

AMENDMENTS TO ELECTION LAW

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ changes the deadline for publication of a municipal election notice;
- ▶ amends provisions relating to a midterm vacancy in a municipal office;
- ▶ provides a deadline for informing a voter registration applicant of action taken on the application;
- ▶ amends provisions relating to a local voter information pamphlet;
- ▶ amends political party registration petition requirements;
- ▶ amends provisions relating to municipal elections;
- ▶ amends provisions relating to the certification provided by the lieutenant governor for a regular primary election;
- ▶ changes the deadline for a qualified political party to provide certification regarding who may vote for the qualified political party's candidates in a primary election;
- ▶ amends provisions relating to the declaration of candidacy for the office of lieutenant governor;
- ▶ amends provisions relating to an election to create a new school district; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2a-214, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and amended by Laws of Utah 2015, Chapter 352

33 **10-2a-305.1**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
 34 Coordination Clause, Laws of Utah 2015, Chapter 352
 35 **10-3-301**, as last amended by Laws of Utah 2014, Chapter 38
 36 **20A-1-510**, as last amended by Laws of Utah 2012, Chapter 327
 37 **20A-2-304**, as last amended by Laws of Utah 2006, Chapter 264
 38 **20A-7-402**, as last amended by Laws of Utah 2016, Chapter 53
 39 **20A-8-103**, as last amended by Laws of Utah 2013, Chapter 253
 40 **20A-9-203**, as last amended by Laws of Utah 2014, Chapter 38
 41 **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28
 42 **20A-9-404**, as last amended by Laws of Utah 2013, Chapter 402
 43 **20A-9-406**, as last amended by Laws of Utah 2016, Chapters 16 and 66
 44 **20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296
 45 **20A-9-408 (Effective 01/01/17)**, as last amended by Laws of Utah 2016, Chapter 28
 46 **20A-9-409**, as enacted by Laws of Utah 2014, Chapter 17
 47 **53A-2-117**, as last amended by Laws of Utah 2011, Chapters 300 and 369
 48 **53A-2-118**, as last amended by Laws of Utah 2010, Chapter 230
 49 **53A-2-118.1**, as last amended by Laws of Utah 2011, Chapter 300

50

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

52 Section 1. Section **10-2a-214** is amended to read:

53 **10-2a-214. Notice of number of commission or council members to be elected and**
 54 **of district boundaries -- Declaration of candidacy for city office.**

55 (1) (a) Within 20 days of the county legislative body's receipt of the information under
 56 Subsection 10-2a-213(1)(d), the county clerk shall publish, in accordance with Subsection
 57 (1)(b), notice containing:

58 (i) the number of commission or council members to be elected for the new city;

59 (ii) if some or all of the commission or council members are to be elected by district, a
 60 description of the boundaries of those districts as designated by the petition sponsors under
 61 Subsection 10-2a-213(1)(b);

62 (iii) information about the deadline for filing a declaration of candidacy for those
 63 seeking to become candidates for mayor or city commission or council; and

64 (iv) information about the length of the initial term of each of the city officers, as
65 determined by the petition sponsors under Subsection 10-2a-213(1)(c).

66 (b) The notice under Subsection (1)(a) shall be published:

67 (i) in a newspaper of general circulation within the future city at least once a week for
68 two successive weeks; and

69 (ii) in accordance with Section 45-1-101 for two weeks.

70 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general
71 circulation within the future city, the county clerk shall post at least one notice per 1,000
72 population in conspicuous places within the future city that are most likely to give notice to the
73 residents of the future city.

74 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
75 Subsection (1)(a).

76 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least
77 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

78 (2) Notwithstanding Subsection 20A-9-203~~(2)~~(3)(a), each person seeking to become
79 a candidate for mayor or city commission or council of a city incorporating under this part shall
80 file a declaration of candidacy with the clerk of the county in which the future city is located
81 and in accordance with the deadlines set by the clerk as authorized by Section 10-2a-215.

82 Section 2. Section **10-2a-305.1** is amended to read:

83 **10-2a-305.1. Notice of number of council members to be elected and of district**
84 **boundaries -- Declaration of candidacy for city office -- Occupation of office.**

85 (1) (a) Within 20 days of the county legislative body's receipt of the information under
86 Subsection 10-2a-305(2)(b), the county clerk shall publish, in accordance with Subsection
87 (1)(b), notice containing:

88 (i) information about the deadline for filing a declaration of candidacy for those
89 seeking to become candidates for mayor or town council; and

90 (ii) information about the length of the initial term of each of the town officers, as
91 determined by the petition sponsors under Subsection 10-2a-305(2)(a).

92 (b) The notice under Subsection (1)(a) shall be published:

93 (i) in a newspaper of general circulation within the future town at least once a week for
94 two successive weeks; and

95 (ii) in accordance with Section 45-1-101 for two weeks.

96 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general
97 circulation within the future city, the county clerk shall post at least one notice per 1,000
98 population in conspicuous places within the future town that are most likely to give notice to
99 the residents of the future town.

100 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
101 Subsection (1)(a).

102 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least
103 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

104 (2) Notwithstanding Subsection 20A-9-203[~~(2)~~](3)(a), each person seeking to become
105 a candidate for mayor or town council of a town incorporating under this part shall, within 45
106 days of the incorporation election under Section 10-2a-304, file a declaration of candidacy with
107 the clerk of the county in which the future town is located.

