

Senator Todd D. Weiler proposes the following substitute bill:

UNAFFILIATED CANDIDATE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses candidates for public office who are not affiliated with a political party.

Highlighted Provisions:

This bill:

- ▶ establishes the deadline by which a candidate for public office who is not affiliated with a political party must submit signatures to the county clerk for verification;
- ▶ establishes a deadline for the county clerk to count and certify the number of registered voters who signed a signature packet;
- ▶ expands the time period within which a candidate described above may file the certificate of nomination with a filing officer; 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:



26 20A-9-502, as last amended by Laws of Utah 2023, Chapter 116
27 20A-9-503, as last amended by Laws of Utah 2023, Chapter 15
28 20A-9-504, as last amended by Laws of Utah 2019, Chapter 255

29

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

31 Section 1. Section 20A-9-502 is amended to read:

32 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**
33 **Criminal penalty -- Removal of petition signature.**

34 (1) The candidate shall:

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

36 "State of Utah, County of _____

37 I, _____, declare my intention of becoming an unaffiliated candidate for the
38 political group designated as ____ for the office of _____. I do solemnly swear that I can
39 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
40 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
41 that I am providing, or have provided, the required number of holographic signatures of
42 registered voters required by law; that as a candidate at the next election I will not knowingly
43 violate any election or campaign law; that, if filing via a designated agent for an office other
44 than president of the United States, I will be out of the state of Utah during the entire candidate
45 filing period; I will file all campaign financial disclosure reports as required by law; and I
46 understand that failure to do so will result in my disqualification as a candidate for this office
47 and removal of my name from the ballot.

48 _____
49 Subscribed and sworn to before me this _____(month\day\year).
50 _____ Notary Public (or other officer qualified to
51 administer oaths)";

52 (b) [~~bind signature sheets to the certificate that:~~] for each signature packet, bind
53 signature sheets to a copy of the certificate of nomination and the circulator verification, that:

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

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

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

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

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

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

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

69 "Each signer says:

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

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

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

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

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

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

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

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

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

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

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

88 information is not required, but it may be used to verify your identity with voter registration
89 records. If you choose not to provide it, your signature may not be certified as a valid signature
90 if you change your address before petition signatures are certified or if the information you
91 provide does not match your voter registration records."; and

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

94 "Verification

95 State of Utah, County of ____

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

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

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

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

104 _____
105 (Signature) (Residence Address) (Date)".

106 (2) An agent designated to file a certificate of nomination under Subsection
107 20A-9-503(2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).

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

110 (i) is at least 18 years old;

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

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

115 (b) A person who is not a resident may sign the circulator verification on a [~~petition~~]
116 signature packet for an unaffiliated candidate for the office of president of the United States.

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

119 (4) (a) It is unlawful for any person to:
120 (i) knowingly sign a certificate of nomination signature sheet:
121 (A) with any name other than the person's own name;
122 (B) more than once for the same candidate; or
123 (C) if the person is not registered to vote in this state and does not intend to become
124 registered to vote in this state before the county clerk certifies the signatures; or
125 (ii) sign the verification of a certificate of nomination signature sheet if the person:
126 (A) except as provided by Subsection (3)(b), does not meet the residency requirements
127 of Section [20A-2-105](#);
128 (B) has not witnessed the signing by those persons whose names appear on the
129 certificate of nomination signature sheet; or
130 (C) knows that a person whose signature appears on the certificate of nomination
131 signature sheet is not registered to vote in this state and does not intend to become registered to
132 vote in this state.
133 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
134 (5) (a) ~~[The candidate shall submit the petition and signature sheets to the county clerk~~
135 ~~for certification when the petition has been completed by:]~~ To qualify for placement on the
136 general election ballot, the candidate shall, no earlier than the start of the declaration of
137 candidacy period described in Section [20A-9-201.5](#) and no later than 5 p.m. on June 15 of the
138 year in which the election will be held:
139 (i) comply with Subsection [20A-9-503\(1\)](#); and
140 (ii) submit each signature packet to the county clerk where the majority of the
141 signatures in the packet were collected, with signatures totaling:
142 [(i)] (A) at least 1,000 registered voters residing within the state when the nomination
143 is for an office to be filled by the voters of the entire state; or
144 [(ii)] (B) at least 300 registered voters residing within a political division or at least 5%
145 of the registered voters residing within a political division, whichever is less, when the
146 nomination is for an office to be filled by the voters of any political division smaller than the
147 state.
148 (b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks
149 verify that each required signature is a valid signature of a registered voter who is eligible to

150 sign the signature packet and has not signed a signature packet to nominate another candidate
151 for the same office.

152 ~~[(b)]~~ (c) In reviewing the [~~petition~~] signature packets, the county clerk shall count and
153 certify only those persons who signed [~~the petition~~] with a holographic signature, who:

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

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

157 (d) The county clerk shall count and certify the number of registered voters who validly
158 signed a signature packet, no later than 30 days after the day on which the candidate submits
159 the signature packet.

160 ~~[(e)]~~ (e) The candidate may supplement the signatures or amend the certificate of
161 nomination or declaration of candidacy at any time on or before [~~the filing deadline~~] 5 p.m. on
162 June 15 of the year in which the election will be held.

