

**CANDIDACY AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas V. Sagers**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to a declaration of candidacy.

**Highlighted Provisions:**

This bill:

- ▶ provides that a statement made in a declaration of candidacy is subject to the penalties of perjury; and
- ▶ extends the deadline for challenging a declaration of candidacy.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-9-201**, as last amended by Laws of Utah 2020, Chapter 22

**20A-9-202**, as last amended by Laws of Utah 2020, Chapter 22

**20A-9-203**, as last amended by Laws of Utah 2020, Chapter 22

**20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296

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

Section 1. Section **20A-9-201** is amended to read:



28           **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
29 **more than one political party prohibited with exceptions -- General filing and form**  
30 **requirements -- Affidavit of impecuniosity.**

31           (1) Before filing a declaration of candidacy for election to any office, an individual  
32 shall:

33           (a) be a United States citizen;

34           (b) meet the legal requirements of that office; and

35           (c) if seeking a registered political party's nomination as a candidate for elective office,  
36 state:

37           (i) the registered political party of which the individual is a member; or

38           (ii) that the individual is not a member of a registered political party.

39           (2) (a) Except as provided in Subsection (2)(b), an individual may not:

40           (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
41 Utah during any election year;

42           (ii) appear on the ballot as the candidate of more than one political party; or

43           (iii) file a declaration of candidacy for a registered political party of which the  
44 individual is not a member, except to the extent that the registered political party permits  
45 otherwise in the registered political party's bylaws.

46           (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,  
47 president or vice president of the United States and another office, if the individual resigns the  
48 individual's candidacy for the other office after the individual is officially nominated for  
49 president or vice president of the United States.

50           (ii) An individual may file a declaration of candidacy for, or be a candidate for, more  
51 than one justice court judge office.

52           (iii) An individual may file a declaration of candidacy for lieutenant governor even if  
53 the individual filed a declaration of candidacy for another office in the same election year if the  
54 individual withdraws as a candidate for the other office in accordance with Subsection  
55 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

56           (3) (a) Except for a candidate for president or vice president of the United States,  
57 before the filing officer may accept any declaration of candidacy, the filing officer shall:

58           (i) read to the individual the constitutional and statutory qualification requirements for

59 the office that the individual is seeking;

60 (ii) require the individual to state whether the individual meets the requirements  
61 described in Subsection (3)(a)(i); [~~and~~]

62 (iii) if the declaration of candidacy is for a county office, inform the individual that an  
63 individual who holds a county elected office may not, at the same time, hold a municipal  
64 elected office[:]; and

65 (iv) if the declaration of candidacy is for a legislative office, inform the individual that  
66 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit  
67 or trust, under authority of the United States or Utah, from being a member of the Legislature.

68 (b) Before accepting a declaration of candidacy for the office of county attorney, the  
69 county clerk shall ensure that the individual filing that declaration of candidacy is:

70 (i) a United States citizen;

71 (ii) an attorney licensed to practice law in the state who is an active member in good  
72 standing of the Utah State Bar;

73 (iii) a registered voter in the county in which the individual is seeking office; and

74 (iv) a current resident of the county in which the individual is seeking office and either  
75 has been a resident of that county for at least one year or was appointed and is currently serving  
76 as county attorney and became a resident of the county within 30 days after appointment to the  
77 office.

78 (c) Before accepting a declaration of candidacy for the office of district attorney, the  
79 county clerk shall ensure that, as of the date of the election, the individual filing that  
80 declaration of candidacy is:

81 (i) a United States citizen;

82 (ii) an attorney licensed to practice law in the state who is an active member in good  
83 standing of the Utah State Bar;

84 (iii) a registered voter in the prosecution district in which the individual is seeking  
85 office; and

86 (iv) a current resident of the prosecution district in which the individual is seeking  
87 office and either will have been a resident of that prosecution district for at least one year as of  
88 the date of the election or was appointed and is currently serving as district attorney and  
89 became a resident of the prosecution district within 30 days after receiving appointment to the

90 office.

