

**CANDIDATE AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

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

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

**General Description:**

This bill amends provisions in Title 20A, Election Code, regarding candidates for elective office.

**Highlighted Provisions:**

This bill:

- ▶ specifies when the name of a candidate certified as a replacement for a candidate who dies, resigns, or is disqualified may be printed on the ballot;
- ▶ requires a vote cast for a candidate who dies, resigns, or is disqualified to be counted for the replacement candidate;
- ▶ increases the filing fee for a candidate for:
  - a local school board by \$25; and
  - a federal, state, or county office, except presidential and judicial candidates, by \$50;
- ▶ establishes a form for write-in candidates;
- ▶ authorizes certain candidates located outside the state to file a declaration of candidacy or certificate of nomination through a designated agent if certain conditions are met; and
- ▶ makes technical and conforming amendments.



**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:****20A-1-501**, as last amended by Laws of Utah 2012, Chapter 73**20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177**20A-4-104**, as last amended by Laws of Utah 2006, Chapter 326**20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309**20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2**20A-6-302**, as last amended by Laws of Utah 2011, Chapters 292 and 297**20A-9-201**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2**20A-9-202**, as last amended by Laws of Utah 2011, Chapter 327**20A-9-203**, as last amended by Laws of Utah 2012, Chapter 294**20A-9-502**, as last amended by Laws of Utah 2012, Chapter 75**20A-9-503**, as last amended by Laws of Utah 2011, Chapter 327**20A-9-601**, as last amended by Laws of Utah 2011, Chapter 40**20A-9-602**, as enacted by Laws of Utah 1997, Chapter 139**20A-9-803**, as last amended by Laws of Utah 2008, Chapter 225**20A-11-206**, as last amended by Laws of Utah 2011, Chapter 396**20A-11-305**, as last amended by Laws of Utah 2011, Chapter 396**20A-11-1305**, as last amended by Laws of Utah 2011, Chapter 396

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **20A-1-501** is amended to read:**20A-1-501. Candidate vacancies -- Procedure for filling.**

(1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party

59 candidates seeking an office elected at a regular general election, may certify the name of  
60 another candidate to the appropriate election officer if:

61 (a) after the close of the period for filing declarations of candidacy and continuing  
62 through the date 15 days before the date of the primary election:

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

65 (ii) one or both:

66 (A) dies;

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

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

71 (b) after the close of the primary election and continuing through the date of the voter  
72 registration deadline for the general election as established in Section 20A-2-102.5, the party's  
73 candidate:

74 (i) dies;

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

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

79 (iv) resigns to become a candidate for President or Vice President of the United States.

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

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

89 (4) A replacement candidate may not be certified for an election during the period

beginning on the day after the date of the voter registration deadline and continuing through the date of the election.

(5) (a) (i) The name of a candidate who is certified under Subsection (1)(a) may not appear on the ballot.

(ii) A vote cast for the candidate who died, resigned, or was disqualified counts as a vote cast for a candidate certified under Subsection (1)(a) as the replacement as provided in Section 20A-4-102.

(b) If the certification described in Subsection (1)(b) occurs after August 30:

(i) the name of a candidate who is certified under Subsection (1)(b) may not appear on the ballot; and

(ii) a vote cast for the candidate who died, resigned, or was disqualified counts as a vote cast for a candidate certified under Subsection (1)(b) as the replacement as provided in Section 20A-4-102.

Section 2. Section **20A-4-102** is amended to read:

**20A-4-102. Counting paper ballots after the polls close.**

(1) (a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

(b) The election judges shall apply the standards and requirements of Section 20A-4-105 to resolve any questions that arise as they count the ballots.

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.

(c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.

(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.

(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.

(3) The judges shall:

(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and

(b) seal that envelope or container.

(4) The judges shall:

(a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and

(b) seal that envelope or container.

(5) (a) In counting the votes, the election judges shall read and count each ballot separately.

(b) In regular primary elections the judges shall:

(i) count the number of ballots cast for each party;

(ii) place the ballots cast for each party in separate piles; and

(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.

(6) (a) In all elections, the counting judges shall:

(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;

(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;

(iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

(iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;

(v) evaluate each ballot and each vote based on the standards and requirements of

Section 20A-4-105;

(vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and

(vii) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.

(b) (i) If a candidate listed on the ballot is replaced in accordance with Section 20A-1-501, the counting judge shall count a vote cast for the listed candidate as a vote for the replacement candidate.

(ii) If a candidate listed on the ballot has died, resigned, or has been disqualified and the candidate was not replaced, the counting judge may not count a vote cast for the listed candidate.

~~(b)~~ (iii) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

(d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.

(7) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

Section 3. Section **20A-4-104** is amended to read:

**20A-4-104. Counting ballots electronically.**

(1) (a) Before beginning to count ballot sheets using automatic tabulating equipment, the election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.

(b) The election officer shall publish public notice of the time and place of the test at least 48 hours before the test in one or more daily or weekly newspapers of general circulation published in the county, municipality, or jurisdiction where the equipment is used.

(c) The election officer shall conduct the test by processing a preaudited group of ballot sheets.

