

Senator Wayne A. Harper proposes the following substitute bill:

ELECTION SCHEDULE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill amends provisions relating to the election schedule.

Highlighted Provisions:

This bill:

- ▶ modifies the deadlines by which a political party is required to provide certain notifications;
- ▶ modifies the period for filing a declaration of candidacy and a notice of intent to gather signatures;
- ▶ clarifies provisions relating to the residency requirement of a candidate; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-1-508, as last amended by Laws of Utah 2019, Chapters 212, 255 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 212



- 26 20A-1-509.1, as last amended by Laws of Utah 2019, Chapter 255
- 27 20A-8-402.5, as last amended by Laws of Utah 2019, Chapter 255
- 28 20A-9-101, as last amended by Laws of Utah 2020, Chapter 344
- 29 20A-9-201, as last amended by Laws of Utah 2021, Chapters 20 and 183
- 30 20A-9-406, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49
- 31 20A-9-407, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 32 20A-9-408, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 33 20A-9-502, as last amended by Laws of Utah 2018, Chapter 11
- 34 20A-9-503, as last amended by Laws of Utah 2020, Chapter 22
- 35 20A-14-203, as last amended by Laws of Utah 2016, Chapter 16

36 ENACTS:

37 20A-9-201.5, Utah Code Annotated 1953



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

40 Section 1. Section 20A-1-508 is amended to read:

41 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**
42 **Interim replacement.**

43 (1) As used in this section:

44 (a) (i) "County offices" includes the county executive, members of the county
45 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,
46 the county recorder, the county surveyor, and the county assessor.

47 (ii) "County offices" does not include the office of county attorney, district attorney, or
48 judge.

49 (b) "Party liaison" means the political party officer designated to serve as a liaison with
50 each county legislative body on all matters relating to the political party's relationship with a
51 county as required by Section 20A-8-401.

52 (2) (a) Except as provided in Subsection (2)(d), until a county legislative body appoints
53 an interim replacement to fill a vacant county office under Subsection (3), the following shall
54 temporarily discharge the duties of the county office as a temporary manager:

55 (i) for a county office with one chief deputy, the chief deputy;

56 (ii) for a county office with more than one chief deputy:

57 (A) the chief deputy with the most cumulative time served as a chief deputy for the
58 county office; or

59 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
60 vacates the office, the county officer files with the county clerk a written statement designating
61 one of the county officer's chief deputies to discharge the duties of the county office in the
62 event the county officer vacates the office, the designated chief deputy; or

63 (iii) for a county office without a chief deputy:

64 (A) if one management-level employee serving under the county office has a
65 higher-seniority management level than any other employee serving under the county office,
66 that management-level employee;

67 (B) if two or more management-level employees serving under the county office have
68 the same and highest-seniority management level, the highest-seniority management-level
69 employee with the most cumulative time served in the employee's current position; or

70 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
71 officer vacates the office, the county officer files with the county clerk a written statement
72 designating one of the county officer's employees to discharge the county officer's duties in the
73 event the county officer vacates the office, the designated employee.

74 (b) Except as provided in Subsection (2)(c), a temporary manager described in
75 Subsection (2)(a) who temporarily discharges the duties of a county office holds the powers
76 and duties of the county office until the county legislative body appoints an interim
77 replacement under Subsection (3).

78 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
79 the duties of a county office:

80 (i) may not take an oath of office for the county office as a temporary manager;

81 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
82 Counties, and the county's budget ordinances and policies;

83 (iii) unless approved by the county legislative body, may not change the compensation
84 of an employee;

85 (iv) unless approved by the county legislative body, may not promote or demote an
86 employee or change an employee's job title;

87 (v) may terminate an employee only if the termination is conducted in accordance with:

88 (A) personnel rules described in Subsection 17-33-5(3) that are approved by the county
89 legislative body; and

90 (B) applicable law;

91 (vi) unless approved by the county legislative body, may not exceed by more than 5%
92 an expenditure that was planned before the county office for which the temporary manager
93 discharges duties was vacated;

94 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
95 compensation; and

96 (viii) if approved by the county legislative body, may receive a performance award
97 after:

98 (A) the county legislative body appoints an interim replacement under Subsection (3);
99 and

100 (B) the interim replacement is sworn into office.

101 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
102 body member.

103 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
104 county legislative body shall appoint an interim replacement to fill the vacant office by
105 following the procedures and requirements of this Subsection (3).

106 (b) (i) To appoint an interim replacement, the county legislative body shall, within 10
107 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison
108 of the same political party of the prior office holder and invite that party liaison to submit the
109 name of an individual to fill the vacancy.

110 (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the
111 liaison receives the notice described in Subsection (3)(b)(i), or if the party liaison does not
112 receive the notice, before 5 p.m. within 40 days after the day on which the vacancy occurs,
113 submit to the county legislative body the name of an individual the party selects in accordance
114 with the party's constitution or bylaws to serve as the interim replacement.

115 (iii) The county legislative body shall, no later than five days after the day on which a
116 party liaison submits the name of the individual to serve as the interim replacement, appoint the
117 individual to serve out the unexpired term.

118 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the

119 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later than five days
120 after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter
121 that:

122 (A) informs the governor that the county legislative body has failed to appoint a
123 replacement within the statutory time period; and

124 (B) contains the name of the individual submitted by the party liaison to fill the
125 vacancy.

126 (ii) The governor shall, within 10 days after the day on which the governor receives the
127 letter described in Subsection (3)(c)(i), appoint the individual named by the party liaison as an
128 interim replacement to fill the vacancy.

129 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
130 office until a successor is elected and has qualified.

