

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: Daniel McCay

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;
- ▶ addresses when a rebuttable presumption of residency applies for an individual filing a declaration of candidacy; 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:

20A-2-105, as last amended by Laws of Utah 2014, Chapter 260



26 20A-9-201, as last amended by Laws of Utah 2020, Chapter 22

27 20A-9-202, as last amended by Laws of Utah 2020, Chapter 22

28 20A-9-203, as last amended by Laws of Utah 2020, Chapter 22

29 20A-9-408.5, as enacted by Laws of Utah 2015, Chapter 296



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

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

33 **20A-2-105. Determining residency.**

34 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

53 (iii) incarcerated in prison or jail; or

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

55 (d) (i) A member of the armed forces of the United States is not a resident of Utah
56 merely because that member is stationed at a military facility within Utah.

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

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

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

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

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

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

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

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

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

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

84 (c) the age of the person;

85 (d) where the person usually sleeps;

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

87 (f) the location of the person's employment, income sources, or business pursuits;

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

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

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

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

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

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

98 (a) include the day on which the person establishes the person's principal place of
99 residence; and

100 (b) exclude the day of the next election.

101 (7) (a) ~~[There]~~ Except as provided in Subsection (10), there is a rebuttable presumption
102 that a person's principal place of residence is in Utah and in the voting precinct claimed by the
103 person if the person makes an oath or affirmation upon a registration application form or
104 declaration of candidacy that the person's principal place of residence is in Utah and in the
105 voting precinct claimed by the person.

106 (b) ~~[The]~~ Except as provided in Subsection (10), the election officers and election
107 officials shall allow a person described in Subsection (7)(a) to register and vote, or accept the
108 person's declaration of candidacy, unless, upon a challenge by a registrar or some other person,
109 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 may, 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) There is a rebuttable presumption that an individual described in Subsection (10)(a)
 130 intended to return to the state during the individual's absence if:

131 (i) the individual submits evidence of the individual's intent to the filing officer at the
 132 time that the individual files a declaration of candidacy; or

133 (ii) the individual was absent from the state because the individual was:

134 (A) employed in the service of the United States or of Utah;

135 (B) a student at an institution of learning; or

136 (C) engaged solely in religious, missionary, philanthropic, or humanitarian activities.

137 (c) If a ~~H~~→ **valid** ←~~H~~ written objection to an individual's declaration of candidacy is filed,
 137a there is a

138 rebuttable presumption that an individual described in Subsection (10)(a) did not intend to
 139 return to the state during the individual's absence if:

140 (i) the individual did not submit evidence of the individual's intent to the filing officer
 141 at the time that the individual filed a declaration of candidacy; and

142 (ii) the individual's absence from the state was not for one of the reasons described in
 143 Subsection (10)(b)(ii).

144 (d) An individual must rebut the presumption described in this Subsection (10) by clear
 145 and convincing evidence.

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

147 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
 148 **more than one political party prohibited with exceptions -- General filing and form**
 149 **requirements -- Affidavit of impecuniosity.**

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

- 152 (a) be a United States citizen;
- 153 (b) meet the legal requirements of that office; and
- 154 (c) if seeking a registered political party's nomination as a candidate for elective office,
155 state:
 - 156 (i) the registered political party of which the individual is a member; or
 - 157 (ii) that the individual is not a member of a registered political party.

158 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

- 159 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
160 Utah during any election year;
- 161 (ii) appear on the ballot as the candidate of more than one political party; or
- 162 (iii) file a declaration of candidacy for a registered political party of which the
163 individual is not a member, except to the extent that the registered political party permits
164 otherwise in the registered political party's bylaws.

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

- 169 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
170 than one justice court judge office.
- 171 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
172 the individual filed a declaration of candidacy for another office in the same election year if the
173 individual withdraws as a candidate for the other office in accordance with Subsection
174 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

175 (3) (a) Except for a candidate for president or vice president of the United States,
176 before the filing officer may accept any declaration of candidacy, the filing officer shall:

- 177 (i) read to the individual the constitutional and statutory qualification requirements for
178 the office that the individual is seeking;
- 179 (ii) require the individual to state whether the individual meets the requirements
180 described in Subsection (3)(a)(i); ~~and~~

181 (iii) if the declaration of candidacy is for a county office, inform the individual that an
182 individual who holds a county elected office may not, at the same time, hold a municipal
183 elected office[-]; and

184 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
185 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
186 or trust, under authority of the United States or Utah, from being a member of the Legislature.

