

1 **LOCAL GOVERNMENT OFFICE AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Evan J. Vickers**

5 House Sponsor: Brady Brammer

7 **LONG TITLE**

8 **General Description:**

9 This bill prohibits an individual from holding certain local government offices at the
10 same time.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ prohibits an individual from, at the same time, holding a county elected office and a
14 municipal elected office;

15 ▶ for a candidate for county or municipal office, requires a filing officer to provide
16 notice of the prohibition described in the preceding paragraph at the time the
17 declaration of candidacy or nomination petition is filed; and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **10-3-301**, as last amended by Laws of Utah 2017, Chapters 91 and 137

26 **17-16-6**, as last amended by Laws of Utah 2018, Chapter 68

27 **20A-9-201**, as last amended by Laws of Utah 2018, Chapter 11

28 **20A-9-203**, as last amended by Laws of Utah 2018, Chapters 11 and 365

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

31 Section 1. Section **10-3-301** is amended to read:

32 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
33 **office -- Mayor and recorder limitations.**

34 (1) As used in this section:

35 (a) "Absent" means that an elected municipal officer fails to perform official duties,
36 including the officer's failure to attend each regularly scheduled meeting that the officer is
37 required to attend.

38 (b) "Principal place of residence" means the same as that term is defined in Section
39 [20A-2-105](#).

40 (c) "Secondary residence" means a place where an individual resides other than the
41 individual's principal place of residence.

42 (2) (a) On or before May 1 in a year in which there is a municipal general election, the
43 municipal clerk shall publish a notice that identifies:

44 (i) the municipal offices to be voted on in the municipal general election; and

45 (ii) the dates for filing a declaration of candidacy for the offices identified under
46 Subsection (2)(a)(i).

47 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

48 (i) on the Utah Public Notice Website established by Section [63F-1-701](#); and

49 (ii) in at least one of the following ways:

50 (A) at the principal office of the municipality;

51 (B) in a newspaper of general circulation within the municipality at least once a week
52 for two successive weeks in accordance with Section [45-1-101](#);

53 (C) in a newsletter produced by the municipality;

54 (D) on a website operated by the municipality; or

55 (E) with a utility enterprise fund customer's bill.

56 (3) (a) An individual who files a declaration of candidacy for a municipal office shall
57 comply with the requirements described in Section [20A-9-203](#).

58 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
59 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
60 Subsections 20A-9-203(3)(a)(i) and (b)(i) unless the date occurs on a:

- 61 (A) Saturday or Sunday; or
- 62 (B) state holiday as listed in Section 63G-1-301.

63 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
64 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
65 (3)(b)(i) without maintaining office hours by:

- 66 (A) posting the recorder's or clerk's contact information, including a phone number and
67 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
68 and, if available, on the municipal website; and
- 69 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),
70 via the contact information described in Subsection (2)(b)(ii)(A).

71 (4) An individual elected to municipal office shall be a registered voter in the
72 municipality in which the individual is elected.

73 (5) (a) Each elected officer of a municipality shall maintain a principal place of
74 residence within the municipality during the officer's term of office.

75 (b) Except as provided in Subsection (6), an elected municipal office is automatically
76 vacant if the officer elected to the municipal office, during the officer's term of office:

- 77 (i) establishes a principal place of residence outside the municipality;
- 78 (ii) resides at a secondary residence outside the municipality for a continuous period of
79 more than 60 days while still maintaining a principal place of residence within the
80 municipality;
- 81 (iii) is absent from the municipality for a continuous period of more than 60 days; or
- 82 (iv) fails to respond to a request, within 30 days after the day on which the elected
83 officer receives the request, from the county clerk or the lieutenant governor seeking
84 information to determine the officer's residency.

85 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the

86 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
87 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

88 (i) reside at a secondary residence outside the municipality while still maintaining a
89 principal place of residence within the municipality for a continuous period of up to one year
90 during the officer's term of office; or

91 (ii) be absent from the municipality for a continuous period of up to one year during
92 the officer's term of office.

93 (b) At a public meeting, the municipal legislative body may give the consent described
94 in Subsection (6)(a) by majority vote after taking public comment regarding:

95 (i) whether the legislative body should give the consent; and

96 (ii) the length of time to which the legislative body should consent.

97 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
98 treasurer.

99 (b) The recorder of a municipality may not also serve as the municipal treasurer.

100 (c) An individual who holds a county elected office may not, at the same time, hold a
101 municipal elected office.

