

Representative Jordan D. Teuscher proposes the following substitute bill:

STATE RESIDENCY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Election Code regarding residency determinations for candidates.

Highlighted Provisions:

This bill:

- ▶ clarifies when a presumption of residency applies;
- ▶ provides that a statement made in a declaration of candidacy is subject to the penalties of perjury;
- ▶ requires an individual who has been absent from the state for an extended period of time to provide evidence of residency with the individual's declaration of candidacy for certain political offices, with some exceptions; and
- ▶ modifies deadlines for objecting to a person's declaration of candidacy.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 **20A-2-105**, as last amended by Laws of Utah 2014, Chapter 260
- 27 **20A-9-201**, as last amended by Laws of Utah 2020, Chapter 22
- 28 **20A-9-202**, as last amended by Laws of Utah 2020, Chapter 22
- 29 **20A-9-203**, as last amended by Laws of Utah 2020, Chapter 22
- 30 **20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **20A-2-105** is amended to read:

34 **20A-2-105. Determining residency.**

35 (1) As used in this section:

36 (a) "Principal place of residence" means the single location where a person's habitation
37 is fixed and to which, whenever the person is absent, the person has the intention of returning.

38 (b) "Resident" means a person whose principal place of residence is within a specific
39 voting precinct in Utah.

40 (2) Election officials and judges shall apply the standards and requirements of this
41 section when determining whether a person is a resident for purposes of interpreting this title or
42 the Utah Constitution.

43 (3) (a) A person resides in Utah if:

44 (i) the person's principal place of residence is within Utah; and

45 (ii) the person has a present intention to maintain the person's principal place of
46 residence in Utah permanently or indefinitely.

47 (b) A person resides within a particular voting precinct if, as of the date of registering
48 to vote, the person's principal place of residence is in that voting precinct.

49 (c) A person's principal place of residence does not change solely because the person is
50 present in Utah, present in a voting precinct, absent from Utah, or absent from the person's
51 voting precinct because the person is:

52 (i) employed in the service of the United States or of Utah;

53 (ii) a student at an institution of learning;

54 (iii) incarcerated in prison or jail; or

55 (iv) residing upon an Indian or military reservation.

56 (d) (i) A member of the armed forces of the United States is not a resident of Utah

57 merely because that member is stationed at a military facility within Utah.

58 (ii) In order to be a resident of Utah, a member of the armed forces described in this
59 Subsection (3)(d) shall meet the other requirements of this section.

60 (e) (i) Except as provided in Subsection (3)(e)(ii) or (iii), a person has not lost the
61 person's principal place of residence in Utah or a precinct if that person moves to a foreign
62 country, another state, or another voting precinct within Utah, for temporary purposes with the
63 intention of returning.

64 (ii) If a person leaves the state or a voting precinct and votes in another state or voting
65 precinct, the person is no longer a resident of the state or voting precinct that the person left.

66 (iii) A person loses the person's principal place of residence in Utah or in a precinct, if,
67 after the person moves to another state or another precinct under Subsection (3)(e)(i), the
68 person forms the intent of making the other state or precinct the person's principal place of
69 residence.

70 (f) A person is not a resident of a county or voting precinct if that person comes for
71 temporary purposes and does not intend to make that county or voting precinct the person's
72 principal place of residence.

73 (g) A person loses the person's principal place of residence in Utah or in a precinct if
74 the person moves to another state or precinct with the intention of making the other state or
75 precinct the person's principal place of residence.

76 (h) If a person moves to another state or precinct with the intent of remaining there for
77 an indefinite time as the person's principal place of residence, the person loses the person's
78 residence in Utah, or in the precinct, even though the person intends to return at some future
79 time.

80 (4) An election official or judge shall, in determining a person's principal place of
81 residence, consider the following factors, to the extent that the election official or judge
82 determines the factors to be relevant:

83 (a) where the person's family resides;

84 (b) whether the person is single, married, separated, or divorced;

85 (c) the age of the person;

86 (d) where the person usually sleeps;

87 (e) where the person's minor children attend school;

- 88 (f) the location of the person's employment, income sources, or business pursuits;
- 89 (g) the location of real property owned by the person;
- 90 (h) the person's residence for purposes of taxation or tax exemption; and
- 91 (i) other relevant factors.

92 (5) (a) A person has changed the person's principal place of residence if the person:

- 93 (i) acts affirmatively to move from the state or a precinct in the state; and
- 94 (ii) has the intent to remain in another state or precinct.