(d) The election officer shall ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded

183 on the ballot sheets;

184 (ii) for each office, one or more ballot sheets have votes in excess of the number

185 allowed by law in order to test the ability of the automatic tabulating equipment to reject those

186 votes; and

187 (iii) a different number of valid votes are assigned to each candidate for an office, and

188 for and against each measure.

189 (e) If any error is detected, the election officer shall determine the cause of the error

190 and correct it.

191 (f) The election officer shall ensure that:

192 (i) the automatic tabulating equipment produces an errorless count before beginning

193 the actual counting; and

194 (ii) the automatic tabulating equipment passes the same test at the end of the count

195 before the election returns are approved as official.

196 (2) (a) The election officer or his designee shall supervise and direct all proceedings at

197 the counting center.

198 (b) (i) Proceedings at the counting center are public and may be observed by interested

199 persons.

200 (ii) Only those persons authorized to participate in the count may touch any ballot,

201 ballot sheet, or return.

202 (c) The election officer shall deputize and administer an oath or affirmation to all

203 persons who are engaged in processing and counting the ballots that they will faithfully

204 perform their assigned duties.

205 (d) (i) Counting poll watchers appointed as provided in Section 20A-3-201 may

206 observe the testing of equipment and actual counting of the ballot sheets.

207 (ii) Those counting poll watchers may make independent tests of the equipment before

208 or after the vote count as long as the testing does not interfere in any way with the official

209 tabulation of the ballot sheets.

210 (3) If any ballot sheet is damaged or defective so that it cannot properly be counted by

211 the automatic tabulating equipment, the election officer shall:

212 (a) cause a true duplicate copy of the ballot sheet to be made with an identifying serial

213 number;

(b) substitute the duplicate for the damaged ballot sheet;  
(c) label the duplicate ballot card "duplicate"; and  
(d) record the duplicate ballot sheet's serial number on the damaged or defective ballot sheet.

(4) The election officer may:  
(a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;

(b) release unofficial returns from time to time after the polls close; and  
(c) report the progress of the count for each candidate during the actual counting of ballots.

(5) (a) If a candidate listed on the ballot is replaced in accordance with Section 20A-1-501, the election officer shall count a vote cast for the listed candidate as a vote for the replacement candidate.

(b) If a candidate listed on the ballot has died, resigned, or has been disqualified and the candidate was not replaced, the election officer may not count a vote cast for the listed candidate.

~~[(5)]~~ (6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

~~[(6)]~~ (7) (a) The election officer or his designee shall:

(i) separate, count, and tabulate any ballots containing valid write-in votes; and

(ii) complete the standard form provided by the clerk for recording valid write-in votes.

(b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

~~[(7)]~~ (8) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer shall make official returns open to the public.

~~[(8)]~~ (9) If for any reason it becomes impracticable to count all or a part of the ballot sheets with tabulating equipment, the election officer may direct that they be counted manually



according to the procedures and requirements of this part.

~~[(9)]~~ (10) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Section 4. Section **20A-4-304** is amended to read:

**20A-4-304. Declaration of results -- Canvassers' report.**

(1) Each board of canvassers shall:

(a) declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and

(d) if applicable, certify the results of each local district election to the local district clerk.

(2) (a) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:

(i) the total number of votes cast in the board's jurisdiction;

(ii) the names of each candidate whose name appeared on the ballot and any replacement candidate certified in accordance with Section 20A-1-501;

(iii) the title of each ballot proposition that appeared on the ballot;

(iv) each office that appeared on the ballot;

(v) from each voting precinct;

276 (A) the number of votes for each candidate; and  
277 (B) the number of votes for and against each ballot proposition;  
278 (vi) the total number of votes given in the board's jurisdiction to each candidate, and  
279 for and against each ballot proposition;  
280 (vii) the number of ballots that were rejected; and  
281 (viii) a statement certifying that the information contained in the report is accurate.  
282 (b) The election officer and the board of canvassers shall:  
283 (i) review the report to ensure that it is correct; and  
284 (ii) sign the report.  
285 (c) The election officer shall:  
286 (i) record or file the certified report in a book kept for that purpose;  
287 (ii) prepare and transmit a certificate of nomination or election under the officer's seal  
288 to each nominated or elected candidate;  
289 (iii) publish a copy of the certified report:  
290 (A) in one or more conspicuous places within the jurisdiction;  
291 (B) in a conspicuous place on the county's website; and  
292 (C) in a newspaper with general circulation in the board's jurisdiction; and  
293 (iv) file a copy of the certified report with the lieutenant governor.  
294 (3) When there has been a regular general or a statewide special election for statewide  
295 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
296 or more county ballot proposition, each board of canvassers shall:  
297 (a) prepare a separate report detailing the number of votes for each candidate and the  
298 number of votes for and against each ballot proposition; and  
299 (b) transmit it by registered mail to the lieutenant governor.  
300 (4) In each county election, municipal election, school election, local district election,  
301 and local special election, the election officer shall transmit the reports to the lieutenant  
302 governor within 14 days after the date of the election.  
303 (5) In regular primary elections and in the Western States Presidential Primary, the  
304 board shall transmit to the lieutenant governor:  
305 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
306 governor:

(i) not later than the second Tuesday after the primary election for the regular primary election; and

(ii) not later than the Tuesday following the election for the Western States Presidential Primary; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section 5. Section **20A-4-306** is amended to read:

**20A-4-306. Statewide canvass.**

(1) (a) The state board of canvassers shall convene:

(i) on the fourth Monday of November, at noon; or

(ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.