102 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
103 individual is elected to the office or appointed to fill a vacancy in the office.

104 Section 2. Section **17-16-6** is amended to read:

105 **17-16-6. County officers -- Time of holding elections -- County commissioners --**
106 **Terms of office.**

107 (1) Except as otherwise provided in an optional plan adopted under Chapter 52a,
108 Changing Forms of County Government:

109 (a) each elected county officer shall be elected at the regular general election every four
110 years in accordance with Section **20A-1-201**, except as otherwise provided in this title;

111 (b) county commissioners shall be elected at the times, in the manner, and for the terms
112 provided in Section **17-52a-201**; and

113 (c) an elected officer shall hold office for the term for which the officer is elected,

114 beginning at noon on the first Monday in January following the officer's election and until a
115 successor is elected or appointed and qualified, except as provided in Section 17-16-1.

116 (2) (a) The terms of county officers shall be staggered in accordance with this
117 Subsection (2).

118 (b) Except as provided in Subsection (2)(c), in the 2014 general election:

119 (i) the following county officers shall be elected to one six-year term and thereafter
120 elected to a four-year term:

121 (A) county treasurer;

122 (B) county recorder;

123 (C) county surveyor; and

124 (D) county assessor; and

125 (ii) all other county officers shall be elected to a four-year term.

126 (c) If a county legislative body consolidates two or more county offices in accordance
127 with Section 17-16-3, and the consolidated offices are on conflicting election schedules, the
128 county legislative body shall pass an ordinance that sets the election schedule for the
129 consolidated offices in a reasonable manner that staggers the terms of county officers as
130 provided in this Subsection (2).

131 (3) An individual who holds a municipal elected office may not, at the same time, hold
132 a county elected office.

133 (4) The restriction described in Subsection (3) applies regardless of whether the
134 individual is elected to the office or appointed to fill a vacancy in the office.

135 Section 3. Section 20A-9-201 is amended to read:

136 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
137 **more than one political party prohibited with exceptions -- General filing and form**
138 **requirements -- Affidavit of impecuniosity.**

139 (1) Before filing a declaration of candidacy for election to any office, an individual
140 shall:

141 (a) be a United States citizen;

142 (b) meet the legal requirements of that office; and
143 (c) if seeking a registered political party's nomination as a candidate for elective office,
144 state:
145 (i) the registered political party of which the individual is a member; or
146 (ii) that the individual is not a member of a registered political party.
147 (2) (a) Except as provided in Subsection (2)(b), an individual may not:
148 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
149 Utah during any election year;
150 (ii) appear on the ballot as the candidate of more than one political party; or
151 (iii) file a declaration of candidacy for a registered political party of which the
152 individual is not a member, except to the extent that the registered political party permits
153 otherwise in the registered political party's bylaws.
154 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
155 president or vice president of the United States and another office, if the individual resigns the
156 individual's candidacy for the other office after the individual is officially nominated for
157 president or vice president of the United States.
158 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
159 than one justice court judge office.
160 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
161 the individual filed a declaration of candidacy for another office in the same election year if the
162 individual withdraws as a candidate for the other office in accordance with Subsection
163 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.
164 (3) (a) Except for a candidate for president or vice president of the United States,
165 before the filing officer may accept any declaration of candidacy, the filing officer shall:
166 (i) read to the individual the constitutional and statutory qualification requirements for
167 the office that the individual is seeking; ~~and~~
168 (ii) require the individual to state whether the individual meets ~~those~~ the
169 requirements~~:~~ described in Subsection (3)(a)(i); and

170 (iii) if the declaration of candidacy is for a county office, inform the individual that an
171 individual who holds a county elected office may not, at the same time, hold a municipal
172 elected office.

173 (b) Before accepting a declaration of candidacy for the office of county attorney, the
174 county clerk shall ensure that the individual filing that declaration of candidacy is:

175 (i) a United States citizen;

176 (ii) an attorney licensed to practice law in the state who is an active member in good
177 standing of the Utah State Bar;

178 (iii) a registered voter in the county in which the individual is seeking office; and

179 (iv) a current resident of the county in which the individual is seeking office and either
180 has been a resident of that county for at least one year or was appointed and is currently serving
181 as county attorney and became a resident of the county within 30 days after appointment to the
182 office.

