

PRIMARY BALLOT REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the nomination for an elective office of a member of a qualified political party.

Highlighted Provisions:

This bill:

▸ requires a qualified political party to report the results of a nominating convention to the lieutenant governor;

▸ provides that a qualified political party may opt-in to a nomination method where a candidate that receives 70% or more of the votes for an elective office at a nominating convention automatically eliminates a candidate nominated for that office through the signature-gathering process;

▸ provides that, under the nomination method described above, a candidate receiving 70% or more of the votes at a nominating convention is not required to participate in the primary election in certain circumstances; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **20A-1-502**, as last amended by Laws of Utah 2020, Chapter 13

30 **20A-1-502.5**, as enacted by Laws of Utah 2020, Chapter 13

31 **20A-9-101**, as last amended by Laws of Utah 2022, Chapters 13, 325

32 **20A-9-406**, as last amended by Laws of Utah 2022, Chapter 13

33 **20A-9-407**, as last amended by Laws of Utah 2022, Chapter 13

34 **20A-9-408**, as last amended by Laws of Utah 2022, Chapters 13, 325

35 **20A-9-409**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

36 ENACTS:

37 **20A-9-408.7**, Utah Code Annotated 1953



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

40 Section 1. Section **20A-1-502** is amended to read:

41 **20A-1-502. Midterm vacancy in office of United States senator.**

42 (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office
43 of United States senator, the governor shall, within seven days after the day on which the
44 vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy
45 that:

46 (a) sets a date for a primary congressional special election, and a later date for a general
47 congressional special election, on the same day as one of the following elections:

- 48 (i) a municipal general election;
- 49 (ii) a presidential primary election;
- 50 (iii) a regular primary election; or
- 51 (iv) a regular general election;

52 (b) sets the date of the primary congressional special election on the same day as the
53 next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the
54 day on which the governor issues the proclamation;

55 (c) sets the date of the general special congressional election on the same day as the
56 next election described in Subsection (1)(a) that is more than 90 days after the primary special
57 congressional election described in Subsection (1)(b);

58 (d) provides each registered political party that is not a qualified political party at least

59 21 days, but no more than 28 days, to select one candidate, in a manner determined by the
60 registered political party, as a candidate for the registered political party;

61 (e) subject to Section 20A-9-408.7, if applicable, for each qualified political party,
62 provides at least 21 days, but no more than 28 days:

63 (i) for the qualified political party to select one candidate, using the convention process
64 described in Section 20A-9-407, as a candidate for the qualified political party; and

65 (ii) for a member of the qualified political party to submit signatures to qualify as a
66 candidate for the qualified political party using the signature-gathering process described in
67 Section 20A-9-408;

68 (f) consistent with the requirements of this section, establishes the deadlines, time
69 frames, and procedures for filing a declaration of candidacy, giving notice of an election, and
70 other election requirements; and

71 (g) requires an election officer to comply with the requirements of Chapter 16,
72 Uniform Military and Overseas Voters Act.

73 (2) (a) The governor may set a date for a primary special congressional election or a
74 general special congressional election on a date other than a date described in Subsection (1)(a)
75 if:

76 (i) on the same day on which the governor issues the proclamation described in
77 Subsection (1) the governor calls a special session for the Legislature to appropriate money to
78 hold the election on a different day; or

79 (ii) if the governor issues the proclamation described in Subsection (1) on or after
80 January 1, but before the end of the general session of the Legislature, and requests in the
81 proclamation described in Subsection (1) that the Legislature appropriate money to hold the
82 election on a different day.

83 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the
84 election on a different day, the proclamation described in Subsection (1) is void and the
85 governor shall, within seven days after the day on which the Legislature declines to appropriate
86 money to hold the election on a different day, issue a proclamation, in accordance with
87 Subsection (1), that sets the special congressional primary and general elections on dates
88 described in Subsections (1)(a)(i) through (iv).

89 (3) A special congressional election to fill a vacancy in the office of United States

90 senator will not be held if:

91 (a) the next regular general election that occurs after the day on which the vacancy
92 occurs is the regular general election that occurs immediately before the six-year term for the
93 senate office ends; and

94 (b) the vacancy occurs after August 1 of the year before the regular general election
95 described in Subsection (3)(a).

96 (4) (a) The governor shall appoint an individual to temporarily fill a vacancy in the
97 office of United States senator from one of three individuals nominated by the Legislature,
98 each of whom is a member of the political party of which the prior officeholder was a member
99 at the time the prior officeholder was elected.