108 Section 3. Section **10-3-301** is amended to read:

109 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
110 **office -- Mayor and recorder limitations.**

111 (1) (a) On or before [~~February~~] May 1 in a year in which there is a municipal general
112 election, the municipal clerk shall publish a notice that identifies:

113 (i) the municipal offices to be voted on in the municipal general election; and

114 (ii) the dates for filing a declaration of candidacy for the offices identified under
115 Subsection (1)(a)(i).

116 (b) The municipal clerk shall publish the notice described in Subsection (1)(a):

117 (i) on the Utah Public Notice Website established by Section 63F-1-701; and

118 (ii) in at least one of the following ways:

119 (A) at the principal office of the municipality;

120 (B) in a newspaper of general circulation within the municipality at least once a week
121 for two successive weeks in accordance with Section 45-1-101;

122 (C) in a newsletter produced by the municipality;

123 (D) on a website operated by the municipality; or

124 (E) with a utility enterprise fund customer's bill.

125 (2) (a) [~~A person filing~~] An individual who files a declaration of candidacy for a

126 municipal office shall ~~meet~~ comply with the requirements ~~of~~ described in Section
127 20A-9-203.

128 (b) (i) Except as provided in Subsection (2)(b)(ii), the city recorder or town clerk of
129 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
130 Subsections 20A-9-203~~(2)~~(3)(a)(i) and (b)(i) unless the date occurs on a:

131 (A) Saturday or Sunday; or

132 (B) state holiday as listed in Section 63G-1-301.

133 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
134 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
135 (2)(b)(i) without maintaining office hours by:

136 (A) posting the recorder's or clerk's contact information, including a phone number and
137 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
138 and, if available, on the municipal website; and

139 (B) being available ~~[at that contact information]~~ from 8 a.m. to 5 p.m. on the dates
140 described in Subsection (2)(b)(i), via the contact information described in Subsection
141 (2)(b)(ii)(A).

142 (3) ~~[Any person]~~ An individual elected to municipal office shall be a registered voter in
143 the municipality in which the ~~[person was]~~ individual is elected.

144 (4) (a) Each elected officer of a municipality shall maintain residency within the
145 boundaries of the municipality during the officer's term of office.

146 (b) If an elected officer of a municipality establishes a principal place of residence as
147 provided in Section 20A-2-105 outside the municipality during the officer's term of office, the
148 office is automatically vacant.

149 (5) If an elected municipal officer is absent from the municipality any time during the
150 officer's term of office for a continuous period of more than 60 days without the consent of the
151 municipal legislative body, the municipal office is automatically vacant.

152 (6) (a) A mayor of a municipality may not also serve as the municipal recorder or
153 treasurer.

154 (b) The recorder of a municipality may not also serve as the municipal treasurer.

155 Section 4. Section **20A-1-510** is amended to read:

156 **20A-1-510. Midterm vacancies in municipal offices.**

157 (1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the
158 office of municipal executive or member of a municipal legislative body, the municipal
159 legislative body shall appoint a registered voter in the municipality who meets the
160 qualifications for office [~~established~~] described in Section 10-3-301 to fill the unexpired term
161 of the vacated office [~~vacated until the January following the next municipal election~~].

162 (b) Before acting to fill the vacancy, the municipal legislative body shall:

163 (i) give public notice of the vacancy at least two weeks before the municipal legislative
164 body meets to fill the vacancy;

165 (ii) identify, in the notice:

166 (A) the date, time, and place of the meeting where the vacancy will be filled;

167 (B) the person to whom [~~a person~~] an individual interested in being appointed to fill
168 the vacancy may submit the interested [~~person's~~] individual's name for consideration; and

169 (C) the deadline for submitting an interested [~~person's~~] individual's name; and

170 (iii) in an open meeting, interview each [~~person~~] individual whose name [~~was~~] is
171 submitted for consideration, and who meets the qualifications for office, regarding the
172 [~~person's~~] individual's qualifications.

173 (c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within
174 30 days after the day on which the vacancy occurs, the municipal legislative body shall fill the
175 vacancy from among the names that have been submitted.

176 (ii) The two [~~persons~~] individuals having the highest number of votes of the municipal
177 legislative body after a first vote is taken shall appear before the municipal legislative body and
178 the municipal legislative body shall vote again.

179 (iii) If neither candidate receives a majority vote of the municipal legislative body at
180 that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

181 (2) (a) A vacancy in the office of municipal executive or member of a municipal
182 legislative body shall be filled by an interim appointment, followed by an election to fill a
183 two-year term, if:

184 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive
185 at least 14 days before the deadline for filing for election in an odd-numbered year; and

186 (ii) two years of the vacated term will remain after the first Monday of January
187 following the next municipal election.

188 (b) In appointing an interim replacement, the municipal legislative body shall:

189 (i) comply with the notice requirements of this section; and

190 (ii) in an open meeting, interview each [~~person~~] individual whose name [~~was~~] is
191 submitted for consideration, and who meets the qualifications for office, regarding the person's
192 qualifications.

193 (3) (a) In a municipality operating under the council-mayor form of government, as
194 defined in Section 10-3b-102:

195 (i) the council may appoint [~~a person~~] an individual to fill a vacancy in the office of
196 mayor before the effective date of the mayor's resignation by making the effective date of the
197 appointment the same as the effective date of the mayor's resignation; and

198 (ii) if a vacancy in the office of mayor occurs before the effective date of an
199 appointment under Subsection (1) or (2) to fill the vacancy, the council chair shall serve as
200 acting mayor during the time between the creation of the vacancy and the effective date of the
201 appointment to fill the vacancy.

