Senator **Wayne A. Harper** proposes the following substitute bill:

1 # ELECTION SCHEDULE AMENDMENTS

2 ## 2022 GENERAL SESSION

3 ## STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: _____

6 ===

7 **LONG TITLE**

8 **General Description:**

9   This bill amends provisions relating to the election schedule.

10 **Highlighted Provisions:**

11   This bill:

12   ▸ modifies the deadlines by which a political party is required to provide certain

13 notifications;

14   ▸ modifies the period for filing a declaration of candidacy and a notice of intent to

15 gather signatures;

16   ▸ clarifies provisions relating to the residency requirement of a candidate; and

17   ▸ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19   None

20 **Other Special Clauses:**

21   This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24   **20A-1-508**, as last amended by Laws of Utah 2019, Chapters 212, 255 and last

25 amended by Coordination Clause, Laws of Utah 2019, Chapter 212

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26	**20A-1-509.1**, as last amended by Laws of Utah 2019, Chapter 255
27	**20A-8-402.5**, as last amended by Laws of Utah 2019, Chapter 255
28	**20A-9-101**, as last amended by Laws of Utah 2020, Chapter 344
29	**20A-9-201**, as last amended by Laws of Utah 2021, Chapters 20 and 183
30	**20A-9-406**, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49
31	**20A-9-407**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
32	**20A-9-408**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
33	**20A-9-502**, as last amended by Laws of Utah 2018, Chapter 11
34	**20A-9-503**, as last amended by Laws of Utah 2020, Chapter 22
35	**20A-14-203**, as last amended by Laws of Utah 2016, Chapter 16
36	ENACTS:
37	**20A-9-201.5**, Utah Code Annotated 1953

38

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

40   Section 1. Section **20A-1-508** is amended to read:

41   **20A-1-508.   Midterm vacancies in county elected offices -- Temporary manager --**

42   **Interim replacement.**

43   (1) As used in this section:

44   (a) (i) "County offices" includes the county executive, members of the county

45   legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,

46   the county recorder, the county surveyor, and the county assessor.

47   (ii) "County offices" does not include the office of county attorney, district attorney, or

48   judge.

49   (b) "Party liaison" means the political party officer designated to serve as a liaison with

50   each county legislative body on all matters relating to the political party's relationship with a

51   county as required by Section 20A-8-401.

52   (2) (a) Except as provided in Subsection (2)(d), until a county legislative body appoints

53   an interim replacement to fill a vacant county office under Subsection (3), the following shall

54   temporarily discharge the duties of the county office as a temporary manager:

55   (i) for a county office with one chief deputy, the chief deputy;

56   (ii) for a county office with more than one chief deputy:

57   (A) the chief deputy with the most cumulative time served as a chief deputy for the

58   county office; or

59   (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer

60   vacates the office, the county officer files with the county clerk a written statement designating

61   one of the county officer's chief deputies to discharge the duties of the county office in the

62   event the county officer vacates the office, the designated chief deputy; or

63   (iii) for a county office without a chief deputy:

64   (A) if one management-level employee serving under the county office has a

65   higher-seniority management level than any other employee serving under the county office,

66   that management-level employee;

67   (B) if two or more management-level employees serving under the county office have

68   the same and highest-seniority management level, the highest-seniority management-level

69   employee with the most cumulative time served in the employee's current position; or

70   (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county

71   officer vacates the office, the county officer files with the county clerk a written statement

72   designating one of the county officer's employees to discharge the county officer's duties in the

73   event the county officer vacates the office, the designated employee.

74   (b) Except as provided in Subsection (2)(c), a temporary manager described in

75   Subsection (2)(a) who temporarily discharges the duties of a county office holds the powers

76   and duties of the county office until the county legislative body appoints an interim

77   replacement under Subsection (3).

78   (c) The temporary manager described in Subsection (2)(a) who temporarily discharges

79   the duties of a county office:

80   (i) may not take an oath of office for the county office as a temporary manager;

81   (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for

82   Counties, and the county's budget ordinances and policies;

83   (iii) unless approved by the county legislative body, may not change the compensation

84   of an employee;

85   (iv) unless approved by the county legislative body, may not promote or demote an

86   employee or change an employee's job title;

87   (v) may terminate an employee only if the termination is conducted in accordance with:

88   (A) personnel rules described in Subsection 17-33-5(3) that are approved by the county

89   legislative body; and

90   (B) applicable law;

91   (vi) unless approved by the county legislative body, may not exceed by more than 5%

92   an expenditure that was planned before the county office for which the temporary manager

93   discharges duties was vacated;

94   (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or

95   compensation; and

96   (viii) if approved by the county legislative body, may receive a performance award

97   after:

98   (A) the county legislative body appoints an interim replacement under Subsection (3);

99   and

100   (B) the interim replacement is sworn into office.

101   (d) This Subsection (2) does not apply to a vacancy in the office of county legislative

102   body member.

103   (3) (a) Until a replacement is selected as provided in this section and has qualified, the

104   county legislative body shall appoint an interim replacement to fill the vacant office by

105   following the procedures and requirements of this Subsection (3).

106   (b) (i) To appoint an interim replacement, the county legislative body shall, within 10

107   days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison

108   of the same political party of the prior office holder and invite that party liaison to submit the

109   name of an individual to fill the vacancy.

110   (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the

111   liaison receives the notice described in Subsection (3)(b)(i), or if the party liaison does not

112   receive the notice, before 5 p.m. within 40 days after the day on which the vacancy occurs,

113   submit to the county legislative body the name of an individual the party selects in accordance

114   with the party's constitution or bylaws to serve as the interim replacement.

115   (iii) The county legislative body shall, no later than five days after the day on which a

116   party liaison submits the name of the individual to serve as the interim replacement, appoint the

117   individual to serve out the unexpired term.

118   (c) (i) If the county legislative body fails to appoint an interim replacement to fill the

119   vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later than five days

120   after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter

121   that:

122   (A) informs the governor that the county legislative body has failed to appoint a

123   replacement within the statutory time period; and

124   (B) contains the name of the individual submitted by the party liaison to fill the

125   vacancy.

126   (ii) The governor shall, within 10 days after the day on which the governor receives the

127   letter described in Subsection (3)(c)(i), appoint the individual named by the party liaison as an

128   interim replacement to fill the vacancy.

129   (d) An individual appointed as interim replacement under this Subsection (3) shall hold

130   office until a successor is elected and has qualified.

131   (4) (a) The requirements of this Subsection (4) apply to all county offices that become

132   vacant if:

133   (i) the vacant office has an unexpired term of two years or more; and

134   (ii) the vacancy occurs after the election at which the officeholder was elected, but

135   before the [second Friday in March of the next even-numbered year] first day of the declaration

136   of candidacy filing period described in Section 20A-9-201.5.

