SB0107S01 compared with SB0107

{deleted text} shows text that was in SB0107 but was deleted in SB0107S01.

inserted text shows text that was not in SB0107 but was inserted into SB0107S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Todd D. Weiler proposes the following substitute bill:

UNAFFILIATED CANDIDATE AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Todd D. Weiler
House Sponsor: _____

LONG TITLE

General Description:

This bill {modifies the filing period for a candidate}addresses candidates for public office who {is}are not affiliated with a political party.

Highlighted Provisions:

This bill:

▸ {expands}establishes the {time period within}deadline by which a candidate for public office who is not affiliated with a political party must submit signatures to the county clerk for verification;

▸ establishes a deadline for the county clerk to count and certify the number of registered voters who signed a signature packet;

▸ expands the time period within which a candidate described above may file {a}the certificate of nomination with a filing officer; and

‣ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

20A-9-504, as last amended by Laws of Utah 2019, Chapter 255

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

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:] for each signature packet, bind signature sheets to a copy of the certificate of nomination and the circulator verification, 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 blank for the purpose of binding;

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

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

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

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

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

"Each signer says:

I have personally signed this petition with a holographic signature;

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

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

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

(viii) be vertically divided into columns as follows:

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

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

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

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

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

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

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

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a Utah resident and am at least 18 years old;

All the names that appear on the signature sheets bound to this page were signed by persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet.

_____

(Signature){   }   (Residence Address)   (Date)".

(2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).

(3) (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:

(i) is at least 18 years old;

(ii) except as provided by Subsection (3)(b), meets the residency requirements of Section 20A-2-105; and

(iii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

(b) A person who is not a resident may sign the circulator verification on a {nomination }[petition] signature packet for an unaffiliated candidate for the office of president of the United States.

(c) A person may not sign the circulator verification if the person signed a signature sheet bound to the verification.

(4) (a) It is unlawful for any person to:

(i) knowingly sign a certificate of nomination signature sheet:

(A) with any name other than the person's own name;

(B) more than once for the same candidate; or

(C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures; or

(ii) sign the verification of a certificate of nomination signature sheet if the person:

(A) except as provided by Subsection (3)(b), does not meet the residency requirements of Section 20A-2-105;

(B) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or

(C) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.

(b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.

(5) (a) [The candidate shall submit the{ nomination} petition and signature sheets to the county clerk for certification when the {nomination }petition has been completed by:] To qualify for placement on the general election ballot, the candidate shall, no earlier than the start of the declaration of candidacy period described in Section 20A-9-201.5 and no later than 5 p.m. on June 15 of the year in which the election will be held:

(i) comply with Subsection 20A-9-503(1); and

(ii) submit each signature packet to the county clerk where the majority of the

signatures in the packet were collected, with signatures totaling:

[(i)] (A) at least 1,000 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or

[(ii)] (B) at least 300 registered voters residing within a political division or at least 5% of the registered voters residing within a political division, whichever is less, when the nomination is for an office to be filled by the voters of any political division smaller than the state.

(b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks verify that each required signature is a valid signature of a registered voter who is eligible to sign the signature packet and has not signed a signature packet to nominate another candidate for the same office.

[(b)] (c) In reviewing the {nomination }[petition] signature packets, the county clerk shall count and certify only those persons who signed [the{ nomination} petition] with a holographic signature, who:

(i) are registered voters within the political division that the candidate seeks to represent; and

(ii) did not sign any other certificate of nomination for that office.

(d) The county clerk shall count and certify the number of registered voters who validly signed a signature packet, no later than 30 days after the day on which the candidate submits the signature packet.

[(c)] (e) The candidate may supplement the signatures or amend the certificate of nomination or declaration of candidacy at any time on or before [the filing deadline] 5 p.m. on June 15 of the year in which the election will be held.

[(d)] (f) The county clerk shall use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter who is qualified to sign the {nomination }[petition] signature packet.

(6) (a) A voter who signs a [nomination petition] signature packet under this section may have the voter's signature removed from the {nomination }[petition] signature packet by, no later than three business days after the day on which the candidate submits the {nomination }[petition] signature packet to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

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

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

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

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

(1) [Except as provided in Subsection (1)(b), after{] After} the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall{[.], no earlier than the start of the}:] A candidate shall, in accordance with the deadline described in Subsection 20A-9-502(5)(a):

(a) file the certificate of nomination and the applicable declaration of candidacy{ period described in Section 20A-9-201.5 and no later than the close of normal office hours on June 15 of the year in which the election will be held:

(a) file the nomination petition in person with:

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

(A) president of the United States; or

(B) a constitutional office or a federal office;

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

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

(iv) the special district clerk, if the candidate seeks an office in a special district}, in person unless otherwise provided in statute, with the filing officer; and

(b) pay the filing fee.

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

[(ii) pay the filing fee; or]

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

[(i) file the petition in person with the municipal clerk, if the candidate seeks an office

in a city or town, or the special district clerk, if the candidate seeks an office in a special
district; and]

[(ii) pay the filing fee.]

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

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

(i) the individual is located outside of the state during the entire filing period;

(ii) the designated agent appears in person before the filing officer; and

(iii) the individual communicates with the filing officer using an electronic device that
allows the individual and filing officer to see and hear each other.

(3) (a) At the time of filing, and before accepting the [petition] certificate of
nomination{ petition} and declaration of candidacy, the filing officer shall read the
constitutional and statutory requirements for candidacy to the candidate.

(b) If the candidate states that the candidate does not meet the requirements, the filing
officer may not accept the [petition] certificate of nomination{ petition} and declaration of
candidacy.

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

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

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

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

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

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

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

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

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

Section 3. Section **20A-9-504** is amended to read:

20A-9-504.   Unaffiliated candidates -- Governor and president of the United States.

(1) (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than [July 1] June 15 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.

(b) The unaffiliated lieutenant governor candidate shall, before 5 p.m. no later than [July 1] June 15 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part.

(2) (a) Each unaffiliated candidate for president of the United States shall, before 5 p.m. no later than August 15 of a regular general election year, select a running mate to file as an unaffiliated candidate for the office of vice president of the United States.

(b) Before 5 p.m. no later than August 15 of a regular general election year, the unaffiliated candidate for vice president of the United States described in Subsection (2)(a) shall comply with the requirements of Subsection 20A-9-202(7).

Section {3}4. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.