131 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
132 vacant if:

133 (i) the vacant office has an unexpired term of two years or more; and

134 (ii) the vacancy occurs after the election at which the officeholder was elected, but
135 before the [~~second Friday in March of the next even-numbered year~~] first day of the declaration
136 of candidacy filing period described in Section 20A-9-201.5.

137 (b) (i) When the conditions described in Subsection (4)(a) are met, the county clerk
138 shall as soon as practicable, but no later than 180 days before the next regular general election,
139 notify the public and each registered political party that the vacancy exists.

140 (ii) An individual intending to become a party candidate for the vacant office shall file
141 a declaration of candidacy in accordance with:

142 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

143 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
144 applicable.

145 (iii) An individual who is nominated as a party candidate, who qualifies as an
146 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated
147 with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part
148 6, Write-in Candidates, shall run in the regular general election.

149 (5) (a) The requirements of this Subsection (5) apply to all county offices that become

150 vacant if:

151 (i) the vacant office has an unexpired term of two years or more; and

152 (ii) the vacancy occurs on or after the [~~second Friday in March of the next~~

153 ~~even-numbered year~~] first day of the declaration of candidacy filing period described in Section

154 20A-9-201.5, but more than 75 days before the regular primary election.

155 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall
156 as soon as practicable, but no later than 70 days before the next regular primary election, notify
157 the public and each registered political party:

158 (i) that the vacancy exists; and

159 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established
160 under Subsection (5)(d)(ii).

161 (c) (i) An individual intending to become a party candidate for a vacant office shall,
162 within five days after the day on which the notice is given, ending at the close of normal office
163 hours on the fifth day, file a declaration of candidacy for the vacant office in accordance with:

164 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

165 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
166 applicable.

167 (ii) The county central committee of each party shall:

168 (A) select a candidate or candidates from among those qualified candidates who have
169 filed declarations of candidacy; and

170 (B) certify the name of the candidate or candidates to the county clerk as soon as
171 practicable, but before 5 p.m. no later than 60 days before the day of the regular primary
172 election.

173 (d) (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
174 candidate for a vacant office who does not wish to affiliate with a registered political party
175 shall file a verified certificate of nomination described in Section 20A-9-502 with the county
176 clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.

177 (ii) (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline
178 that is before 5 p.m. no later than 65 days before the day of the next regular general election by
179 which an individual who is not affiliated with a registered political party is required to submit a
180 certificate of nomination under Subsection (5)(d)(i).

181 (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A)
182 in a manner that gives an unaffiliated candidate an equal opportunity to access the regular
183 general election ballot.

184 (e) An individual who is nominated as a party candidate for the vacant office, who
185 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates
186 not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under
187 Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

188 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
189 vacant:

190 (i) if the vacant office has an unexpired term of two years or more; and

191 (ii) when 75 days or less remain before the day of the regular primary election but more
192 than 65 days remain before the day of the regular general election.

193 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall,
194 as soon as practicable, notify the public and each registered political party:

195 (i) that the vacancy exists; and

196 (ii) of the deadlines established under Subsection (6)(d).

197 (c) (i) Before the deadline that the county clerk establishes under Subsection
198 (6)(d)(i)(A), the county central committee of each registered political party that wishes to
199 submit a candidate for the office shall certify the name of one candidate to the county clerk for
200 placement on the regular general election ballot.

201 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),
202 a candidate who does not wish to affiliate with a registered political party shall file a verified
203 certificate of nomination described in Section 20A-9-502 with the county clerk in accordance
204 with Chapter 9, Part 5, Candidates not Affiliated with a Party.

205 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C),
206 a write-in candidate shall submit to the county clerk a declaration of candidacy described in
207 Section 20A-9-601.

208 (d) (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
209 that are before 5 p.m. no later than 65 days before the day of the next regular general election
210 by which:

211 (A) a registered political party is required to certify a name under Subsection (6)(c)(i);

212 (B) an individual who does not wish to affiliate with a registered political party is
213 required to submit a certificate of nomination under Subsection (6)(c)(ii); and

214 (C) a write-in candidate is required to submit a declaration of candidacy under
215 Subsection (6)(c)(iii).

216 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
217 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the
218 regular general election ballot.

219 (e) An individual who is certified as a party candidate for the vacant office, who
220 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates
221 not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under
222 Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

223 (7) (a) The requirements of this Subsection (7) apply to all county offices that become
224 vacant:

225 (i) if the vacant office has an unexpired term of less than two years; or

226 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
227 remain before the day of the next regular general election.

228 (b) (i) When the conditions described in Subsection (7)(a) are met, the county
229 legislative body shall as soon as practicable, but no later than 10 days after the day on which
230 the vacancy occurs, give notice of the vacancy to the party liaison of the same political party as
231 the prior office holder and invite that party liaison to submit the name of an individual to fill
232 the vacancy.

233 (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the
234 party liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison does
235 not receive the notice, before 5 p.m. no later than 40 days after the day on which the vacancy
236 occurs, submit to the county legislative body the name of an individual to fill the vacancy.

237 (iii) The county legislative body shall, no later than five days after the day on which a
238 party liaison submits the name of the individual to fill the vacancy, appoint the individual to
239 serve out the unexpired term.

240 (c) (i) If the county legislative body fails to appoint an individual to fill the vacancy in
241 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

242 (A) informs the governor that the county legislative body has failed to appoint an

243 individual to fill the vacancy within the statutory time period; and

244 (B) contains the name of the individual submitted by the party liaison to fill the
245 vacancy.

246 (ii) The governor shall, within 10 days after the day on which the governor receives the
247 letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill
248 the vacancy.

249 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold
250 office until a successor is elected and has qualified.

