

ELECTION SIGNATURE REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Election Code related to signature gathering requirements for certain candidates seeking the nomination of a qualified political party.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the number of signatures required to seek the nomination of a qualified political party for certain state Senate, state House, and State Board of Education districts; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-9-101, as last amended by Laws of Utah 2022, Chapters 13, 325

20A-9-408, as last amended by Laws of Utah 2022, Chapters 13, 325



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

29 Section 1. Section **20A-9-101** is amended to read:

30 **20A-9-101. Definitions.**

31 As used in this chapter:

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

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

36 (i) justice or judge of court of record or not of record;

37 (ii) presidential elector;

38 (iii) any political party offices; and

39 (iv) municipal or local district offices.

40 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
41 attorney general, state auditor, and state treasurer.

42 (3) "Continuing political party" means the same as that term is defined in Section
43 **20A-8-101**.

44 (4) (a) "County office" means an elective office where the officeholder is selected by
45 voters entirely within one county.

46 (b) "County office" does not mean:

47 (i) the office of justice or judge of any court of record or not of record;

48 (ii) the office of presidential elector;

49 (iii) any political party offices;

50 (iv) any municipal or local district offices; and

51 (v) the office of United States Senator and United States Representative.

52 (5) "Dense district" means a state Senate district, state House district, or State Board of
53 Education district where, according to current United States census data, the number that is
54 equal to the district population living in a county of the first class, plus the district population
55 living in a county of the second class, plus the district population living in a county of the third
56 class, is greater than the number that is equal to the district population living in a county of the
57 fourth class, plus the district population living in a county of the fifth class, plus the district
58 population living in a county of the sixth class.

59 (6) "Dispersed district" means a state Senate district, state House district, or State
60 Board of Education district where, according to current United States census data, the number
61 that is equal to the district population living in a county of the fourth class, plus the district
62 population living in a county of the fifth class, plus the district population living in a county of
63 the sixth class, is greater than the number that is equal to the district population living in a
64 county of the first class, plus the district population living in a county of the second class, plus
65 the district population living in a county of the third class.

66 ~~[(5)]~~ (7) "Electronic candidate qualification process" means:

67 (a) as it relates to a registered political party that is not a qualified political party, the
68 process for gathering signatures electronically to seek the nomination of a registered political
69 party, described in:

70 (i) Section 20A-9-403;

71 (ii) Section 20a-9-405, except Subsections 20A-9-405(3) and (5); and

72 (iii) Section 20A-21-201; and

73 (b) as it relates to a qualified political party, the process, for gathering signatures
74 electronically to seek the nomination of a registered political party, described in:

75 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);

76 (ii) Section 20A-9-408; and

77 (iii) Section 20A-21-201.

78 ~~[(6)]~~ (8) "Federal office" means an elective office for United States Senator and United
79 States Representative.

80 ~~[(7)]~~ (9) "Filing officer" means:

81 (a) the lieutenant governor, for:

82 (i) the office of United States Senator and United States Representative; and

83 (ii) all constitutional offices;

84 (b) for the office of a state senator or state representative, the lieutenant governor or the
85 applicable clerk described in Subsection ~~[(7)]~~ (9)(c) or (d);

86 (c) the county clerk, for county offices and local school district offices;

87 (d) the county clerk in the filer's county of residence, for multicounty offices;

88 (e) the city or town clerk, for municipal offices; or

89 (f) the local district clerk, for local district offices.

90 ~~[(8)]~~ (10) "Local district office" means an elected office in a local district.

91 ~~[(9)]~~ (11) "Local government office" includes county offices, municipal offices, and
92 local district offices and other elective offices selected by the voters from a political division
93 entirely within one county.

94 ~~[(10)]~~ (12) "Manual candidate qualification process" means the process for gathering
95 signatures to seek the nomination of a registered political party, using paper signature packets
96 that a signer physically signs.

97 ~~[(11)]~~ (13) (a) "Multicounty office" means an elective office where the officeholder is
98 selected by the voters from more than one county.

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

100 (i) a county office;

101 (ii) a federal office;

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

103 (iv) the office of presidential elector;

104 (v) any political party offices; or

105 (vi) any municipal or local district offices.

106 ~~[(12)]~~ (14) "Municipal office" means an elective office in a municipality.

107 ~~[(13)]~~ (15) (a) "Political division" means a geographic unit from which an officeholder
108 is elected and that an officeholder represents.

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

111 ~~[(14)]~~ (16) "Qualified political party" means a registered political party that:

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

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

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

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

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

123 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
124 of Section 20A-9-408; and

125 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
126 on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor
127 that, for the election in the following year, the registered political party intends to nominate the
128 registered political party's candidates in accordance with the provisions of Section 20A-9-406;
129 or

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

134 ~~[(15)]~~ (17) "Signature," as it relates to a petition for a candidate to seek the nomination
135 of a registered political party, means:

136 (a) when using the manual candidate qualification process, a holographic signature
137 collected physically on a nomination petition described in Subsection 20A-9-405(3); or

138 (b) when using the electronic candidate qualification process:

139 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

140 (ii) a holographic signature collected electronically under Subsection

141 20A-21-201(6)(c)(ii)(B).