137   (b) (i) When the conditions described in Subsection (4)(a) are met, the county clerk

138   shall as soon as practicable, but no later than 180 days before the next regular general election,

139   notify the public and each registered political party that the vacancy exists.

140   (ii) An individual intending to become a party candidate for the vacant office shall file

141   a declaration of candidacy in accordance with:

142   (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

143   (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if

144   applicable.

145   (iii) An individual who is nominated as a party candidate, who qualifies as an

146   unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated

147   with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part

148   6, Write-in Candidates, shall run in the regular general election.

149   (5) (a) The requirements of this Subsection (5) apply to all county offices that become

150   vacant if:

151   (i) the vacant office has an unexpired term of two years or more; and

152   (ii) the vacancy occurs on or after the [second Friday in March of the next

153   even-numbered year] first day of the declaration of candidacy filing period described in Section

154   20A-9-201.5, but more than 75 days before the regular primary election.

155   (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall

156   as soon as practicable, but no later than 70 days before the next regular primary election, notify

157   the public and each registered political party:

158   (i) that the vacancy exists; and

159   (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established

160   under Subsection (5)(d)(ii).

161   (c) (i) An individual intending to become a party candidate for a vacant office shall,

162   within five days after the day on which the notice is given, ending at the close of normal office

163   hours on the fifth day, file a declaration of candidacy for the vacant office in accordance with:

164   (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

165   (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if

166   applicable.

167   (ii) The county central committee of each party shall:

168   (A) select a candidate or candidates from among those qualified candidates who have

169   filed declarations of candidacy; and

170   (B) certify the name of the candidate or candidates to the county clerk as soon as

171   practicable, but before 5 p.m. no later than 60 days before the day of the regular primary

172   election.

173   (d) (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a

174   candidate for a vacant office who does not wish to affiliate with a registered political party

175   shall file a verified certificate of nomination described in Section 20A-9-502 with the county

176   clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.

177   (ii) (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline

178   that is before 5 p.m. no later than 65 days before the day of the next regular general election by

179   which an individual who is not affiliated with a registered political party is required to submit a

180   certificate of nomination under Subsection (5)(d)(i).

181   (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A)

182   in a manner that gives an unaffiliated candidate an equal opportunity to access the regular

183   general election ballot.

184   (e) An individual who is nominated as a party candidate for the vacant office, who

185   qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates

186   not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under

187   Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

188   (6) (a) The requirements of this Subsection (6) apply to all county offices that become

189   vacant:

190   (i) if the vacant office has an unexpired term of two years or more; and

191   (ii) when 75 days or less remain before the day of the regular primary election but more

192   than 65 days remain before the day of the regular general election.

193   (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall,

194   as soon as practicable, notify the public and each registered political party:

195   (i) that the vacancy exists; and

196   (ii) of the deadlines established under Subsection (6)(d).

197   (c) (i) Before the deadline that the county clerk establishes under Subsection

198   (6)(d)(i)(A), the county central committee of each registered political party that wishes to

199   submit a candidate for the office shall certify the name of one candidate to the county clerk for

200   placement on the regular general election ballot.

201   (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),

202   a candidate who does not wish to affiliate with a registered political party shall file a verified

203   certificate of nomination described in Section 20A-9-502 with the county clerk in accordance

204   with Chapter 9, Part 5, Candidates not Affiliated with a Party.

205   (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C),

206   a write-in candidate shall submit to the county clerk a declaration of candidacy described in

207   Section 20A-9-601.

208   (d) (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines

209   that are before 5 p.m. no later than 65 days before the day of the next regular general election

210   by which:

211   (A) a registered political party is required to certify a name under Subsection (6)(c)(i);

212   (B) an individual who does not wish to affiliate with a registered political party is

213   required to submit a certificate of nomination under Subsection (6)(c)(ii); and

214   (C) a write-in candidate is required to submit a declaration of candidacy under

215   Subsection (6)(c)(iii).

216   (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner

217   that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the

218   regular general election ballot.

219   (e) An individual who is certified as a party candidate for the vacant office, who

220   qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates

221   not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under

222   Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

223   (7) (a) The requirements of this Subsection (7) apply to all county offices that become

224   vacant:

225   (i) if the vacant office has an unexpired term of less than two years; or

226   (ii) if the vacant office has an unexpired term of two years or more but 65 days or less

227   remain before the day of the next regular general election.

228   (b) (i) When the conditions described in Subsection (7)(a) are met, the county

229   legislative body shall as soon as practicable, but no later than 10 days after the day on which

230   the vacancy occurs, give notice of the vacancy to the party liaison of the same political party as

231   the prior office holder and invite that party liaison to submit the name of an individual to fill

232   the vacancy.

233   (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the

234   party liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison does

235   not receive the notice, before 5 p.m. no later than 40 days after the day on which the vacancy

236   occurs, submit to the county legislative body the name of an individual to fill the vacancy.

237   (iii) The county legislative body shall, no later than five days after the day on which a

238   party liaison submits the name of the individual to fill the vacancy, appoint the individual to

239   serve out the unexpired term.

240   (c) (i) If the county legislative body fails to appoint an individual to fill the vacancy in

241   accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

242   (A) informs the governor that the county legislative body has failed to appoint an

243   individual to fill the vacancy within the statutory time period; and

244   (B) contains the name of the individual submitted by the party liaison to fill the

245   vacancy.

246   (ii) The governor shall, within 10 days after the day on which the governor receives the

247   letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill

248   the vacancy.

249   (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold

250   office until a successor is elected and has qualified.

251   (8) Except as otherwise provided by law, the county legislative body may appoint

252   replacements to fill all vacancies that occur in those offices filled by appointment of the county

253   legislative body.

254   (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a

255   political party from filing a certificate of nomination for a vacant office within the same time

256   limits as a candidate that is affiliated with a political party.

257   (10) (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a

258   county office shall serve for the remainder of the unexpired term of the individual who created

259   the vacancy and until a successor is elected and qualified.

260   (b) Nothing in this section may be construed to contradict or alter the provisions of

261   Section 17-16-6.

262   Section 2. Section **20A-1-509.1** is amended to read:

263   **20A-1-509.1.   Procedure for filling midterm vacancy in county or district with 15**

264   **or more attorneys.**

265   (1) When a vacancy occurs in the office of county or district attorney in a county or

266   district having 15 or more attorneys who are licensed active members in good standing with the

267   Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

268   (2) (a) The requirements of this Subsection (2) apply when the office of county

269   attorney or district attorney becomes vacant and:

270   (i) the vacant office has an unexpired term of two years or more; and

271   (ii) the vacancy occurs before the [third Thursday in March of the even-numbered year]

272   first day of the declaration of candidacy filing period described in Section 20A-9-201.5.