202 (b) While serving as acting mayor under Subsection (3)(a)(ii), the council chair
203 continues to:

204 (i) act as a council member; and

205 (ii) vote at council meetings.

206 Section 5. Section **20A-2-304** is amended to read:

207 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

208 Each county clerk shall:

209 (1) register to vote each applicant for registration who meets the requirements for
210 registration and who:

211 (a) submits a completed voter registration form to the county clerk on or before the
212 voter registration deadline;

213 (b) submits a completed voter registration form to the Driver License Division, a
214 public assistance agency, or a discretionary voter registration agency on or before the voter
215 registration deadline; or

216 (c) mails a completed by-mail voter registration form to the county clerk on or before
217 the voter registration deadline; and

218 (2) within 30 days after the day on which the county clerk processes a voter registration

219 application, send a notice to the [~~voter informing the voter~~] individual who submits the
220 application that:

221 (a) [~~the voter's~~] informs the individual that the individual's application for voter
222 registration has been accepted and that the [~~voter~~] individual is registered to vote;

223 (b) [~~the voter's~~] informs the individual that the individual's application for voter
224 registration has been rejected and the reason for the rejection; or

225 (c) (i) informs the individual that the application for voter registration is being returned
226 to the [~~voter~~] individual for further action because the application is incomplete; and [~~giving~~]

227 (ii) gives instructions to the [~~voter about~~] individual on how to properly complete the
228 application.

229 Section 6. Section **20A-7-402** is amended to read:

230 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
231 **Preparation -- Statement on front cover.**

232 (1) The county or municipality that is subject to a ballot proposition shall prepare a
233 local voter information pamphlet that [~~meets~~] complies with the requirements of this part.

234 (2) (a) The arguments for or against a ballot proposition shall conform to the
235 requirements of this section.

236 (b) To prepare an argument for or against a ballot proposition, an eligible voter shall
237 file a request with the election officer at least 65 days before the election at which the ballot
238 proposition is to be voted on.

239 (c) If more than one eligible voter requests the opportunity to prepare an argument for
240 or against a ballot proposition, the election officer shall make the final designation according to
241 the following criteria:

242 (i) sponsors have priority in preparing an argument regarding a ballot proposition; and

243 (ii) members of the local legislative body have priority over others.

244 (d) (i) Except as provided in Subsection (2)(e), a sponsor of a ballot proposition may
245 prepare an argument in favor of the ballot proposition.

246 (ii) Except as provided in Subsection (2)(e), and subject to Subsection (2)(c), an
247 eligible voter opposed to the ballot proposition who submits a request under Subsection (2)(b)
248 may prepare an argument against the ballot proposition.

249 (e) (i) For a referendum, subject to Subsection (2)(c), an eligible voter who is in favor

250 of a law that is referred to the voters and who submits a request under Subsection (2)(b) may
251 prepare an argument for adoption of the law.

252 (ii) The sponsors of a referendum may prepare an argument against the adoption of a
253 law that is referred to the voters.

254 (f) An eligible voter who submits an argument under this section shall:

255 (i) ensure that the argument does not exceed 500 words in length;

256 (ii) ensure that the argument does not list more than five names as sponsors;

257 (iii) submit the argument to the election officer no later than 60 days before the
258 election day on which the ballot proposition will be submitted to the voters; and

259 (iv) include with the argument the eligible voter's name, residential address, postal
260 address, email address if available, and phone number.

261 (g) An election officer shall refuse to accept and publish an argument that is submitted
262 after the deadline described in Subsection (2)(f)(iii).

263 (3) (a) An election officer who timely receives the arguments in favor of and against a
264 ballot proposition shall, within one business day after the day on which the election office
265 receives both arguments, send, via mail or email:

266 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
267 submitted the argument against the ballot proposition; and

268 (ii) a copy of the argument against the ballot proposition to the eligible voter who
269 submitted the argument in favor of the ballot proposition.

270 (b) The eligible voter who submitted a timely argument in favor of the ballot
271 proposition:

272 (i) may submit to the election officer a rebuttal argument of the argument against the
273 ballot proposition;

274 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and

275 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
276 which the ballot proposition will be submitted to the voters.

277 (c) The eligible voter who submitted a timely argument against the ballot proposition:

278 (i) may submit to the election officer a rebuttal argument of the argument in favor of
279 the ballot proposition;

280 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and

281 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
282 which the ballot proposition will be submitted to the voters.

283 (d) An election officer shall refuse to accept and publish a rebuttal argument that is
284 submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).

285 (4) (a) Except as provided in Subsection (4)(b):

286 (i) an eligible voter may not modify an argument or rebuttal argument after the eligible
287 voter submits the argument or rebuttal argument to the election officer; and

288 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
289 modify an argument or rebuttal argument.

290 (b) The election officer, and the eligible voter who submits an argument or rebuttal
291 argument, may jointly agree to modify an argument or rebuttal argument in order to:

292 (i) correct factual, grammatical, or spelling errors; and

293 (ii) reduce the number of words to come into compliance with the requirements of this
294 section.

295 (c) An election officer shall refuse to accept and publish an argument or rebuttal
296 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,
297 in good faith, to modify the argument or rebuttal argument in accordance with Subsection
298 (4)(b).

