

HB0393S02 compared with HB0393

~~deleted text~~ shows text that was in HB0393 but was deleted in HB0393S02.

inserted text shows text that was not in HB0393 but was inserted into HB0393S02.

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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: _____

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~~ 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

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70% or more of the votes at a nominating convention is not required to participate in the primary election in certain circumstances; ~~and~~

- ▶ requires an election officer to identify on a primary ballot the candidates nominated at the qualified political party's nominating convention; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

ENACTS:

20A-9-408.7, Utah Code Annotated 1953

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

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

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

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

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

(i) a municipal general election;

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(ii) a presidential primary election;

(iii) a regular primary election; or

(iv) a regular general election;

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

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

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

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

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

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

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

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

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

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

(ii) if the governor issues the proclamation described in Subsection (1) on or after

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January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.

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

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

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

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

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

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

(i) the vacancy is filled by election under Subsection (1) or (2); or

(ii) the six-year term for the senate office ends.

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

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

(a) has left the office; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Uniform Military and Overseas Voters Act.

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

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

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

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

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

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

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

(a) has left the office; or

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

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

20A-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of

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candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

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

- (i) justice or judge of court of record or not of record;
- (ii) presidential elector;
- (iii) any political party offices; and
- (iv) municipal or local district offices.

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

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

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

(b) "County office" does not mean:

- (i) the office of justice or judge of any court of record or not of record;
- (ii) the office of presidential elector;
- (iii) any political party offices;
- (iv) any municipal or local district offices; and
- (v) the office of United States Senator and United States Representative.

(5) "Electronic candidate qualification process" means:

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

- (i) Section 20A-9-403;
- (ii) Section 20a-9-405, except Subsections 20A-9-405(3) and (5); and
- (iii) Section 20A-21-201; and

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

- (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
- (ii) Section 20A-9-408; and
- (iii) Section 20A-21-201.

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

(7) "Filing officer" means:

(a) the lieutenant governor, for:

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

(ii) all constitutional offices;

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

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

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

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

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

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

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

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

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

(b) "Multicounty office" does not mean:

(i) a county office;

(ii) a federal office;

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

(iv) the office of presidential elector;

(v) any political party offices; or

(vi) any municipal or local district offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) when using the electronic candidate qualification process:

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

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

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

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

The following provisions apply to a qualified political party:

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

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

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

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

(c) Section 20A-9-405;

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

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

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

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

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

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

(7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that

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the party designation of each candidate who is nominated by the qualified political party is displayed adjacent to the candidate's name on a mechanical ballot;

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

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

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

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

(a) an asterisk is placed immediately to the right of the name of each candidate on the ballot that was nominated under the method described in 20A-9-407; and

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

~~[(11)]~~ (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include on the list provided by the lieutenant governor to the county clerks:

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

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

~~[(12)]~~ (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated

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by the party for that office without appearing on the primary ballot; and

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

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

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

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

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

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

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

(b) pay the filing fee.

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

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

(b) pay the filing fee.

(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate

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who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, during the declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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

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

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

(i) for a statewide race, 28,000 signatures of registered voters in the state who are

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permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

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

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

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

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

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

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

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

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

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

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

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

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the

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election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

- (i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;
- (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
- (iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition; and
- (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

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

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

- (i) in accordance with Section 20A-21-201; and
- (ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a) Subject to Subsection (3), if a qualified political party nominates a candidate for ~~a~~ partisan elective office under Section 20A-9-407, the candidate nominated for that office eliminates any other candidate that otherwise qualifies for placement on the primary ballot under Section 20A-9-408, if ~~f.t.~~:

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(i) in the first round ~~{where any candidate receives more than 50%}~~ of ~~voting~~, the ~~{votes cast by the voters at the convention, that}~~ candidate receives at least 70% of the votes cast by the ~~{voters}~~ delegates at ~~{a convention.}~~ the convention; or

(ii) in a second or subsequent round of voting, the candidate receives at least 70% of the votes cast by the delegates at the convention and, in the immediately preceding round of voting, at least one other candidate for the partisan elective office is eliminated by the delegates;

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

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

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

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

(ii) A qualified political party may not withdraw a ~~{statement}~~ notice of intent filed under Subsection (2)(b)(ii).

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

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

(b) for the regular primary election, the qualified political party does not withdraw the ~~{statement on or}~~ notice of intent before the deadline described in Subsection (2)(c)(i).

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

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

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

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

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

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

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

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

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

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

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

(a) there is more than one:

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

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

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

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of respective open positions or midterm vacancies.

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

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

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

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

(i) provide to the county clerks:

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

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

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

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