251 (8) Except as otherwise provided by law, the county legislative body may appoint
252 replacements to fill all vacancies that occur in those offices filled by appointment of the county
253 legislative body.

254 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
255 political party from filing a certificate of nomination for a vacant office within the same time
256 limits as a candidate that is affiliated with a political party.

257 (10) (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a
258 county office shall serve for the remainder of the unexpired term of the individual who created
259 the vacancy and until a successor is elected and qualified.

260 (b) Nothing in this section may be construed to contradict or alter the provisions of
261 Section [17-16-6](#).

262 Section 2. Section **20A-1-509.1** is amended to read:

263 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
264 **or more attorneys.**

265 (1) When a vacancy occurs in the office of county or district attorney in a county or
266 district having 15 or more attorneys who are licensed active members in good standing with the
267 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

268 (2) (a) The requirements of this Subsection (2) apply when the office of county
269 attorney or district attorney becomes vacant and:

270 (i) the vacant office has an unexpired term of two years or more; and

271 (ii) the vacancy occurs before the [~~third Thursday in March of the even-numbered year~~]
272 first day of the declaration of candidacy filing period described in Section [20A-9-201.5](#).

273 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall

274 notify the public and each registered political party that the vacancy exists.

275 (c) All persons intending to become candidates for the vacant office shall:

276 (i) file a declaration of candidacy according to the procedures and requirements of
277 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

278 (ii) if nominated as a party candidate or qualified as an independent or write-in
279 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the
280 regular general election; and

281 (iii) if elected, complete the unexpired term of the person who created the vacancy.

282 (d) If the vacancy occurs [~~after the second Friday in March and before the third~~
283 ~~Thursday in March,~~] during the declaration of candidacy filing period described in Section
284 20A-9-201.5:

285 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
286 extended until 5 p.m. seven days after the [~~county clerk gives notice under Subsection (2)(b);~~
287 ~~but no later than 5 p.m. the fourth Thursday in March.~~] last day of the filing period described in
288 Section 20A-9-201.5; and

289 (ii) the county clerk shall notify the public and each registered political party that the
290 vacancy exists.

291 (3) (a) The requirements of this Subsection (3) apply when the office of county
292 attorney or district attorney becomes vacant and:

293 (i) the vacant office has an unexpired term of two years or more; and

294 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
295 but more than 75 days before the regular primary election.

296 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
297 shall:

298 (i) notify the public and each registered political party that the vacancy exists; and

299 (ii) identify the date and time by which a person interested in becoming a candidate
300 shall file a declaration of candidacy.

301 (c) All persons intending to become candidates for the vacant office shall:

302 (i) before 5 p.m. within five days after the day on which the county clerk gives the
303 notice described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as
304 required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

305 (ii) if elected, complete the unexpired term of the person who created the vacancy.
306 (d) The county central committee of each party shall:
307 (i) select a candidate or candidates from among those qualified candidates who have
308 filed declarations of candidacy; and
309 (ii) certify the name of the candidate or candidates to the county clerk:
310 (A) before 5 p.m. no later than 60 days before the day of the regular primary election;
311 or
312 (B) electronically, before midnight no later than 60 days before the day of the regular
313 primary election.
314 (4) (a) The requirements of this Subsection (4) apply when the office of county
315 attorney or district attorney becomes vacant and:
316 (i) the vacant office has an unexpired term of two years or more; and
317 (ii) 75 days or less remain before the regular primary election but more than 65 days
318 remain before the regular general election.
319 (b) When the conditions established in Subsection (4)(a) are met, the county central
320 committees of each registered political party that wish to submit a candidate for the office
321 shall, not later than five days after the day on which the vacancy occurs, certify the name of one
322 candidate to the county clerk for placement on the regular general election ballot.
323 (c) The candidate elected shall complete the unexpired term of the person who created
324 the vacancy.
325 (5) (a) The requirements of this Subsection (5) apply when the office of county
326 attorney or district attorney becomes vacant and:
327 (i) the vacant office has an unexpired term of less than two years; or
328 (ii) the vacant office has an unexpired term of two years or more but 65 days or less
329 remain before the next regular general election.
330 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
331 body shall give notice of the vacancy to the county central committee of the same political
332 party of the prior officeholder and invite that committee to submit the names of three nominees
333 to fill the vacancy.
334 (c) That county central committee shall, within 30 days after the day on which the
335 county legislative body gives the notice described in Subsection (5)(b), submit to the county

336 legislative body the names of three nominees to fill the vacancy.

337 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
338 one of those nominees to serve out the unexpired term.

339 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
340 days, the county clerk shall send to the governor a letter that:

341 (i) informs the governor that the county legislative body has failed to appoint a person
342 to fill the vacancy within the statutory time period; and

343 (ii) contains the list of nominees submitted by the party central committee.

344 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
345 within 30 days after receipt of the letter.

346 (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the
347 unexpired term of the person who created the vacancy.

348 (6) Nothing in this section prevents or prohibits independent candidates from filing a
349 declaration of candidacy for the office within the required time limits.

350 Section 3. Section **20A-8-402.5** is amended to read:

351 **20A-8-402.5. Notification of political convention dates.**

352 (1) Before 5 p.m. no later than [~~February 15 of each even-numbered~~] the first Monday
353 of October of each odd-numbered year, a registered political party shall notify the lieutenant
354 governor of the dates of each political convention that will be held by the registered political
355 party [~~that~~] the following year.

356 (2) If, after providing the notice described in Subsection (1), a registered political party
357 changes the date of a political convention, the registered political party shall notify the
358 lieutenant governor of the change before 5 p.m. no later than one business day after the day on
359 which the registered political party makes the change.