(b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.

(c) Attendance of all members of the state board of canvassers shall be required to constitute a quorum for conducting the canvass.

(2) (a) The state board of canvassers shall:

(i) meet in the lieutenant governor's office; and

(ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.

(b) The lieutenant governor, as secretary of the board shall file a report in his office that details:

(i) for each statewide officer and ballot proposition:

(A) the name of the statewide office or ballot proposition that appeared on the ballot;

(B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates and replacement candidates certified under Section 20A-1-501;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition;

(D) the total number of votes cast statewide for each candidate and for and against each

ballot proposition; and

(E) the total number of votes cast statewide; and

(ii) for each officer or ballot proposition voted on in two or more counties:

(A) the name of each of those offices and ballot propositions that appeared on the ballot;

(B) the candidates for those offices, including a replacement candidate certified under Section 20A-1-501, plus any recorded write-in candidates;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and

(D) the total number of votes cast for each candidate and for and against each ballot proposition.

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes;

(ii) authenticate each certificate with his seal; and

(iii) deliver a certificate of election to:

(A) each candidate who had the highest number of votes for each office; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes.

(3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:

(a) send a messenger to the clerk of the board of county canvassers of the delinquent county;

(b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and

(c) pay the messenger the per diem provided by law as compensation.

(4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the

board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.

(5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant governor shall:

(i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) Not later than the August 1 after the primary election, the lieutenant governor shall certify the results of:

(i) the primary canvass, except for the office of President of the United States, to the county clerks; and

(ii) the primary canvass for the office of President of the United States to each registered political party that participated in the primary.

(6) (a) At noon on the day that falls seven days after the last day on which a county canvass may occur under Section 20A-4-301 for the Western States Presidential Primary election, the lieutenant governor shall:

(i) canvass the returns; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the Western States Presidential Primary canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.

Section 6. Section **20A-6-302** is amended to read:

**20A-6-302. Paper ballots -- Placement of candidates' names.**

(1) Each election officer shall ensure, for paper ballots in regular general elections, that:

(a) each candidate is listed by party;

(b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and

(c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.

~~[(2)(a) The election officer may not allow the name of a candidate who dies or~~

~~withdraws before election day to be printed upon the ballots.]~~

~~[(b) If the ballots have already been printed, the election officer:]~~

~~[(i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a line through the candidate's name before the ballots are delivered to voters; and]~~

~~[(ii) may not count any votes for that dead or withdrawn candidate.]~~

~~[(3)]~~ (2) (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_ No \_\_\_\_."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection ~~[(3)]~~ (2), the county clerk may not count any write-in votes received for the office of county attorney.

(e) If no qualified person files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection ~~[(3)]~~ (2)(f), be placed on the ballot under Subsection ~~[(3)]~~ (2)(a) has been elected on a ballot under Subsection ~~[(3)]~~ (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection ~~[(3)]~~ (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:

(i) requests the procedure set forth in Subsection ~~[(3)]~~ (2)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at

least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

~~[(4)]~~ (3) (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes \_\_\_\_ No \_\_\_\_."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection ~~[(4)]~~ (3), the county clerk may not count any write-in votes received for the office of district attorney.

(e) If no qualified person files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection ~~[(4)]~~ (3)(f), be placed on the ballot under Subsection ~~[(4)]~~ (3)(a) has been elected on a ballot under Subsection ~~[(4)]~~ (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection ~~[(4)]~~ (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:

(i) requests the procedure set forth in Subsection ~~[(4)]~~ (3)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Section 7. Section **20A-9-201** is amended to read:

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

(1) Before filing a declaration of candidacy for election to any office, a person shall:

(a) be a United States citizen; and

(b) meet the legal requirements of that office.

(2) (a) Except as provided in Subsection (2)(b), a person may not:

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

(ii) appear on the ballot as the candidate of more than one political party.

(b) (i) A person may file a declaration of candidacy for, or be a candidate for, President or Vice President of the United States and another office, if the person resigns the person's candidacy for the other office after the person is officially nominated for President or Vice President of the United States.

(ii) A person may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.

(3) (a) (i) Except for presidential candidates, before the filing officer may accept any declaration of candidacy, the filing officer shall:

(A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(B) require the candidate to state whether or not the candidate meets those requirements.

(ii) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the person filing that declaration of candidacy is:

(A) a United States citizen;

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

(C) a registered voter in the county in which the person is seeking office; and

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



493 office.

494 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
495 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
496 candidacy is:

497 (A) a United States citizen;

498 (B) an attorney licensed to practice law in Utah who is an active member in good  
499 standing of the Utah State Bar;

500 (C) a registered voter in the prosecution district in which the person is seeking office;

501 and

502 (D) a current resident of the prosecution district in which the person is seeking office  
503 and either will have been a resident of that prosecution district for at least one year as of the  
504 date of the election or was appointed and is currently serving as district attorney and became a  
505 resident of the prosecution district within 30 days after receiving appointment to the office.