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

189 (i) a United States citizen;

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

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

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

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

200 (i) a United States citizen;

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

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

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

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

- 212 (i) is a United States citizen;
- 213 (ii) is a registered voter in the county in which the individual seeks office;
- 214 (iii) (A) has successfully met the standards and training requirements established for
215 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
216 Certification Act; or
- 217 (B) has met the waiver requirements in Section 53-6-206;
- 218 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
219 53-13-103; and
- 220 (v) as of the date of the election, will have been a resident of the county in which the
221 individual seeks office for at least one year.
- 222 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
223 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
224 Education member, the filing officer shall ensure:
- 225 (i) that the individual filing the declaration of candidacy also makes the conflict of
226 interest disclosure required by Section 20A-11-1603; and
- 227 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
228 individual provides the conflict of interest disclosure form to the lieutenant governor in
229 accordance with Section 20A-11-1603.
- 230 (4) If an individual who files a declaration of candidacy does not meet the qualification
231 requirements for the office the individual is seeking, the filing officer may not accept the
232 individual's declaration of candidacy.
- 233 (5) If an individual who files a declaration of candidacy meets the requirements
234 described in Subsection (3), the filing officer shall:
- 235 (a) inform the individual that:
- 236 (i) the individual's name will appear on the ballot as the individual's name is written on
237 the individual's declaration of candidacy;
- 238 (ii) the individual may be required to comply with state or local campaign finance
239 disclosure laws; and
- 240 (iii) the individual is required to file a financial statement before the individual's
241 political convention under:
- 242 (A) Section 20A-11-204 for a candidate for constitutional office;

243 (B) Section 20A-11-303 for a candidate for the Legislature; or
244 (C) local campaign finance disclosure laws, if applicable;
245 (b) except for a presidential candidate, provide the individual with a copy of the current
246 campaign financial disclosure laws for the office the individual is seeking and inform the
247 individual that failure to comply will result in disqualification as a candidate and removal of
248 the individual's name from the ballot;
249 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
250 Electronic Voter Information Website Program and inform the individual of the submission
251 deadline under Subsection 20A-7-801(4)(a);
252 (d) provide the candidate with a copy of the pledge of fair campaign practices
253 described under Section 20A-9-206 and inform the candidate that:
254 (i) signing the pledge is voluntary; and
255 (ii) signed pledges shall be filed with the filing officer;
256 (e) accept the individual's declaration of candidacy; and
257 (f) if the individual has filed for a partisan office, provide a certified copy of the
258 declaration of candidacy to the chair of the county or state political party of which the
259 individual is a member.
260 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
261 officer shall:
262 (a) accept the candidate's pledge; and
263 (b) if the candidate has filed for a partisan office, provide a certified copy of the
264 candidate's pledge to the chair of the county or state political party of which the candidate is a
265 member.
266 (7) (a) Except for a candidate for president or vice president of the United States, the
267 form of the declaration of candidacy shall:
268 (i) be substantially as follows:
269 "State of Utah, County of ____
270 I, _____, declare my candidacy for the office of _____, seeking the
271 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will
272 meet the qualifications to hold the office, both legally and constitutionally, if selected; I
273 reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No.

274 ____; I will not knowingly violate any law governing campaigns and elections; if filing via a
275 designated agent, I will be out of the state of Utah during the entire candidate filing period; I
276 will file all campaign financial disclosure reports as required by law; and I understand that
277 failure to do so will result in my disqualification as a candidate for this office and removal of
278 my name from the ballot. The mailing address that I designate for receiving official election
279 notices is _____.

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

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

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

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

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

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

289 (8) (a) Except for a candidate for president or vice president of the United States, the
290 fee for filing a declaration of candidacy is:

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

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

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

296 (i) who is disqualified; or

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

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

300 (ii) The lieutenant governor shall:

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

303 (B) ensure that each county receives that proportion of the total amount paid to the
304 lieutenant governor from the congressional district that the total vote of that county for all

305 candidates for representative in Congress bears to the total vote of all counties within the
306 congressional district for all candidates for representative in Congress.

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

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

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

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

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

320 "Affidavit of Impecuniosity

321 Individual Name

322 _____ Address _____

323 Phone Number _____

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

327 Date _____ Signature _____

328 Affiant

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

330 _____
331 (signature)

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

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

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

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

342 (9) 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 (10) 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 3. Section 20A-9-202 is amended to read:

347 **20A-9-202. Declarations of candidacy for regular general elections.**

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

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

353 (ii) pay the filing fee.

