

**Representative Jordan D. Teuscher** proposes the following substitute bill:

**PRIMARY BALLOT REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: Kirk A. Cullimore

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**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 who 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;
- ▶ requires an election officer to identify on a primary ballot the candidate who received the majority of votes at the nominating convention; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-1-502**, as last amended by Laws of Utah 2020, Chapter 13

32 **20A-1-502.5**, as enacted by Laws of Utah 2020, Chapter 13

33 **20A-9-101**, as last amended by Laws of Utah 2022, Chapters 13, 325

34 **20A-9-406**, as last amended by Laws of Utah 2022, Chapter 13

35 **20A-9-407**, as last amended by Laws of Utah 2022, Chapter 13

36 **20A-9-408**, as last amended by Laws of Utah 2022, Chapters 13, 325

37 **20A-9-409**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

38 ENACTS:

39 **20A-9-408.7**, Utah Code Annotated 1953



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

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

43 **20A-1-502. Midterm vacancy in office of United States senator.**

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

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

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

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

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

60 (d) provides each registered political party that is not a qualified political party at least  
61 21 days, but no more than 28 days, to select one candidate, in a manner determined by the  
62 registered political party, as a candidate for the registered political party;

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

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

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

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

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

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

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

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

85 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the  
86 election on a different day, the proclamation described in Subsection (1) is void and the  
87 governor shall, within seven days after the day on which the Legislature declines to appropriate

88 money to hold the election on a different day, issue a proclamation, in accordance with  
89 Subsection (1), that sets the special congressional primary and general elections on dates  
90 described in Subsections (1)(a)(i) through (iv).

91 (3) A special congressional election to fill a vacancy in the office of United States  
92 senator will not be held if:

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

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

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

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

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

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

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

109 (a) has left the office; or

110 (b) submits an irrevocable letter of resignation to the governor or to the president of the  
111 United States Senate.

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

113 **20A-1-502.5. Midterm vacancy in office of United States representative.**

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

118 (a) sets a date for a primary congressional special election, and a later date for a general

119 congressional special election, on the same day as one of the following elections:

120 (i) a municipal general election;

121 (ii) a presidential primary election;

122 (iii) a regular primary election; or

123 (iv) a regular general election;

124 (b) sets the date of the primary congressional special election on the same day as the

125 next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the

126 day on which the governor issues the proclamation;

127 (c) sets the date of the general special congressional election on the same day as the

128 next election described in Subsection (1)(a) that is more than 90 days after the primary special

129 congressional election described in Subsection (1)(b);

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

131 21 days, but no more than 28 days, to select one candidate, in a manner determined by the

132 registered political party, as a candidate for the registered political party;

133 (e) subject to Section 20A-9-408.7, if applicable, for each qualified political party,

134 provides at least 21 days, but no more than 28 days:

135 (i) for the qualified political party to select one candidate, using the convention process

136 described in Section 20A-9-407, as a candidate for the qualified political party; and

137 (ii) for a member of the qualified political party to submit signatures to qualify as a

138 candidate for the qualified political party using the signature-gathering process described in

139 Section 20A-9-408;

140 (f) consistent with the requirements of this section, establishes the deadlines, time

141 frames, and procedures for filing a declaration of candidacy, giving notice of an election, and

142 other election requirements; and

143 (g) requires an election officer to comply with the requirements of Chapter 16,

144 Uniform Military and Overseas Voters Act.

145 (2) The governor may set a date for a primary special congressional election or a

146 general special congressional election on a date other than a date described in Subsection (1)(a)

147 if:

148 (a) on the same day on which the governor issues the proclamation described in

149 Subsection (1) the governor calls a special session for the Legislature to appropriate money to

150 hold the election on a different day; or

151 (b) if the governor issues the proclamation described in Subsection (1) on or after  
152 January 1, but before the end of the general session of the Legislature, and requests in the  
153 proclamation described in Subsection (1) that the Legislature appropriate money to hold the  
154 election on a different day.