95 (b) A person may not have more than one principal place of residence.

96 (c) A person does not lose the person's principal place of residence until the person
97 establishes another principal place of residence.

98 (6) In computing the period that a person is a resident, a person shall:

- 99 (a) include the day on which the person establishes the person's principal place of
100 residence; and
- 101 (b) exclude the day of the next election.

102 (7) (a) ~~[There]~~ For purposes of registering and allowing a person to vote, there is a
103 rebuttable presumption that a person's principal place of residence is in Utah and in the voting
104 precinct claimed by the person if the person makes an oath or affirmation upon a registration
105 application form that the person's principal place of residence is in Utah and in the voting
106 precinct claimed by the person.

107 (b) The election officers and election officials shall allow a person described in
108 Subsection (7)(a) to register and vote unless, upon a challenge by a registrar or some other
109 person, it is shown by law or by clear and convincing evidence that:

- 110 (i) the person's principal place of residence is not in Utah; or
- 111 (ii) the person is incarcerated in prison or jail and did not, before the person was
112 incarcerated in prison or jail, establish the person's principal place of residence in the voting
113 precinct.

114 (8) (a) The criteria described in this section for establishing a person's principal place
115 of residence for voting purposes do not apply in relation to the person's location while the
116 person is incarcerated in prison or jail.

117 (b) For voting registration purposes, the principal place of residence of a person
118 incarcerated in prison or jail is the state and voting precinct where the person's principal place

119 of residence was located before incarceration.

120 (9) If a person's principal place of residence is a residential parcel of one acre in size or
 121 smaller that is divided by the boundary line between two or more counties, that person shall be
 122 considered a resident of the county in which a majority of the residential parcel lies.

123 (10) (a) If an individual seeking to become a candidate for a political office that
 124 includes a durational residency requirement has been absent from the state for a period of more
 125 than 180 consecutive days during the applicable residency period, the individual ~~shall~~
 126a may ~~shall~~, at the
 126 time that the candidate files a declaration of candidacy, submit evidence to the filing officer to
 127 show that the individual intended to return to the state during the time of the individual's
 128 absence from the state.

129 (b) If an individual described in Subsection (10)(a) does not submit evidence to the
 130 filing officer sufficient to rebut a presumption that the individual did not intend to return to the
 131 state during the individual's absence, the filing officer may not accept the individual's
 132 declaration of candidacy.

133 (c) Subsections (10)(a) and (b) do not apply to an individual who was absent from the
 134 state because the individual was:

- 135 (i) employed in the service of the United States or of Utah;
- 136 (ii) a student at an institution of learning; or
- 137 (iii) engaged solely in religious, missionary, philanthropic, or humanitarian activities.

138 Section 2. Section **20A-9-201** is amended to read:

139 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
 140 **more than one political party prohibited with exceptions -- General filing and form**
 141 **requirements -- Affidavit of impecuniosity.**

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

- 144 (a) be a United States citizen;
- 145 (b) meet the legal requirements of that office; and
- 146 (c) if seeking a registered political party's nomination as a candidate for elective office,
 147 state:
 - 148 (i) the registered political party of which the individual is a member; or
 - 149 (ii) that the individual is not a member of a registered political party.

150 (2) (a) Except as provided in Subsection (2)(b), an individual may not:
151 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
152 Utah during any election year;
153 (ii) appear on the ballot as the candidate of more than one political party; or
154 (iii) file a declaration of candidacy for a registered political party of which the
155 individual is not a member, except to the extent that the registered political party permits
156 otherwise in the registered political party's bylaws.

157 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
158 president or vice president of the United States and another office, if the individual resigns the
159 individual's candidacy for the other office after the individual is officially nominated for
160 president or vice president of the United States.

161 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
162 than one justice court judge office.

163 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
164 the individual filed a declaration of candidacy for another office in the same election year if the
165 individual withdraws as a candidate for the other office in accordance with Subsection
166 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

167 (3) (a) Except for a candidate for president or vice president of the United States,
168 before the filing officer may accept any declaration of candidacy, the filing officer shall:
169 (i) read to the individual the constitutional and statutory qualification requirements for
170 the office that the individual is seeking;
171 (ii) require the individual to state whether the individual meets the requirements
172 described in Subsection (3)(a)(i); ~~and~~
173 (iii) if the declaration of candidacy is for a county office, inform the individual that an
174 individual who holds a county elected office may not, at the same time, hold a municipal
175 elected office~~[-]; and~~
176 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
177 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
178 or trust, under authority of the United States or Utah, from being a member of the Legislature.