506 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the  
507 county clerk shall ensure that the person filing the declaration of candidacy:

508 (A) as of the date of filing:

509 (I) is a United States citizen;

510 (II) is a registered voter in the county in which the person seeks office;

511 (III) (Aa) has successfully met the standards and training requirements established for  
512 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
513 Certification Act; or

514 (Bb) has met the waiver requirements in Section 53-6-206; and

515 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
516 53-13-103; and

517 (B) as of the date of the election, shall have been a resident of the county in which the  
518 person seeks office for at least one year.

519 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant  
520 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
521 Education member, the filing officer shall ensure:

522 (A) that the person filing the declaration of candidacy also files the financial disclosure  
523 required by Section 20A-11-1603; and

(B) if the filing officer is not the lieutenant governor, that the financial disclosure is provided to the lieutenant governor according to the procedures and requirements of Section 20A-11-1603.

(b) If the prospective candidate states that the qualification requirements for the office are not met, the filing officer may not accept the prospective candidate's declaration of candidacy.

(c) If the candidate meets the requirements of Subsection (3)(a) and states that the requirements of candidacy are met, the filing officer shall:

(i) inform the candidate that:

(A) the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(B) the candidate may be required to comply with state or local campaign finance disclosure laws; and

(C) the candidate is required to file a financial statement before the candidate's political convention under:

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

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

(III) local campaign finance disclosure laws, if applicable;

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

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

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

(A) signing the pledge is voluntary; and

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

(v) accept the candidate's declaration of candidacy; and

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

declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

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

(i) accept the candidate's pledge; and

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

(4) (a) Except for presidential candidates, the form of the declaration of candidacy shall be substantially as follows:

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

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

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

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

(b) An agent designated to file a declaration of candidacy under Section 20A-9-202 may not sign the form described in Subsection (4)(a).

(5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:

(i) ~~[\$25]~~ \$50 for candidates for the local school district board; and

(ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office~~[-, but not less than \$5,]~~ for all other federal, state, and county offices.

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

any candidate:

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and

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

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

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

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

(B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).

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

"Affidavit of Impecuniosity

Individual Name

\_\_\_\_\_ Address \_\_\_\_\_

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

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

617 law.

618 Date \_\_\_\_\_ Signature \_\_\_\_\_

619 Affiant

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

621 \_\_\_\_\_  
622 (signature)

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

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

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

630 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
631 under this Subsection (5)(d) file a financial statement on a form prepared by the election  
632 official.

633 (6) (a) If there is no legislative appropriation for the Western States Presidential  
634 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for  
635 President of the United States who is affiliated with a registered political party and chooses to  
636 participate in the regular primary election shall:

637 ~~[(a)]~~ (i) file a declaration of candidacy, in person or via a designated agent, with the  
638 lieutenant governor:

639 ~~[(i)]~~ (A) on a form developed and provided by the lieutenant governor; and

640 ~~[(ii)]~~ (B) on or after the second Friday in March and before 5 p.m. on the third  
641 Thursday in March before the next regular primary election;

642 ~~[(b)]~~ (ii) identify the registered political party whose nomination the candidate is  
643 seeking;

644 ~~[(c)]~~ (iii) provide a letter from the registered political party certifying that the candidate  
645 may participate as a candidate for that party in that party's presidential primary election; and

646 ~~[(d)]~~ (iv) pay the filing fee of \$500.

647 (b) An agent designated to file a declaration of candidacy may not sign the form

described in Subsection (6)(a)(i)(A).

(7) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.

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

Section 8. Section **20A-9-202** is amended to read:

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

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

(i) file a declaration of candidacy in person with the county clerk on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(ii) pay the filing fee.

(b) Each person intending to become a candidate for any legislative office or multicounty office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with either the lieutenant governor or the county clerk in the candidate's county of residence on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(ii) pay the filing fee.

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

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

(d) Each person seeking to become a candidate for elective office for any federal office or constitutional office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the lieutenant governor on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(ii) pay the filing fee.

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

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

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

(ii) pay the filing fee.

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

(3) (a) Within five working days of nomination, each lieutenant governor candidate shall:

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

(ii) pay the filing fee.

(b) (i) Any candidate for lieutenant governor who fails to file within five working days is disqualified.

(ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace the disqualified candidate.

(4) Each registered political party shall:

(a) certify the names of its candidates for President and Vice President of the United States to the lieutenant governor no later than August 31; or

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

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

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

710 (i) mail or personally deliver notice of the objection to the affected candidate  
711 immediately; and  
712 (ii) decide any objection within 48 hours after it is filed.  
713 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
714 problem by amending the declaration or petition within three days after the objection is  
715 sustained or by filing a new declaration within three days after the objection is sustained.  
716 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.  
717 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
718 by a district court if prompt application is made to the court.  
719 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
720 of its discretion, agrees to review the lower court decision.  
721 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by  
722 filing a written affidavit with the clerk.  
723 (7) Notwithstanding a requirement in this section to file a declaration of candidacy in  
724 person, a person may designate an agent to file the form described in Subsection 20A-9-201(4)  
725 in person with the filing officer if:  
726 (a) the person is located outside the state during the filing period because:  
727 (i) of employment with the state or the United States; or  
728 (ii) the person is a member of:  
729 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
730 Coast Guard of the United States who is on active duty;  
731 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
732 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
733 States; or  
734 (C) the National Guard on activated status;  
735 (b) the person communicates with the filing officer using an electronic device that  
736 allows the person and filing officer to see and hear each other; and  
737 (c) the person provides the filing officer with an email address to which the filing  
738 officer may send the copies described in Subsection 20A-9-201(3).  
739 Section 9. Section **20A-9-203** is amended to read:  
740 **20A-9-203. Declarations of candidacy -- Municipal general elections.**



