

1 **UNAFFILIATED CANDIDATE AMENDMENTS**

2 2024 GENERAL SESSION
3 STATE OF UTAH

4 **Chief Sponsor: Todd D. Weiler**

5 House Sponsor: _____

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies the filing period for a candidate for public office who is not affiliated
9 with a political party.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ expands the time period within which a candidate for public office who is not
13 affiliated with a political party may file a certificate of nomination with a filing
14 officer; and

15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill provides a special effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 20A-9-502, as last amended by Laws of Utah 2023, Chapter 116

23 20A-9-503, as last amended by Laws of Utah 2023, Chapter 15

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

25 Section 1. Section 20A-9-502 is amended to read:



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

Criminal penalty -- Removal of petition signature.

(1) The candidate shall:

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

"State of Utah, County of _____

I, _____, declare my intention of becoming an unaffiliated candidate for the

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

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

Notary Public (or other officer qualified to administer oaths)";

(b) bind signature sheets to the certificate that:

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

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

(iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate" and "Signature of Nomination Petitioner" printed directly below the horizontal line;

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

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

59 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination
60 signature sheet with any name other than the person's own name or more than once for the
61 same candidate or if the person is not registered to vote in this state and does not intend to
62 become registered to vote in this state before the county clerk certifies the signatures.";

63 (vi) contain the following statement directly under the statement described in
64 Subsection (1)(b)(v):

65 "Each signer says:

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

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

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

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

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

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

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

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

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

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

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

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

90 "Verification
91 State of Utah, County of ____
92 I, _____, of ____, hereby state that:
93 I am a Utah resident and am at least 18 years old;
94 All the names that appear on the signature sheets bound to this page were signed by
95 persons who professed to be the persons whose names appear on the signature sheets, and each
96 of them signed the person's name on the signature sheets in my presence;
97 I believe that each has printed and signed the person's name and written the person's
98 street address correctly, and that each signer is registered to vote in Utah or will register to vote
99 in Utah before the county clerk certifies the signatures on the signature sheet.

100
101 _____
102 (Signature) (Residence Address) (Date)".
103 (2) An agent designated to file a certificate of nomination under Subsection
104 20A-9-503(2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).
105 (3) (a) The candidate shall circulate the nomination petition and ensure that the person
106 in whose presence each signature sheet is signed:
107 (i) is at least 18 years old;
108 (ii) except as provided by Subsection (3)(b), meets the residency requirements of
109 Section 20A-2-105; and
110 (iii) verifies each signature sheet by completing the verification bound to one or more
signature sheets that are bound together.
111 (b) A person who is not a resident may sign the verification on a nomination petition
112 for an unaffiliated candidate for the office of president of the United States.
113 (c) A person may not sign the verification if the person signed a signature sheet bound
114 to the verification.
115 (4) (a) It is unlawful for any person to:
116 (i) knowingly sign a certificate of nomination signature sheet:
117 (A) with any name other than the person's own name;
118 (B) more than once for the same candidate; or
119 (C) if the person is not registered to vote in this state and does not intend to become
120 registered to vote in this state before the county clerk certifies the signatures; or

- 121 (ii) sign the verification of a certificate of nomination signature sheet if the person:
122 (A) except as provided by Subsection (3)(b), does not meet the residency requirements
123 of Section [20A-2-105](#);
124 (B) has not witnessed the signing by those persons whose names appear on the
125 certificate of nomination signature sheet; or
126 (C) knows that a person whose signature appears on the certificate of nomination
127 signature sheet is not registered to vote in this state and does not intend to become registered to
128 vote in this state.
- 129 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- 130 (5) (a) The candidate shall submit the nomination petition and signature sheets to the
131 county clerk for certification when the nomination petition has been completed by:
132 (i) at least 1,000 registered voters residing within the state when the nomination is for
133 an office to be filled by the voters of the entire state; or
134 (ii) at least 300 registered voters residing within a political division or at least 5% of
135 the registered voters residing within a political division, whichever is less, when the
136 nomination is for an office to be filled by the voters of any political division smaller than the
137 state.
- 138 (b) In reviewing the nomination petition, the county clerk shall count and certify only
139 those persons who signed the nomination petition with a holographic signature who:
140 (i) are registered voters within the political division that the candidate seeks to
141 represent; and
142 (ii) did not sign any other certificate of nomination for that office.
143 (c) The candidate may supplement or amend the certificate of nomination at any time
144 on or before the filing deadline.
145 (d) The county clerk shall use the procedures described in Section [20A-1-1002](#) to
146 determine whether a signer is a registered voter who is qualified to sign the nomination
147 petition.
- 148 (6) (a) A voter who signs a nomination petition under this section may have the voter's
149 signature removed from the nomination petition by, no later than three business days after the
150 day on which the candidate submits the nomination petition to the county clerk, submitting to
151 the county clerk a statement requesting that the voter's signature be removed.

