

CANDIDATE FILING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to a candidate filing period.

Highlighted Provisions:

This bill:

- provides for the reopening of a candidate filing period if an incumbent in a partisan office files a declaration of candidacy for that office and later withdraws as a candidate for that office.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-9-202, as last amended by Laws of Utah 2015, Chapter 296

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

Section 1. Section **20A-9-202** is amended to read:

20A-9-202. Declarations of candidacy for regular general elections.

(1) (a) Each person seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:



(i) file a declaration of candidacy in person with the filing officer on or after January 1 of the regular general election year, and, if applicable, before the candidate circulates nomination petitions under Section 20A-9-405; and

(ii) pay the filing fee.

(b) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed.

(c) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of candidates who have filed in their office.

(d) Each person seeking the office of lieutenant governor, the office of district attorney, or the office of president or vice president of the United States shall comply with the specific declaration of candidacy requirements established by this section.

(2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after January 1 of the regular general election year, and before the candidate circulates nomination petitions under Section 20A-9-405; and

(ii) pay the filing fee.

(b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.

(3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each lieutenant governor candidate shall:

(i) file a declaration of candidacy with the lieutenant governor;

(ii) pay the filing fee; and

(iii) submit a letter from a candidate for governor who has received certification for the primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.

(b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a lieutenant governor is disqualified, another candidate shall file to replace the disqualified

59 candidate.

60 (4) Each registered political party shall:

61 (a) certify the names of its candidates for president and vice president of the United
62 States to the lieutenant governor no later than August 31; or

63 (b) provide written authorization for the lieutenant governor to accept the certification
64 of candidates for president and vice president of the United States from the national office of
65 the registered political party.

66 (5) (a) A declaration of candidacy filed under this section is valid unless a written
67 objection is filed with the clerk or lieutenant governor within five days after the last day for
68 filing.

69 (b) If an objection is made, the clerk or lieutenant governor shall:

70 (i) mail or personally deliver notice of the objection to the affected candidate
71 immediately; and

72 (ii) decide any objection within 48 hours after it is filed.

73 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
74 problem by amending the declaration or petition within three days after the objection is
75 sustained or by filing a new declaration within three days after the objection is sustained.

76 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

77 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
78 by a district court if prompt application is made to the court.

79 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
80 of its discretion, agrees to review the lower court decision.

81 (6) (a) Any person who filed a declaration of candidacy may withdraw as a candidate
82 by filing a written affidavit with the clerk.

83 (b) Notwithstanding Section [20A-9-407](#) or [20A-9-408](#), if an incumbent in a partisan
84 office who files a declaration of candidacy for that office withdraws as a candidate for that
85 office earlier than three days before the day of the convention for that office, the filing period
86 for a declaration of candidacy for that office:

87 (i) reopens on the day after the day on which the incumbent candidate withdraws as a
88 candidate; and

89 (ii) ends the earlier of two weeks after the day on which the filing period reopens or the

90 day before the day of the convention for that office.

91 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
92 in this section to file a declaration of candidacy in person, a person may designate an agent to
93 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

94 (a) the person is located outside the state during the filing period because:

95 (i) of employment with the state or the United States; or

96 (ii) the person is a member of:

97 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
98 Coast Guard of the United States who is on active duty;

99 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
100 commissioned corps of the National Oceanic and Atmospheric Administration of the United
101 States; or

102 (C) the National Guard on activated status;

103 (b) the person communicates with the filing officer using an electronic device that
104 allows the person and filing officer to see and hear each other; and

105 (c) the person provides the filing officer with an email address to which the filing
106 officer may send the copies described in Subsection 20A-9-201(3).

Legislative Review Note

Office of Legislative Research and General Counsel