273   (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall

274   notify the public and each registered political party that the vacancy exists.

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

276   (i) file a declaration of candidacy according to the procedures and requirements of

277   Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

278   (ii) if nominated as a party candidate or qualified as an independent or write-in

279   candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the

280   regular general election; and

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

282   (d) If the vacancy occurs [after the second Friday in March and before the third

283   Thursday in March,] during the declaration of candidacy filing period described in Section

284   20A-9-201.5:

285   (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be

286   extended until 5 p.m. seven days after the [county clerk gives notice under Subsection (2)(b),

287   but no later than 5 p.m. the fourth Thursday in March.] last day of the filing period described in

288   Section 20A-9-201.5; and

289   (ii) the county clerk shall notify the public and each registered political party that the

290   vacancy exists.

291   (3) (a) The requirements of this Subsection (3) apply when the office of county

292   attorney or district attorney becomes vacant and:

293   (i) the vacant office has an unexpired term of two years or more; and

294   (ii) the vacancy occurs after the third Thursday in March of the even-numbered year

295   but more than 75 days before the regular primary election.

296   (b) When the conditions established in Subsection (3)(a) are met, the county clerk

297   shall:

298   (i) notify the public and each registered political party that the vacancy exists; and

299   (ii) identify the date and time by which a person interested in becoming a candidate

300   shall file a declaration of candidacy.

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

302   (i) before 5 p.m. within five days after the day on which the county clerk gives the

303   notice described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as

304   required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

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

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

307   (i) select a candidate or candidates from among those qualified candidates who have

308   filed declarations of candidacy; and

309   (ii) certify the name of the candidate or candidates to the county clerk:

310   (A) before 5 p.m. no later than 60 days before the day of the regular primary election;

311   or

312   (B) electronically, before midnight no later than 60 days before the day of the regular

313   primary election.

314   (4) (a) The requirements of this Subsection (4) apply when the office of county

315   attorney or district attorney becomes vacant and:

316   (i) the vacant office has an unexpired term of two years or more; and

317   (ii) 75 days or less remain before the regular primary election but more than 65 days

318   remain before the regular general election.

319   (b) When the conditions established in Subsection (4)(a) are met, the county central

320   committees of each registered political party that wish to submit a candidate for the office

321   shall, not later than five days after the day on which the vacancy occurs, certify the name of one

322   candidate to the county clerk for placement on the regular general election ballot.

323   (c) The candidate elected shall complete the unexpired term of the person who created

324   the vacancy.

325   (5) (a) The requirements of this Subsection (5) apply when the office of county

326   attorney or district attorney becomes vacant and:

327   (i) the vacant office has an unexpired term of less than two years; or

328   (ii) the vacant office has an unexpired term of two years or more but 65 days or less

329   remain before the next regular general election.

330   (b) When the conditions established in Subsection (5)(a) are met, the county legislative

331   body shall give notice of the vacancy to the county central committee of the same political

332   party of the prior officeholder and invite that committee to submit the names of three nominees

333   to fill the vacancy.

334   (c) That county central committee shall, within 30 days after the day on which the

335   county legislative body gives the notice described in Subsection (5)(b), submit to the county

336   legislative body the names of three nominees to fill the vacancy.

337   (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint

338   one of those nominees to serve out the unexpired term.

339   (e) If the county legislative body fails to appoint a person to fill the vacancy within 45

340   days, the county clerk shall send to the governor a letter that:

341   (i) informs the governor that the county legislative body has failed to appoint a person

342   to fill the vacancy within the statutory time period; and

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

344   (f) The governor shall appoint a person to fill the vacancy from that list of nominees

345   within 30 days after receipt of the letter.

346   (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the

347   unexpired term of the person who created the vacancy.

348   (6) Nothing in this section prevents or prohibits independent candidates from filing a

349   declaration of candidacy for the office within the required time limits.

350   Section 3. Section **20A-8-402.5** is amended to read:

351   **20A-8-402.5. Notification of political convention dates.**

352   (1) Before 5 p.m. no later than [February 15 of each even-numbered] the first Monday

353   of October of each odd-numbered year, a registered political party shall notify the lieutenant

354   governor of the dates of each political convention that will be held by the registered political

355   party [that] the following year.

356   (2) If, after providing the notice described in Subsection (1), a registered political party

357   changes the date of a political convention, the registered political party shall notify the

358   lieutenant governor of the change before 5 p.m. no later than one business day after the day on

359   which the registered political party makes the change.

360   Section 4. Section **20A-9-101** is amended to read:

361   **20A-9-101. Definitions.**

362   As used in this chapter:

363   (1) (a) "Candidates for elective office" means persons who file a declaration of

364   candidacy under Section 20A-9-202 to run in a regular general election for a federal office,

365   constitutional office, multicounty office, or county office.

366   (b) "Candidates for elective office" does not mean candidates for:

367   (i) justice or judge of court of record or not of record;

368   (ii) presidential elector;

369   (iii) any political party offices; and

370   (iv) municipal or local district offices.

371   (2) "Constitutional office" means the state offices of governor, lieutenant governor,

372   attorney general, state auditor, and state treasurer.

373   (3) "Continuing political party" means the same as that term is defined in Section

374   20A-8-101.

375   (4) (a) "County office" means an elective office where the officeholder is selected by

376   voters entirely within one county.

377   (b) "County office" does not mean:

378   (i) the office of justice or judge of any court of record or not of record;

379   (ii) the office of presidential elector;

380   (iii) any political party offices;

381   (iv) any municipal or local district offices; and

382   (v) the office of United States Senator and United States Representative.

383   (5) "Federal office" means an elective office for United States Senator and United

384   States Representative.

385   (6) "Filing officer" means:

386   (a) the lieutenant governor, for:

387   (i) the office of United States Senator and United States Representative; and

388   (ii) all constitutional offices;

389   (b) for the office of a state senator or state representative, the lieutenant governor or the

390   applicable clerk described in Subsection (6)(c) or (d);

391   (c) the county clerk, for county offices and local school district offices;

392   (d) the county clerk in the filer's county of residence, for multicounty offices;

393   (e) the city or town clerk, for municipal offices; or

394   (f) the local district clerk, for local district offices.

395   (7) "Local district office" means an elected office in a local district.

396   (8) "Local government office" includes county offices, municipal offices, and local

397   district offices and other elective offices selected by the voters from a political division entirely

398   within one county.