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

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

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

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

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

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

366 (d) Each county clerk who receives a declaration of candidacy from a candidate for

367 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
368 candidacy to the lieutenant governor within one business day after the candidate files the
369 declaration of candidacy.

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

373 (f) Each individual seeking the office of lieutenant governor, the office of district
374 attorney, or the office of president or vice president of the United States shall comply with the
375 specific declaration of candidacy requirements established by this section.

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

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

382 (ii) pay the filing fee.

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

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

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

389 (ii) pay the filing fee; and

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

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

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

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

397 (a) certify the names of the political party's candidates for president and vice president

398 of the United States to the lieutenant governor; or

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

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

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

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

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

410 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
411 problem by amending the declaration or petition before 5 p.m. within three days after the day
412 on which the objection is sustained or by filing a new declaration before 5 p.m. within three
413 days after the day on which the objection is sustained.

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

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

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

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

421 (7) (a) Except for a candidate who is certified by a registered political party under
422 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than
423 August 31 of a general election year, each individual running as a candidate for vice president
424 of the United States shall:

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

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

428 (B) states that the individual meets the qualifications for the office of vice president of

429 the United States;

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

432 (D) states that the individual agrees to be the running mate of the presidential candidate
433 described in Subsection (7)(a)(i)(C); and

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

435 (ii) pay the filing fee; and

436 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)

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

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

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

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

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

445 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

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

458 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
459 council position shall, if elected from a district, be a resident of the council district from which

460 the candidate is elected.

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

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

467 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
468 Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
469 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
470 described in Section 10-3-301 and not later than the close of those office hours, between June 1
471 and June 7 of any odd-numbered year; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

514 (A) signing the pledge is voluntary; and

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

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

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

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

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

522 member.

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

524 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
525 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number
526 (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____
527 (stating the term). I will meet the legal qualifications required of candidates for this office. If
528 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
529 candidate filing period. I will file all campaign financial disclosure reports as required by law
530 and I understand that failure to do so will result in my disqualification as a candidate for this
531 office and removal of my name from the ballot. I request that my name be printed upon the
532 applicable official ballots. (Signed) _____

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

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

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

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

539 "NOMINATION PETITION

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

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

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

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

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

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

- 553 (a) publish a list of the names of the candidates as they will appear on the ballot:
- 554 (i) (A) in at least two successive publications of a newspaper of general circulation in
555 the municipality;
- 556 (B) if there is no newspaper of general circulation in the municipality, by posting one
557 copy of the list, and at least one additional copy of the list per 2,000 population of the
558 municipality, in places within the municipality that are most likely to give notice to the voters
559 in the municipality; or
- 560 (C) by mailing notice to each registered voter in the municipality;
- 561 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;
- 562 (iii) in accordance with Section 45-1-101, for seven days; and
- 563 (iv) if the municipality has a website, on the municipality's website for seven days; and
- 564 (b) notify the lieutenant governor of the names of the candidates as they will appear on
565 the ballot.
- 566 (9) Except as provided in Subsection (10)(c), an individual may not amend a
567 declaration of candidacy or nomination petition filed under this section after the candidate
568 filing period ends.
- 569 (10) (a) A declaration of candidacy or nomination petition that an individual files under
570 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
571 [~~five~~] 10 days after the last day for filing.
- 572 (b) If a person files an objection, the clerk shall:
- 573 (i) mail or personally deliver notice of the objection to the affected candidate
574 immediately; and
- 575 (ii) decide any objection within 48 hours after the objection is filed.
- 576 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
577 days after the day on which the clerk sustains the objection, correct the problem for which the
578 objection is sustained by amending the candidate's declaration of candidacy or nomination
579 petition, or by filing a new declaration of candidacy.
- 580 (d) (i) The clerk's decision upon objections to form is final.
- 581 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
582 prompt application is made to the district court.
- 583 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

584 of its discretion, agrees to review the lower court decision.

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

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

588 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

589 The declaration of candidacy form described in Sections **20A-9-407** and **20A-9-408**
590 shall:

591 (1) be substantially as follows:

592 "State of Utah, County of _____

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

601 _____
602 _____.

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

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

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

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

609 using:

- 610 (a) the convention process described in Section **20A-9-407**;
- 611 (b) the signature-gathering process described in Section **20A-9-408**; or
- 612 (c) both processes described in Subsections (3)(a) and (b).