

**ELECTION SCHEDULE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: A. Cory Maloy

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to the election schedule.

**Highlighted Provisions:**

This bill:

- ▶ modifies the deadlines by which a political party is required to provide certain notifications;
- ▶ modifies the period for filing a declaration of candidacy and a notice of intent to gather signatures;
- ▶ clarifies provisions relating to the residency requirement of a candidate; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

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

**20A-1-509.1**, as last amended by Laws of Utah 2019, Chapter 255

**20A-8-402.5**, as last amended by Laws of Utah 2019, Chapter 255

**20A-9-101**, as last amended by Laws of Utah 2020, Chapter 344

**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



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 I  
563 understand that failure to do so will result in my disqualification as a candidate for this office  
564 and removal of my name from the ballot. The mailing address that I designate for receiving  
565 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[<sup>†</sup>] 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 ~~[(i)]~~ (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 ~~[(i)]~~ (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 on February 28, 2022.