100 (b) The individual appointed under Subsection (4)(a) shall serve as United States
101 senator until the earlier of the day on which:

- 102 (i) the vacancy is filled by election under Subsection (1) or (2); or
- 103 (ii) the six-year term for the senate office ends.

104 (5) An individual elected to fill a vacancy under this section shall serve until the end of
105 the current term in which the vacancy filled by the election occurs.

106 (6) A vacancy in the office of United States senator does not occur unless the senator:

- 107 (a) has left the office; or
- 108 (b) submits an irrevocable letter of resignation to the governor or to the president of the
109 United States Senate.

110 Section 2. Section **20A-1-502.5** is amended to read:

111 **20A-1-502.5. Midterm vacancy in office of United States representative.**

112 (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office
113 of United States representative, the governor shall, within seven days after the day on which the
114 vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy
115 that:

116 (a) sets a date for a primary congressional special election, and a later date for a general
117 congressional special election, on the same day as one of the following elections:

- 118 (i) a municipal general election;
- 119 (ii) a presidential primary election;
- 120 (iii) a regular primary election; or

- 121 (iv) a regular general election;
- 122 (b) sets the date of the primary congressional special election on the same day as the
123 next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the
124 day on which the governor issues the proclamation;
- 125 (c) sets the date of the general special congressional election on the same day as the
126 next election described in Subsection (1)(a) that is more than 90 days after the primary special
127 congressional election described in Subsection (1)(b);
- 128 (d) provides each registered political party that is not a qualified political party at least
129 21 days, but no more than 28 days, to select one candidate, in a manner determined by the
130 registered political party, as a candidate for the registered political party;
- 131 (e) subject to Section 20A-9-408.7, if applicable, for each qualified political party,
132 provides at least 21 days, but no more than 28 days:
 - 133 (i) for the qualified political party to select one candidate, using the convention process
134 described in Section 20A-9-407, as a candidate for the qualified political party; and
 - 135 (ii) for a member of the qualified political party to submit signatures to qualify as a
136 candidate for the qualified political party using the signature-gathering process described in
137 Section 20A-9-408;
- 138 (f) consistent with the requirements of this section, establishes the deadlines, time
139 frames, and procedures for filing a declaration of candidacy, giving notice of an election, and
140 other election requirements; and
- 141 (g) requires an election officer to comply with the requirements of Chapter 16,
142 Uniform Military and Overseas Voters Act.
- 143 (2) The governor may set a date for a primary special congressional election or a
144 general special congressional election on a date other than a date described in Subsection (1)(a)
145 if:
 - 146 (a) on the same day on which the governor issues the proclamation described in
147 Subsection (1) the governor calls a special session for the Legislature to appropriate money to
148 hold the election on a different day; or
 - 149 (b) if the governor issues the proclamation described in Subsection (1) on or after
150 January 1, but before the end of the general session of the Legislature, and requests in the
151 proclamation described in Subsection (1) that the Legislature appropriate money to hold the

152 election on a different day.

153 (3) If the Legislature does not, under Subsection (2), appropriate money to hold the
154 election on a different day, the proclamation described in Subsection (1) is void and the
155 governor shall, within seven days after the day on which the Legislature declines to appropriate
156 money to hold the election on a different day, issue a proclamation, in accordance with
157 Subsection (1), that sets the special congressional primary and general elections on dates
158 described in Subsections (1)(a)(i) through (iv).

159 (4) A special congressional election to fill a vacancy in the office of United States
160 representative will not be held if the vacancy occurs fewer than 180 days before the next
161 regular general election.

162 (5) An individual who fills a vacancy under this section shall serve until the end of the
163 current term in which the vacancy occurs.

164 (6) A vacancy in the office of United States representative does not occur unless the
165 representative:

166 (a) has left the office; or

167 (b) submits an irrevocable letter of resignation to the governor or to the speaker of the
168 United States House of Representatives.

169 Section 3. Section **20A-9-101** is amended to read:

170 **20A-9-101. Definitions.**

171 As used in this chapter:

172 (1) (a) "Candidates for elective office" means persons who file a declaration of
173 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,
174 constitutional office, multicounty office, or county office.

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

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

177 (ii) presidential elector;

178 (iii) any political party offices; and

179 (iv) municipal or local district offices.

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

182 (3) "Continuing political party" means the same as that term is defined in Section

183 20A-8-101.