91 (d) Before accepting a declaration of candidacy for the office of county sheriff, the  
92 county clerk shall ensure that the individual filing the declaration:

93 (i) is a United States citizen;

94 (ii) is a registered voter in the county in which the individual seeks office;

95 (iii) (A) has successfully met the standards and training requirements established for  
96 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
97 Certification Act; or

98 (B) has met the waiver requirements in Section [53-6-206](#);

99 (iv) is qualified to be certified as a law enforcement officer, as defined in Section  
100 [53-13-103](#); and

101 (v) as of the date of the election, will have been a resident of the county in which the  
102 individual seeks office for at least one year.

103 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant  
104 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
105 Education member, the filing officer shall ensure:

106 (i) that the individual filing the declaration of candidacy also makes the conflict of  
107 interest disclosure required by Section [20A-11-1603](#); and

108 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the  
109 individual provides the conflict of interest disclosure form to the lieutenant governor in  
110 accordance with Section [20A-11-1603](#).

111 (4) If an individual who files a declaration of candidacy does not meet the qualification  
112 requirements for the office the individual is seeking, the filing officer may not accept the  
113 individual's declaration of candidacy.

114 (5) If an individual who files a declaration of candidacy meets the requirements  
115 described in Subsection (3), the filing officer shall:

116 (a) inform the individual that:

117 (i) the individual's name will appear on the ballot as the individual's name is written on  
118 the individual's declaration of candidacy;

119 (ii) the individual may be required to comply with state or local campaign finance  
120 disclosure laws; and

121 (iii) the individual is required to file a financial statement before the individual's  
122 political convention under:

123 (A) Section 20A-11-204 for a candidate for constitutional office;

124 (B) Section 20A-11-303 for a candidate for the Legislature; or

125 (C) local campaign finance disclosure laws, if applicable;

126 (b) except for a presidential candidate, provide the individual with a copy of the current  
127 campaign financial disclosure laws for the office the individual is seeking and inform the  
128 individual that failure to comply will result in disqualification as a candidate and removal of  
129 the individual's name from the ballot;

130 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide  
131 Electronic Voter Information Website Program and inform the individual of the submission  
132 deadline under Subsection 20A-7-801(4)(a);

133 (d) provide the candidate with a copy of the pledge of fair campaign practices  
134 described under Section 20A-9-206 and inform the candidate that:

135 (i) signing the pledge is voluntary; and

136 (ii) signed pledges shall be filed with the filing officer;

137 (e) accept the individual's declaration of candidacy; and

138 (f) if the individual has filed for a partisan office, provide a certified copy of the  
139 declaration of candidacy to the chair of the county or state political party of which the  
140 individual is a member.

141 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing  
142 officer shall:

143 (a) accept the candidate's pledge; and

144 (b) if the candidate has filed for a partisan office, provide a certified copy of the  
145 candidate's pledge to the chair of the county or state political party of which the candidate is a  
146 member.

147 (7) (a) Except for a candidate for president or vice president of the United States, the  
148 form of the declaration of candidacy shall:

149 (i) be substantially as follows:

150 "State of Utah, County of \_\_\_\_\_

151 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the

152 nomination of the \_\_\_\_ party. I do solemnly swear, under penalty of perjury, that: I will meet  
 153 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at  
 154 \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_ Phone No. \_\_\_\_; I will not  
 155 knowingly violate any law governing campaigns and elections; if filing via a designated agent,  
 156 I will be out of the state of Utah during the entire candidate filing period; I will file all  
 157 campaign financial disclosure reports as required by law; and I understand that failure to do so  
 158 will result in my disqualification as a candidate for this office and removal of my name from  
 159 the ballot. The mailing address that I designate for receiving official election notices is  
 160 \_\_\_\_\_.

161 \_\_\_\_\_  
 162 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

163 Notary Public (or other officer qualified to administer oath)."; and

164 (ii) require the candidate to state, in the sworn statement described in Subsection

165 (7)(a)(i):

166 (A) the registered political party of which the candidate is a member; or

167 (B) that the candidate is not a member of a registered political party.

168 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of  
 169 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

170 (8) (a) Except for a candidate for president or vice president of the United States, the  
 171 fee for filing a declaration of candidacy is:

172 (i) \$50 for candidates for the local school district board; and

173 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
 174 person holding the office for all other federal, state, and county offices.

175 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
 176 any candidate:

177 (i) who is disqualified; or

178 (ii) who the filing officer determines has filed improperly.

179 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
 180 from candidates.

