

ELECTION LAW - FILING DATE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John R. Westwood

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code in relation to filing periods and deadlines.

Highlighted Provisions:

This bill:

- ▶ changes the time periods for a candidate to file a declaration of candidacy and a declaration of intent to gather signatures;
- ▶ changes the date for filing to become a registered political party, in order to conform with the changes described in the preceding paragraph; and
- ▶ makes other technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-501, as last amended by Laws of Utah 2016, Chapter 16

20A-1-503, as last amended by Laws of Utah 2011, Chapters 327 and 340

20A-1-509.1, as last amended by Laws of Utah 2011, Chapters 297 and 327

20A-8-103, as last amended by Laws of Utah 2013, Chapter 253



28 **20A-9-202**, as last amended by Laws of Utah 2015, Chapter 296

29 **20A-9-406**, as last amended by Laws of Utah 2016, Chapters 16 and 66

30 **20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296

31 **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28

32 **20A-14-203**, as last amended by Laws of Utah 2016, Chapter 16

33 REPEALS:

34 **20A-5-409**, as last amended by Laws of Utah 2011, Chapter 327

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

37 Section 1. Section **20A-1-501** is amended to read:

38 **20A-1-501. Candidate vacancies -- Procedure for filling.**

39 (1) The state central committee of a political party, for candidates for United States
40 senator, United States representative, governor, lieutenant governor, attorney general, state
41 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
42 more than one county, and the county central committee of a political party, for all other party
43 candidates seeking an office elected at a regular general election, may certify the name of
44 another candidate to the appropriate election officer if:

45 (a) for a registered political party that will have a candidate on a ballot in a primary
46 election, after the close of the period for filing a declaration of candidacy and continuing
47 through the day before the day on which the lieutenant governor provides the list described in
48 Subsection **20A-9-403(4)(a)**:

49 (i) only one or two candidates from that party have filed a declaration of candidacy for
50 that office; and

51 (ii) one or both:

52 (A) dies;

53 (B) resigns because of acquiring a physical or mental disability, certified by a
54 physician, that prevents the candidate from continuing the candidacy; or

55 (C) is disqualified by an election officer for improper filing or nominating procedures;

56 (b) for a registered political party that does not have a candidate on the ballot in a
57 primary, but that will have a candidate on the ballot for a general election, after the close of the
58 period for filing a declaration of candidacy and continuing through the day before the day on

which the lieutenant governor makes the certification described in Section ~~[20A-5-409]~~
20A-9-701, the party's candidate:

(i) dies;

(ii) resigns because of acquiring a physical or mental disability as certified by a
physician;

(iii) is disqualified by an election officer for improper filing or nominating procedures;

or

(iv) resigns to become a candidate for president or vice president of the United States;

or

(c) for a registered political party with a candidate certified as winning a primary
election, after the deadline described in Subsection (1)(a) and continuing through the day
before that day on which the lieutenant governor makes the certification described in Section
~~[20A-5-409]~~ 20A-9-701, the party's candidate:

(i) dies;

(ii) resigns because of acquiring a physical or mental disability as certified by a
physician;

(iii) is disqualified by an election officer for improper filing or nominating procedures;

or

(iv) resigns to become a candidate for president or vice president of the United States.

(2) If no more than two candidates from a political party have filed a declaration of
candidacy for an office elected at a regular general election and one resigns to become the party
candidate for another position, the state central committee of that political party, for candidates
for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
legislative candidates whose legislative districts encompass more than one county, and the
county central committee of that political party, for all other party candidates, may certify the
name of another candidate to the appropriate election officer.

(3) Each replacement candidate shall file a declaration of candidacy as required by
Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
deadline described in Subsection (1)(a) may not appear on the primary election ballot.

(b) The name of a candidate who is certified under Subsection (1)(b) after the deadline

described in Subsection (1)(b) may not appear on the general election ballot.

(c) The name of a candidate who is certified under Subsection (1)(c) after the deadline described in Subsection (1)(c) may not appear on the general election ballot.

(5) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, or Section 17-16-6.5.

Section 2. Section 20A-1-503 is amended to read:

20A-1-503. Midterm vacancies in the Legislature.

(1) As used in this section:

(a) "Filing deadline" means the final date for filing:

(i) a declaration of candidacy as provided in Section 20A-9-202; and

(ii) a certificate of nomination as provided in Section 20A-9-503.

(b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

(2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.