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

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

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

188 (ii) the office of presidential elector;

189 (iii) any political party offices;

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

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

192 (5) "Electronic candidate qualification process" means:

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

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

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

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

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

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

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

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

204 (6) "Federal office" means an elective office for United States Senator and United
205 States Representative.

206 (7) "Filing officer" means:

207 (a) the lieutenant governor, for:

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

209 (ii) all constitutional offices;

210 (b) for the office of a state senator or state representative, the lieutenant governor or the
211 applicable clerk described in Subsection (7)(c) or (d);

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

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

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

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

216 (8) "Local district office" means an elected office in a local district.

217 (9) "Local government office" includes county offices, municipal offices, and local
218 district offices and other elective offices selected by the voters from a political division entirely
219 within one county.

220 (10) "Manual candidate qualification process" means the process for gathering
221 signatures to seek the nomination of a registered political party, using paper signature packets
222 that a signer physically signs.

223 (11) (a) "Multicounty office" means an elective office where the officeholder is
224 selected by the voters from more than one county.

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

226 (i) a county office;

227 (ii) a federal office;

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

229 (iv) the office of presidential elector;

230 (v) any political party offices; or

231 (vi) any municipal or local district offices.

232 (12) "Municipal office" means an elective office in a municipality.

233 (13) (a) "Political division" means a geographic unit from which an officeholder is
234 elected and that an officeholder represents.

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

237 (14) "Qualified political party" means a registered political party that:

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

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

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

244 (c) subject to [20A-9-408.7](#), if applicable, permits a member of the registered political

245 party to seek the registered political party's nomination for any elective office by the member
246 choosing to seek the nomination by either or both of the following methods:

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

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

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

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

260 (15) "Signature," as it relates to a petition for a candidate to seek the nomination of a
261 registered political party, means:

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

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

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

266 (ii) a holographic signature collected electronically under Subsection
267 20A-21-201(6)(c)(ii)(B).

268 Section 4. Section 20A-9-406 is amended to read:

269 **20A-9-406. Qualified political party -- Requirements and exemptions.**

270 The following provisions apply to a qualified political party:

271 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of
272 October of each odd-numbered year, certify to the lieutenant governor the identity of one or
273 more registered political parties whose members may vote for the qualified political party's
274 candidates and whether unaffiliated voters may vote for the qualified political party's
275 candidates;

276 (2) the following provisions do not apply to a nomination for the qualified political
277 party:

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

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

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

281 (3) subject to Section 20A-9-408.7, if applicable, an individual may only seek the
282 nomination of the qualified political party by using a method described in Section 20A-9-407,
283 Section 20A-9-408, or both;

284 (4) subject to Section 20A-9-408.7, if applicable, the qualified political party shall
285 comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;

286 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer
287 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
288 by a qualified political party:

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

290 (b) under the title of the qualified registered political party as designated by the
291 qualified political party in the certification described in Subsection (1), or, if none is
292 designated, then under some suitable title;

293 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
294 ballots in regular general elections, that each candidate who is nominated by the qualified
295 political party is listed by party;

296 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
297 the party designation of each candidate who is nominated by the qualified political party is
298 displayed adjacent to the candidate's name on a mechanical ballot;

299 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
300 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
301 20A-9-408 to run in a regular general election for a federal office, constitutional office,
302 multicounty office, or county office;

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

305 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
306 to have each of the qualified political party's candidates for elective office appear on the

307 primary ballot of the qualified political party with an indication that each candidate is a
308 candidate for the qualified political party;

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

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

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

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

319 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
320 20A-9-405, the qualified political party is entitled to have the names of its candidates for
321 elective office featured with party affiliation on the ballot at a regular general election.

322 Section 5. Section 20A-9-407 is amended to read:

323 **20A-9-407. Convention process to seek the nomination of a qualified political**
324 **party.**

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

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

332 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
333 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
334 nomination of the qualified political party for an elective office that is to be filled at the next
335 general election, shall:

336 (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in
337 person with the filing officer during the declaration of candidacy filing period described in

338 Section 20A-9-201.5; and

339 (b) pay the filing fee.

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

344 (a) file a declaration of candidacy with the county clerk designated in the interlocal
345 agreement creating the prosecution district during the declaration of candidacy filing period
346 described in Section 20A-9-201.5; and

347 (b) pay the filing fee.

