

**2012 Presidential Election General Requirements**  
Statutes Modified by the 2011 Legislative Session  
(HB 31, 33, 143; SB 14, 143, 162, 165);  
and by the 2011 3<sup>rd</sup> Special Session (SB 3004)

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

As used in this chapter:

(1) (a) "Candidates for elective office" means persons selected by a registered political party as party candidates to run in a regular general election.

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

- (i) justice or judge of court of record or not of record;
- (ii) presidential elector;
- (iii) any political party offices; and
- (iv) municipal or local district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) (a) "County office" means an elective office where the office holder is selected by voters entirely within one county.

(b) "County office" does not mean:

- (i) the office of justice or judge of any court of record or not of record;
- (ii) the office of presidential elector;
- (iii) any political party offices;
- (iv) any municipal or local district offices; and
- (v) the office of United States Senator and United States Representative.

(4) "Federal office" means an elective office for United States Senator and United States Representative.

(5) "Filing officer" means:

(a) the lieutenant governor, for:

- (i) offices whose political division contains territory in two or more counties;
- (ii) the office of United States Senator and United States Representative; and
- (iii) all constitutional offices;

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

(c) the city or town clerk, for municipal offices; and

(d) the local district clerk, for local district offices.

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

(7) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.

(8) (a) "Multi-county office" means an elective office where the office holder is selected by the voters from more than one county.

(b) "Multi-county office" does not mean:

- (i) a county office;
- (ii) a federal office;
- (iii) the office of justice or judge of any court of record or not of record;
- (iv) the office of presidential elector;

- (v) any political party offices; and
- (vi) any municipal or local district offices.
- (9) "Municipal office" means an elective office in a municipality.
- (10) (a) "Political division" means a geographic unit from which an office holder is elected and that an office holder represents.
- (b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.

**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 he is seeking office; and
    - (D) a current resident of the county in which he 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 office.
  - (iii) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, 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 prosecution district in which he is seeking office; and  
(D) a current resident of the prosecution district in which he is seeking office and either will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.

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

(A) as of the date of filing:

(I) is a United States citizen;

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

(III) (Aa) has successfully met the standards and training requirements established for

law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or

(Bb) has passed a certification examination as provided in Section **53-6-206**; and

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

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

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

(A) that the person filing the declaration of candidacy also files the financial disclosure 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 he does not meet the qualification requirements for the office, 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 he meets the requirements of candidacy, 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) 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.)"

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

(i) \$25 for candidates for the local school district board; and

(ii) 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 law.

Date \_\_\_\_\_

Signature \_\_\_\_\_ Affiant

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

\_\_\_\_\_  
(signature)

Name and Title of Officer Authorized to Administer Oath

\_\_\_\_\_ "

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

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

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

under this Subsection (5)(d) file a financial statement on a form prepared by the election official.

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

(a) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor:

(i) on a form developed and provided by the lieutenant governor; and

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

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

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

and

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

(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.

#### **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:

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

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

(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

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

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

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

(6) Any person who filed a declaration of candidacy may withdraw as a candidate by

filing a written affidavit with the clerk.

**20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.**

(1) As used in this section:

(a) "Presidential candidate" means a person seeking nomination for President of the United States from a Utah registered political party.

(b) "Utah registered political party" means a political party that has complied with the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

(2) Each presidential candidate, or the candidate's designated agent, shall file a declaration of candidacy with the lieutenant governor as provided in

(a) Section **20A-9-803**, for participation in the Western States Presidential Primary election; or

(b) Section **20A-9-201**, for participation in the regular primary election.

**20A-9-204. Inducements not to become candidate.**

(1) (a) It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(b) It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(2) Any person who violates this section is guilty of a class B misdemeanor.

**20A-9-206. Fair campaign practices -- Voluntary pledge -- Pledge is a public record -- Retention requirements.**

(1) Each person seeking to become a candidate for any elective office that is to be filled at the next election shall be provided with a copy of the pledge of fair campaign practices.

(2) The pledge shall be in the following form:

"PLEDGE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

I SHALL conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful,

provable, and relevant to my campaign.

I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees or volunteers.

I SHALL immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

I SHALL defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be distributed to persons filing a declaration of candidacy.

(4) A pledge that is submitted for filing by a candidate is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(5) The filing officer shall:

(a) accept all signed pledges that are submitted for filing; and

(b) retain each filed pledge for public inspection for 30 calendar days after the election.