(1) (a) (i) A person may become a candidate for any municipal office if:

(A) the person is a registered voter; and

(B) (I) the person has resided within the municipality in which that person seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(II) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.

(ii) For purposes of determining whether a person meets the residency requirement of Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before the election, the municipality shall be considered to have been incorporated 12 months before the date of the election.

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

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

(2) (a) A person seeking to become a candidate for a municipal office shall:

(i) file a declaration of candidacy, in person with the city recorder or town clerk, during office hours and not later than the close of normal office hours, between June 1 and June 15 of any odd-numbered year; and

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

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

(i) filing a nomination petition with the city recorder or town clerk during office hours, but not later than the close of normal office hours, between June 1 and June 15 of any odd-numbered year; and

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

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

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

(ii) require the candidate or person filing the petition to state whether the candidate meets those requirements.

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

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

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

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

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

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

(A) signing the pledge is voluntary; and

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

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

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

(i) accept the candidate's pledge; and

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

(4) Notwithstanding the requirement in Subsection (2)(a)(i) to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection (5) in person with the city recorder or town clerk if:

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

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

(ii) the person is a member of:

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

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

(C) the National Guard on activated status;

(b) the person makes the declaration of candidacy described in Subsection (5) to a person qualified to administer an oath;

(c) the person communicates with the city recorder or town clerk using an electronic device that allows the person and the city recorder or town clerk to see and hear each other; and

(d) the person provides the city recorder or town clerk with an email address to which the filing officer may send the copies described in Subsection (3).

~~[(4)]~~ (5) (a) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

\_\_\_\_\_

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

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

(b) An agent designated to file a declaration of candidacy under Subsection (4) may not sign the form described in Subsection (5)(a).

~~[(5)]~~ (6) (a) A registered voter may be nominated for municipal office by submitting a petition signed, with a holographic signature, by:

- 834 (i) 25 residents of the municipality who are at least 18 years old; or  
835 (ii) 20% of the residents of the municipality who are at least 18 years old.  
836 (b) (i) The petition shall substantially conform to the following form:

837 "NOMINATION PETITION

838 The undersigned residents of (name of municipality) being 18 years old or older  
839 nominate (name of nominee) to the office of \_\_\_\_ for the (two or four-year term, whichever is  
840 applicable)."

841 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
842 persons signing the petition and their addresses and telephone numbers.

843 ~~[(6)]~~ (7) If the declaration of candidacy or nomination petition fails to state whether the  
844 nomination is for the two or four-year term, the clerk shall consider the nomination to be for  
845 the four-year term.

846 ~~[(7)]~~ (8) (a) The clerk shall verify with the county clerk that all candidates are  
847 registered voters.

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

850 ~~[(8)]~~ (9) Immediately after expiration of the period for filing a declaration of  
851 candidacy, the clerk shall:

852 (a) cause the names of the candidates as they will appear on the ballot to be published:

853 (i) in at least two successive publications of a newspaper with general circulation in the  
854 municipality; and

855 (ii) as required in Section 45-1-101; and

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

858 ~~[(9)]~~ (10) A declaration of candidacy or nomination petition filed under this section  
859 may not be amended after the expiration of the period for filing a declaration of candidacy.

860 ~~[(10)]~~ (11) (a) A declaration of candidacy or nomination petition filed under this  
861 section is valid unless a written objection is filed with the clerk within five days after the last  
862 day for filing.

863 (b) If an objection is made, the clerk shall:

864 (i) mail or personally deliver notice of the objection to the affected candidate

865 immediately; and

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

867 (c) If the clerk sustains the objection, the candidate may correct the problem by  
868 amending the declaration or petition within three days after the objection is sustained or by  
869 filing a new declaration within three days after the objection is sustained.

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

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

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

875 ~~[(H)]~~ (12) Any person who filed a declaration of candidacy and was nominated, and  
876 any person who was nominated by a nomination petition, may, any time up to 23 days before  
877 the election, withdraw the nomination by filing a written affidavit with the clerk.

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

879 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**  
880 **Criminal penalty.**

881 (1) The candidate shall:

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

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

884 I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the  
885 political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can  
886 qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_  
887 Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, zip code \_\_\_\_\_, phone \_\_\_\_\_, and  
888 that I am providing, or have provided, the required number of holographic signatures of  
889 registered voters required by law; that as a candidate at the next election I will not knowingly  
890 violate any election or campaign law; I will file all campaign financial disclosure reports as  
891 required by law; and I understand that failure to do so will result in my disqualification as a  
892 candidate for this office and removal of my name from the ballot.