348 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
349 who files as the joint-ticket running mate of an individual who is nominated by a qualified
350 political party, under this section, for the office of governor shall, during the declaration of
351 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and
352 submit a letter from the candidate for governor that names the lieutenant governor candidate as
353 a joint-ticket running mate.

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

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

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

364 (8) A qualified political party that nominates one or more candidates under this section
365 shall certify the convention results to the lieutenant governor before the deadline described in
366 Subsection 20A-9-202(1)(b).

367 (9) The convention results shall include, for each race for the nomination for an office:

368 (a) the name of each convention candidate seeking the party's nomination for that

369 office;

370 (b) an explanation of the voting method used by the qualified political party to
371 nominate and eliminate convention candidates for that office; and

372 (c) the percentage of the votes received by each candidate in each round of voting.

373 Section 6. Section **20A-9-408** is amended to read:

374 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
375 **political party.**

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

379 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of
380 candidacy for a member of a qualified political party who is nominated by, or who is seeking
381 the nomination of, the qualified political party under this section shall be substantially as
382 described in Section [20A-9-408.5](#).

383 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection
384 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the
385 nomination of the qualified political party for an elective office that is to be filled at the next
386 general election shall:

387 (a) during the declaration of candidacy filing period described in Section [20A-9-201.5](#),
388 and before gathering signatures under this section, file with the filing officer on a form
389 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that
390 includes:

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

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

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

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

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

398 (b) except as provided in Subsection [20A-9-202\(1\)\(c\)](#), file a declaration of candidacy,
399 in person, with the filing officer during the declaration of candidacy filing period described in

400 Section [20A-9-201.5](#); and

401 (c) pay the filing fee.

402 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political
403 party who, under this section, is seeking the nomination of the qualified political party for the
404 office of district attorney within a multicounty prosecution district that is to be filled at the next
405 general election shall:

406 (a) during the declaration of candidacy filing period described in Section [20A-9-201.5](#),
407 and before gathering signatures under this section, file with the filing officer on a form
408 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that
409 includes:

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

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

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

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

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

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

420 (c) pay the filing fee.

421 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
422 who files as the joint-ticket running mate of an individual who is nominated by a qualified
423 political party, under this section, for the office of governor shall, during the declaration of
424 candidacy filing period described in Section [20A-9-201.5](#), file a declaration of candidacy and
425 submit a letter from the candidate for governor that names the lieutenant governor candidate as
426 a joint-ticket running mate.

427 (6) ~~[The]~~ Subject to Section [20A-9-408.7](#), if applicable, the lieutenant governor shall
428 ensure that the certification described in Subsection [20A-9-701\(1\)](#) also includes the name of
429 each candidate nominated by a qualified political party under this section.

430 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who

431 is nominated by a qualified political party under this section, designate the qualified political
432 party that nominated the candidate.

433 (8) [A] Subject to Section 20A-9-408.7, if applicable, a member of a qualified political
434 party may seek the nomination of the qualified political party for an elective office by:

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

436 (b) collecting signatures, on a form approved by the lieutenant governor that complies
437 with Subsection 20A-9-405(3), during the period beginning on the day on which the member
438 files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on
439 which the qualified political party's convention for the office is held, in the following amounts:

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

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

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

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

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

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

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

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

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

462 (b) [H] Subject to Section 20A-9-408.7, if applicable, in order for a member of the
463 qualified political party to qualify as a candidate for the qualified political party's nomination
464 for an elective office under this section, using the manual candidate qualification process, the
465 member shall:

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

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

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

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

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

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

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

485 (10) (a) This Subsection (10) applies only to the electronic candidate qualification
486 process.

487 (b) [H] Subject to Section 20A-9-408.7, if applicable, in order for a member of the
488 qualified political party to qualify as a candidate for the qualified political party's nomination
489 for an elective office under this section, the member shall, before 5 p.m. no later than 14 days
490 before the day on which the qualified political party holds the party's convention to select
491 candidates, for the elective office, for the qualified political party's nomination, collect
492 signatures electronically:

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

494 (ii) using progressive screens, in a format approved by the lieutenant governor, that
495 complies with Subsection 20A-9-405(4).

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

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

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

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

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

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

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

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

522 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in
523 this section, the lieutenant governor shall post the notice of intent to gather signatures for

524 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
525 posts a declaration of candidacy.

526 Section 7. Section **20A-9-408.7** is enacted to read:

527 **20A-9-408.7. Elimination of candidate nominated by signature-gathering.**

528 (1) A qualified political party may elect to nominate candidates for a partisan elective
529 office in accordance with the candidate elimination process described in this section.