(6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair campaign practices.

### **20A-9-403. Regular primary elections.**

(1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

(b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.

(2) (a) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) declare their intent to participate in the primary election;

(ii) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and

(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year.

(b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) certify the name and office of all of the registered political party's candidates to the

lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year; and

(ii) certify the name and office of each of its county candidates to the county clerks by 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year.

(c) By 5 p.m. on the first Wednesday after the third Saturday in April of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide candidates, multicounty candidates, or single county candidates that shall be printed on the primary ballot and the order the candidates are to appear on the ballot in accordance with Section 20A-6-305.

(d) Except for presidential candidates, if a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

(3) The county clerk shall:

(a) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(b) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(c) determine the order of the candidates' names on the ballot in accordance with Section 20A-6-305.

(4) After the county clerk receives the certified list from a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June \_\_\_\_, \_\_\_\_\_(year), to nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

(5) (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group for that office.

(b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the

preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

**20A-9-501. Candidates not affiliated with a party -- General requirements.**

(1) (a) Candidates for public office who do not wish to affiliate with a registered political party may obtain a position on the ballot by following the procedures and requirements of this part.

(b) Upon compliance with the provisions of this part, the unaffiliated candidate is entitled to all the rights and subject to all the penalties of candidates selected by a registered political party.

(2) A candidate who has filed a declaration of candidacy may not file a certificate of nomination as an unaffiliated candidate in the same year.

(3) The courts shall construe this part liberally so as to give unaffiliated candidates for public office every reasonable opportunity to make their candidacy effective.

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

(1) The candidate shall:

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

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

I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_ Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of Utah, zip code \_\_\_\_\_, phone \_\_\_\_\_, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; 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.

\_\_\_\_\_

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

\_\_\_\_\_  
Notary Public (or other officer qualified to administer oaths)" ;and

(b) attach signature sheets to the certificate that contain a place for the registered voter's holographic signature, a place for the registered voter to print the registered voter's name, and a place for the registered voter's address.

(2) (a) The candidate shall circulate the nomination petition and submit it 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.

**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.

**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 filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office; and

(B) ask the candidate whether or not the candidate meets the requirements.

(ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(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.

**20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

(1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of each candidate, including candidates for president and vice president, certified by each registered political party as that party's nominees for offices to be voted upon at the regular general election in that county clerk's county.

(2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy.

**20A-9-802. Western States Presidential Primary established -- Other ballot items prohibited.**

(1) (a)(i) Contingent upon legislative appropriation, there is established a Western States Presidential Primary election to be held on the first Tuesday in February in the year in which a presidential election will be held.

(ii) A political party may participate in a regular primary election for the office of President of the United States only if there is no Western States Presidential Primary election in that year.

(b) Except as otherwise specifically provided in this chapter, county clerks shall administer the Western States Presidential Primary according to the provisions of Title 20A, Election Code, including:

(i) Title 20A, Chapter 1, General Provisions;

(ii) Title 20A, Chapter 2, Voter Registration;

(iii) Title 20A, Chapter 3, Voting;

(iv) Title 20A, Chapter 4, Election Returns and Election Contests;

(v) Title 20A, Chapter 5, Election Administration; and

(vi) Title 20A, Chapter 6, Ballot Form.

(c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western States Presidential Primary contains only the names of candidates for President of the United States who have qualified as provided in this part.

(ii) The county clerks may not present any other items to the voters to be voted upon at this election.

(2) Registered political parties, and candidates for President of the United States who are affiliated with a registered political party, may participate in the Western States Presidential Primary established by this part.

(3) As a condition for using the state's election system, each registered political party wishing to participate in Utah's Western States Presidential Primary shall:

(a) declare their intent to participate in the Western States Presidential Primary;

(b) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated

with a political party may vote for the registered political party's candidates; and

(c) certify that information to the lieutenant governor no later than 5 p.m. on the June 30 of the year before the year in which the presidential primary will be held.

**20A-13-301. Presidential elections -- Effect of vote.**

(1) (a) Each registered political party shall choose persons to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for President and Vice President according to the procedures established in their bylaws.

(b) Each registered political party shall certify to the lieutenant governor the names and addresses of the persons selected by the political party as the party's presidential electors by August 31.

(2) The highest number of votes cast for a political party's president and vice president candidates elects the presidential electors selected by that political party.