399   (9) (a) "Multicounty office" means an elective office where the officeholder is selected

400   by the voters from more than one county.

401   (b) "Multicounty office" does not mean:

402   (i) a county office;

403   (ii) a federal office;

404   (iii) the office of justice or judge of any court of record or not of record;

405   (iv) the office of presidential elector;

406   (v) any political party offices; or

407   (vi) any municipal or local district offices.

408   (10) "Municipal office" means an elective office in a municipality.

409   (11) (a) "Political division" means a geographic unit from which an officeholder is

410   elected and that an officeholder represents.

411   (b) "Political division" includes a county, a city, a town, a local district, a school

412   district, a legislative district, and a county prosecution district.

413   (12) "Qualified political party" means a registered political party that:

414   (a) (i) permits a delegate for the registered political party to vote on a candidate

415   nomination in the registered political party's convention remotely; or

416   (ii) provides a procedure for designating an alternate delegate if a delegate is not

417   present at the registered political party's convention;

418   (b) does not hold the registered political party's convention before the fourth Saturday

419   in March of an even-numbered year;

420   (c) permits a member of the registered political party to seek the registered political

421   party's nomination for any elective office by the member choosing to seek the nomination by

422   either or both of the following methods:

423   (i) seeking the nomination through the registered political party's convention process,

424   in accordance with the provisions of Section 20A-9-407; or

425   (ii) seeking the nomination by collecting signatures, in accordance with the provisions

426   of Section 20A-9-408; and

427   (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.

428   on [September 30] the first Monday of October of an odd-numbered year, certifies to the

429   lieutenant governor that, for the election in the following year, the registered political party

430   intends to nominate the registered political party's candidates in accordance with the provisions

431   of Section 20A-9-406; or

432   (ii) if the registered political party is not a continuing political party, certifies at the

433   time that the registered political party files the petition described in Section 20A-8-103 that, for

434   the next election, the registered political party intends to nominate the registered political

435   party's candidates in accordance with the provisions of Section 20A-9-406.

436   Section 5. Section **20A-9-201** is amended to read:

437   **20A-9-201.   Declarations of candidacy -- Candidacy for more than one office or of**

438   **more than one political party prohibited with exceptions -- General filing and form**

439   **requirements -- Affidavit of impecuniosity.**

440   (1) Before filing a declaration of candidacy for election to any office, an individual

441   shall:

442   (a) be a United States citizen;

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

444   (c) if seeking a registered political party's nomination as a candidate for elective office,

445   state:

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

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

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

449   (i) file a declaration of candidacy for, or be a candidate for, more than one office in

450   Utah during any election year;

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

452   (iii) file a declaration of candidacy for a registered political party of which the

453   individual is not a member, except to the extent that the registered political party permits

454   otherwise in the registered political party's bylaws.

455   (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,

456   president or vice president of the United States and another office, if the individual resigns the

457   individual's candidacy for the other office after the individual is officially nominated for

458   president or vice president of the United States.

459   (ii) An individual may file a declaration of candidacy for, or be a candidate for, more

460   than one justice court judge office.

461   (iii) An individual may file a declaration of candidacy for lieutenant governor even if

462   the individual filed a declaration of candidacy for another office in the same election year if the

463   individual withdraws as a candidate for the other office in accordance with Subsection

464   20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

465   (3) (a) Except for a candidate for president or vice president of the United States,

466   before the filing officer may accept any declaration of candidacy, the filing officer shall:

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

468   the office that the individual is seeking;

469   (ii) require the individual to state whether the individual meets the requirements

470   described in Subsection (3)(a)(i);

471   (iii) if the declaration of candidacy is for a county office, inform the individual that an

472   individual who holds a county elected office may not, at the same time, hold a municipal

473   elected office; and

474   (iv) if the declaration of candidacy is for a legislative office, inform the individual that

475   Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit

476   or trust, under authority of the United States or Utah, from being a member of the Legislature.

477   (b) Before accepting a declaration of candidacy for the office of county attorney, the

478   county clerk shall ensure that the individual filing that declaration of candidacy is:

479   (i) a United States citizen;

480   (ii) an attorney licensed to practice law in the state who is an active member in good

481   standing of the Utah State Bar;

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

483   (iv) a current resident of the county in which the individual is seeking office and either

484   has been a resident of that county for at least one year before the date of the election or was

485   appointed and is currently serving as county attorney and became a resident of the county

486   within 30 days after appointment to the office.

487   (c) Before accepting a declaration of candidacy for the office of district attorney, the

488   county clerk shall ensure that, as of the date of the election, the individual filing that

489   declaration of candidacy is:

490   (i) a United States citizen;

491   (ii) an attorney licensed to practice law in the state who is an active member in good
492   standing of the Utah State Bar;
493   (iii) a registered voter in the prosecution district in which the individual is seeking
494   office; and
495   (iv) a current resident of the prosecution district in which the individual is seeking
496   office and either will have been a resident of that prosecution district for at least one year [as
497   of] before the date of the election or was appointed and is currently serving as district attorney
498   and became a resident of the prosecution district within 30 days after receiving appointment to
499   the office.
500   (d) Before accepting a declaration of candidacy for the office of county sheriff, the
501   county clerk shall ensure that the individual filing the declaration:
502   (i) is a United States citizen;
503   (ii) is a registered voter in the county in which the individual seeks office;
504   (iii) (A) has successfully met the standards and training requirements established for
505   law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
506   Certification Act; or
507   (B) has met the waiver requirements in Section 53-6-206;
508   (iv) is qualified to be certified as a law enforcement officer, as defined in Section
509   53-13-103; and
510   (v) [as of] before the date of the election, will have been a resident of the county in
511   which the individual seeks office for at least one year.
512   (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
513   governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
514   Education member, the filing officer shall ensure that the individual filing the declaration of
515   candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.
516   (4) If an individual who files a declaration of candidacy does not meet the qualification
517   requirements for the office the individual is seeking, the filing officer may not accept the
518   individual's declaration of candidacy.
519   (5) If an individual who files a declaration of candidacy meets the requirements
520   described in Subsection (3), the filing officer shall:
521   (a) inform the individual that:

522   (i) the individual's name will appear on the ballot as the individual's name is written on

523   the individual's declaration of candidacy;

524   (ii) the individual may be required to comply with state or local campaign finance

525   disclosure laws; and

526   (iii) the individual is required to file a financial statement before the individual's

527   political convention under:

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

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

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

531   (b) except for a presidential candidate, provide the individual with a copy of the current

532   campaign financial disclosure laws for the office the individual is seeking and inform the

533   individual that failure to comply will result in disqualification as a candidate and removal of

534   the individual's name from the ballot;

535   (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide

536   Electronic Voter Information Website Program and inform the individual of the submission

537   deadline under Subsection 20A-7-801(4)(a);

538   (d) provide the candidate with a copy of the pledge of fair campaign practices

539   described under Section 20A-9-206 and inform the candidate that:

540   (i) signing the pledge is voluntary; and

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

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

543   (f) if the individual has filed for a partisan office, provide a certified copy of the

544   declaration of candidacy to the chair of the county or state political party of which the

545   individual is a member.