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

181 (i) a United States citizen;
182 (ii) an attorney licensed to practice law in the state who is an active member in good
183 standing of the Utah State Bar;
184 (iii) a registered voter in the county in which the individual is seeking office; and
185 (iv) a current resident of the county in which the individual is seeking office and either
186 has been a resident of that county for at least one year or was appointed and is currently serving
187 as county attorney and became a resident of the county within 30 days after appointment to the
188 office.

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

192 (i) a United States citizen;
193 (ii) an attorney licensed to practice law in the state who is an active member in good
194 standing of the Utah State Bar;
195 (iii) a registered voter in the prosecution district in which the individual is seeking
196 office; and
197 (iv) a current resident of the prosecution district in which the individual is seeking
198 office and either will have been a resident of that prosecution district for at least one year as of
199 the date of the election or was appointed and is currently serving as district attorney and
200 became a resident of the prosecution district within 30 days after receiving appointment to the
201 office.

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

204 (i) is a United States citizen;
205 (ii) is a registered voter in the county in which the individual seeks office;
206 (iii) (A) has successfully met the standards and training requirements established for
207 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
208 Certification Act; or
209 (B) has met the waiver requirements in Section [53-6-206](#);
210 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
211 [53-13-103](#); and

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

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

217 (i) that the individual filing the declaration of candidacy also makes the conflict of
218 interest disclosure required by Section 20A-11-1603; and

219 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
220 individual provides the conflict of interest disclosure form to the lieutenant governor in
221 accordance with Section 20A-11-1603.

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

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

227 (a) inform the individual that:

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

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

232 (iii) the individual is required to file a financial statement before the individual's
233 political convention under:

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

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

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

237 (b) except for a presidential candidate, provide the individual with a copy of the current
238 campaign financial disclosure laws for the office the individual is seeking and inform the
239 individual that failure to comply will result in disqualification as a candidate and removal of
240 the individual's name from the ballot;

241 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
242 Electronic Voter Information Website Program and inform the individual of the submission

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

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

246 (i) signing the pledge is voluntary; and

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

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

249 (f) if the individual has filed for a partisan office, provide a certified copy of the
250 declaration of candidacy to the chair of the county or state political party of which the
251 individual is a member.

252 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
253 officer shall:

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

255 (b) if the candidate has filed for a partisan office, provide a certified copy of the
256 candidate's pledge to the chair of the county or state political party of which the candidate is a
257 member.

258 (7) (a) Except for a candidate for president or vice president of the United States, the
259 form of the declaration of candidacy shall:

260 (i) be substantially as follows:

261 "State of Utah, County of _____

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

272 _____

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

274 Notary Public (or other officer qualified to administer oath)."; and
275 (ii) require the candidate to state, in the sworn statement described in Subsection
276 (7)(a)(i):
277 (A) the registered political party of which the candidate is a member; or
278 (B) that the candidate is not a member of a registered political party.
279 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
280 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.
281 (8) (a) Except for a candidate for president or vice president of the United States, the
282 fee for filing a declaration of candidacy is:
283 (i) \$50 for candidates for the local school district board; and
284 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
285 person holding the office for all other federal, state, and county offices.
286 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
287 any candidate:
288 (i) who is disqualified; or
289 (ii) who the filing officer determines has filed improperly.
290 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
291 from candidates.
292 (ii) The lieutenant governor shall:
293 (A) apportion to and pay to the county treasurers of the various counties all fees
294 received for filing of nomination certificates or acceptances; and
295 (B) ensure that each county receives that proportion of the total amount paid to the
296 lieutenant governor from the congressional district that the total vote of that county for all
297 candidates for representative in Congress bears to the total vote of all counties within the
298 congressional district for all candidates for representative in Congress.
299 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
300 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
301 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
302 a financial statement filed at the time the affidavit is submitted.
303 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
304 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

305 statement filed under this section shall be subject to the criminal penalties provided under
306 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

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

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

312 "Affidavit of Impecuniosity

313 Individual Name

314 _____ Address _____

315 Phone Number _____

316 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
317 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
318 law.

