~~
  - ~~(i) mail or personally deliver notice of the objection to the affected candidate immediately; and~~
  - ~~(ii) decide any objection within 48 hours after it is filed.~~
  - ~~(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.~~
  - ~~(d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.~~
  - ~~(ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.~~
  - ~~(iii) The decision of the district court is final unless the Supreme Court, in the exercise~~

## HB0485S01 compared with HB0485

~~of its discretion, agrees to review the lower court decision:~~

~~—— (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk:~~

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

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

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

~~—— (ii) the person is a member of:~~

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

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

~~—— (C) the National Guard on activated status;~~

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

~~—— (c) the person provides the filing officer with an email address to which the filing officer may send the copies described in Subsection 20A-9-201(3).~~

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

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

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

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

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

~~—— (D) states that the individual agrees to be the running mate of the presidential candidate~~

## HB0485S01 compared with HB0485

~~described in Subsection (8)(a)(i)(C); and~~

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

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

~~—— (iii) submit a letter from the presidential candidate described in Subsection (8)(a)(i)(C)~~

~~that names the individual as a joint-ticket running mate as a vice presidential candidate.~~

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

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

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

~~—— **20A-9-403. Regular primary elections.**~~

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

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

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

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

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

## HB0485S01 compared with HB0485

~~—— (i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next};~~

~~(a) may not take any action recognizing the changes until after the regular general election; and~~f~~~~

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

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

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

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

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

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

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

~~—— (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline:~~

~~—— (c) (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number of individuals residing in each elective office's political division who have designated a~~

## HB0485S01 compared with HB0485

~~particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.~~

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

~~—— (d) The filing officer shall:~~

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

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

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

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

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

~~—— (c) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3);~~

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

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

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

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

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

~~—— (g) The county clerk shall:~~

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



## HB0485S01 compared with HB0485

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

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

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

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

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

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

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

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

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

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

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

~~—— (ii) for a nonpartisan local school board position, nominated for that office;~~

~~—— (b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to~~

## HB0485S01 compared with HB0485

~~be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions:~~

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

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

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

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

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

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

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

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

~~—— Section 3. Section 20A-9-406.5 is enacted to read:~~

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

## HB0485S01 compared with HB0485

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

~~—— (2) If a political party provides the certification described in Subsection 20A-9-101(12)(d):~~

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

~~—— (b) the lieutenant governor shall, with respect to the political party, administer the election to which the declaration relates;~~

~~(b) shall conduct the election in a manner consistent with the political party's status as a {qualified political party; and~~

~~—— (c) the political party 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 accordance with Subsection (2)(b), including:~~

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

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

~~—— (A) revoking the valid candidate's status as a member of the political party; or~~

~~—— (B) refusing to allow the valid candidate to participate in the political party's convention nominating process;~~

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

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

## HB0485S01 compared with HB0485

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

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

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

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

~~—— **20A-9-408. Signature-gathering process to seek the nomination of;** **that is not** a qualified political party. †~~

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

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

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

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

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

~~—— (ii) the name of the registered political party for which the member is seeking~~

## HB0485S01 compared with HB0485

### nomination;

- ~~—— (iii) the office for which the member is seeking to become a candidate;~~
- ~~—— (iv) the address and telephone number of the member; and~~
- ~~—— (v) other information required by the lieutenant governor;~~
- ~~—— (b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and~~
- ~~—— (c) pay the filing fee.~~
- ~~—— (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:~~

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

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

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

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

~~—— (iv) the address and telephone number of the member; and~~

~~—— (v) other information required by the lieutenant governor;~~

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

~~—— (c) pay the filing fee.~~

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

## HB0485S01 compared with HB0485

running mate:

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

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

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

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

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

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

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

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

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

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

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

~~—— (B) 3% of the registered voters of the qualified political party who are residents of the~~

## HB0485S01 compared with HB0485

~~applicable State Board of Education district; and~~

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

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

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

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

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

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

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

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

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

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

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

~~—— (iii) determine whether each signer is a registered voter who is qualified to sign the~~

## HB0485S01 compared with HB0485

~~petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition;~~

~~—— (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet, and~~

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

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

~~—— Section 5. Section 20A-9-409 is amended to read:~~

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

~~—— (1) The fourth Tuesday of June of each even-numbered year is designated as a regular primary election day;~~

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

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

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

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

~~—— (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52-501 or Section 17-52-502, a qualified political party shall participate in the primary~~



## HB0485S01 compared with HB0485

~~election for a county commission office if:~~

~~—— (a) there is more than one:~~

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

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

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

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

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

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

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

~~—— (i) provide to the county clerks:~~

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

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

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

~~—— Section 6;~~

### Section 2. **Effective date.**

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

**HB0485S01 compared with HB0485**

the date of veto override.

†

**Legislative Review Note**

**Office of Legislative Research and General Counsel**