546   (6) If the candidate elects to sign the pledge of fair campaign practices, the filing

547   officer shall:

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

549   (b) if the candidate has filed for a partisan office, provide a certified copy of the

550   candidate's pledge to the chair of the county or state political party of which the candidate is a

551   member.

552   (7) (a) Except for a candidate for president or vice president of the United States, the

553   form of the declaration of candidacy shall:

554   (i) be substantially as follows:

555   "State of Utah, County of ____

556   I, _____, declare my candidacy for the office of ____, seeking the

557   nomination of the ____ party. I do solemnly swear, under penalty of perjury, that: I will

558   meet the qualifications to hold the office, both legally and constitutionally, if selected; I

559   reside at _____ in the City or Town of ____, Utah, Zip Code ____ Phone No.

560   ____; I will not knowingly violate any law governing campaigns and elections; if filing

561   via a designated agent, I will be out of the state of Utah during the entire candidate

562   filing period; I will file all campaign financial disclosure reports as required by law; and

563   I understand that failure to do so will result in my disqualification as a candidate for this

564   office and removal of my name from the ballot. The mailing address that I designate

565   for receiving official election notices is _____.

566   _____

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

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

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

570   (7)(a)(i):

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

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

573   (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of

574   candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

575   (8) (a) Except for a candidate for president or vice president of the United States, the

576   fee for filing a declaration of candidacy is:

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

578   (ii) $50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the

579   person holding the office for all other federal, state, and county offices.

580   (b) Except for presidential candidates, the filing officer shall refund the filing fee to

581   any candidate:

582   (i) who is disqualified; or

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

584   (c) (i) The county clerk shall immediately pay to the county treasurer all fees received

585 from candidates.

586   (ii) The lieutenant governor shall:

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

588 received for filing of nomination certificates or acceptances; and

589   (B) ensure that each county receives that proportion of the total amount paid to the

590 lieutenant governor from the congressional district that the total vote of that county for all

591 candidates for representative in Congress bears to the total vote of all counties within the

592 congressional district for all candidates for representative in Congress.

593   (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy

594 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by

595 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,

596 a financial statement filed at the time the affidavit is submitted.

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

598   (iii) (A) False statements made on an affidavit of impecuniosity or a financial

599 statement filed under this section shall be subject to the criminal penalties provided under

600 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

601   (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be

602 considered an offense under this title for the purposes of assessing the penalties provided in

603 Subsection 20A-1-609(2).

604   (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in

605 substantially the following form:

606   "Affidavit of Impecuniosity

607 Individual Name

608 _____Address_____

609 Phone Number _____

610 I,_____(name), do solemnly [swear] [affirm], under penalty of law

611 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by

612 law.

613 Date _____ Signature_____

614 Affiant

615   Subscribed and sworn to before me on _____ (month\day\year)

616   _____

617   (signature)

618   Name and Title of Officer Authorized to Administer Oath   _____".

619   (v) The filing officer shall provide to a person who requests an affidavit of

620   impecuniosity a statement printed in substantially the following form, which may be included

621   on the affidavit of impecuniosity:

622   "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

623   candidate who is found guilty of filing a false statement, in addition to being subject to criminal

624   penalties, will be removed from the ballot."

625   (vi) The filing officer may request that a person who makes a claim of impecuniosity

626   under this Subsection (8)(d) file a financial statement on a form prepared by the election

627   official.

628   (9) An individual who fails to file a declaration of candidacy or certificate of

629   nomination within the time provided in this chapter is ineligible for nomination to office.

630   (10) A declaration of candidacy filed under this section may not be amended or

631   modified after the final date established for filing a declaration of candidacy.

632   Section 6. Section **20A-9-201.5** is enacted to read:

633   **20A-9-201.5. Declaration of candidacy filing period for a qualified political party.**

634   (1) In 2022, for a qualified political party, the filing period to file a declaration of

635   candidacy for an elective office that is to be filled at the next regular general election begins at

636   8 a.m. on February 28, 2022, and ends at 5 p.m. on March 4, 2022.

637   (2) Beginning on January 1, 2024, for a qualified political party, the filing period to file

638   a declaration of candidacy for an elective office that is to be filled at the next regular general

639   election:

640   (a) begins the later of:

641   (i) January 2 of the year in which the next regular general election is held; or

642   (ii) if January 2 is on a weekend, the first business day after January 2; and

643   (b) ends at 5 p.m. on the fourth business day after the day on which the filing period

644   begins.

645   Section 7. Section **20A-9-406** is amended to read:

646   **20A-9-406.   Qualified political party -- Requirements and exemptions.**
647   The following provisions apply to a qualified political party:
648   (1) the qualified political party shall, no later than 5 p.m. on [November 30] the first
649   Monday of October of each odd-numbered year, certify to the lieutenant governor the identity
650   of one or more registered political parties whose members may vote for the qualified political
651   party's candidates and whether unaffiliated voters may vote for the qualified political party's
652   candidates;
653   (2) the following provisions do not apply to a nomination for the qualified political
654   party:
655   (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);
656   (b) Subsection 20A-9-403(5)(c); and
657   (c) Section 20A-9-405;
658   (3) an individual may only seek the nomination of the qualified political party by using
659   a method described in Section 20A-9-407, Section 20A-9-408, or both;
660   (4) the qualified political party shall comply with the provisions of Sections
661   20A-9-407, 20A-9-408, and 20A-9-409;
662   (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer
663   shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
664   by a qualified political party:
665   (a) under the qualified political party's name, if any; or
666   (b) under the title of the qualified registered political party as designated by the
667   qualified political party in the certification described in Subsection (1), or, if none is
668   designated, then under some suitable title;
669   (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
670   ballots in regular general elections, that each candidate who is nominated by the qualified
671   political party is listed by party;
672   (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
673   the party designation of each candidate who is nominated by the qualified political party is
674   displayed adjacent to the candidate's name on a mechanical ballot;
675   (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
676   includes an individual who files a declaration of candidacy under Section 20A-9-407 or

677   20A-9-408 to run in a regular general election for a federal office, constitutional office,

678   multicounty office, or county office;

679   (9) an individual who is nominated by, or seeking the nomination of, the qualified

680   political party is not required to comply with Subsection 20A-9-201(1)(c);

681   (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled

682   to have each of the qualified political party's candidates for elective office appear on the

683   primary ballot of the qualified political party with an indication that each candidate is a

684   candidate for the qualified political party;

685   (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include

686   on the list provided by the lieutenant governor to the county clerks:

687   (a) the names of all candidates of the qualified political party for federal, constitutional,

688   multicounty, and county offices; and

689   (b) the names of unopposed candidates for elective office who have been nominated by

690   the qualified political party and instruct the county clerks to exclude such candidates from the

691   primary-election ballot;

692   (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an

693   elective office in the regular primary election of the qualified political party is nominated by

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

695   (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section

696   20A-9-405, the qualified political party is entitled to have the names of its candidates for

697   elective office featured with party affiliation on the ballot at a regular general election.