360 Section 4. Section **20A-9-101** is amended to read:

361 **20A-9-101. Definitions.**

362 As used in this chapter:

363 (1) (a) "Candidates for elective office" means persons who file a declaration of
364 candidacy under Section **20A-9-202** to run in a regular general election for a federal office,
365 constitutional office, multicounty office, or county office.

366 (b) "Candidates for elective office" does not mean candidates for:

- 367 (i) justice or judge of court of record or not of record;
- 368 (ii) presidential elector;
- 369 (iii) any political party offices; and
- 370 (iv) municipal or local district offices.
- 371 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
- 372 attorney general, state auditor, and state treasurer.
- 373 (3) "Continuing political party" means the same as that term is defined in Section
- 374 [20A-8-101](#).
- 375 (4) (a) "County office" means an elective office where the officeholder is selected by
- 376 voters entirely within one county.
- 377 (b) "County office" does not mean:
- 378 (i) the office of justice or judge of any court of record or not of record;
- 379 (ii) the office of presidential elector;
- 380 (iii) any political party offices;
- 381 (iv) any municipal or local district offices; and
- 382 (v) the office of United States Senator and United States Representative.
- 383 (5) "Federal office" means an elective office for United States Senator and United
- 384 States Representative.
- 385 (6) "Filing officer" means:
- 386 (a) the lieutenant governor, for:
- 387 (i) the office of United States Senator and United States Representative; and
- 388 (ii) all constitutional offices;
- 389 (b) for the office of a state senator or state representative, the lieutenant governor or the
- 390 applicable clerk described in Subsection (6)(c) or (d);
- 391 (c) the county clerk, for county offices and local school district offices;
- 392 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 393 (e) the city or town clerk, for municipal offices; or
- 394 (f) the local district clerk, for local district offices.
- 395 (7) "Local district office" means an elected office in a local district.
- 396 (8) "Local government office" includes county offices, municipal offices, and local
- 397 district offices and other elective offices selected by the voters from a political division entirely

398 within one county.

399 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
400 by the voters from more than one county.

401 (b) "Multicounty office" does not mean:

402 (i) a county office;

403 (ii) a federal office;

404 (iii) the office of justice or judge of any court of record or not of record;

405 (iv) the office of presidential elector;

406 (v) any political party offices; or

407 (vi) any municipal or local district offices.

408 (10) "Municipal office" means an elective office in a municipality.

409 (11) (a) "Political division" means a geographic unit from which an officeholder is
410 elected and that an officeholder represents.

411 (b) "Political division" includes a county, a city, a town, a local district, a school
412 district, a legislative district, and a county prosecution district.

413 (12) "Qualified political party" means a registered political party that:

414 (a) (i) permits a delegate for the registered political party to vote on a candidate
415 nomination in the registered political party's convention remotely; or

416 (ii) provides a procedure for designating an alternate delegate if a delegate is not
417 present at the registered political party's convention;

418 (b) does not hold the registered political party's convention before the fourth Saturday
419 in March of an even-numbered year;

420 (c) permits a member of the registered political party to seek the registered political
421 party's nomination for any elective office by the member choosing to seek the nomination by
422 either or both of the following methods:

423 (i) seeking the nomination through the registered political party's convention process,
424 in accordance with the provisions of Section [20A-9-407](#); or

425 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
426 of Section [20A-9-408](#); and

427 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
428 on ~~September 30~~ the first Monday of October of an odd-numbered year, certifies to the

429 lieutenant governor that, for the election in the following year, the registered political party
430 intends to nominate the registered political party's candidates in accordance with the provisions
431 of Section 20A-9-406; or

432 (ii) if the registered political party is not a continuing political party, certifies at the
433 time that the registered political party files the petition described in Section 20A-8-103 that, for
434 the next election, the registered political party intends to nominate the registered political
435 party's candidates in accordance with the provisions of Section 20A-9-406.

436 Section 5. Section 20A-9-201 is amended to read:

437 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
438 **more than one political party prohibited with exceptions -- General filing and form**
439 **requirements -- Affidavit of impecuniosity.**

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

442 (a) be a United States citizen;

443 (b) meet the legal requirements of that office; and

444 (c) if seeking a registered political party's nomination as a candidate for elective office,
445 state:

446 (i) the registered political party of which the individual is a member; or

447 (ii) that the individual is not a member of a registered political party.

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

449 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
450 Utah during any election year;

451 (ii) appear on the ballot as the candidate of more than one political party; or

452 (iii) file a declaration of candidacy for a registered political party of which the
453 individual is not a member, except to the extent that the registered political party permits
454 otherwise in the registered political party's bylaws.

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

459 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more

460 than one justice court judge office.

461 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
462 the individual filed a declaration of candidacy for another office in the same election year if the
463 individual withdraws as a candidate for the other office in accordance with Subsection
464 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

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

467 (i) read to the individual the constitutional and statutory qualification requirements for
468 the office that the individual is seeking;

469 (ii) require the individual to state whether the individual meets the requirements
470 described in Subsection (3)(a)(i);

471 (iii) if the declaration of candidacy is for a county office, inform the individual that an
472 individual who holds a county elected office may not, at the same time, hold a municipal
473 elected office; and

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

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

479 (i) a United States citizen;

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

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

483 (iv) a current resident of the county in which the individual is seeking office and either
484 has been a resident of that county for at least one year before the date of the election or was
485 appointed and is currently serving as county attorney and became a resident of the county
486 within 30 days after appointment to the office.

