

Effective 5/12/2020

20A-9-203 Declarations of candidacy -- Municipal general elections.

- (1) An individual may become a candidate for any municipal office if:
 - (a) the individual is a registered voter; and
 - (b)
 - (i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or
 - (ii) the territory in which the individual resides was annexed into the municipality, the individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.
- (2)
 - (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.
 - (b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.
 - (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual 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.
- (3)
 - (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:
 - (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
 - (ii) pay the filing fee, if one is required by municipal ordinance.
 - (b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with the city recorder or town clerk if:
 - (i) the individual is located outside of the state during the entire filing period;
 - (ii) the designated agent appears in person before the city recorder or town clerk;
 - (iii) the individual communicates with the city recorder or town clerk using an electronic device that allows the individual and city recorder or town clerk to see and hear each other; and
 - (iv) the individual provides the city recorder or town clerk with an email address to which the city recorder or town clerk may send the individual the copies described in Subsection (4).
 - (c) Any resident of a municipality may nominate a candidate for a municipal office by:
 - (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support of the nomination petition of the lesser of at least:
 - (A) 25 registered voters who reside in the municipality; or
 - (B) 20% of the registered voters who reside in the municipality; and
 - (ii) paying the filing fee, if one is required by municipal ordinance.

- (4)
- (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 individual filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking;
 - (ii) require the candidate or individual filing the petition to state whether the candidate meets the requirements described in Subsection (4)(a)(i); and
 - (iii) inform the candidate or the individual filing the petition that an individual who holds a municipal elected office may not, at the same time, hold a county elected office.
 - (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.
- (5)
- (a) The declaration of candidacy shall be in substantially 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. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. 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 under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).
 - (c)
 - (i) A nomination petition shall be in substantially the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."

- (ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.
- (6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.
- (7)
 - (a) The clerk shall verify with the county clerk that all candidates are registered voters.
 - (b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.
- (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
 - (a) publish a list of the names of the candidates as they will appear on the ballot:
 - (i)
 - (A) in at least two successive publications of a newspaper of general circulation in the municipality;
 - (B) if there is no newspaper of general circulation in the municipality, by posting one copy of the list, and at least one additional copy of the list per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality; or
 - (C) by mailing notice to each registered voter in the municipality;
 - (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;
 - (iii) in accordance with Section 45-1-101, for seven days; and
 - (iv) if the municipality has a website, on the municipality's website for seven days; and
 - (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.
- (10)
 - (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk before 5 p.m. within five days after the last day for filing.
 - (b) If a person files an objection, the clerk shall:
 - (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
 - (ii) decide any objection within 48 hours after the objection is filed.
 - (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.
 - (d)
 - (i) The clerk's decision upon objections to form is final.
 - (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district 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.
- (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.

Amended by Chapter 22, 2020 General Session