893 \_\_\_\_\_  
894 Subscribed and sworn to before me this \_\_\_\_\_(month\day\year).  
895 \_\_\_\_\_

896 Notary Public (or other officer  
897 qualified to administer oaths)";

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

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

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

902 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate  
903 Certificate of Nomination Petition" printed directly below the horizontal line;

904 (iv) contain the word "Warning" printed directly under the words described in  
905 Subsection (1)(b)(iii);

906 (v) contain, to the right of the word "Warning," the following statement printed in not  
907 less than eight-point, single leaded type:

908 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination  
909 signature sheet with any name other than the person's own name or more than once for the  
910 same candidate or if the person is not registered to vote in this state and does not intend to  
911 become registered to vote in this state before the county clerk certifies the signatures.";

912 (vi) contain the following statement directly under the statement described in  
913 Subsection (1)(b)(v):

914 "Each signer says:

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

916 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
917 county clerk certifies my signature; and

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

919 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in  
920 Subsection (1)(b)(vi); and

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

922 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
923 headed with "For Office Use Only," and be subdivided with a light vertical line down the  
924 middle;

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

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

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

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

(F) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be certified as a valid signature if you change your address before petition signatures are certified or if the information you provide does not match your voter registration records."; and

(c) bind a final page to one or more signature sheets that are bound together that contains, except as provided by Subsection ~~[(2)]~~ (3), the following printed statement:

"Verification

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

All the names that appear on the signature sheets bound to this page were signed by persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet.

---

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

(2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(4) may not sign the form described in Subsection (1)(a).

~~[(2)]~~ (3) (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:

(i) is at least 18 years old;

(ii) except as provided by Subsection ~~[(2)]~~ (3)(b), meets the residency requirements of Section 20A-2-105; and

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

(b) A person who is not a resident may sign the verification on a petition for an unaffiliated candidate for the office of President of the United States.

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

~~[(3)]~~ (4) (a) It is unlawful for any person to:

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

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

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

(C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures; or

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

(A) except as provided by Subsection ~~[(2)]~~ (3)(b), does not meet the residency requirements of Section 20A-2-105;

(B) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or

(C) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.

(b) Any person violating this Subsection ~~[(3)]~~ (4) is guilty of a class A misdemeanor.

(c) The attorney general or the county attorney shall prosecute any violation of this Subsection ~~[(3)]~~ (4).

~~[(4)]~~ (5) (a) The candidate shall submit the petition and signature sheets to the county clerk for certification when the petition has been completed by:

(i) at least 1,000 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or

(ii) at least 300 registered voters residing within a political division or at least 5% of the registered voters residing within a political division, whichever is less, when the nomination is for an office to be filled by the voters of any political division smaller than the state.



(b) In reviewing the petition, the county clerk shall count and certify only those persons who signed the petition with a holographic signature who:

(i) are registered voters within the political division that the candidate seeks to represent; and

(ii) did not sign any other certificate of nomination for that office.

(c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline.

Section 11. Section **20A-9-503** is amended to read:

**20A-9-503. Certificate of nomination -- Filing -- Fees.**

(1) After the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:

(a) between the second Friday in March and the close of normal office hours on the third Thursday in March of the year in which the regular general election will be held, file the petition in person with:

(i) the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office; or

(ii) the county clerk, if the office the candidate seeks is a county office; and

(iii) pay the filing fee; or

(b) not later than the close of normal office hours on June 15 of any odd-numbered year, file the petition in person with:

(i) the municipal clerk, if the candidate seeks an office in a city or town;

(ii) the local district clerk, if the candidate seeks an office in a local district; and

(iii) pay the filing fee.

(2) (a) At the time of filing, and before accepting the petition, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.

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

(3) (a) Persons filing a certificate of nomination for President of the United States under this section shall pay a filing fee of \$500.

(b) Notwithstanding Subsection (1), a person filing a certificate of nomination for President or Vice President of the United States:

(i) may file the certificate of nomination between the second Friday in March and the close of normal office hours on August 15 of the year in which the regular general election will be held; and

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

(c) An agent designated to file the certificate of nomination may not sign the certificate of nomination form.

(4) Notwithstanding the requirement in Subsection (1) to file a certificate of nomination in person, a person may designate an agent to file the certificate of nomination in person with the filing officer if:

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

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

(ii) the person is a member of:

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

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

(C) the National Guard on activated status; and

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

Section 12. Section **20A-9-601** is amended to read:

**20A-9-601. Qualifying as a write-in candidate.**

(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for President or Vice President of the United States, with the appropriate filing officer not later than 30 days before the regular general election or 45 days before a municipal general election in which the person intends to be a write-in candidate.

(b) (i) The form of the declaration of candidacy for all offices, except President of the United States, is substantially as follows:

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

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of

1051 \_\_\_\_\_ for the \_\_\_\_\_ district (if applicable). I do solemnly swear that: I will meet the  
 1052 qualifications to hold the office, both legally and constitutionally, if selected; I reside at  
 1053 \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will  
 1054 not knowingly violate any law governing campaigns and elections; I will file all campaign  
 1055 financial disclosure reports as required by law; and I understand that failure to do so will result  
 1056 in my disqualification as a candidate for this office and removal of my name from the ballot.  
 1057 The mailing address that I designate for receiving official election notices is  
 1058 \_\_\_\_\_.