299 (5) An election officer may designate another eligible voter to take the place of an
300 eligible voter described in this section if the original eligible voter is, due to injury, illness,
301 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter
302 described in this section.

303 (6) The local voter information pamphlet shall include a copy of the initial fiscal
304 impact estimate prepared for each initiative under Section 20A-7-502.5.

305 (7) (a) In preparing the local voter information pamphlet, the election officer shall:

306 (i) ensure that the arguments are printed on the same sheet of paper upon which the
307 ballot proposition is also printed;

308 (ii) ensure that the following statement is printed on the front cover or the heading of
309 the first page of the printed arguments:

310 "The arguments for or against a ballot proposition are the opinions of the authors.";

311 (iii) pay for the printing and binding of the local voter information pamphlet; and

312 (iv) [~~distribute either the pamphlets or the notice described in Subsection (7)(c) either~~
313 ~~by mail or carrier~~] not less than 15 days before, but not more than 45 days before, the election
314 at which the ballot [~~propositions are to be voted upon.~~] proposition will be voted on, distribute,
315 by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

316 (A) a voter information pamphlet; or

317 (B) the notice described in Subsection (7)(c).

318 (b) (i) If the proposed measure exceeds 500 words in length, the election officer may
319 summarize the measure in 500 words or less.

320 (ii) The summary shall state where a complete copy of the ballot proposition is
321 available for public review.

322 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
323 preaddressed return form that a person may use to request delivery of a voter information
324 pamphlet by mail.

325 (ii) The notice described in Subsection (7)(c)(i) shall include:

326 (A) the address of the Statewide Electronic Voter Information Website authorized by
327 Section 20A-7-801; and

328 (B) the phone number a voter may call to request delivery of a voter information
329 pamphlet by mail or carrier.

330 Section 7. Section **20A-8-103** is amended to read:

331 **20A-8-103. Petition procedures -- Criminal penalty.**

332 (1) As used in this section, the proposed name or emblem of a registered political party
333 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
334 difference between the proposed name or emblem and any name or emblem currently being
335 used by another registered political party.

336 (2) To become a registered political party, an organization of registered voters that is
337 not a continuing political party shall:

338 (a) circulate a petition seeking registered political party status beginning no earlier than
339 the date of the statewide canvass held after the last regular general election and ending no later
340 than the February 15 of the year in which the next regular general election will be held; [~~and~~]

341 (b) file a petition with the lieutenant governor that is signed, with a holographic
342 signature, by at least 2,000 registered voters on or before February 15 of the year in which a

343 regular general election will be held[-]; and
344 (c) file, with the petition described in Subsection (2)(b), a document certifying:
345 (i) the identity of one or more registered political parties whose members may vote for
346 the organization's candidates;
347 (ii) whether unaffiliated voters may vote for the organization's candidates; and
348 (iii) whether, for the next election, the organization intends to nominate the
349 organization's candidates in accordance with the provisions of Section 20A-9-406.
350 (3) The petition shall:
351 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;
352 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
353 blank for the purpose of binding;
354 (c) contain the name of the political party and the words "Political Party Registration
355 Petition" printed directly below the horizontal line;
356 (d) contain the word "Warning" printed directly under the words described in
357 Subsection (3)(c);
358 (e) contain, to the right of the word "Warning," the following statement printed in not
359 less than eight-point, single leaded type:
360 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
361 petition signature sheet with any name other than the person's own name or more than once for
362 the same party or if the person is not registered to vote in this state and does not intend to
363 become registered to vote in this state before the petition is submitted to the lieutenant
364 governor.";
365 (f) contain the following statement directly under the statement described in Subsection
366 (3)(e):
367 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
368 Lieutenant Governor:
369 We, the undersigned citizens of Utah, seek registered political party status for _____
370 (name);
371 Each signer says:
372 I have personally signed this petition with a holographic signature;
373 I am registered to vote in Utah or will register to vote in Utah before the petition is

374 submitted to the lieutenant governor;

375 I am or desire to become a member of the political party; and

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

377 (g) be vertically divided into columns as follows:

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

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

383 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
384 Registered Voter";

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

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

388 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
389 information is not required, but it may be used to verify your identity with voter registration
390 records. If you choose not to provide it, your signature may not be certified as a valid signature
391 if you change your address before petition signatures are certified or if the information you
392 provide does not match your voter registration records.";

393 (h) have a final page bound to one or more signature sheets that are bound together that
394 contains the following printed statement:

395 "Verification

396 State of Utah, County of _____

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

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

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

402 I believe that each has printed and signed the person's name and written the person's
403 street address correctly, and that each signer is registered to vote in Utah or will register to vote
404 in Utah before the petition is submitted to the lieutenant governor.

405

406 (Signature) (Residence Address) (Date)"; and

407 (i) be bound to a cover sheet that:

408 (i) identifies the political party's name, which may not exceed four words, and the
409 emblem of the party;

410 (ii) states the process that the organization will follow to organize and adopt a
411 constitution and bylaws; and

412 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
413 the organization.

414 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in
415 whose presence each signature sheet is signed:

416 (a) is at least 18 years old;

417 (b) meets the residency requirements of Section 20A-2-105; and

418 (c) verifies each signature sheet by completing the verification bound to one or more
419 signature sheets that are bound together.

420 (5) A person may not sign the verification if the person signed a signature sheet bound
421 to the verification.