319 Date _____ Signature _____

320 Affiant

321 Subscribed and sworn to before me on _____ (month/day/year)

322 _____
323 (signature)

324 Name and Title of Officer Authorized to Administer Oath _____".

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

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

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

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

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

338 Section 3. Section **20A-9-202** is amended to read:

339 **20A-9-202. Declarations of candidacy for regular general elections.**

340 (1) (a) An individual seeking to become a candidate for an elective office that is to be
341 filled at the next regular general election shall:

342 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person
343 with the filing officer on or after January 1 of the regular general election year, and, if
344 applicable, before the individual circulates nomination petitions under Section **20A-9-405**; and

345 (ii) pay the filing fee.

346 (b) Unless expressly provided otherwise in this title, for a registered political party that
347 is not a qualified political party, the deadline for filing a declaration of candidacy for an
348 elective office that is to be filled at the next regular general election is 5 p.m. on the first
349 Monday after the third Saturday in April.

350 (c) Subject to Subsection **20A-9-201**(7)(b), an individual may designate an agent to file
351 a declaration of candidacy with the filing officer if:

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

353 (ii) the designated agent appears in person before the filing officer;

354 (iii) the individual communicates with the filing officer using an electronic device that
355 allows the individual and filing officer to see and hear each other; and

356 (iv) the individual provides the filing officer with an email address to which the filing
357 officer may send the individual the copies described in Subsection **20A-9-201**(5).

358 (d) Each county clerk who receives a declaration of candidacy from a candidate for
359 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
360 candidacy to the lieutenant governor within one business day after the candidate files the
361 declaration of candidacy.

362 (e) Each day during the filing period, each county clerk shall notify the lieutenant
363 governor electronically or by telephone of candidates who have filed a declaration of candidacy
364 with the county clerk.

365 (f) Each individual seeking the office of lieutenant governor, the office of district
366 attorney, or the office of president or vice president of the United States shall comply with the

367 specific declaration of candidacy requirements established by this section.

368 (2) (a) Each individual intending to become a candidate for the office of district
369 attorney within a multicounty prosecution district that is to be filled at the next regular general
370 election shall:

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

374 (ii) pay the filing fee.

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

378 (3) (a) Before the deadline described in Subsection (1)(b), each lieutenant governor
379 candidate shall:

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

381 (ii) pay the filing fee; and

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

385 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

386 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
387 replace the disqualified candidate.

388 (4) Before 5 p.m. no later than August 31, each registered political party shall:

389 (a) certify the names of the political party's candidates for president and vice president
390 of the United States to the lieutenant governor; or

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

394 (5) (a) A declaration of candidacy filed under this section is valid unless a written
395 objection is filed with the clerk or lieutenant governor before 5 p.m. [~~within five days after the~~
396 ~~last day for filing~~] on the last business day that is at least 10 days before the deadline described
397 in Subsection 20A-9-409(4)(c).

- 398 (b) If an objection is made, the clerk or lieutenant governor shall:
- 399 (i) mail or personally deliver notice of the objection to the affected candidate
- 400 immediately; and
- 401 (ii) decide any objection within 48 hours after it is filed.
- 402 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
- 403 problem by amending the declaration or petition before 5 p.m. within three days after the day
- 404 on which the objection is sustained or by filing a new declaration before 5 p.m. within three
- 405 days after the day on which the objection is sustained.
- 406 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.
- 407 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
- 408 by a district court if prompt application is made to the court.
- 409 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
- 410 of its discretion, agrees to review the lower court decision.
- 411 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
- 412 filing a written affidavit with the clerk.
- 413 (7) (a) Except for a candidate who is certified by a registered political party under
- 414 Subsection (4), and except as provided in Section [20A-9-504](#), before 5 p.m. no later than
- 415 August 31 of a general election year, each individual running as a candidate for vice president
- 416 of the United States shall:
- 417 (i) file a declaration of candidacy, in person or via a designated agent, on a form
- 418 developed by the lieutenant governor, that:
- 419 (A) contains the individual's name, address, and telephone number;
- 420 (B) states that the individual meets the qualifications for the office of vice president of
- 421 the United States;
- 422 (C) names the presidential candidate, who has qualified for the general election ballot,
- 423 with which the individual is running as a joint-ticket running mate;
- 424 (D) states that the individual agrees to be the running mate of the presidential candidate
- 425 described in Subsection (7)(a)(i)(C); and
- 426 (E) contains any other necessary information identified by the lieutenant governor;
- 427 (ii) pay the filing fee; and
- 428 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)

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

430 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
431 candidacy.

432 (c) A vice presidential candidate who fails to meet the requirements described in this
433 Subsection (7) may not appear on the general election ballot.

