Gary Richard Herbert

Governor

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.

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2020/002/EO