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

490 (i) a United States citizen;

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

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

495 (iv) a current resident of the prosecution district in which the individual is seeking
496 office and either will have been a resident of that prosecution district for at least one year [~~as~~
497 ~~of~~] before the date of the election or was appointed and is currently serving as district attorney
498 and became a resident of the prosecution district within 30 days after receiving appointment to
499 the office.

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

502 (i) is a United States citizen;

503 (ii) is a registered voter in the county in which the individual seeks office;

504 (iii) (A) has successfully met the standards and training requirements established for
505 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
506 Certification Act; or

507 (B) has met the waiver requirements in Section [53-6-206](#);

508 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
509 [53-13-103](#); and

510 (v) [~~as of~~] before the date of the election, will have been a resident of the county in
511 which the individual seeks office for at least one year.

512 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
513 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
514 Education member, the filing officer shall ensure that the individual filing the declaration of
515 candidacy also makes the conflict of interest disclosure described in Section [20A-11-1603](#).

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

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

521 (a) inform the individual that:

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

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

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

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

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

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

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

535 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
536 Electronic Voter Information Website Program and inform the individual of the submission
537 deadline under Subsection 20A-7-801(4)(a);

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

540 (i) signing the pledge is voluntary; and

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

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

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

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

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

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

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

553 form of the declaration of candidacy shall:

554 (i) be substantially as follows:

555 "State of Utah, County of _____

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

566 _____

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

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

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

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

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

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

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

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

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

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

582 (i) who is disqualified; or

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

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

586 (ii) The lieutenant governor shall:

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

589 (B) ensure that each county receives that proportion of the total amount paid to the
590 lieutenant governor from the congressional district that the total vote of that county for all
591 candidates for representative in Congress bears to the total vote of all counties within the
592 congressional district for all candidates for representative in Congress.

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

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

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

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

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

606 "Affidavit of Impecuniosity

607 Individual Name

608 _____ Address _____

609 Phone Number _____

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

613 Date _____ Signature _____

614 Affiant

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

616 _____
617 (signature)

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

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

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

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

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

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

632 Section 6. Section 20A-9-201.5 is enacted to read:

633 **20A-9-201.5. Declaration of candidacy filing period for a qualified political party.**

634 (1) In 2022, for a qualified political party, the filing period to file a declaration of
635 candidacy for an elective office that is to be filled at the next regular general election begins at
636 8 a.m. on February 28, 2022, and ends at 5 p.m. on March 4, 2022.

637 (2) Beginning on January 1, 2024, for a qualified political party, the filing period to file
638 a declaration of candidacy for an elective office that is to be filled at the next regular general
639 election:

640 (a) begins the later of:

641 (i) January 2 of the year in which the next regular general election is held; or

642 (ii) if January 2 is on a weekend, the first business day after January 2; and

643 (b) ends at 5 p.m. on the fourth business day after the day on which the filing period
644 begins.

645 Section 7. Section 20A-9-406 is amended to read:

646 **20A-9-406. Qualified political party -- Requirements and exemptions.**

647 The following provisions apply to a qualified political party:

648 (1) the qualified political party shall, no later than 5 p.m. on [~~November 30~~] the first
649 Monday of October of each odd-numbered year, certify to the lieutenant governor the identity
650 of one or more registered political parties whose members may vote for the qualified political
651 party's candidates and whether unaffiliated voters may vote for the qualified political party's
652 candidates;653 (2) the following provisions do not apply to a nomination for the qualified political
654 party:

655 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);

656 (b) Subsection 20A-9-403(5)(c); and

657 (c) Section 20A-9-405;

658 (3) an individual may only seek the nomination of the qualified political party by using
659 a method described in Section 20A-9-407, Section 20A-9-408, or both;660 (4) the qualified political party shall comply with the provisions of Sections
661 20A-9-407, 20A-9-408, and 20A-9-409;662 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer
663 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
664 by a qualified political party:

665 (a) under the qualified political party's name, if any; or

666 (b) under the title of the qualified registered political party as designated by the
667 qualified political party in the certification described in Subsection (1), or, if none is
668 designated, then under some suitable title;669 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
670 ballots in regular general elections, that each candidate who is nominated by the qualified
671 political party is listed by party;672 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
673 the party designation of each candidate who is nominated by the qualified political party is
674 displayed adjacent to the candidate's name on a mechanical ballot;675 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
676 includes an individual who files a declaration of candidacy under Section 20A-9-407 or

677 20A-9-408 to run in a regular general election for a federal office, constitutional office,
678 multicounty office, or county office;

679 (9) an individual who is nominated by, or seeking the nomination of, the qualified
680 political party is not required to comply with Subsection 20A-9-201(1)(c);

681 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
682 to have each of the qualified political party's candidates for elective office appear on the
683 primary ballot of the qualified political party with an indication that each candidate is a
684 candidate for the qualified political party;

685 (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
686 on the list provided by the lieutenant governor to the county clerks:

687 (a) the names of all candidates of the qualified political party for federal, constitutional,
688 multicounty, and county offices; and

689 (b) the names of unopposed candidates for elective office who have been nominated by
690 the qualified political party and instruct the county clerks to exclude such candidates from the
691 primary-election ballot;

692 (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
693 elective office in the regular primary election of the qualified political party is nominated by
694 the party for that office without appearing on the primary ballot; and

695 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
696 20A-9-405, the qualified political party is entitled to have the names of its candidates for
697 elective office featured with party affiliation on the ballot at a regular general election.

698 Section 8. Section 20A-9-407 is amended to read:

699 **20A-9-407. Convention process to seek the nomination of a qualified political**
700 **party.**

701 (1) This section describes the requirements for a member of a qualified political party
702 who is seeking the nomination of a qualified political party for an elective office through the
703 qualified political party's convention process.