530 (2) (a) Subject to Subsection (3), if a qualified political party nominates a candidate for
531 a partisan elective office under Section [20A-9-407](#), the candidate nominated for that office
532 eliminates any other candidate that otherwise qualifies for placement on the ballot under
533 Section [20A-9-408](#) if, in the first round where any candidate receives more than 50% of the
534 votes cast by the voters at the convention, that candidate receives at least 70% of the votes cast
535 by the voters at a convention.

536 (b) A qualified political party, in a statement filed with the election officer, shall
537 declare the qualified political party's intent to nominate candidates for an elective office in
538 accordance with Subsection (2)(a):

539 (i) no later than 5:00 p.m. on the first Monday in October in each odd-numbered year;
540 and

541 (ii) for a convention to fill a mid-term vacancy in the office of United States senator or
542 United States representative, no later than 5:00 p.m. the day after the day on which the
543 governor issues the proclamation described in Subsection [20A-1-502\(1\)](#) or Subsection
544 [20A-1-502.5\(1\)](#).

545 (c) (i) A qualified political party may withdraw the statement described in Subsection
546 (2)(b)(i) no later than 5:00 p.m. on November 30 of the year in which the statement is filed.

547 (ii) A qualified political party may not withdraw a statement filed under Subsection
548 (2)(b)(ii).

549 (3) The candidate elimination process described in Subsection (2)(a) only applies if:

550 (a) a qualified political party timely files the statement described in Subsection (2)(b)(i)
551 or (ii), as applicable; and

552 (b) for the regular primary election, the qualified political party does not withdraw the
553 statement on or before the deadline described in Subsection (2)(c)(i).

554 Section 8. Section **20A-9-409** is amended to read:

555 **20A-9-409. Primary election provisions relating to qualified political party.**

556 (1) The regular primary election is held on the date specified in Section [20A-1-201.5](#).

557 (2) (a) A qualified political party that nominates one or more candidates for an elective
558 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that
559 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election
560 for that office.

561 (b) A qualified political party that has only one candidate qualify as a candidate for an
562 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
563 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for
564 that office.

565 (c) A qualified political party that nominates only one candidate for an elective office
566 under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that office
567 under Section [20A-9-408](#), may, but is not required to, participate in the primary election for
568 that office if:

569 (i) the qualified political party nominates candidates for an elective office under the
570 candidate elimination process described in Section [20A-9-408.7](#); and

571 (ii) the nomination of the candidate or candidates that qualify for the elective office
572 under Section [20A-9-408](#) are, pursuant to Section [20A-9-408.7](#), eliminated by the nomination
573 of the candidate for that office under Section [20A-9-407](#).

574 ~~[(e)]~~ (d) A qualified political party that nominates one or more candidates for an
575 elective office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate
576 for that office under Section [20A-9-408](#) shall participate in the primary election for that office.

577 ~~[(d)]~~ (e) A qualified political party that has two or more candidates qualify as
578 candidates for an elective office under Section [20A-9-408](#) and does not nominate a candidate
579 for that office under Section [20A-9-407](#) shall participate in the primary election for that office.

580 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
581 [17-52a-201](#) or [17-52a-202](#), a qualified political party shall participate in the primary election
582 for a county commission office if:

583 (a) there is more than one:

584 (i) open position as defined in Section [17-52a-201](#); or

585 (ii) midterm vacancy as defined in Section [17-52a-201](#); and

586 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
587 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number
588 of respective open positions or midterm vacancies.

589 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

590 (i) no individual other than the candidate receives a certification, from the appropriate
591 filing officer, for the regular primary election ballot of the candidate's registered political party
592 for a particular elective office; or

593 (ii) for an office where more than one individual is to be elected or nominated, the
594 number of candidates who receive certification, from the appropriate filing officer, for the
595 regular primary election of the candidate's registered political party does not exceed the total
596 number of candidates to be elected or nominated for that office.

597 (b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:

598 (i) provide to the county clerks:

599 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
600 county, and county offices who have received certifications from the appropriate filing officer,
601 along with instructions on how those names shall appear on the primary election ballot in
602 accordance with Section 20A-6-305; and

603 (B) a list of unopposed candidates for elective office who have been nominated by a
604 registered political party; and

605 (ii) instruct the county clerks to exclude unopposed candidates from the primary
606 election ballot.

607 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
608 the fourth Saturday in April.