698   Section 8. Section **20A-9-407** is amended to read:

699   **20A-9-407.   Convention process to seek the nomination of a qualified political**

700   **party.**

701   (1) This section describes the requirements for a member of a qualified political party

702   who is seeking the nomination of a qualified political party for an elective office through the

703   qualified political party's convention process.

704   (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of

705   candidacy for a member of a qualified political party who is nominated by, or who is seeking

706   the nomination of, the qualified political party under this section shall be substantially as

707   described in Section 20A-9-408.5.

708   (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
709   20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
710   nomination of the qualified political party for an elective office that is to be filled at the next
711   general election, shall:
712   (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in
713   person with the filing officer[:] during the declaration of candidacy filing period described in
714   Section 20A-9-201.5; and
715   [(i) on or after 48 days after the day on which the Legislature's general session begins,
716   as provided in Section 36-3-201; and]
717   [(ii) before 5 p.m. 52 days after the day on which the Legislature's general session
718   begins, as provided in Section 36-3-201; and]
719   (b) pay the filing fee.
720   (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
721   party who, under this section, is seeking the nomination of the qualified political party for the
722   office of district attorney within a multicounty prosecution district that is to be filled at the next
723   general election shall:
724   (a) file a declaration of candidacy with the county clerk designated in the interlocal
725   agreement creating the prosecution district[:] during the declaration of candidacy filing period
726   described in Section 20A-9-201.5; and
727   [(i) on or after 48 days after the day on which the Legislature's general session begins,
728   as provided in Section 36-3-201; and]
729   [(ii) before 5 p.m. 52 days after the day on which the Legislature's general session
730   begins, as provided in Section 36-3-201; and]
731   (b) pay the filing fee.
732   (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
733   who files as the joint-ticket running mate of an individual who is nominated by a qualified
734   political party, under this section, for the office of governor shall, [before the deadline
735   described in Subsection 20A-9-202(1)(b)] during the declaration of candidacy filing period
736   described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the
737   candidate for governor that names the lieutenant governor candidate as a joint-ticket running
738   mate.

739   (6) (a) A qualified political party that nominates a candidate under this section shall

740   certify the name of the candidate to the lieutenant governor before the deadline described in

741   Subsection 20A-9-202(1)(b).

742   (b) The lieutenant governor shall include, in the primary ballot certification or, for a

743   race where a primary is not held because the candidate is unopposed, in the general election

744   ballot certification, the name of each candidate nominated by a qualified political party under

745   this section.

746   (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who

747   is nominated by a qualified political party under this section, designate the qualified political

748   party that nominated the candidate.

749   Section 9. Section **20A-9-408** is amended to read:

750   **20A-9-408.   Signature-gathering process to seek the nomination of a qualified**

751   **political party.**

752   (1) This section describes the requirements for a member of a qualified political party

753   who is seeking the nomination of the qualified political party for an elective office through the

754   signature-gathering process described in this section.

755   (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of

756   candidacy for a member of a qualified political party who is nominated by, or who is seeking

757   the nomination of, the qualified political party under this section shall be substantially as

758   described in Section 20A-9-408.5.

759   (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection

760   20A-9-202(4), a member of a qualified political party who, under this section, is seeking the

761   nomination of the qualified political party for an elective office that is to be filled at the next

762   general election shall:

763   [(a) within the period beginning on January 1 before the next regular general election

764   and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as

765   provided in Section 36-3-201]

766   (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,

767   and before gathering signatures under this section, file with the filing officer on a form

768   approved by the lieutenant governor a notice of intent to gather signatures for candidacy that

769   includes:

770   (i) the name of the member who will attempt to become a candidate for a registered
771   political party under this section;
772   (ii) the name of the registered political party for which the member is seeking
773   nomination;
774   (iii) the office for which the member is seeking to become a candidate;
775   (iv) the address and telephone number of the member; and
776   (v) other information required by the lieutenant governor;
777   (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
778   in person, with the filing officer[:] during the declaration of candidacy filing period described
779   in Section 20A-9-201.5; and
780   [(i) on or after 48 days after the day on which the Legislature's general session begins,
781   as provided in Section 36-3-201; and]
782   [(ii) before 5 p.m. 52 days after the day on which the Legislature's general session
783   begins, as provided in Section 36-3-201; and]
784   (c) pay the filing fee.
785   (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
786   party who, under this section, is seeking the nomination of the qualified political party for the
787   office of district attorney within a multicounty prosecution district that is to be filled at the next
788   general election shall:
789   [(a) on or after January 1 before the next regular general election]
790   (a)   during the declaration of candidacy filing period described in Section 20A-9-201.5,
791   and before gathering signatures under this section, file with the filing officer on a form
792   approved by the lieutenant governor a notice of intent to gather signatures for candidacy that
793   includes:
794   (i) the name of the member who will attempt to become a candidate for a registered
795   political party under this section;
796   (ii) the name of the registered political party for which the member is seeking
797   nomination;
798   (iii) the office for which the member is seeking to become a candidate;
799   (iv) the address and telephone number of the member; and
800   (v) other information required by the lieutenant governor;

801   (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,

802   in person, with the filing officer[:] during the declaration of candidacy filing period described

803   in Section 20A-9-201.5; and

804   [(i) on or after 48 days after the day on which the Legislature's general session begins,

805   as provided in Section 36-3-201; and]

806   [(ii) before 5 p.m. 52 days after the day on which the Legislature's general session

807   begins, as provided in Section 36-3-201; and]

808   (c) pay the filing fee.

809   (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate

810   who files as the joint-ticket running mate of an individual who is nominated by a qualified

811   political party, under this section, for the office of governor shall, [before the deadline

812   described in Subsection 20A-9-202(1)(b)] during the declaration of candidacy filing period

813   described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the

814   candidate for governor that names the lieutenant governor candidate as a joint-ticket running

815   mate.