152 (b) A statement described in Subsection (6)(a) shall comply with the requirements
153 described in Subsection 20A-1-1003(2).

154 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
155 determine whether to remove an individual's signature from a nomination petition after
156 receiving a timely, valid statement requesting removal of the signature.

157 Section 2. Section 20A-9-503 is amended to read:

158 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

159 (1) [Except as provided in Subsection (1)(b), after] After the certificate of nomination
160 has been certified, executed, and acknowledged by the county clerk, the candidate shall~~[:]~~, no
161 earlier than the start of the declaration of candidacy period described in Section 20A-9-201.5
162 and no later than the close of normal office hours on June 15 of the year in which the election
163 will be held:

164 (a) file the nomination petition in person with:

165 (i) the lieutenant governor, if the office the candidate seeks is:

166 (A) president of the United States; or

167 (B) a constitutional office or a federal office;

168 (ii) the county clerk, if the office the candidate seeks is a county office;

169 (iii) the municipal clerk, if the candidate seeks an office in a city or town; or

170 (iv) the special district clerk, if the candidate seeks an office in a special district; and

171 (b) pay the filing fee.

172 [(a) (i) file the petition in person with the lieutenant governor, if the office the
173 candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the
174 candidate seeks is a county office, during the declaration of candidacy filing period described
175 in Section 20A-9-201.5; and]

176 [(ii) pay the filing fee; or

177 [(b) not later than the close of normal office hours on June 15 of any odd-numbered
178 year:]

179 [(i) file the petition in person with the municipal clerk, if the candidate seeks an office
180 in a city or town, or the special district clerk, if the candidate seeks an office in a special
181 district; and]

182 [(ii) pay the filing fee.]

183 (2) (a) The provisions of this Subsection (2) do not apply to an individual who files a
184 [declaration of candidacy] certificate of nomination for president of the United States.

185 (b) Subject to Subsections [(4)(e)] (5) and 20A-9-502(2), an individual may designate
186 an agent to file a [declaration of candidacy] certificate of nomination with the appropriate filing
187 officer if:

188 (i) the individual is located outside of the state during the entire filing period;
189 (ii) the designated agent appears in person before the filing officer; and
190 (iii) the individual communicates with the filing officer using an electronic device that
191 allows the individual and filing officer to see and hear each other.

192 (3) (a) At the time of filing, and before accepting the nomination petition, the filing
193 officer shall read the constitutional and statutory requirements for candidacy to the candidate.

194 (b) If the candidate states that the candidate does not meet the requirements, the filing
195 officer may not accept the nomination petition.

196 (4) An individual filing a certificate of nomination for president of the United States
197 under this section:

198 (a) shall pay a filing fee of \$500; and

199 (b) may use a designated agent to file the nomination petition.

200 (5) An agent designated to file a certificate of nomination under Subsection (2)(b) or
201 (4)(b) may not sign the certificate of nomination form.

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

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

206 [(i) may file the certificate of nomination during the declaration of candidacy filing
207 period described in Section 20A-9-201.5; and]

208 [(ii) may use a designated agent to file the certificate of nomination.]

209 [(c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may
210 not sign the certificate of nomination form.]

211 Section 3. **Effective date.**

212 If approved by two-thirds of all the members elected to each house, this bill takes effect
213 upon approval by the governor, or the day following the constitutional time limit of Utah

214 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
215 the date of veto override.