183 (c) Before accepting a declaration of candidacy for the office of district attorney, the
184 county clerk shall ensure that, as of the date of the election, the individual filing that
185 declaration of candidacy is:

186 (i) a United States citizen;

187 (ii) an attorney licensed to practice law in the state who is an active member in good
188 standing of the Utah State Bar;

189 (iii) a registered voter in the prosecution district in which the individual is seeking
190 office; and

191 (iv) a current resident of the prosecution district in which the individual is seeking
192 office and either will have been a resident of that prosecution district for at least one year as of
193 the date of the election or was appointed and is currently serving as district attorney and
194 became a resident of the prosecution district within 30 days after receiving appointment to the
195 office.

196 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
197 county clerk shall ensure that the individual filing the declaration:

198 (i) is a United States citizen;
199 (ii) is a registered voter in the county in which the individual seeks office;
200 (iii) (A) has successfully met the standards and training requirements established for
201 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
202 Certification Act; or

203 (B) has met the waiver requirements in Section 53-6-206;
204 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
205 53-13-103; and

206 (v) as of the date of the election, will have been a resident of the county in which the
207 individual seeks office for at least one year.

208 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
209 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
210 Education member, the filing officer shall ensure:

211 (i) that the individual filing the declaration of candidacy also files the financial
212 disclosure required by Section 20A-11-1603; and

213 (ii) if the filing officer is not the lieutenant governor, that the individual provides the
214 financial disclosure to the lieutenant governor in accordance with Section 20A-11-1603.

215 (4) If an individual who files a declaration of candidacy does not meet the qualification
216 requirements for the office the individual is seeking, the filing officer may not accept the
217 individual's declaration of candidacy.

218 (5) If an individual who files a declaration of candidacy meets the requirements
219 described in Subsection (3), the filing officer shall:

220 (a) inform the individual that:

221 (i) the individual's name will appear on the ballot as the individual's name is written on
222 the individual's declaration of candidacy;

223 (ii) the individual may be required to comply with state or local campaign finance
224 disclosure laws; and

225 (iii) the individual is required to file a financial statement before the individual's

226 political convention under:

227 (A) Section 20A-11-204 for a candidate for constitutional office;

228 (B) Section 20A-11-303 for a candidate for the Legislature; or

229 (C) local campaign finance disclosure laws, if applicable;

230 (b) except for a presidential candidate, provide the individual with a copy of the current

231 campaign financial disclosure laws for the office the individual is seeking and inform the

232 individual that failure to comply will result in disqualification as a candidate and removal of

233 the individual's name from the ballot;

234 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide

235 Electronic Voter Information Website Program and inform the individual of the submission

236 deadline under Subsection 20A-7-801(4)(a);

237 (d) provide the candidate with a copy of the pledge of fair campaign practices

238 described under Section 20A-9-206 and inform the candidate that:

239 (i) signing the pledge is voluntary; and

240 (ii) signed pledges shall be filed with the filing officer;

241 (e) accept the individual's declaration of candidacy; and

242 (f) if the individual has filed for a partisan office, provide a certified copy of the

243 declaration of candidacy to the chair of the county or state political party of which the

244 individual is a member.

245 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing

246 officer shall:

247 (a) accept the candidate's pledge; and

248 (b) if the candidate has filed for a partisan office, provide a certified copy of the

249 candidate's pledge to the chair of the county or state political party of which the candidate is a

250 member.

251 (7) (a) Except for a candidate for president or vice president of the United States, the

252 form of the declaration of candidacy shall:

253 (i) be substantially as follows:

254 "State of Utah, County of ____
 255 I, _____, declare my candidacy for the office of _____, seeking the
 256 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
 257 hold the office, both legally and constitutionally, if selected; I reside at _____
 258 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 259 knowingly violate any law governing campaigns and elections; if filing via a designated
 260 agent, I will be out of the state of Utah during the entire candidate filing period; I will
 261 file all campaign financial disclosure reports as required by law; and I understand that
 262 failure to do so will result in my disqualification as a candidate for this office and
 263 removal of my name from the ballot. The mailing address that I designate for receiving
 264 official election notices is _____.

265 _____

266 Subscribed and sworn before me this _____(month\day\year).

267 Notary Public (or other officer qualified to administer oath)."; and

268 (ii) require the candidate to state, in the sworn statement described in Subsection
 269 (7)(a)(i):

270 (A) the registered political party of which the candidate is a member; or

271 (B) that the candidate is not a member of a registered political party.