181 (ii) The lieutenant governor shall:

182 (A) apportion to and pay to the county treasurers of the various counties all fees

183 received for filing of nomination certificates or acceptances; and

184 (B) ensure that each county receives that proportion of the total amount paid to the  
185 lieutenant governor from the congressional district that the total vote of that county for all  
186 candidates for representative in Congress bears to the total vote of all counties within the  
187 congressional district for all candidates for representative in Congress.

188 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
189 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
190 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
191 a financial statement filed at the time the affidavit is submitted.

192 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

193 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
194 statement filed under this section shall be subject to the criminal penalties provided under  
195 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

196 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be  
197 considered an offense under this title for the purposes of assessing the penalties provided in  
198 Subsection 20A-1-609(2).

199 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
200 substantially the following form:

201 "Affidavit of Impecuniosity

202 Individual Name

203 \_\_\_\_\_ Address \_\_\_\_\_

204 Phone Number \_\_\_\_\_

205 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
206 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
207 law.

208 Date \_\_\_\_\_ Signature \_\_\_\_\_

209 Affiant

210 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

211 \_\_\_\_\_  
212 (signature)

213 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_".

214 (v) The filing officer shall provide to a person who requests an affidavit of  
215 impecuniosity a statement printed in substantially the following form, which may be included  
216 on the affidavit of impecuniosity:

217 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
218 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
219 penalties, will be removed from the ballot."

220 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
221 under this Subsection (8)(d) file a financial statement on a form prepared by the election  
222 official.

223 (9) An individual who fails to file a declaration of candidacy or certificate of  
224 nomination within the time provided in this chapter is ineligible for nomination to office.

225 (10) A declaration of candidacy filed under this section may not be amended or  
226 modified after the final date established for filing a declaration of candidacy.

227 Section 2. Section 20A-9-202 is amended to read:

228 **20A-9-202. Declarations of candidacy for regular general elections.**

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

231 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person  
232 with the filing officer on or after January 1 of the regular general election year, and, if  
233 applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

234 (ii) pay the filing fee.

235 (b) Unless expressly provided otherwise in this title, for a registered political party that  
236 is not a qualified political party, the deadline for filing a declaration of candidacy for an  
237 elective office that is to be filled at the next regular general election is:

238 (i) in a year other than 2020, 5 p.m. on the first Monday after the third Saturday in  
239 April; or

240 (ii) in 2020, before 5 p.m. April 27.

241 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file  
242 a declaration of candidacy with the filing officer if:

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

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



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

247 (iv) the individual provides the filing officer with an email address to which the filing  
248 officer may send the individual the copies described in Subsection 20A-9-201(5).

249 (d) Each county clerk who receives a declaration of candidacy from a candidate for  
250 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
251 candidacy to the lieutenant governor within one business day after the candidate files the  
252 declaration of candidacy.

253 (e) Each day during the filing period, each county clerk shall notify the lieutenant  
254 governor electronically or by telephone of candidates who have filed a declaration of candidacy  
255 with the county clerk.

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

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

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

265 (ii) pay the filing fee.

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

269 (3) (a) Before the deadline described in Subsection (1)(b)(i) or (ii), each lieutenant  
270 governor candidate shall:

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

272 (ii) pay the filing fee; and

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

276 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

277 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to  
278 replace the disqualified candidate.

279 (4) Before 5 p.m. no later than August 31, each registered political party shall:

280 (a) certify the names of the political party's candidates for president and vice president  
281 of the United States to the lieutenant governor; or

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

285 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
286 objection is filed with the clerk or lieutenant governor before 5 p.m. within [~~five~~] 30 days after  
287 the last day for filing.

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

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

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

292 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
293 problem by amending the declaration or petition before 5 p.m. within three days after the day  
294 on which the objection is sustained or by filing a new declaration before 5 p.m. within three  
295 days after the day on which the objection is sustained.