142 Section 2. Section 20A-9-408 is amended to read:

143 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
144 **political party.**

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

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

152 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
153 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
154 nomination of the qualified political party for an elective office that is to be filled at the next
155 general election shall:

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

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

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

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

165 (iv) the address and telephone number of the member; and

166 (v) other information required by the lieutenant governor;

167 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
168 in person, with the filing officer during the declaration of candidacy filing period described in
169 Section 20A-9-201.5; and

170 (c) pay the filing fee.

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

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

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

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

- 183 (iii) the office for which the member is seeking to become a candidate;
- 184 (iv) the address and telephone number of the member; and
- 185 (v) other information required by the lieutenant governor;
- 186 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
- 187 in person, with the filing officer during the declaration of candidacy filing period described in
- 188 Section 20A-9-201.5; and
- 189 (c) pay the filing fee.
- 190 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
- 191 who files as the joint-ticket running mate of an individual who is nominated by a qualified
- 192 political party, under this section, for the office of governor shall, during the declaration of
- 193 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and
- 194 submit a letter from the candidate for governor that names the lieutenant governor candidate as
- 195 a joint-ticket running mate.
- 196 (6) The lieutenant governor shall ensure that the certification described in Subsection
- 197 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
- 198 under this section.
- 199 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
- 200 is nominated by a qualified political party under this section, designate the qualified political
- 201 party that nominated the candidate.
- 202 (8) A member of a qualified political party may seek the nomination of the qualified
- 203 political party for an elective office by:
- 204 (a) complying with the requirements described in this section; and
- 205 (b) collecting signatures, on a form approved by the lieutenant governor that complies
- 206 with Subsection 20A-9-405(3), during the period beginning on the day on which the member
- 207 files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on
- 208 which the qualified political party's convention for the office is held, in the following amounts:
- 209 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
- 210 permitted by the qualified political party to vote for the qualified political party's candidates in
- 211 a primary election;
- 212 (ii) for a congressional district race, 7,000 signatures of registered voters who are
- 213 residents of the congressional district and are permitted by the qualified political party to vote

214 for the qualified political party's candidates in a primary election;

215 (iii) for a state Senate district race~~[-]~~;

216 (A) if the Senate district is a dense district, 2,000 signatures of registered voters who
217 are residents of the state Senate district and are permitted by the qualified political party to vote
218 for the qualified political party's candidates in a primary election; or

219 (B) if the Senate district is a dispersed district, 1,500 signatures of registered voters
220 who are residents of the state Senate district and are permitted by the qualified political party to
221 vote for the qualified political party's candidates in a primary election;

222 (iv) for a state House district race~~[-]~~;

223 (A) if the House district is a dense district, 1,000 signatures of registered voters who
224 are residents of the state House district and are permitted by the qualified political party to vote
225 for the qualified political party's candidates in a primary election; or

226 (B) if the House district is a dispersed district, 500 signatures of registered voters who
227 are residents of the state House district and are permitted by the qualified political party to vote
228 for the qualified political party's candidates in a primary election;

229 (v) for a State Board of Education race in a dense district, the lesser of:

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

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

235 (vi) for a State Board of Education race in a dispersed district, the lesser of:

236 (A) 1,500 signatures of registered voters who are residents of the State Board of
237 Education district and are permitted by the qualified political party to vote for the qualified
238 political party's candidates in a primary election; or

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

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

244 (9) (a) This Subsection (9) applies only to the manual candidate qualification process.

245 (b) In order for a member of the qualified political party to qualify as a candidate for
246 the qualified political party's nomination for an elective office under this section, using the
247 manual candidate qualification process, the member shall:

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

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

253 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
254 election officer shall, no later than the earlier of 14 days after the day on which the election
255 officer receives the signatures, or one day before the day on which the qualified political party
256 holds the convention to select a nominee for the elective office to which the signature packets
257 relate:

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

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

262 (iii) determine whether each signer is a registered voter who is qualified to sign the
263 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
264 on a petition; and

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

267 (10) (a) This Subsection (10) applies only to the electronic candidate qualification
268 process.

269 (b) In order for a member of the qualified political party to qualify as a candidate for
270 the qualified political party's nomination for an elective office under this section, the member
271 shall, before 5 p.m. no later than 14 days before the day on which the qualified political party
272 holds the party's convention to select candidates, for the elective office, for the qualified
273 political party's nomination, collect signatures electronically:

274 (i) in accordance with Section 20A-21-201; and

275 (ii) using progressive screens, in a format approved by the lieutenant governor, that

276 complies with Subsection 20A-9-405(4).

277 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
278 election officer shall, no later than the earlier of 14 days after the day on which the election
279 officer receives the signatures, or one day before the day on which the qualified political party
280 holds the convention to select a nominee for the elective office to which the signature packets
281 relate:

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

284 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a
285 Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

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

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

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

293 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
294 apply to a candidate for office in relation to the reporting requirements described in Subsection
295 (11)(b)(i).

296 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or
297 Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on
298 which the qualified political party holds the convention to select a nominee for the elective
299 office to which the signature packets relate, notify the qualified political party and the
300 lieutenant governor of the name of each member of the qualified political party who qualifies
301 as a nominee of the qualified political party, under this section, for the elective office to which
302 the convention relates.

303 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in
304 this section, the lieutenant governor shall post the notice of intent to gather signatures for
305 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
306 posts a declaration of candidacy.