272 (b) An agent designated under Subsection 20A-9-202(1)(b) to file a declaration of
 273 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

274 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
 275 is:

276 (i) \$50 for candidates for the local school district board; and

277 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
 278 person holding the office for all other federal, state, and county offices.

279 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
 280 any candidate:

281 (i) who is disqualified; or

282 (ii) who the filing officer determines has filed improperly.

283 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
284 from candidates.

285 (ii) The lieutenant governor shall:

286 (A) apportion to and pay to the county treasurers of the various counties all fees
287 received for filing of nomination certificates or acceptances; and

288 (B) ensure that each county receives that proportion of the total amount paid to the
289 lieutenant governor from the congressional district that the total vote of that county for all
290 candidates for representative in Congress bears to the total vote of all counties within the
291 congressional district for all candidates for representative in Congress.

292 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
293 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
294 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
295 a financial statement filed at the time the affidavit is submitted.

296 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

297 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
298 statement filed under this section shall be subject to the criminal penalties provided under
299 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

300 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
301 considered an offense under this title for the purposes of assessing the penalties provided in
302 Subsection 20A-1-609(2).

303 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
304 substantially the following form:

305 "Affidavit of Impecuniosity

306 Individual Name

307 _____ Address _____

308 Phone Number _____

309 I, _____ (name), do solemnly [swear] [affirm], under penalty of law

310 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
311 law.

312 Date _____ Signature _____

313 Affiant

314 Subscribed and sworn to before me on _____ (month\day\year)

315 _____
316 (signature)

317 Name and Title of Officer Authorized to Administer Oath _____ "

318 (v) The filing officer shall provide to a person who requests an affidavit of
319 impecuniosity a statement printed in substantially the following form, which may be included
320 on the affidavit of impecuniosity:

321 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
322 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
323 penalties, will be removed from the ballot."

324 (vi) The filing officer may request that a person who makes a claim of impecuniosity
325 under this Subsection (8)(d) file a financial statement on a form prepared by the election
326 official.

327 (9) (a) If there is no legislative appropriation for the Western States Presidential
328 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
329 president of the United States who is affiliated with a registered political party and chooses to
330 participate in the regular primary election shall:

331 (i) file a declaration of candidacy, in person or via a designated agent, with the
332 lieutenant governor:

333 (A) on a form developed and provided by the lieutenant governor; and

334 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
335 March before the next regular primary election;

336 (ii) identify the registered political party whose nomination the candidate is seeking;

337 (iii) provide a letter from the registered political party certifying that the candidate may

338 participate as a candidate for that party in that party's presidential primary election; and

339 (iv) pay the filing fee of \$500.

340 (b) A designated agent described in Subsection (9)(a)(i) may not sign the form
341 described in Subsection (9)(a)(i)(A).

342 (10) An individual who fails to file a declaration of candidacy or certificate of
343 nomination within the time provided in this chapter is ineligible for nomination to office.

344 (11) A declaration of candidacy filed under this section may not be amended or
345 modified after the final date established for filing a declaration of candidacy.

346 Section 4. Section **20A-9-203** is amended to read:

347 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

348 (1) An individual may become a candidate for any municipal office if:

349 (a) the individual is a registered voter; and

350 (b) (i) the individual has resided within the municipality in which the individual seeks
351 to hold elective office for the 12 consecutive months immediately before the date of the
352 election; or

353 (ii) the territory in which the individual resides was annexed into the municipality, the
354 individual has resided within the annexed territory or the municipality the 12 consecutive
355 months immediately before the date of the election.

356 (2) (a) For purposes of determining whether an individual meets the residency
357 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
358 before the election, the municipality is considered to have been incorporated 12 months before
359 the date of the election.

360 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
361 council position shall, if elected from a district, be a resident of the council district from which
362 the candidate is elected.

363 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
364 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
365 against the elective franchise may not hold office in this state until the right to hold elective

366 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

367 (3) (a) An individual seeking to become a candidate for a municipal office shall,
368 regardless of the nomination method by which the individual is seeking to become a candidate:

369 (i) except as provided in Subsection (3)(b), file a declaration of candidacy, in person
370 with the city recorder or town clerk, during the office hours described in Section 10-3-301 and
371 not later than the close of those office hours, between June 1 and June 7 of any odd-numbered
372 year; and

373 (ii) pay the filing fee, if one is required by municipal ordinance.