704 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
705 candidacy for a member of a qualified political party who is nominated by, or who is seeking
706 the nomination of, the qualified political party under this section shall be substantially as
707 described in Section 20A-9-408.5.

708 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
709 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
710 nomination of the qualified political party for an elective office that is to be filled at the next
711 general election, shall:

712 (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in
713 person with the filing officer[:] during the declaration of candidacy filing period described in
714 Section 20A-9-201.5; and

715 [~~(i) on or after 48 days after the day on which the Legislature's general session begins,~~
716 ~~as provided in Section 36-3-201; and]~~

717 [~~(ii) before 5 p.m. 52 days after the day on which the Legislature's general session~~
718 ~~begins, as provided in Section 36-3-201; and]~~

719 (b) pay the filing fee.

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

724 (a) file a declaration of candidacy with the county clerk designated in the interlocal
725 agreement creating the prosecution district[:] during the declaration of candidacy filing period
726 described in Section 20A-9-201.5; and

727 [~~(i) on or after 48 days after the day on which the Legislature's general session begins,~~
728 ~~as provided in Section 36-3-201; and]~~

729 [~~(ii) before 5 p.m. 52 days after the day on which the Legislature's general session~~
730 ~~begins, as provided in Section 36-3-201; and]~~

731 (b) pay the filing fee.

732 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
733 who files as the joint-ticket running mate of an individual who is nominated by a qualified
734 political party, under this section, for the office of governor shall, [~~before the deadline~~
735 ~~described in Subsection 20A-9-202(1)(b)] during the declaration of candidacy filing period
736 described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the
737 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
738 mate.~~

739 (6) (a) A qualified political party that nominates a candidate under this section shall
740 certify the name of the candidate to the lieutenant governor before the deadline described in
741 Subsection 20A-9-202(1)(b).

742 (b) The lieutenant governor shall include, in the primary ballot certification or, for a
743 race where a primary is not held because the candidate is unopposed, in the general election
744 ballot certification, the name of each candidate nominated by a qualified political party under
745 this section.

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

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

750 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
751 **political party.**

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

755 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
756 candidacy for a member of a qualified political party who is nominated by, or who is seeking
757 the nomination of, the qualified political party under this section shall be substantially as
758 described in Section 20A-9-408.5.

759 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
760 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
761 nomination of the qualified political party for an elective office that is to be filled at the next
762 general election shall:

763 ~~[(a) within the period beginning on January 1 before the next regular general election~~
764 ~~and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as~~
765 ~~provided in Section 36-3-201]~~

766 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
767 and before gathering signatures under this section, file with the filing officer on a form
768 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that
769 includes:

- 770 (i) the name of the member who will attempt to become a candidate for a registered
771 political party under this section;
- 772 (ii) the name of the registered political party for which the member is seeking
773 nomination;
- 774 (iii) the office for which the member is seeking to become a candidate;
- 775 (iv) the address and telephone number of the member; and
- 776 (v) other information required by the lieutenant governor;
- 777 (b) except as provided in Subsection [20A-9-202\(1\)\(c\)](#), file a declaration of candidacy,
778 in person, with the filing officer[:] during the declaration of candidacy filing period described
779 in Section [20A-9-201.5](#); and
- 780 [~~(i) on or after 48 days after the day on which the Legislature's general session begins,~~
781 ~~as provided in Section [36-3-201](#); and]~~
- 782 [~~(ii) before 5 p.m. 52 days after the day on which the Legislature's general session~~
783 ~~begins, as provided in Section [36-3-201](#); and]~~
- 784 (c) pay the filing fee.
- 785 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political
786 party who, under this section, is seeking the nomination of the qualified political party for the
787 office of district attorney within a multicounty prosecution district that is to be filled at the next
788 general election shall:
- 789 [~~(a) on or after January 1 before the next regular general election]~~
- 790 (a) during the declaration of candidacy filing period described in Section [20A-9-201.5](#),
791 and before gathering signatures under this section, file with the filing officer on a form
792 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that
793 includes:
- 794 (i) the name of the member who will attempt to become a candidate for a registered
795 political party under this section;
- 796 (ii) the name of the registered political party for which the member is seeking
797 nomination;
- 798 (iii) the office for which the member is seeking to become a candidate;
- 799 (iv) the address and telephone number of the member; and
- 800 (v) other information required by the lieutenant governor;

801 (b) except as provided in Subsection [20A-9-202\(1\)\(c\)](#), file a declaration of candidacy,
802 in person, with the filing officer[:] during the declaration of candidacy filing period described
803 in Section [20A-9-201.5](#); and

804 [~~(i) on or after 48 days after the day on which the Legislature's general session begins,~~
805 ~~as provided in Section [36-3-201](#), and]~~

806 [~~(ii) before 5 p.m. 52 days after the day on which the Legislature's general session~~
807 ~~begins, as provided in Section [36-3-201](#), and]~~

808 (c) pay the filing fee.

809 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
810 who files as the joint-ticket running mate of an individual who is nominated by a qualified
811 political party, under this section, for the office of governor shall, [~~before the deadline~~
812 ~~described in Subsection [20A-9-202\(1\)\(b\)](#)] during the declaration of candidacy filing period
813 described in Section [20A-9-201.5](#), file a declaration of candidacy and submit a letter from the
814 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
815 mate.~~

816 (6) The lieutenant governor shall ensure that the certification described in Subsection
817 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
818 under this section.

819 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
820 is nominated by a qualified political party under this section, designate the qualified political
821 party that nominated the candidate.