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

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

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

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

168 (a) has left the office; or

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

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

172 **20A-9-101. Definitions.**

173 As used in this chapter:

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

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

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

179 (ii) presidential elector;

180 (iii) any political party offices; and

- 181 (iv) municipal or local district offices.
- 182 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
183 attorney general, state auditor, and state treasurer.
- 184 (3) "Continuing political party" means the same as that term is defined in Section  
185 [20A-8-101](#).
- 186 (4) (a) "County office" means an elective office where the officeholder is selected by  
187 voters entirely within one county.
- 188 (b) "County office" does not mean:
  - 189 (i) the office of justice or judge of any court of record or not of record;
  - 190 (ii) the office of presidential elector;
  - 191 (iii) any political party offices;
  - 192 (iv) any municipal or local district offices; and
  - 193 (v) the office of United States Senator and United States Representative.
- 194 (5) "Electronic candidate qualification process" means:
  - 195 (a) as it relates to a registered political party that is not a qualified political party, the  
196 process for gathering signatures electronically to seek the nomination of a registered political  
197 party, described in:
    - 198 (i) Section [20A-9-403](#);
    - 199 (ii) Section [20a-9-405](#), except Subsections [20A-9-405\(3\)](#) and (5); and
    - 200 (iii) Section [20A-21-201](#); and
  - 201 (b) as it relates to a qualified political party, the process, for gathering signatures  
202 electronically to seek the nomination of a registered political party, described in:
    - 203 (i) Section [20A-9-405](#), except Subsections [20A-9-405\(3\)](#) and (5);
    - 204 (ii) Section [20A-9-408](#); and
    - 205 (iii) Section [20A-21-201](#).
- 206 (6) "Federal office" means an elective office for United States Senator and United  
207 States Representative.
- 208 (7) "Filing officer" means:
  - 209 (a) the lieutenant governor, for:
    - 210 (i) the office of United States Senator and United States Representative; and
    - 211 (ii) all constitutional offices;

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

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

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

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

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

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

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

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

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

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

228 (i) a county office;

229 (ii) a federal office;

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

231 (iv) the office of presidential elector;

232 (v) any political party offices; or

233 (vi) any municipal or local district offices.

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

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

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

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

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

242 (ii) provides a procedure for designating an alternate delegate if a delegate is not



243 present at the registered political party's convention;

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

246 (c) subject to 20A-9-408.7, if applicable, permits a member of the registered political  
247 party to seek the registered political party's nomination for any elective office by the member  
248 choosing to seek the nomination by either or both of the following methods:

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

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

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

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

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

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

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

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

268 (ii) a holographic signature collected electronically under Subsection  
269 20A-21-201(6)(c)(ii)(B).

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

271 **20A-9-406. Qualified political party -- Requirements and exemptions.**

272 The following provisions apply to a qualified political party:

273 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of

274 October of each odd-numbered year, certify to the lieutenant governor the identity of one or  
275 more registered political parties whose members may vote for the qualified political party's  
276 candidates and whether unaffiliated voters may vote for the qualified political party's  
277 candidates;

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

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

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

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

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

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

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

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

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

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

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

301 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
302 includes an individual who files a declaration of candidacy under Section 20A-9-407 or  
303 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
304 multicounty office, or county office;

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

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

311 (11) notwithstanding Section 20A-9-403, an election officer shall ensure that, for a  
312 ballot in a regular primary election, if the qualified political party nominates more than one  
313 candidate for a partisan elective office under the method described in Section 20A-9-407, or  
314 nominates at least one candidate for a partisan elective office under each of the methods  
315 described in Section 20A-9-407 and Section 20A-9-408:

316 (a) an asterisk is placed immediately to the right of the name of the candidate on the  
317 ballot that receives the majority of votes cast by the voters at the nominating convention; and

318 (b) a separate asterisk is placed at the bottom of the ballot, aligned left, followed by the  
319 italicized statement: "This candidate received the majority of votes at the party's nominating  
320 convention.";

321 [~~H~~] (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall  
322 include on the list provided by the lieutenant governor to the county clerks:

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

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

328 [~~12~~] (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed  
329 for an elective office in the regular primary election of the qualified political party is nominated  
330 by the party for that office without appearing on the primary ballot; and

331 [~~13~~] (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and  
332 Section 20A-9-405, the qualified political party is entitled to have the names of its candidates  
333 for elective office featured with party affiliation on the ballot at a regular general election.

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

335 **20A-9-407. Convention process to seek the nomination of a qualified political**

336 party.

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

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

344 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
345 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
346 nomination of the qualified political party for an elective office that is to be filled at the next  
347 general election, shall:

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

351 (b) pay the filing fee.

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

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

359 (b) pay the filing fee.

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

366 (6) (a) A qualified political party that nominates a candidate under this section shall

367 certify the name of the candidate to the lieutenant governor before the deadline described in  
368 Subsection 20A-9-202(1)(b).