422 (6) The lieutenant governor shall:

423 (a) determine whether the required number of voters appears on the petition;

424 (b) review the proposed name and emblem to determine if they are "distinguishable"
425 from the names and emblems of other registered political parties; and

426 (c) certify the lieutenant governor's findings to the filing officer described in
427 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

428 (7) (a) If the lieutenant governor determines that the petition meets the requirements of
429 this section, and that the proposed name and emblem are distinguishable, the lieutenant
430 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the
431 prospective political party.

432 (b) If the lieutenant governor finds that the name, emblem, or both are not
433 distinguishable from the names and emblems of other registered political parties, the lieutenant
434 governor shall notify the filing officer that the filing officer has seven days to submit a new
435 name or emblem to the lieutenant governor.

436 (8) A registered political party may not change its name or emblem during the regular
437 general election cycle.

438 (9) (a) It is unlawful for any person to:

439 (i) knowingly sign a political party registration petition:

440 (A) with any name other than the person's own name;

441 (B) more than once for the same political party; or

442 (C) if the person is not registered to vote in this state and does not intend to become
443 registered to vote in this state before the petition is submitted to the lieutenant governor; or

444 (ii) sign the verification of a political party registration petition signature sheet if the
445 person:

446 (A) does not meet the residency requirements of Section 20A-2-105;

447 (B) has not witnessed the signing by those persons whose names appear on the political
448 party registration petition signature sheet; or

449 (C) knows that a person whose signature appears on the political party registration
450 petition signature sheet is not registered to vote in this state and does not intend to become
451 registered to vote in this state.

452 (b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.

453 Section 8. Section **20A-9-203** is amended to read:

454 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

455 (1) ~~[(a) (i) A person]~~ An individual may become a candidate for any municipal office
456 if:

457 ~~[(A) the person]~~ (a) the individual is a registered voter; and

458 ~~[(B) (i) the person]~~ (b) (i) the individual has resided within the municipality in which
459 ~~[that person]~~ the individual seeks to hold elective office for the 12 consecutive months
460 immediately before the date of the election; or

461 ~~[(ii)]~~ (ii) if the territory in which the ~~[person]~~ individual resides was annexed into the
462 municipality, the ~~[person]~~ individual has resided within the annexed territory or the
463 municipality the 12 consecutive months immediately before the date of the election.

464 ~~[(iii)]~~ (2) (a) For purposes of determining whether ~~[a person]~~ an individual meets the
465 residency requirement of Subsection ~~[(1)(a)(i)(B)(i)]~~ (1)(b)(i) in a municipality that was
466 incorporated less than 12 months before the election, the municipality ~~[shall be]~~ is considered

467 to have been incorporated 12 months before the date of the election.

468 (b) In addition to the requirements of Subsection (1)~~(a)~~, each candidate for a
469 municipal council position shall, if elected from a district, be a resident of the council district
470 from which the candidate is elected.

471 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
472 incompetent person, any person convicted of a felony, or any person convicted of treason or a
473 crime against the elective franchise may not hold office in this state until the right to hold
474 elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

475 ~~[(2)(a) A person]~~ (3) (a) An individual seeking to become a candidate for a municipal
476 office shall, regardless of the nomination method by which the individual is seeking to become
477 a candidate:

478 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
479 the office hours described in Section 10-3-301 and not later than the close of those office
480 hours, between June 1 and June 7 of any odd-numbered year; and

481 (ii) pay the filing fee, if one is required by municipal ordinance.

482 (b) Any resident of a municipality may nominate a candidate for a municipal office by:

483 (i) filing a nomination petition with the city recorder or town clerk during the office
484 hours described in Section 10-3-301 and not later than the close of those office hours, between
485 June 1 and June 7 of any odd-numbered year; and

486 (ii) paying the filing fee, if one is required by municipal ordinance.

487 ~~[(3)]~~ (4) (a) Before the filing officer may accept any declaration of candidacy or
488 nomination petition, the filing officer shall:

489 (i) read to the prospective candidate or ~~[person]~~ individual filing the petition the
490 constitutional and statutory qualification requirements for the office that the candidate is
491 seeking; and

492 (ii) require the candidate or ~~[person]~~ individual filing the petition to state whether the
493 candidate meets those requirements.

494 (b) If the prospective candidate does not meet the qualification requirements for the
495 office, the filing officer may not accept the declaration of candidacy or nomination petition.

496 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
497 filing officer shall:

- 498 (i) inform the candidate that the candidate's name will appear on the ballot as it is
499 written on the declaration of candidacy;
- 500 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
501 for the office the candidate is seeking and inform the candidate that failure to comply will
502 result in disqualification as a candidate and removal of the candidate's name from the ballot;
- 503 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
504 Electronic Voter Information Website Program and inform the candidate of the submission
505 deadline under Subsection 20A-7-801(4)(a);
- 506 (iv) provide the candidate with a copy of the pledge of fair campaign practices
507 described under Section 20A-9-206 and inform the candidate that:
- 508 (A) signing the pledge is voluntary; and
509 (B) signed pledges shall be filed with the filing officer; and
510 (v) accept the declaration of candidacy or nomination petition.
- 511 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
512 officer shall:
- 513 (i) accept the candidate's pledge; and
514 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
515 candidate's pledge to the chair of the county or state political party of which the candidate is a
516 member.
- 517 ~~[(4)]~~ (5) Notwithstanding the requirement in Subsection ~~[(2)]~~ (3)(a)(i) to file a
518 declaration of candidacy in person, ~~[a person]~~ an individual may designate an agent to file the
519 form described in Subsection ~~[(5)]~~ (6) in person with the city recorder or town clerk if:
- 520 (a) the ~~[person]~~ individual is located outside the state during the filing period because:
521 (i) of employment with the state or the United States; or
522 (ii) the ~~[person]~~ individual is a member of:
- 523 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
524 Coast Guard of the United States who is on active duty;
- 525 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
526 commissioned corps of the National Oceanic and Atmospheric Administration of the United
527 States; or
528 (C) the National Guard on activated status;