(3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

(4) (a) ~~[Hf] For an even-numbered year in which the term of office does not expire, if a vacancy described in Subsection (3)(a) occurs after the filing deadline but before [August 31 of an even-numbered year in which the term of office does not expire]~~ the day on which the lieutenant governor certifies candidates for the regular general election ballot under Section 20A-9-701, the lieutenant governor shall:

(i) establish a date, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy

occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:

(A) a declaration of candidacy; or

(B) a certificate of nomination; and

(ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):

(A) on the lieutenant governor's website; and

(B) to each registered political party.

(b) A person intending to obtain a position on the ballot for the vacant office shall:

(i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and

(ii) run in the regular general election if:

(A) nominated as a party candidate; or

(B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.

(c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after the third Saturday in April and before August 31 of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor by August 30 for placement on the regular general election ballot.

(5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Section 3. Section **20A-1-509.1** is amended to read:

20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.

(1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) (a) The requirements of this Subsection (2) apply when:

152 (i) the office of county attorney or district attorney becomes vacant ~~[and:];~~
153 ~~[(+)]~~ (ii) the vacant office has an unexpired term of two years or more; and
154 ~~[(+)]~~ (iii) the vacancy occurs before ~~[the third Thursday in March of the]~~ January 1 of
155 an even-numbered year.

156 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
157 notify the public and each registered political party that the vacancy exists.

158 (c) All persons intending to become candidates for the vacant office shall:

159 (i) file a declaration of candidacy according to the procedures and requirements of
160 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

161 (ii) if nominated as a party candidate or qualified as an independent or write-in
162 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the
163 regular general election; and

164 (iii) if elected, complete the unexpired term of the person who created the vacancy.

165 ~~[(d) If the vacancy occurs after the second Friday in March and before the third~~
166 ~~Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202~~
167 ~~shall be extended until seven days after the county clerk gives notice under Subsection (2)(b);~~
168 ~~but no later than the fourth Thursday in March.]~~

169 (3) (a) The requirements of this Subsection (3) apply when:

170 (i) the office of county attorney or district attorney becomes vacant ~~[and:];~~
171 ~~[(+)]~~ (ii) the vacant office has an unexpired term of two years or more; and
172 ~~[(+)]~~ (iii) the vacancy occurs after ~~[the third Thursday in March of the]~~ January 1 of an
173 even-numbered year but more than 75 days before the regular primary election.

174 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
175 shall:

176 (i) notify the public and each registered political party that the vacancy exists; and
177 (ii) identify the date and time by which a person interested in becoming a candidate
178 shall file a declaration of candidacy.

179 (c) All persons intending to become candidates for the vacant office shall:

180 (i) within five days after the date that the notice is made, ending at the close of normal
181 office hours on the fifth day, file a declaration of candidacy for the vacant office as required by
182 Chapter 9, Part 2, Candidate Qualifications and ~~[Declaration]~~ Declarations of Candidacy; and

183 (ii) if elected, complete the unexpired term of the person who created the vacancy.

184 (d) The county central committee of each party shall:

185 (i) select a candidate or candidates from among those qualified candidates who have
186 filed declarations of candidacy; and

187 (ii) certify the name of the candidate or candidates to the county clerk at least 60 days
188 before the regular primary election.

189 (4) (a) The requirements of this Subsection (4) apply when:

190 (i) the office of county attorney or district attorney becomes vacant ~~[and:]~~;

191 ~~[(i)]~~ (ii) the vacant office has an unexpired term of two years or more; and

192 ~~[(ii)]~~ (iii) 75 days or less remain before the regular primary election but more than 65
193 days remain before the regular general election.

194 (b) When the conditions established in Subsection (4)(a) are met, the county central
195 committees of each registered political party that wish to submit a candidate for the office shall
196 summarily certify the name of one candidate to the county clerk for placement on the regular
197 general election ballot.

198 (c) The candidate elected shall complete the unexpired term of the person who created
199 the vacancy.

200 (5) (a) The requirements of this Subsection (5) apply when:

201 (i) the office of county attorney or district attorney becomes vacant; and~~[:]~~

202 ~~[(i)]~~ (ii) (A) the vacant office has an unexpired term of less than two years; or

203 ~~[(ii)]~~ (B) the vacant office has an unexpired term of two years or more but 65 days or
204 less remain before the next regular general election.

205 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
206 body shall give notice of the vacancy to the county central committee of the same political
207 party of the prior officeholder and invite that committee to submit the names of three nominees
208 to fill the vacancy.