1059 \_\_\_\_\_  
 1060 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year).  
 1061 Notary Public (or other officer qualified to administer oath.)"  
 1062 (ii) The form of the declaration of candidacy for President of the United States is  
 1063 substantially as follows:  
 1064 "State of Utah, County of \_\_\_\_\_  
 1065 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of the  
 1066 President of the United States. I do solemnly swear that: I will meet the qualifications to hold  
 1067 the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City  
 1068 or Town of \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
 1069 any law governing campaigns and elections. The mailing address that I designate for receiving  
 1070 official election notices is \_\_\_\_\_ . I designate \_\_\_\_\_ as  
 1071 my Vice Presidential candidate.

1072 \_\_\_\_\_  
 1073 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year).  
 1074 Notary Public (or other officer qualified to administer oath.)"  
 1075 (iii) An agent designated to file a declaration of candidacy under Subsection (2) may  
 1076 not sign the form described in Subsection (1)(b)(i) or (ii).  
 1077 [~~(b)~~] (c) (i) The filing officer shall:  
 1078 (A) read to the candidate the constitutional and statutory requirements for the office;  
 1079 and  
 1080 (B) ask the candidate whether or not the candidate meets the requirements.  
 1081 (ii) If the candidate cannot meet the requirements of office, the filing officer may not

accept the write-in candidate's declaration of candidacy.

(2) Notwithstanding the requirement in Subsection (1) to file a declaration of candidacy in person, a person may designate an agent to file the declaration of candidacy in person with the filing officer if:

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

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

(ii) the person is a member of:

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

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

(C) the National Guard on activated status; and

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

~~[(2)]~~ (3) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Section 13. Section **20A-9-602** is amended to read:

**20A-9-602. Write-in candidacy and voting prohibited in certain circumstances.**

In elections for county attorney or district attorney that meet the requirements of Subsections 20A-6-302~~[(3)]~~(2) and ~~[(4)]~~ (3), a person may not file a declaration of candidacy as a write-in candidate under this part and the county clerk may not count any write-in votes received for the office of county or district attorney.

Section 14. Section **20A-9-803** is amended to read:

**20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

(1) Candidates for President of the United States who are affiliated with a registered political party in Utah that has elected to participate in Utah's Western States Presidential Primary and who wish to participate in the primary shall:

(a) ~~[except as provided in Subsection (1)(b);]~~ file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor between July 1 of the year before the

1113 primary election will be held and 5 p.m. on October 15 of the year before the primary election  
 1114 will be held;

1115 (b) identify the registered political party whose nomination the candidate is seeking;

1116 (c) provide a letter from the registered political party certifying that the candidate may  
 1117 participate as a candidate for that party in that party's presidential primary election; and

1118 (d) pay the filing fee of \$500.

1119 (2) The lieutenant governor shall develop a declaration of candidacy form for  
 1120 presidential candidates participating in the primary.

1121 (3) An agent designated to file a declaration of candidacy may not sign the form  
 1122 described in Subsection (2).

1123 Section 15. Section **20A-11-206** is amended to read:

1124 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

1125 (1) (a) If a state office candidate fails to file an interim report due before the regular  
 1126 primary election, on August 31, or before the regular general election, the lieutenant governor  
 1127 shall, after making a reasonable attempt to discover if the report was timely filed~~[-(1)]~~, inform  
 1128 the county clerk and other appropriate election officials ~~[who:]~~ that the state office candidate is  
 1129 disqualified.

1130 ~~[(A) (1) shall, if practicable, remove the name of the candidate from the ballots before~~  
 1131 ~~the ballots are delivered to voters; or]~~

1132 ~~[(H) shall, if removing the candidate's name from the ballot is not practicable, inform~~  
 1133 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~  
 1134 ~~cast for the candidate will not be counted; and]~~

1135 ~~[(B) may not count any votes for that candidate; and]~~

1136 ~~[(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.]~~

1137 (b) (i) ~~[Any state office candidate who fails to file timely a financial statement required~~  
 1138 ~~by Subsection 20A-11-204(1)(b), (c), or (d) is disqualified and the]~~ The vacancy on the ballot  
 1139 resulting from the disqualification may be filled as provided in Section 20A-1-501.

1140 (ii) If a replacement candidate is not certified under Section 20A-1-501, the election  
 1141 official shall:

1142 (A) remove the candidate's name from the ballot; or

1143 (B) if removing the candidate's name from the ballot is not practicable, inform the

1144 voters by any practicable method that the candidate has been disqualified and that votes cast for  
1145 the candidate will not be counted.

1146 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not  
1147 disqualified and the lieutenant governor may not impose a fine if:

1148 (i) the candidate timely files the reports required by this section no later than the due  
1149 date in accordance with Section 20A-11-103;

1150 (ii) the reports are completed, detailing accurately and completely the information  
1151 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
1152 and

1153 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are  
1154 corrected in:

1155 (A) an amended report; or

1156 (B) the next scheduled report.