529 (b) the ~~[person]~~ individual makes the declaration of candidacy described in Subsection
 530 ~~[(5) to a person]~~ (6) to an individual qualified to administer an oath;

531 (c) the ~~[person]~~ individual communicates with the city recorder or town clerk using an
 532 electronic device that allows the ~~[person]~~ individual and the city recorder or town clerk to see
 533 and hear each other; and

534 (d) the ~~[person]~~ individual provides the city recorder or town clerk with an email
 535 address to which the filing officer may send the copies described in Subsection ~~[(3)]~~ (4).

536 ~~[(5)]~~ (6) (a) The declaration of candidacy shall substantially comply with the following
 537 form:

538 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
 539 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
 540 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
 541 the legal qualifications required of candidates for this office. I will file all campaign financial
 542 disclosure reports as required by law and I understand that failure to do so will result in my
 543 disqualification as a candidate for this office and removal of my name from the ballot. I
 544 request that my name be printed upon the applicable official ballots. (Signed)

545 _____

546 Subscribed and sworn to (or affirmed) before me by _____ on this
 547 _____(month\day\year).

548 (Signed) _____ (Clerk or other officer qualified to administer oath)".

549 (b) An agent designated to file a declaration of candidacy under Subsection ~~[(4)]~~ (5)
 550 may not sign the form described in Subsection ~~[(5)]~~ (6)(a).

551 ~~[(6)]~~ (7) (a) A registered voter may be nominated for municipal office by submitting a
 552 petition signed, with a holographic signature, by:

- 553 (i) 25 residents of the municipality who are at least 18 years old; or
- 554 (ii) 20% of the residents of the municipality who are at least 18 years old.

555 (b) (i) The petition shall substantially conform to the following form:

556 "NOMINATION PETITION

557 The undersigned residents of (name of municipality) being 18 years old or older
 558 nominate (name of nominee) to the office of _____ for the (two or four-year term, whichever is
 559 applicable)."

560 (ii) The remainder of the petition shall contain lines and columns for the signatures of
561 [~~persons~~] individuals signing the petition and [~~their~~] the individuals' addresses and telephone
562 numbers.

563 [~~(7)~~] (8) If the declaration of candidacy or nomination petition fails to state whether the
564 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
565 for the four-year term.

566 [~~(8)~~] (9) (a) The clerk shall verify with the county clerk that all candidates are
567 registered voters.

568 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
569 print the candidate's name on the ballot.

570 [~~(9)~~] (10) Immediately after expiration of the period for filing a declaration of
571 candidacy, the clerk shall:

572 (a) cause the names of the candidates as they will appear on the ballot to be published:

573 (i) in at least two successive publications of a newspaper with general circulation in the
574 municipality; and

575 (ii) as required in Section 45-1-101; and

576 (b) notify the lieutenant governor of the names of the candidates as they will appear on
577 the ballot.

578 [~~(10)~~] (11) A declaration of candidacy or nomination petition filed under this section
579 may not be amended after the expiration of the period for filing a declaration of candidacy.

580 [~~(11)~~] (12) (a) A declaration of candidacy or nomination petition filed under this
581 section is valid unless a written objection is filed with the clerk within five days after the last
582 day for filing.

583 (b) If an objection is made, the clerk shall:

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

586 (ii) decide any objection within 48 hours after [~~it~~] the objection is filed.

587 (c) If the clerk sustains the objection, the candidate may correct the problem by
588 amending the declaration or petition within three days after the objection is sustained or by
589 filing a new declaration within three days after the objection is sustained.

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

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

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

595 ~~[(12)]~~ (13) Any person who filed a declaration of candidacy and was nominated, and
596 any person who was nominated by a nomination petition, may, any time up to 23 days before
597 the election, withdraw the nomination by filing a written affidavit with the clerk.

598 Section 9. Section **20A-9-403** is amended to read:

599 **20A-9-403. Regular primary elections.**

600 (1) (a) Candidates for elective office that are to be filled at the next regular general
601 election shall be nominated in a regular primary election by direct vote of the people in the
602 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
603 designated as regular primary election day. Nothing in this section shall affect a candidate's
604 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
605 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
606 Section 20A-9-601.

607 (b) Each registered political party that chooses to have the names of ~~[its]~~ the registered
608 political party's candidates for elective office featured with party affiliation on the ballot at a
609 regular general election shall comply with the requirements of this section and shall nominate
610 ~~[its]~~ the registered political party's candidates for elective office in the manner ~~[prescribed]~~
611 described in this section.

612 (c) A filing officer may not permit an official ballot at a regular general election to be
613 produced or used if the ballot denotes affiliation between a registered political party or any
614 other political group and a candidate for elective office who ~~[was]~~ is not nominated in the
615 manner prescribed in this section or in Subsection 20A-9-202(4).