209 (c) That county central committee shall, within 30 days of receiving notice from the
210 county legislative body, submit to the county legislative body the names of three nominees to
211 fill the vacancy.

212 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
213 one of those nominees to serve out the unexpired term.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(ii) contains the list of nominees submitted by the party central committee.

(f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.

(g) A person appointed to fill the vacancy under Subsection (5) shall complete the unexpired term of the person who created the vacancy.

(6) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

Section 4. Section **20A-8-103** is amended to read:

20A-8-103. Petition procedures -- Criminal penalty.

(1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.

(2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:

(a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending no later than ~~[the February 15]~~ November 30 of the year before the year in which the next regular general election will be held; and

(b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters on or before ~~[February 15]~~ November 30 of the year before the year in which a regular general election will be held.

(3) The petition shall:

(a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

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

(c) contain the name of the political party and the words "Political Party Registration

Petition" printed directly below the horizontal line;

(d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);

(e) 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 political party registration petition signature sheet with any name other than the person's own name or more than once for the same party 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 petition is submitted to the lieutenant governor.";

(f) contain the following statement directly under the statement described in Subsection (3)(e):

"POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
Lieutenant Governor:

We, the undersigned citizens of Utah, seek registered political party status for _____
(name);

Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor;

I am or desire to become a member of the political party; and

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

(g) be vertically divided into columns as follows:

(i) 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;

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

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

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

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

(vi) 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.";

(h) have a final page bound to one or more signature sheets that are bound together that contains 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 petition is submitted to the lieutenant governor.

(Signature) (Residence Address) (Date)"; and

(i) be bound to a cover sheet that:

(i) identifies the political party's name, which may not exceed four words, and the emblem of the party;

(ii) states the process that the organization will follow to organize and adopt a constitution and bylaws; and

(iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.

(4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in whose presence each signature sheet is signed:

(a) is at least 18 years old;

(b) meets the residency requirements of Section 20A-2-105; and

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

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

(6) The lieutenant governor shall:

(a) determine whether the required number of voters appears on the petition;

(b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and

(c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

(7) (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.

(b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.

(8) A registered political party may not change its name or emblem during the regular general election cycle.

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

(i) knowingly sign a political party registration petition:

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

(B) more than once for the same political party; 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 petition is submitted to the lieutenant governor; or

(ii) sign the verification of a political party registration petition signature sheet if the person:

(A) 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 political

party registration petition signature sheet; or

(C) knows that a person whose signature appears on the political party registration petition 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 (9) is guilty of a class A misdemeanor.

Section 5. 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;

(A) on or after the first business day following January 1 of the regular general election year~~[, and];~~;

(B) no later than 14 calendar days after the day described in Subsection (1)(a)(i)(A);
and

(C) 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.]~~ the day on which the county clerk receives the declaration of candidacy.

(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]~~ the county clerk's 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;

(A) on or after the first business day following January 1 of the regular general election year~~[, and]~~;

(B) no later than 14 calendar days after the day described in Subsection (2)(a)(i)(A);
and

(C) if applicable, 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 candidate.

(4) Each registered political party shall:

(a) certify the names of ~~[its]~~ the registered political party's candidates for president and vice president of the United States to the lieutenant governor no later than August 31; or

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

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

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

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

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

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

406 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.
407 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
408 by a district court if prompt application is made to the court.

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

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

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

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

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

418 (ii) the person is a member of:

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

421 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
422 commissioned corps of the National Oceanic and Atmospheric Administration of the United
423 States; or

424 (C) the National Guard on activated status;

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

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

429 Section 6. Section 20A-9-406 is amended to read:

430 **20A-9-406. Qualified political party -- Requirements and exemptions.**

431 The following provisions apply to a qualified political party:

432 (1) the qualified political party shall, no later than 5 p.m. on [~~March 1 of each~~
433 ~~even-numbered~~] November 15 of each odd-numbered year, certify to the lieutenant governor
434 the identity of one or more registered political parties whose members may vote for the
435 qualified political party's candidates and whether unaffiliated voters may vote for the qualified
436 political party's candidates;

437 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
438 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
439 political party;

440 (3) an individual may only seek the nomination of the qualified political party by using
441 a method described in Section 20A-9-407, Section 20A-9-408, or both;

442 (4) the qualified political party shall comply with the provisions of Sections
443 20A-9-407, 20A-9-408, and 20A-9-409;

444 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
445 shall ensure that a ballot described in Section 20A-6-301 includes each [~~person~~] individual
446 nominated by a qualified political party:

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

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

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

454 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
455 the party designation of each candidate who is nominated by the qualified political party is
456 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

457 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
458 the party designation of each candidate who is nominated by the qualified political party is
459 displayed adjacent to the candidate's name on an electronic ballot;

460 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
461 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;

(10) 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);

(11) 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;

(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;

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

(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 7. 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(4)(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.