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

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

825 (b) collecting signatures, on a form approved by the lieutenant governor, during the
826 period beginning on [~~January 1 of an even-numbered year~~] the day on which the member files a
827 notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the
828 qualified political party's convention for the office is held, in the following amounts:

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

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

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

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

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

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

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

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

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

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

855 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days
856 before the day on which the qualified political party holds the party's convention to select
857 candidates, for the elective office, for the qualified political party's nomination.

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

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

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

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

868 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
869 election officer shall, no later than the earlier of 14 days after the day on which the election
870 officer receives the signatures, or one day before the day on which the qualified political party
871 holds the convention to select a nominee for the elective office to which the signature packets
872 relate:

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

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

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

880 (iv) certify whether each name is that of a registered voter who is qualified to sign the
881 signature packet.

882 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
883 election officer shall, no later than one day before the day on which the qualified political party
884 holds the convention to select a nominee for the elective office to which the signature packets
885 relate, notify the qualified political party and the lieutenant governor of the name of each
886 member of the qualified political party who qualifies as a nominee of the qualified political
887 party, under this section, for the elective office to which the convention relates.

888 (f) Upon receipt of a notice of intent to gather signatures for candidacy described in
889 this section, the lieutenant governor shall post the notice of intent to gather signatures for
890 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
891 posts a declaration of candidacy.

892 Section 10. Section **20A-9-502** is amended to read:

893 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**

894 **Criminal penalty.**

895 (1) The candidate shall:

896 (a) prepare a certificate of nomination in substantially the following form:

897 "State of Utah, County of _____

898 I, _____, declare my intention of becoming an unaffiliated candidate for the
899 political group designated as ____ for the office of _____. I do solemnly swear that I can
900 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
901 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
902 that I am providing, or have provided, the required number of holographic signatures of
903 registered voters required by law; that as a candidate at the next election I will not knowingly
904 violate any election or campaign law; that, if filing via a designated agent for an office other
905 than president of the United States, I will be out of the state of Utah during the entire candidate
906 filing period; I will file all campaign financial disclosure reports as required by law; and I
907 understand that failure to do so will result in my disqualification as a candidate for this office
908 and removal of my name from the ballot.

909 _____
910 Subscribed and sworn to before me this _____(month\day\year).

911 _____
912 Notary Public (or other officer
913 qualified to administer oaths)";

914 (b) bind signature sheets to the certificate that:

915 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;

916 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line
917 blank for the purpose of binding;

918 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate
919 Certificate of Nomination Petition" printed directly below the horizontal line;

920 (iv) contain the word "Warning" printed directly under the words described in
921 Subsection (1)(b)(iii);

922 (v) contain, to the right of the word "Warning," the following statement printed in not
923 less than eight-point, single leaded type:

924 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination

925 signature sheet with any name other than the person's own name or more than once for the
926 same candidate or if the person is not registered to vote in this state and does not intend to
927 become registered to vote in this state before the county clerk certifies the signatures.";

928 (vi) contain the following statement directly under the statement described in

929 Subsection (1)(b)(v):

930 "Each signer says:

931 I have personally signed this petition with a holographic signature;

932 I am registered to vote in Utah or intend to become registered to vote in Utah before the
933 county clerk certifies my signature; and

934 My street address is written correctly after my name.";

935 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in
936 Subsection (1)(b)(vi); and

937 (viii) be vertically divided into columns as follows:

938 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
939 headed with "For Office Use Only," and be subdivided with a light vertical line down the
940 middle;

941 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
942 Name (must be legible to be counted)";

943 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
944 Registered Voter";

945 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

946 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
947 Code"; and

948 (F) at the bottom of the sheet, contain the following statement: "Birth date or age
949 information is not required, but it may be used to verify your identity with voter registration
950 records. If you choose not to provide it, your signature may not be certified as a valid signature
951 if you change your address before petition signatures are certified or if the information you
952 provide does not match your voter registration records."; and

953 (c) bind a final page to one or more signature sheets that are bound together that
954 contains, except as provided by Subsection (3), the following printed statement:

955 "Verification

956 State of Utah, County of _____

957 I, _____, of _____, hereby state that:

958 I am a Utah resident and am at least 18 years old;

959 All the names that appear on the signature sheets bound to this page were signed by
960 persons who professed to be the persons whose names appear on the signature sheets, and each
961 of them signed the person's name on the signature sheets in my presence;

962 I believe that each has printed and signed the person's name and written the person's
963 street address correctly, and that each signer is registered to vote in Utah or will register to vote
964 in Utah before the county clerk certifies the signatures on the signature sheet.

965 _____
966 (Signature) (Residence Address) (Date)".

967 (2) An agent designated to file a certificate of nomination under Subsection
968 20A-9-503~~(1)~~(2)(b) may not sign the form described in Subsection (1)(a).

969 (3) (a) The candidate shall circulate the nomination petition and ensure that the person
970 in whose presence each signature sheet is signed:

971 (i) is at least 18 years old;

972 (ii) except as provided by Subsection (3)(b), meets the residency requirements of
973 Section 20A-2-105; and

974 (iii) verifies each signature sheet by completing the verification bound to one or more
975 signature sheets that are bound together.

976 (b) A person who is not a resident may sign the verification on a petition for an
977 unaffiliated candidate for the office of president of the United States.

978 (c) A person may not sign the verification if the person signed a signature sheet bound
979 to the verification.