616 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
617 even-numbered year in which a regular general election will be held.

618 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
619 shall:

620 (i) either declare ~~[their]~~ the registered political party's intent to participate in the next
621 regular primary election or declare that the registered political party chooses not to have the

622 names of ~~[its]~~ the registered political party's candidates for elective office featured on the ballot
623 at the next regular general election; and

624 (ii) if the registered political party participates in the upcoming regular primary
625 election, identify one or more registered political parties whose members may vote for the
626 registered political party's candidates and whether ~~[or not persons]~~ individuals identified as
627 unaffiliated with a political party may vote for the registered political party's candidates.

628 (b) (i) A registered political party that is a continuing political party ~~[must]~~ shall file
629 the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m.
630 on November 15 of each odd-numbered year.

631 (ii) An organization that is seeking to become a registered political party under Section
632 20A-8-103 ~~[must]~~ shall file the statement described in Subsection (2)(a) at the time that the
633 registered political party files the petition described in Section 20A-8-103.

634 (3) (a) Except as provided in Subsection (3)(e), ~~[a person who has submitted]~~ an
635 individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a
636 candidate for elective office on the regular primary ballot of the registered political party listed
637 on the declaration of candidacy only if the ~~[person]~~ individual is certified by the appropriate
638 filing officer as having submitted a set of nomination petitions that was:

639 (i) circulated and completed in accordance with Section 20A-9-405; and

640 (ii) signed by at least ~~[two percent]~~ 2% of the registered political party's members who
641 reside in the political division of the office that the ~~[person]~~ individual seeks.

642 (b) (i) A candidate for elective office shall submit nomination petitions to the
643 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
644 in March. ~~[Candidates]~~

645 (ii) A candidate may supplement ~~[their]~~ the candidate's submissions at any time on or
646 before the filing deadline.

647 (c) (i) The lieutenant governor shall determine for each elective office the total number
648 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
649 number of ~~[persons]~~ individuals residing in each elective office's political division who have
650 designated a particular registered political party on ~~[their]~~ the individuals' voter registration
651 forms ~~[as of]~~ before November 1 of each odd-numbered year.

652 (ii) The lieutenant governor shall publish ~~[this]~~ the determination for each elective

653 office no later than November 15 of each odd-numbered year.

654 (d) The filing officer shall:

655 (i) verify signatures on nomination petitions in a transparent and orderly manner;

656 (ii) for all qualifying candidates for elective office who [~~submitted~~] submit nomination
657 petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5
658 p.m. on the first Monday after the third Saturday in April;

659 (iii) consider active and inactive voters eligible to sign nomination petitions;

660 (iv) consider [~~a person~~] an individual who signs a nomination petition a member of a
661 registered political party for purposes of Subsection (3)(a)(ii) if the [~~person has designated~~]
662 individual designates that registered political party as the [~~person's~~] individual's party
663 membership on the [~~person's~~] individual's voter registration form; and

664 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
665 petition signatures, or use statistical sampling procedures to verify submitted nomination
666 petition signatures [~~pursuant to~~] in accordance with rules made under Subsection (3)(f).

667 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
668 lieutenant governor may appear on the regular primary ballot of a registered political party
669 without submitting nomination petitions if the candidate files a declaration of candidacy and
670 complies with Subsection 20A-9-202(3).

671 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
672 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

673 (i) provide for the use of statistical sampling procedures that:

674 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

675 (B) reflect a bona fide effort to determine the validity of a candidate's entire
676 submission, using widely recognized statistical sampling techniques; and

677 (ii) provide for the transparent, orderly, and timely submission, verification, and
678 certification of nomination petition signatures.

679 (g) The county clerk shall:

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

682 (ii) place the names of all candidates who have filed a declaration of candidacy for a
683 local board of education seat on the nonpartisan section of the ballot if more than two

684 candidates have filed for the same seat; and

685 (iii) determine the order of the local board of education candidates' names on the ballot
686 in accordance with Section 20A-6-305.

687 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
688 governor shall provide to the county clerks:

689 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
690 county, and county offices who have received certifications under Subsection (3), along with
691 instructions on how those names shall appear on the [~~primary-election~~] primary election ballot
692 in accordance with Section 20A-6-305; and

693 (ii) a list of unopposed candidates for elective office who have been nominated by a
694 registered political party under Subsection (5)(c) and instruct the county clerks to exclude
695 [~~such~~] the unopposed candidates from the [~~primary-election~~] primary election ballot.

696 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
697 joint-ticket running mates shall appear jointly on the [~~primary-election~~] primary election ballot.

698 (c) After the county clerk receives the certified list from the lieutenant governor under
699 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
700 substantially the following form:

701 "Notice is given that a primary election will be held Tuesday, June _____,
702 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
703 State Board of Education and local school board positions listed on the primary ballot. The
704 polling place for voting precinct _____ is _____. The polls will open at 7 a.m. and continue open
705 until 8 p.m. of the same day. Attest: county clerk."

706 (5) (a) [~~Candidates~~] A candidate, other than a presidential [~~candidates, receiving~~]
707 candidate, who, at the regular primary election, receives the highest number of votes cast for
708 [~~each office at the regular primary election are~~] the office sought by the candidate is:

709 (i) nominated for that office by [~~their~~] the candidate's registered political party [~~for that~~
710 ~~office or are nominated as a candidate~~]; or

711 (ii) for a nonpartisan State Board of Education or local school board position,
712 nominated for that office.

