EXECUTIVE ORDER

Suspending the Enforcement of Utah Code §§ 20A-9-407(3)(a) and 20A-9-408(3)(b) Due to Infectious Disease COVID-19 Novel Coronavirus

WHEREAS, On March 6, 2020, a state of emergency was declared in response to the evolving outbreak of novel coronavirus disease 2019 (COVID-19);

WHEREAS, State and local authorities have recommended that individuals experiencing symptoms of COVID-19 self-isolate themselves as necessary to prevent further transmission of the disease;

WHEREAS, Utah Code §§ 20A-9-407(3)(a) and 20A-9-408(3)(b), subject to certain exceptions, require a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election (hereinafter, a "potential candidate") to file a declaration of candidacy in person with the filing officer at the Utah State Elections Office;

WHEREAS, A potential candidate may experience symptoms of COVID-19 and choose to self-isolate as recommended by state and local authorities;

WHEREAS, To require a potential candidate to file a declaration of candidacy in person may directly conflict with the recommendation of state and local authorities that individuals experiencing symptoms of COVID-19 self-isolate as necessary to prevent further transmission of the disease;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related to and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to part 2 of the Emergency Management Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code §§ 20A-9-407(3)(a) and 20A-9-408(3)(b) to the extent that the provisions require a potential candidate to file a declaration of candidacy in person.

I hereby also direct the Director of Elections to permit a potential candidate to file a declaration of candidacy as though the potential candidate is an individual qualified to use the procedures provided in Utah Code § 20A-9-202(1)(c).

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 12th day of March 2020.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2020/002/EO