980 (4) (a) It is unlawful for any person to:

981 (i) knowingly sign a certificate of nomination signature sheet:

982 (A) with any name other than the person's own name;

983 (B) more than once for the same candidate; or

984 (C) if the person is not registered to vote in this state and does not intend to become
985 registered to vote in this state before the county clerk certifies the signatures; or

986 (ii) sign the verification of a certificate of nomination signature sheet if the person:

987 (A) except as provided by Subsection (3)(b), does not meet the residency requirements
988 of Section 20A-2-105;

989 (B) has not witnessed the signing by those persons whose names appear on the
990 certificate of nomination signature sheet; or

991 (C) knows that a person whose signature appears on the certificate of nomination
992 signature sheet is not registered to vote in this state and does not intend to become registered to
993 vote in this state.

994 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.

995 (5) (a) The candidate shall submit the petition and signature sheets to the county clerk
996 for certification when the petition has been completed by:

997 (i) at least 1,000 registered voters residing within the state when the nomination is for
998 an office to be filled by the voters of the entire state; or

999 (ii) at least 300 registered voters residing within a political division or at least 5% of
1000 the registered voters residing within a political division, whichever is less, when the
1001 nomination is for an office to be filled by the voters of any political division smaller than the
1002 state.

1003 (b) In reviewing the petition, the county clerk shall count and certify only those persons
1004 who signed the petition with a holographic signature who:

1005 (i) are registered voters within the political division that the candidate seeks to
1006 represent; and

1007 (ii) did not sign any other certificate of nomination for that office.

1008 (c) The candidate may supplement or amend the certificate of nomination at any time
1009 on or before the filing deadline.

1010 Section 11. Section 20A-9-503 is amended to read:

1011 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1012 (1) ~~[(a)]~~ Except as provided in Subsection (1)(b), after the certificate of nomination has
1013 been certified, executed, and acknowledged by the county clerk, the candidate shall:

1014 ~~[(i) between the second Friday in March and the close of normal office hours on the
1015 third Thursday in March of the year in which the regular general election will be held:]~~

1016 ~~[(A)]~~ (a) (i) file the petition in person with the lieutenant governor, if the office the
1017 candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the

1018 candidate seeks is a county office, during the declaration of candidacy filing period described
1019 in Section 20A-9-201.5; and

1020 ~~[(B)]~~ (ii) pay the filing fee; or

1021 ~~[(ii)]~~ (b) not later than the close of normal office hours on June 15 of any
1022 odd-numbered year:

1023 ~~[(A)]~~ (i) file the petition in person with the municipal clerk, if the candidate seeks an
1024 office in a city or town, or the local district clerk, if the candidate seeks an office in a local
1025 district; and

1026 ~~[(B)]~~ (ii) pay the filing fee.

1027 ~~[(b)(i)]~~ (2) (a) The provisions of this Subsection ~~[(1)(b)]~~ (2) do not apply to an
1028 individual who files a declaration of candidacy for president of the United States.

1029 ~~[(ii)]~~ (b) Subject to Subsections ~~[(3)]~~ (4)(c) and 20A-9-502(2), an individual may
1030 designate an agent to file a declaration of candidacy with the appropriate filing officer if:

1031 ~~[(A)]~~ (i) the individual is located outside of the state during the entire filing period;

1032 ~~[(B)]~~ (ii) the designated agent appears in person before the filing officer; and

1033 ~~[(C)]~~ (iii) the individual communicates with the filing officer using an electronic
1034 device that allows the individual and filing officer to see and hear each other.

1035 ~~[(2)]~~ (3) (a) At the time of filing, and before accepting the petition, the filing officer
1036 shall read the constitutional and statutory requirements for candidacy to the candidate.

1037 (b) If the candidate states that he does not meet the requirements, the filing officer may
1038 not accept the petition.

1039 ~~[(3)]~~ (4) (a) An individual filing a certificate of nomination for president or vice
1040 president of the United States under this section shall pay a filing fee of \$500.

1041 (b) Notwithstanding Subsection (1), ~~[a person]~~ an individual filing a certificate of
1042 nomination for president or vice president of the United States:

1043 (i) may file the certificate of nomination ~~[between the second Friday in March and the~~
1044 ~~close of normal office hours on August 15 of the year in which the regular general election will~~
1045 ~~be held]~~ during the declaration of candidacy filing period described in Section 20A-9-201.5;

1046 and

1047 (ii) may use a designated agent to file the certificate of nomination.

1048 (c) An agent designated under Subsection ~~[(1)(b)(i)]~~ (2) or described in Subsection

1049 [~~(3)~~] (4)(b)(ii) may not sign the certificate of nomination form.

1050 Section 12. Section **20A-14-203** is amended to read:

1051 **20A-14-203. Becoming a member of a local board of education -- Declaration of**
1052 **candidacy -- Election.**

1053 (1) An individual may become a candidate for a local school board by:

1054 [~~(a) (i) in the 2016 general election, by filing a declaration of candidacy with the~~
1055 ~~county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or]~~

1056 [~~(ii) in a general election held after 2016, by filing a declaration of candidacy with the~~
1057 ~~county clerk on or after the second Friday in March, and before 5 p.m. on the third Thursday in~~
1058 ~~March, before the next regular general election; and]~~

1059 (a) filing a declaration of candidacy with the county clerk during the declaration of
1060 candidacy filing period described in Section 20A-9-201.5; and

1061 (b) [~~by~~] paying the fee described in Section 20A-9-202.

1062 (2) (a) The term of office for an individual elected to a local board of education is four
1063 years, beginning on the first Monday in January after the election.

1064 (b) A member of a local board of education shall serve until a successor is elected or
1065 appointed and qualified.

1066 (c) A member of a local board of education is "qualified" when the member takes or
1067 signs the constitutional oath of office.

1068 Section 13. **Effective date.**

1069 If approved by two-thirds of all the members elected to each house, this bill takes effect
1070 upon approval by the governor, or the day following the constitutional time limit of Utah
1071 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1072 the date of veto override.