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

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

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

379 (9) The certification of convention results described in Subsection (8) shall include, for  
380 each race for the nomination for an office:

381 (a) the name of each convention candidate seeking the party's nomination for that  
382 office;

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

385 (c) the percentage of the votes received by each candidate in each round of voting.  
386 Section 6. Section 20A-9-408 is amended to read:

387 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
388 **political party.**

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

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

396 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
397 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the

398 nomination of the qualified political party for an elective office that is to be filled at the next  
399 general election shall:

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

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

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

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

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

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

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

414 (c) pay the filing fee.

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

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

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

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

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

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

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

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

433 (c) pay the filing fee.

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

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

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

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

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

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

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

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

459 (iii) for a state Senate district race, 2,000 signatures of registered voters who are



460 residents of the state Senate district and are permitted by the qualified political party to vote for  
461 the qualified political party's candidates in a primary election;

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

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

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

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

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

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

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

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

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

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

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



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

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

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

498 (10) (a) This Subsection (10) applies only to the electronic candidate qualification  
499 process.

500 (b) ~~[It]~~ Subject to Section [20A-9-408.7](#), if applicable, in order for a member of the  
501 qualified political party to qualify as a candidate for the qualified political party's nomination  
502 for an elective office under this section, the member shall, before 5 p.m. no later than 14 days  
503 before the day on which the qualified political party holds the party's convention to select  
504 candidates, for the elective office, for the qualified political party's nomination, collect  
505 signatures electronically:

506 (i) in accordance with Section [20A-21-201](#); and

507 (ii) using progressive screens, in a format approved by the lieutenant governor, that  
508 complies with Subsection [20A-9-405\(4\)](#).

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

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

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

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

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

522 the notice of intent to gather signatures for candidacy:

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

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

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

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

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

540 **20A-9-408.7. Elimination of candidate nominated by signature-gathering.**

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

543 (2) (a) Subject to Subsection (3), if a candidate obtains the nomination for a partisan  
544 elective office under Section [20A-9-407](#) with at least 70% of the votes cast by the delegates at  
545 the convention, that candidate eliminates any other candidate that otherwise qualifies for  
546 placement on the primary ballot under Section [20A-9-408](#) if, in the round of voting  
547 immediately preceding the round in which the candidate obtains the nomination for the elective  
548 office, at least one other candidate for that office is eliminated by the delegates at the  
549 convention.

550 (b) A qualified political party, in a written notice filed with the election officer, shall  
551 declare the qualified political party's intent to nominate candidates for an elective office in  
552 accordance with Subsection (2)(a):

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

555 (ii) for a convention to fill a mid-term vacancy in the office of United States senator or  
556 United States representative, no later than 5:00 p.m. on the day after the day on which the  
557 governor issues the proclamation described in Subsection [20A-1-502\(1\)](#) or Subsection  
558 [20A-1-502.5\(1\)](#).

559 (c) (i) A qualified political party that provides the notice of intent described in  
560 Subsection (2)(b)(i) may withdraw the notice of intent, and not participate in the candidate  
561 elimination process, if the qualified political party provides written notice of withdrawal to the  
562 election officer no later than 5:00 p.m. on November 30 of the year in which the notice of  
563 intent is filed.

564 (ii) A qualified political party may not withdraw a notice of intent filed under  
565 Subsection (2)(b)(ii).

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

567 (a) a qualified political party timely files the notice of intent described in Subsection  
568 (2)(b)(i) or (ii), as applicable; and

569 (b) for the regular primary election, the qualified political party does not withdraw the  
570 notice of intent before the deadline described in Subsection (2)(c)(i).

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

572 **20A-9-409. Primary election provisions relating to qualified political party.**

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

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

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

582 (c) A qualified political party that nominates only one candidate for an elective office  
583 under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that office

584 under Section 20A-9-408, may, but is not required to, participate in the primary election for  
585 that office if:

586 (i) the qualified political party nominates candidates for an elective office under the  
587 candidate elimination process described in Section 20A-9-408.7; and

588 (ii) the nomination of the candidate or candidates that qualify for the elective office  
589 under Section 20A-9-408 are, under Section 20A-9-408.7, eliminated by a candidate nominated  
590 for that office under Section 20A-9-407.

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

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

597 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section  
598 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election  
599 for a county commission office if:

600 (a) there is more than one:

601 (i) open position as defined in Section 17-52a-201; or

602 (ii) midterm vacancy as defined in Section 17-52a-201; and

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

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

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

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

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

615 (i) provide to the county clerks:

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

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

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

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