374 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
375 declaration of candidacy with the city recorder or town clerk if:

376 (i) the individual is located outside of the state during the entire filing period;

377 (ii) the designated agent appears in person before the city recorder or town clerk;

378 (iii) the individual communicates with the city recorder or town clerk using an
379 electronic device that allows the individual and city recorder or town clerk to see and hear each
380 other; and

381 (iv) the individual provides the city recorder or town clerk with an email address to
382 which the city recorder or town clerk may send the individual the copies described in
383 Subsection (4).

384 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

385 (i) filing a nomination petition with the city recorder or town clerk during the office
386 hours described in Section 10-3-301 and not later than the close of those office hours, between
387 June 1 and June 7 of any odd-numbered year; and

388 (ii) paying the filing fee, if one is required by municipal ordinance.

389 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
390 petition, the filing officer shall:

391 (i) read to the prospective candidate or individual filing the petition the constitutional
392 and statutory qualification requirements for the office that the candidate is seeking; ~~and~~

393 (ii) require the candidate or individual filing the petition to state whether the candidate

394 meets ~~[those]~~ the requirements[-] described in Subsection (4)(a)(i); and

395 (iii) inform the candidate or the individual filing the petition that an individual who
396 holds a municipal elected office may not, at the same time, hold a county elected office.

397 (b) If the prospective candidate does not meet the qualification requirements for the
398 office, the filing officer may not accept the declaration of candidacy or nomination petition.

399 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
400 filing officer shall:

401 (i) inform the candidate that the candidate's name will appear on the ballot as it is
402 written on the declaration of candidacy;

403 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
404 for the office the candidate is seeking and inform the candidate that failure to comply will
405 result in disqualification as a candidate and removal of the candidate's name from the ballot;

406 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
407 Electronic Voter Information Website Program and inform the candidate of the submission
408 deadline under Subsection 20A-7-801(4)(a);

409 (iv) provide the candidate with a copy of the pledge of fair campaign practices
410 described under Section 20A-9-206 and inform the candidate that:

411 (A) signing the pledge is voluntary; and

412 (B) signed pledges shall be filed with the filing officer; and

413 (v) accept the declaration of candidacy or nomination petition.

414 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
415 officer shall:

416 (i) accept the candidate's pledge; and

417 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
418 candidate's pledge to the chair of the county or state political party of which the candidate is a
419 member.

420 (5) (a) The declaration of candidacy shall be in substantially the following form:

421 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,

422 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
423 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
424 the legal qualifications required of candidates for this office. If filing via a designated agent, I
425 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
426 all campaign financial disclosure reports as required by law and I understand that failure to do
427 so will result in my disqualification as a candidate for this office and removal of my name from
428 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

429 _____

430 Subscribed and sworn to (or affirmed) before me by _____ on this
431 _____(month\day\year).

432 (Signed) _____ (Clerk or other officer qualified to administer oath)".

433 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
434 not sign the form described in Subsection (5)(a).

435 (6) If the declaration of candidacy or nomination petition fails to state whether the
436 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
437 for the four-year term.

438 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
439 voters.

440 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
441 print the candidate's name on the ballot.

442 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
443 clerk shall:

444 (a) cause the names of the candidates as they will appear on the ballot to be published:

445 (i) in at least two successive publications of a newspaper with general circulation in the
446 municipality; and

447 (ii) as required in Section [45-1-101](#); and

448 (b) notify the lieutenant governor of the names of the candidates as they will appear on
449 the ballot.

450 (9) Except as provided in Subsection (10)(c), an individual may not amend a
451 declaration of candidacy or nomination petition filed under this section after the candidate
452 filing period ends.

453 (10) (a) A declaration of candidacy or nomination petition that an individual files under
454 this section is valid unless a person files a written objection with the clerk within five days
455 after the last day for filing.

456 (b) If a person files an objection, the clerk shall:

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

459 (ii) decide any objection within 48 hours after the objection is filed.

460 (c) If the clerk sustains the objection, the candidate may, within three days after the day
461 on which the clerk sustains the objection, correct the problem for which the objection is
462 sustained by amending the candidate's declaration of candidacy or nomination petition, or by
463 filing a new declaration of candidacy.

464 (d) (i) The clerk's decision upon objections to form is final.

465 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
466 prompt application is made to the district court.

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

469 (11) A candidate who qualifies for the ballot under this section may withdraw as a
470 candidate by filing a written affidavit with the municipal clerk.

471 **Section 5. Effective date.**

472 This bill takes effect on January 1, 2020.