1157 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant  
1158 governor shall review each filed summary report to ensure that:

1159 (i) each state office candidate that is required to file a summary report has filed one;  
1160 and

1161 (ii) each summary report contains the information required by this part.

1162 (b) If it appears that any state office candidate has failed to file the summary report  
1163 required by law, if it appears that a filed summary report does not conform to the law, or if the  
1164 lieutenant governor has received a written complaint alleging a violation of the law or the  
1165 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
1166 violation or receipt of a written complaint, notify the state office candidate of the violation or  
1167 written complaint and direct the state office candidate to file a summary report correcting the  
1168 problem.

1169 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary  
1170 report within 14 days after receiving notice from the lieutenant governor under this section.

1171 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B  
1172 misdemeanor.

1173 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1174 attorney general.

Section 16. Section **20A-11-305** is amended to read:

**20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

(1) (a) If a legislative office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed[~~+~~ (i)], inform the county clerk and other appropriate election officials [~~who:~~] that the legislative office candidate is disqualified.

~~[(A) (i) shall, if practicable, remove the name of the candidate from the ballots before the ballots are delivered to voters; or]~~

~~[(H) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and]~~

~~[(B) may not count any votes for that candidate; and]~~

~~[(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.]~~

(b) (i) ~~[Any legislative office candidate who fails to file timely a financial statement required by Subsection 20A-11-303(1)(b), (c), or (d) is disqualified and the]~~ The vacancy on the ballot resulting from the disqualification may be filled as provided in Section 20A-1-501.

(ii) If a replacement candidate is not certified under Section 20A-1-501, the election officer shall:

(A) remove the candidate's name from the ballot; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted.

(c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not disqualified and the lieutenant governor may not impose a fine if:

(i) the candidate timely files the reports required by this section no later than the due date in accordance with Section 20A-11-103;

(ii) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are

1206 corrected in:

1207 (A) an amended report; or

1208 (B) the next scheduled report.

1209 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant  
1210 governor shall review each filed summary report to ensure that:

1211 (i) each legislative office candidate that is required to file a summary report has filed  
1212 one; and

1213 (ii) each summary report contains the information required by this part.

1214 (b) If it appears that any legislative office candidate has failed to file the summary  
1215 report required by law, if it appears that a filed summary report does not conform to the law, or  
1216 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
1217 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
1218 violation or receipt of a written complaint, notify the legislative office candidate of the  
1219 violation or written complaint and direct the legislative office candidate to file a summary  
1220 report correcting the problem.

1221 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a  
1222 summary report within 14 days after receiving notice from the lieutenant governor under this  
1223 section.

1224 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a  
1225 class B misdemeanor.

1226 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1227 attorney general.

1228 Section 17. Section **20A-11-1305** is amended to read:

1229 **20A-11-1305. School board office candidate -- Failure to file statement --**

1230 **Penalties.**

1231 (1) (a) If a school board office candidate fails to file an interim report due before the  
1232 regular primary election, on August 31, or before the regular general election, the chief election  
1233 officer shall, after making a reasonable attempt to discover if the report was timely filed:

1234 (i) inform the county clerk and other appropriate election officials who:

1235 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before  
1236 the ballots are delivered to voters; or



(II) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(B) may not count any votes for that candidate; and

(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

(b) Any school board office candidate who fails to file timely a financial statement required by Subsection 20A-11-1303(1)(b), (c), or (d) is disqualified [~~and the vacancy on the ballot may be filled as provided in Section 20A-1-501~~].

(c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is not disqualified and the chief election officer may not impose a fine if:

(i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;

(ii) those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in:

(A) an amended report; or

(B) the next scheduled report.

(2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate for state school board, the lieutenant governor shall review each filed summary report to ensure that:

(i) each state school board candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any state school board candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state school board candidate of the violation or written complaint and direct the state school board candidate to file a summary

1268 report correcting the problem.

1269           (c) (i) It is unlawful for any state school board candidate to fail to file or amend a  
1270 summary report within 14 days after receiving notice from the lieutenant governor under this  
1271 section.

1272           (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a  
1273 class B misdemeanor.

1274           (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1275 attorney general.

1276           (3) (a) Within 30 days after a deadline for the filing of a summary report, the county  
1277 clerk shall review each filed summary report to ensure that:

1278               (i) each local school board candidate that is required to file a summary report has filed  
1279 one; and

1280               (ii) each summary report contains the information required by this part.

1281           (b) If it appears that any local school board candidate has failed to file the summary  
1282 report required by law, if it appears that a filed summary report does not conform to the law, or  
1283 if the county clerk has received a written complaint alleging a violation of the law or the falsity  
1284 of any summary report, the county clerk shall, within five days of discovery of a violation or  
1285 receipt of a written complaint, notify the local school board candidate of the violation or  
1286 written complaint and direct the local school board candidate to file a summary report  
1287 correcting the problem.

1288           (c) (i) It is unlawful for any local school board candidate to fail to file or amend a  
1289 summary report within 14 days after receiving notice from the county clerk under this section.

1290           (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a  
1291 class B misdemeanor.

1292           (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or  
1293 county attorney.

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**Legislative Review Note**  
**as of 11-15-12 6:50 AM**

**Office of Legislative Research and General Counsel**