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

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

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

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

303 (7) (a) Except for a candidate who is certified by a registered political party under  
304 Subsection (4), and except as provided in Section [20A-9-504](#), before 5 p.m. no later than  
305 August 31 of a general election year, each individual running as a candidate for vice president  
306 of the United States shall:

- 307 (i) file a declaration of candidacy, in person or via a designated agent, on a form  
308 developed by the lieutenant governor, that:
- 309 (A) contains the individual's name, address, and telephone number;
- 310 (B) states that the individual meets the qualifications for the office of vice president of  
311 the United States;
- 312 (C) names the presidential candidate, who has qualified for the general election ballot,  
313 with which the individual is running as a joint-ticket running mate;
- 314 (D) states that the individual agrees to be the running mate of the presidential candidate  
315 described in Subsection (7)(a)(i)(C); and
- 316 (E) contains any other necessary information identified by the lieutenant governor;
- 317 (ii) pay the filing fee; and
- 318 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)  
319 that names the individual as a joint-ticket running mate as a vice presidential candidate.
- 320 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of  
321 candidacy.
- 322 (c) A vice presidential candidate who fails to meet the requirements described in this  
323 Subsection (7) may not appear on the general election ballot.
- 324 (8) An individual filing a declaration of candidacy for president or vice president of the  
325 United States shall pay a filing fee of \$500.
- 326 Section 3. Section **20A-9-203** is amended to read:
- 327 **20A-9-203. Declarations of candidacy -- Municipal general elections.**
- 328 (1) An individual may become a candidate for any municipal office if:
- 329 (a) the individual is a registered voter; and
- 330 (b) (i) the individual has resided within the municipality in which the individual seeks  
331 to hold elective office for the 12 consecutive months immediately before the date of the  
332 election; or
- 333 (ii) the territory in which the individual resides was annexed into the municipality, the  
334 individual has resided within the annexed territory or the municipality the 12 consecutive  
335 months immediately before the date of the election.
- 336 (2) (a) For purposes of determining whether an individual meets the residency  
337 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months

338 before the election, the municipality is considered to have been incorporated 12 months before  
339 the date of the election.

340 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
341 council position shall, if elected from a district, be a resident of the council district from which  
342 the candidate is elected.

343 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
344 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
345 against the elective franchise may not hold office in this state until the right to hold elective  
346 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

347 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
348 regardless of the nomination method by which the individual is seeking to become a candidate:

349 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal  
350 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a  
351 declaration of candidacy, in person with the city recorder or town clerk, during the office hours  
352 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1  
353 and June 7 of any odd-numbered year; and

354 (ii) pay the filing fee, if one is required by municipal ordinance.

355 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
356 declaration of candidacy with the city recorder or town clerk if:

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

358 (ii) the designated agent appears in person before the city recorder or town clerk;

359 (iii) the individual communicates with the city recorder or town clerk using an  
360 electronic device that allows the individual and city recorder or town clerk to see and hear each  
361 other; and

362 (iv) the individual provides the city recorder or town clerk with an email address to  
363 which the city recorder or town clerk may send the individual the copies described in  
364 Subsection (4).

365 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

366 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting  
367 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during  
368 the office hours described in Section [10-3-301](#) and not later than the close of those office

369 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support  
370 of the nomination petition of the lesser of at least:

371 (A) 25 registered voters who reside in the municipality; or

372 (B) 20% of the registered voters who reside in the municipality; and

373 (ii) paying the filing fee, if one is required by municipal ordinance.

374 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
375 petition, the filing officer shall:

376 (i) read to the prospective candidate or individual filing the petition the constitutional  
377 and statutory qualification requirements for the office that the candidate is seeking;

378 (ii) require the candidate or individual filing the petition to state whether the candidate  
379 meets the requirements described in Subsection (4)(a)(i); and

380 (iii) inform the candidate or the individual filing the petition that an individual who  
381 holds a municipal elected office may not, at the same time, hold a county elected office.

382 (b) If the prospective candidate does not meet the qualification requirements for the  
383 office, the filing officer may not accept the declaration of candidacy or nomination petition.

384 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
385 filing officer shall:

386 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
387 written on the declaration of candidacy;

388 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
389 for the office the candidate is seeking and inform the candidate that failure to comply will  
390 result in disqualification as a candidate and removal of the candidate's name from the ballot;

391 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
392 Electronic Voter Information Website Program and inform the candidate of the submission  
393 deadline under Subsection 20A-7-801(4)(a);

394 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
395 described under Section 20A-9-206 and inform the candidate that:

396 (A) signing the pledge is voluntary; and

397 (B) signed pledges shall be filed with the filing officer; and

398 (v) accept the declaration of candidacy or nomination petition.

399 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing

400 officer shall:

401 (i) accept the candidate's pledge; and

402 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
403 candidate's pledge to the chair of the county or state political party of which the candidate is a  
404 member.