434 (8) An individual filing a declaration of candidacy for president or vice president of the
435 United States shall pay a filing fee of \$500.

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

437 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

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

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

453 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
454 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
455 against the elective franchise may not hold office in this state until the right to hold elective
456 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

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

459 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal

460 Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
461 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
462 described in Section 10-3-301 and not later than the close of those office hours, between June 1
463 and June 7 of any odd-numbered year; and

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

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

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

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

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

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

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

476 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
477 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
478 the office hours described in Section 10-3-301 and not later than the close of those office
479 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
480 of the nomination petition of the lesser of at least:

481 (A) 25 registered voters who reside in the municipality; or

482 (B) 20% of the registered voters who reside in the municipality; and

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

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

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

488 (ii) require the candidate or individual filing the petition to state whether the candidate
489 meets the requirements described in Subsection (4)(a)(i); and

490 (iii) inform the candidate or the individual filing the petition that an individual who

491 holds a municipal elected office may not, at the same time, hold a county elected office.

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

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

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

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

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

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

506 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

516 "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at
517 ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number
518 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____
519 (stating the term). I will meet the legal qualifications required of candidates for this office. If
520 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
521 candidate filing period. I will file all campaign financial disclosure reports as required by law

522 and I understand that failure to do so will result in my disqualification as a candidate for this
523 office and removal of my name from the ballot. I request that my name be printed upon the
524 applicable official ballots. (Signed) _____

525 Subscribed and sworn to (or affirmed) before me by ____ on this
526 _____(month\day\year).

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

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

530 (c) (i) A nomination petition shall be in substantially the following form:

531 "NOMINATION PETITION

532 The undersigned residents of (name of municipality), being registered voters, nominate
533 (name of nominee) for the office of (name of office) for the (length of term of office)."

534 (ii) The remainder of the petition shall contain lines and columns for the signatures of
535 individuals signing the petition and each individual's address and phone number.

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

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

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

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

545 (a) publish a list of the names of the candidates as they will appear on the ballot:

546 (i) (A) in at least two successive publications of a newspaper of general circulation in
547 the municipality;

548 (B) if there is no newspaper of general circulation in the municipality, by posting one
549 copy of the list, and at least one additional copy of the list per 2,000 population of the
550 municipality, in places within the municipality that are most likely to give notice to the voters
551 in the municipality; or

552 (C) by mailing notice to each registered voter in the municipality;

553 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;
554 (iii) in accordance with Section 45-1-101, for seven days; and
555 (iv) if the municipality has a website, on the municipality's website for seven days; and
556 (b) notify the lieutenant governor of the names of the candidates as they will appear on
557 the ballot.

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

561 (10) (a) A declaration of candidacy or nomination petition that an individual files under
562 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
563 [~~five~~] 10 days after the last day for filing.

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

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

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

568 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
569 days after the day on which the clerk sustains the objection, correct the problem for which the
570 objection is sustained by amending the candidate's declaration of candidacy or nomination
571 petition, or by filing a new declaration of candidacy.

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

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

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

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

579 Section 5. Section 20A-9-408.5 is amended to read:

580 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

581 The declaration of candidacy form described in Sections 20A-9-407 and 20A-9-408
582 shall:

583 (1) be substantially as follows:

584 "State of Utah, County of ____
585 I, _____, declare my intention of becoming a candidate for the office of
586 ____ as a candidate for the ____ party. I do solemnly swear, under penalty of perjury, that: I
587 will meet the qualifications to hold the office, both legally and constitutionally, if selected; I
588 reside at _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____;
589 I will not knowingly violate any law governing campaigns and elections; I will file all
590 campaign financial disclosure reports as required by law; and I understand that failure to do so
591 will result in my disqualification as a candidate for this office and removal of my name from
592 the ballot. The mailing address that I designate for receiving official election notices is
593 _____
594 _____.

595 Subscribed and sworn before me this _____ (month\day\year). Notary Public (or
596 other officer qualified to administer oath).";

597 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

- 598 (a) the registered political party of which the candidate is a member; or
- 599 (b) that the candidate is not a member of a registered political party; and

600 (3) direct the candidate to indicate whether the candidate is seeking the nomination

601 using:

- 602 (a) the convention process described in Section [20A-9-407](#);
- 603 (b) the signature-gathering process described in Section [20A-9-408](#); or
- 604 (c) both processes described in Subsections (3)(a) and (b).