816   (6) The lieutenant governor shall ensure that the certification described in Subsection

817   20A-9-701(1) also includes the name of each candidate nominated by a qualified political party

818   under this section.

819   (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who

820   is nominated by a qualified political party under this section, designate the qualified political

821   party that nominated the candidate.

822   (8) A member of a qualified political party may seek the nomination of the qualified

823   political party for an elective office by:

824   (a) complying with the requirements described in this section; and

825   (b) collecting signatures, on a form approved by the lieutenant governor, during the

826   period beginning on [January 1 of an even-numbered year] the day on which the member files a

827   notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the

828   qualified political party's convention for the office is held, in the following amounts:

829   (i) for a statewide race, 28,000 signatures of registered voters in the state who are

830   permitted by the qualified political party to vote for the qualified political party's candidates in

831   a primary election;

832   (ii) for a congressional district race, 7,000 signatures of registered voters who are

833   residents of the congressional district and are permitted by the qualified political party to vote

834   for the qualified political party's candidates in a primary election;

835   (iii) for a state Senate district race, 2,000 signatures of registered voters who are

836   residents of the state Senate district and are permitted by the qualified political party to vote for

837   the qualified political party's candidates in a primary election;

838   (iv) for a state House district race, 1,000 signatures of registered voters who are

839   residents of the state House district and are permitted by the qualified political party to vote for

840   the qualified political party's candidates in a primary election;

841   (v) for a State Board of Education race, the lesser of:

842   (A) 2,000 signatures of registered voters who are residents of the State Board of

843   Education district and are permitted by the qualified political party to vote for the qualified

844   political party's candidates in a primary election; or

845   (B) 3% of the registered voters of the qualified political party who are residents of the

846   applicable State Board of Education district; and

847   (vi) for a county office race, signatures of 3% of the registered voters who are residents

848   of the area permitted to vote for the county office and are permitted by the qualified political

849   party to vote for the qualified political party's candidates in a primary election.

850   (9) (a) In order for a member of the qualified political party to qualify as a candidate

851   for the qualified political party's nomination for an elective office under this section, the

852   member shall:

853   (i) collect the signatures on a form approved by the lieutenant governor, using the same

854   circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

855   (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days

856   before the day on which the qualified political party holds the party's convention to select

857   candidates, for the elective office, for the qualified political party's nomination.

858   (b) An individual may not gather signatures under this section until after the individual

859   files a notice of intent to gather signatures for candidacy described in this section.

860   (c) An individual who files a notice of intent to gather signatures for candidacy,

861   described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files

862   the notice of intent to gather signatures for candidacy:

863   (i) required to comply with the reporting requirements that a candidate for office is

864   required to comply with; and

865   (ii) subject to the same enforcement provisions, and civil and criminal penalties, that

866   apply to a candidate for office in relation to the reporting requirements described in Subsection

867   (9)(c)(i).

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

869   election officer shall, no later than the earlier of 14 days after the day on which the election

870   officer receives the signatures, or one day before the day on which the qualified political party

871   holds the convention to select a nominee for the elective office to which the signature packets

872   relate:

873   (i) check the name of each individual who completes the verification for a signature

874   packet to determine whether each individual is a resident of Utah and is at least 18 years old;

875   (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a

876   Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

877   (iii) determine whether each signer is a registered voter who is qualified to sign the

878   petition, using the same method, described in Section 20A-7-206.3, used to verify a signature

879   on a petition; and

880   (iv) certify whether each name is that of a registered voter who is qualified to sign the

881   signature packet.

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

883   election officer shall, no later than one day before the day on which the qualified political party

884   holds the convention to select a nominee for the elective office to which the signature packets

885   relate, notify the qualified political party and the lieutenant governor of the name of each

886   member of the qualified political party who qualifies as a nominee of the qualified political

887   party, under this section, for the elective office to which the convention relates.

888   (f) Upon receipt of a notice of intent to gather signatures for candidacy described in

889   this section, the lieutenant governor shall post the notice of intent to gather signatures for

890   candidacy on the lieutenant governor's website in the same location that the lieutenant governor

891   posts a declaration of candidacy.

892   Section 10. Section **20A-9-502** is amended to read:

893   **20A-9-502.   Certificate of nomination -- Contents -- Circulation -- Verification --**

894   **Criminal penalty.**

895   (1) The candidate shall:

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

897   "State of Utah, County of _____

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

899   political group designated as _____ for the office of _____. I do solemnly swear that I can

900   qualify to hold that office both legally and constitutionally if selected, and that I reside at _____

901   Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and

902   that I am providing, or have provided, the required number of holographic signatures of

903   registered voters required by law; that as a candidate at the next election I will not knowingly

904   violate any election or campaign law; that, if filing via a designated agent for an office other

905   than president of the United States, I will be out of the state of Utah during the entire candidate

906   filing period; I will file all campaign financial disclosure reports as required by law; and I

907   understand that failure to do so will result in my disqualification as a candidate for this office

908   and removal of my name from the ballot.

909   _____

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

911   _____

912   Notary Public (or other officer

913   qualified to administer oaths)";

914   (b) bind signature sheets to the certificate that:

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

916   (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line

917   blank for the purpose of binding;

918   (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate

919   Certificate of Nomination Petition" printed directly below the horizontal line;

920   (iv) contain the word "Warning" printed directly under the words described in

921   Subsection (1)(b)(iii);

922   (v) contain, to the right of the word "Warning," the following statement printed in not

923   less than eight-point, single leaded type:

924   "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination

925   signature sheet with any name other than the person's own name or more than once for the

926   same candidate or if the person is not registered to vote in this state and does not intend to

927   become registered to vote in this state before the county clerk certifies the signatures.";

928   (vi) contain the following statement directly under the statement described in

929   Subsection (1)(b)(v):

930   "Each signer says:

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

932   I am registered to vote in Utah or intend to become registered to vote in Utah before the

933   county clerk certifies my signature; and

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

935   (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in

936   Subsection (1)(b)(vi); and

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

938   (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be

939   headed with "For Office Use Only," and be subdivided with a light vertical line down the

940   middle;

941   (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed

942   Name (must be legible to be counted)";

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

944   Registered Voter";

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

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

947   Code"; and

948   (F) at the bottom of the sheet, contain the following statement: "Birth date or age

949   information is not required, but it may be used to verify your identity with voter registration

950   records. If you choose not to provide it, your signature may not be certified as a valid signature

951   if you change your address before petition signatures are certified or if the information you

952   provide does not match your voter registration records."; and

953   (c) bind a final page to one or more signature sheets that are bound together that

954   contains, except as provided by Subsection (3), the following printed statement:

955   "Verification

956   State of Utah, County of _____

957   I, _____, of _____, hereby state that:

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

959   All the names that appear on the signature sheets bound to this page were signed by

960   persons who professed to be the persons whose names appear on the signature sheets, and each

961   of them signed the person's name on the signature sheets in my presence;

962   I believe that each has printed and signed the person's name and written the person's

963   street address correctly, and that each signer is registered to vote in Utah or will register to vote

964   in Utah before the county clerk certifies the signatures on the signature sheet.