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

497 ~~[(a) file a declaration of candidacy in person with the filing officer on or after the~~
498 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~
499 ~~regular general election; and]~~

500 ~~[(b) pay the filing fee.]~~

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

505 ~~[(a) file a declaration of candidacy with the county clerk designated in the interlocal~~
506 ~~agreement creating the prosecution district on or after the second Friday in March and before 5~~
507 ~~p.m. on the third Thursday in March before the next regular general election; and]~~

508 ~~[(b) pay the filing fee.]~~

509 ~~[(5)]~~ (3) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor
510 candidate who files as the joint-ticket running mate of an individual who is nominated by a
511 qualified political party, under this section, for the office of governor shall submit a letter from
512 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
513 running mate.

514 ~~[(6)]~~ (4) (a) A qualified political party that nominates a candidate under this section
515 shall certify the name of the candidate to the lieutenant governor before 5 p.m. on the first
516 Monday after the fourth Saturday in April.

517 (b) The lieutenant governor shall ensure that the certification described in Subsection
518 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
519 under this section.

520 ~~[(7)]~~ (5) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate
521 who is nominated by a qualified political party under this section, designate the qualified
522 political party that nominated the candidate.

523 Section 8. 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.

(2) Notwithstanding Subsection 20A-9-201(4)(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]~~

(3) 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) within the period beginning on January 1 before the next regular general election and ending on the third Thursday in March of the same year]~~, on or after the first business day in January, on or before 14 calendar days after the first business day in January, 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)]~~ (a) the name of the member who will attempt to become a candidate for a registered political party under this section;

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

~~[(iii)]~~ (c) the office for which the member is seeking to become a candidate;

~~[(iv)]~~ (d) the address and telephone number of the member; and

~~[(v)]~~ (e) other information required by the lieutenant governor~~[:]~~.

~~[(b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and]~~

~~[(c) pay the filing fee.]~~

~~[(4) Notwithstanding Subsection 20A-9-202(2)(a), a]~~

(4) 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 regular general election shall~~[(a) on or after January 1 before the next regular general election]~~, on or after the first business day in January, on or before 14 calendar days after the first business day in January, 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)~~] (a) the name of the member who will attempt to become a candidate for a registered political party under this section;

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

[~~(iii)~~] (c) the office for which the member is seeking to become a candidate;

[~~(iv)~~] (d) the address and telephone number of the member; and

[~~(v)~~] (e) other information required by the lieutenant governor~~;~~].

~~[(b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; 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 submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

(6) 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 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, during the period beginning on the first business day in January [†] of an even-numbered year and ending 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 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) 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:

(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 no later than 14 days before the day on

which the qualified political party holds its convention to select candidates, for the elective office, for the qualified political party's nomination.

(b) 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.

(c) 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 (9)(c)(i).

(d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), 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:

(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)(d)(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;

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

(v) 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.

(e) 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 9. Section **20A-14-203** is amended to read:

20A-14-203. Becoming a member of a local board of education -- Declaration of candidacy -- Election.

(1) An individual may become a candidate for a local school board:

~~[(a) (i) in the 2016 general election, by filing a declaration of candidacy with the county clerk, in accordance with Section **20A-9-202**, before 5 p.m. on March 17, 2016; or]~~

~~[(ii) in a general election held after 2016;]~~

(a) by filing a declaration of candidacy with the county clerk;

(i) on or after the [second Friday in March, and before 5 p.m. on the third Thursday in March, before the next] first business day following January 1 of the regular general election[; and] year; and

(ii) not later than 14 calendar days after the day described in Subsection

(1)(a)(i); and

(b) by paying the fee described in Section **20A-9-202**.

(2) (a) The term of office for an individual elected to a local board of education is four years, beginning on the first Monday in January after the election.

(b) A member of a local board of education shall serve until a successor is elected or appointed and qualified.

(c) A member of a local board of education is "qualified" when the member takes or signs the constitutional oath of office.

Section 10. **Repealer.**

This bill repeals:

Section **20A-5-409**, **Certification of candidates to county clerks.**

Legislative Review Note
Office of Legislative Research and General Counsel