163 ~~[(f)]~~ (f) The county clerk shall use the procedures described in Section 20A-1-1002 to
164 determine whether a signer is a registered voter who is qualified to sign the [~~petition~~] signature
165 packet.

166 (6) (a) A voter who signs a [~~nomination petition~~] signature packet under this section
167 may have the voter's signature removed from the [~~petition~~] signature packet by, no later than
168 three business days after the day on which the candidate submits the [~~petition~~] signature packet
169 to the county clerk, submitting to the county clerk a statement requesting that the voter's
170 signature be removed.

171 (b) A statement described in Subsection (6)(a) shall comply with the requirements
172 described in Subsection 20A-1-1003(2).

173 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
174 determine whether to remove an individual's signature from a [~~petition~~] signature packet after
175 receiving a timely, valid statement requesting removal of the signature.

176 Section 2. Section 20A-9-503 is amended to read:

177 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

178 (1) [~~Except as provided in Subsection (1)(b), after the certificate of nomination has~~
179 ~~been certified, executed, and acknowledged by the county clerk, the candidate shall:] A
180 candidate shall, in accordance with the deadline described in Subsection 20A-9-502(5)(a):~~

181 (a) file the certificate of nomination and the applicable declaration of candidacy, in
 182 person unless otherwise provided in statute, with the filing officer; and

183 (b) pay the filing fee.

184 ~~[(a) (i) file the petition in person with the lieutenant governor, if the office the~~
 185 ~~candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the~~
 186 ~~candidate seeks is a county office, during the declaration of candidacy filing period described~~
 187 ~~in Section 20A-9-201.5; and]~~

188 ~~[(ii) pay the filing fee; or]~~

189 ~~[(b) not later than the close of normal office hours on June 15 of any odd-numbered~~
 190 ~~year:]~~

191 ~~[(i) file the petition in person with the municipal clerk, if the candidate seeks an office~~
 192 ~~in a city or town, or the special district clerk, if the candidate seeks an office in a special~~
 193 ~~district; and]~~

194 ~~[(ii) pay the filing fee:]~~

195 (2) (a) The provisions of this Subsection (2) do not apply to an individual who files a
 196 ~~[declaration of candidacy]~~ certificate of nomination and declaration of candidacy for president
 197 of the United States.

198 (b) Subject to Subsections ~~[(4)(c)]~~ (5) and 20A-9-502(2), an individual may designate
 199 an agent to file a ~~[declaration of candidacy]~~ certificate of nomination or declaration of
 200 candidacy with the appropriate filing officer if:

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

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

203 (iii) the individual communicates with the filing officer using an electronic device that
 204 allows the individual and filing officer to see and hear each other.

205 (3) (a) At the time of filing, and before accepting the ~~[petition]~~ certificate of
 206 nomination and declaration of candidacy, the filing officer shall read the constitutional and
 207 statutory requirements for candidacy to the candidate.

208 (b) If the candidate states that the candidate does not meet the requirements, the filing
 209 officer may not accept the ~~[petition]~~ certificate of nomination and declaration of candidacy.

210 (4) An individual filing a certificate of nomination for president of the United States
 211 under this section:

212 (a) shall pay a filing fee of \$500; and

213 (b) may use a designated agent to file the nomination petition.

214 (5) An agent designated to file a certificate of nomination under Subsection (2)(b) or
 215 (4)(b) may not sign the certificate of nomination form.

216 ~~[(4)(a) An individual filing a certificate of nomination for president or vice president~~
 217 ~~of the United States under this section shall pay a filing fee of \$500.]~~

218 ~~[(b) Notwithstanding Subsection (1), an individual filing a certificate of nomination for~~
 219 ~~president or vice president of the United States:]~~

220 ~~[(i) may file the certificate of nomination during the declaration of candidacy filing~~
 221 ~~period described in Section 20A-9-201.5; and]~~

222 ~~[(ii) may use a designated agent to file the certificate of nomination.]~~

223 ~~[(c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may~~
 224 ~~not sign the certificate of nomination form.]~~

225 Section 3. Section **20A-9-504** is amended to read:

226 **20A-9-504. Unaffiliated candidates -- Governor and president of the United**
 227 **States.**

228 (1) (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than ~~[July~~
 229 ~~†] June 15~~ of the regular general election year, select a running mate to file as an unaffiliated
 230 candidate for the office of lieutenant governor.

231 (b) The unaffiliated lieutenant governor candidate shall, before 5 p.m. no later than
 232 ~~[July †] June 15~~ of the regular general election year, file as an unaffiliated candidate by
 233 following the procedures and requirements of this part.

234 (2) (a) Each unaffiliated candidate for president of the United States shall, before 5
 235 p.m. no later than August 15 of a regular general election year, select a running mate to file as
 236 an unaffiliated candidate for the office of vice president of the United States.

237 (b) Before 5 p.m. no later than August 15 of a regular general election year, the
 238 unaffiliated candidate for vice president of the United States described in Subsection (2)(a)
 239 shall comply with the requirements of Subsection 20A-9-202(7).

240 Section 4. **Effective date.**

241 If approved by two-thirds of all the members elected to each house, this bill takes effect
 242 upon approval by the governor, or the day following the constitutional time limit of Utah

243 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
244 the date of veto override.