965   _____

966   (Signature)   (Residence Address)   (Date)".

967   (2) An agent designated to file a certificate of nomination under Subsection

968   20A-9-503[(1)](2)(b) may not sign the form described in Subsection (1)(a).

969   (3) (a) The candidate shall circulate the nomination petition and ensure that the person

970   in whose presence each signature sheet is signed:

971   (i) is at least 18 years old;

972   (ii) except as provided by Subsection (3)(b), meets the residency requirements of

973   Section 20A-2-105; and

974   (iii) verifies each signature sheet by completing the verification bound to one or more

975   signature sheets that are bound together.

976   (b) A person who is not a resident may sign the verification on a petition for an

977   unaffiliated candidate for the office of president of the United States.

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

979   to the verification.

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

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

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

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

984   (C) if the person is not registered to vote in this state and does not intend to become

985   registered to vote in this state before the county clerk certifies the signatures; or

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

987   (A) except as provided by Subsection (3)(b), does not meet the residency requirements
988   of Section 20A-2-105;
989   (B) has not witnessed the signing by those persons whose names appear on the
990   certificate of nomination signature sheet; or
991   (C) knows that a person whose signature appears on the certificate of nomination
992   signature sheet is not registered to vote in this state and does not intend to become registered to
993   vote in this state.
994   (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
995   (5) (a) The candidate shall submit the petition and signature sheets to the county clerk
996   for certification when the petition has been completed by:
997   (i) at least 1,000 registered voters residing within the state when the nomination is for
998   an office to be filled by the voters of the entire state; or
999   (ii) at least 300 registered voters residing within a political division or at least 5% of
1000   the registered voters residing within a political division, whichever is less, when the
1001   nomination is for an office to be filled by the voters of any political division smaller than the
1002   state.
1003   (b) In reviewing the petition, the county clerk shall count and certify only those persons
1004   who signed the petition with a holographic signature who:
1005   (i) are registered voters within the political division that the candidate seeks to
1006   represent; and
1007   (ii) did not sign any other certificate of nomination for that office.
1008   (c) The candidate may supplement or amend the certificate of nomination at any time
1009   on or before the filing deadline.
1010   Section 11. Section **20A-9-503** is amended to read:
1011   **20A-9-503.   Certificate of nomination -- Filing -- Fees.**
1012   (1) [(a)] Except as provided in Subsection (1)(b), after the certificate of nomination has
1013   been certified, executed, and acknowledged by the county clerk, the candidate shall:
1014   [(i) between the second Friday in March and the close of normal office hours on the
1015   third Thursday in March of the year in which the regular general election will be held:]
1016   [(A)] (a) (i) file the petition in person with the lieutenant governor, if the office the
1017   candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the

1018   candidate seeks is a county office, during the declaration of candidacy filing period described

1019   in Section 20A-9-201.5; and

1020   [(B)] (ii) pay the filing fee; or

1021   [(ii)] (b) not later than the close of normal office hours on June 15 of any

1022   odd-numbered year:

1023   [(A)] (i) file the petition in person with the municipal clerk, if the candidate seeks an

1024   office in a city or town, or the local district clerk, if the candidate seeks an office in a local

1025   district; and

1026   [(B)] (ii) pay the filing fee.

1027   [(b) (i)] (2) (a) The provisions of this Subsection [(1)(b)] (2) do not apply to an

1028   individual who files a declaration of candidacy for president of the United States.

1029   [(ii)] (b) Subject to Subsections [(3)] (4)(c) and 20A-9-502(2), an individual may

1030   designate an agent to file a declaration of candidacy with the appropriate filing officer if:

1031   [(A)] (i) the individual is located outside of the state during the entire filing period;

1032   [(B)] (ii) the designated agent appears in person before the filing officer; and

1033   [(C)] (iii) the individual communicates with the filing officer using an electronic

1034   device that allows the individual and filing officer to see and hear each other.

1035   [(2)] (3) (a) At the time of filing, and before accepting the petition, the filing officer

1036   shall read the constitutional and statutory requirements for candidacy to the candidate.

1037   (b) If the candidate states that he does not meet the requirements, the filing officer may

1038   not accept the petition.

1039   [(3)] (4) (a) An individual filing a certificate of nomination for president or vice

1040   president of the United States under this section shall pay a filing fee of $500.

1041   (b) Notwithstanding Subsection (1), [a person] an individual filing a certificate of

1042   nomination for president or vice president of the United States:

1043   (i) may file the certificate of nomination [between the second Friday in March and the

1044   close of normal office hours on August 15 of the year in which the regular general election will

1045   be held] during the declaration of candidacy filing period described in Section 20A-9-201.5;

1046   and

1047   (ii) may use a designated agent to file the certificate of nomination.

1048   (c) An agent designated under Subsection [(1)(b)(ii)] (2) or described in Subsection

1049 [(3)] (4)(b)(ii) may not sign the certificate of nomination form.

1050   Section 12. Section **20A-14-203** is amended to read:

1051   **20A-14-203. Becoming a member of a local board of education -- Declaration of**

1052 **candidacy -- Election.**

1053   (1) An individual may become a candidate for a local school board by:

1054   [(a) (i) in the 2016 general election, by filing a declaration of candidacy with the

1055 county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or]

1056   [(ii) in a general election held after 2016, by filing a declaration of candidacy with the

1057 county clerk on or after the second Friday in March, and before 5 p.m. on the third Thursday in

1058 March, before the next regular general election; and]

1059   (a) filing a declaration of candidacy with the county clerk during the declaration of

1060 candidacy filing period described in Section 20A-9-201.5; and

1061   (b) [by] paying the fee described in Section 20A-9-202.

1062   (2) (a) The term of office for an individual elected to a local board of education is four

1063 years, beginning on the first Monday in January after the election.

1064   (b) A member of a local board of education shall serve until a successor is elected or

1065 appointed and qualified.

1066   (c) A member of a local board of education is "qualified" when the member takes or

1067 signs the constitutional oath of office.

1068   Section 13. **Effective date.**

1069   If approved by two-thirds of all the members elected to each house, this bill takes effect

1070 upon approval by the governor, or the day following the constitutional time limit of Utah

1071 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

1072 the date of veto override.