405 (5) (a) The declaration of candidacy shall be in substantially the following form:

406 "I, (print name) \_\_\_\_, being first sworn and under penalty of perjury, say that I reside at  
407 \_\_\_\_ Street, City of \_\_\_\_, County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number  
408 (if any) \_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_  
409 (stating the term). I will meet the legal qualifications required of candidates for this office. If  
410 filing via a designated agent, I attest that I will be out of the state of Utah during the entire  
411 candidate filing period. I will file all campaign financial disclosure reports as required by law  
412 and I understand that failure to do so will result in my disqualification as a candidate for this  
413 office and removal of my name from the ballot. I request that my name be printed upon the  
414 applicable official ballots. (Signed) \_\_\_\_\_

415 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
416 \_\_\_\_\_(month\day\year).

417 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)".

418 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
419 not sign the form described in Subsection (5)(a).

420 (c) (i) A nomination petition shall be in substantially the following form:

421 "NOMINATION PETITION

422 The undersigned residents of (name of municipality), being registered voters, nominate  
423 (name of nominee) for the office of (name of office) for the (length of term of office)."

424 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
425 individuals signing the petition and each individual's address and phone number.

426 (6) If the declaration of candidacy or nomination petition fails to state whether the  
427 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
428 for the four-year term.

429 (7) (a) The clerk shall verify with the county clerk that all candidates are registered  
430 voters.

431 (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
432 print the candidate's name on the ballot.

433 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
434 clerk shall:

435 (a) publish a list of the names of the candidates as they will appear on the ballot:

436 (i) (A) in at least two successive publications of a newspaper of general circulation in  
437 the municipality;

438 (B) if there is no newspaper of general circulation in the municipality, by posting one  
439 copy of the list, and at least one additional copy of the list per 2,000 population of the  
440 municipality, in places within the municipality that are most likely to give notice to the voters  
441 in the municipality; or

442 (C) by mailing notice to each registered voter in the municipality;

443 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;

444 (iii) in accordance with Section 45-1-101, for seven days; and

445 (iv) if the municipality has a website, on the municipality's website for seven days; and

446 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
447 the ballot.

448 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
449 declaration of candidacy or nomination petition filed under this section after the candidate  
450 filing period ends.

451 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
452 this section is valid unless a person files a written objection with the clerk before 5 p.m. within  
453 [~~five~~] 30 days after the last day for filing.

454 (b) If a person files an objection, the clerk shall:

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

457 (ii) decide any objection within 48 hours after the objection is filed.

458 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three  
459 days after the day on which the clerk sustains the objection, correct the problem for which the  
460 objection is sustained by amending the candidate's declaration of candidacy or nomination  
461 petition, or by filing a new declaration of candidacy.

462 (d) (i) The clerk's decision upon objections to form is final.

463 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
464 prompt application is made to the district court.

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

467 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
468 candidate by filing a written affidavit with the municipal clerk.

469 Section 4. Section 20A-9-408.5 is amended to read:

470 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

471 The declaration of candidacy form described in Sections 20A-9-407 and 20A-9-408  
472 shall:

473 (1) be substantially as follows:

474 "State of Utah, County of \_\_\_\_\_

475 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
476 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear, under penalty of perjury, that: I  
477 will meet the qualifications to hold the office, both legally and constitutionally, if selected; I  
478 reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_;  
479 I will not knowingly violate any law governing campaigns and elections; I will file all  
480 campaign financial disclosure reports as required by law; and I understand that failure to do so  
481 will result in my disqualification as a candidate for this office and removal of my name from  
482 the ballot. The mailing address that I designate for receiving official election notices is  
483 \_\_\_\_\_  
484 \_\_\_\_\_.

485 Subscribed and sworn before me this \_\_\_\_\_(month\day\year). Notary Public (or  
486 other officer qualified to administer oath).";

487 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

488 (a) the registered political party of which the candidate is a member; or

489 (b) that the candidate is not a member of a registered political party; and

490 (3) direct the candidate to indicate whether the candidate is seeking the nomination

491 using:

492 (a) the convention process described in Section 20A-9-407;



- 493 (b) the signature-gathering process described in Section [20A-9-408](#); or  
494 (c) both processes described in Subsections (3)(a) and (b).