713 (b) If two or more candidates, other than presidential candidates, are to be elected to
714 the office at the regular general election, those party candidates equal in number to positions to

715 be filled who receive the highest number of votes at the regular primary election are the
716 nominees of ~~[their]~~ the candidates' party for those positions.

717 ~~[(c) A candidate who is unopposed for an elective office in the regular primary election~~
718 ~~of a registered political party is nominated by the party for that office without appearing on the~~
719 ~~primary ballot. A]~~

720 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

721 (A) no [person] individual other than the candidate [has received] receives a
722 certification under Subsection (3) for the regular primary election ballot of the candidate's
723 registered political party for a particular elective office[-]; or

724 (B) for an office where more than one individual is to be elected or nominated, the
725 number of candidates who receive certification under Subsection (3) for the regular primary
726 election of the candidate's registered political party does not exceed the total number of
727 candidates to be elected or nominated for that office.

728 (ii) A candidate who is unopposed for an elective office in the regular primary election
729 of a registered political party is nominated by the party for that office without appearing on the
730 primary election ballot.

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

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

739 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
740 primary election provided for by this section, and all expenses necessarily incurred in the
741 preparation for or the conduct of that primary election shall be paid out of the treasury of the
742 county or state, in the same manner as for the regular general elections.

743 (8) An individual may not file a declaration of candidacy for a registered political party
744 of which the individual is not a member, except to the extent that the registered political party
745 permits otherwise under the registered political party's bylaws.

746 Section 10. Section **20A-9-404** is amended to read:

747 **20A-9-404. Municipal primary elections.**

748 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
749 all municipalities shall be nominated at a municipal primary election.

750 (b) Municipal primary elections shall be held:

751 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
752 Monday in the August before the regular municipal election; and

753 (ii) whenever possible, at the same polling places as the regular municipal election.

754 (2) If the number of candidates for a particular municipal office does not exceed twice
755 the number of persons needed to fill that office, a primary election for that office may not be
756 held and the candidates are considered nominated.

757 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
758 of voters or delegates.

759 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
760 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
761 by providing that the nomination of candidates for municipal office to be voted upon at a
762 municipal election be nominated by a political party convention or committee.

763 (ii) Any primary election exemption ordinance adopted under the authority of this
764 ~~[subsection]~~ Subsection (3) remains in effect until repealed by ordinance.

765 (c) (i) A convention or committee may not nominate:

766 (A) an individual who has not submitted a declaration of candidacy, or has not been
767 nominated by a nomination petition, under Section 20A-9-203; or

768 (B) more than one group of candidates, or have placed on the ballot more than one
769 group of candidates, for the municipal offices to be voted upon at the municipal election.

770 (ii) A convention or committee may nominate ~~[a person]~~ an individual who has been
771 nominated by a different convention or committee.

772 (iii) A political party may not have more than one group of candidates placed upon the
773 ballot and may not group the same candidates on different tickets by the same party under a
774 different name or emblem.

775 (d) (i) The convention or committee shall prepare a certificate of nomination for each
776 ~~[person]~~ individual nominated.

- 777 (ii) The certificate of nomination shall:
- 778 (A) contain the name of the office for which each ~~[person]~~ individual is nominated, the
779 name, post office address, and, if in a city, the street number of residence and place of business,
780 if any, of each ~~[person]~~ individual nominated;
- 781 (B) designate in not more than five words the political party that the convention or
782 committee represents;
- 783 (C) contain a copy of the resolution passed at the convention that authorized the
784 committee to make the nomination;
- 785 (D) contain a statement certifying that the name of the candidate nominated by the
786 political party will not appear on the ballot as a candidate for any other political party;
- 787 (E) be signed by the presiding officer and secretary of the convention or committee;
788 and
- 789 (F) contain a statement identifying the residence and post office address of the
790 presiding officer and secretary and certifying that the presiding officer and secretary were
791 officers of the convention or committee and that the certificates are true to the best of their
792 knowledge and belief.
- 793 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
794 before the municipal general election.
- 795 (e) A committee appointed at a convention, if authorized by an enabling resolution,
796 may also make nominations or fill vacancies in nominations made at a convention.
- 797 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
798 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
799 be included with the candidate's name.
- 800 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
801 that falls before the regular municipal election that:
- 802 (i) exempts the city from the other methods of nominating candidates to municipal
803 office provided in this section; and
- 804 (ii) provides for a partisan primary election method of nominating candidates as
805 provided in this Subsection (4).
- 806 (b) (i) Any party that was a registered political party at the last regular general election
807 or regular municipal election is a municipal political party under this section.

808 (ii) Any political party may qualify as a municipal political party by presenting a
809 petition to the city recorder that:

810 (A) is signed, with a holographic signature, by registered voters within the municipality
811 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
812 municipal election at which a mayor was elected;

813 (B) is filed with the city recorder by May 31 of any odd-numbered year;

814 (C) is substantially similar to the form of the signature sheets described in Section
815 20A-7-303; and

816 (D) contains the name of the municipal political party using not more than five words.

817 (c) (i) If the number of candidates for a particular office does not exceed twice the
818 number of offices to be filled at the regular municipal election, no partisan primary election for
819 that office shall be held and the candidates are considered to be nominated.

820 (ii) If the number of candidates for a particular office exceeds twice the number of
821 offices to be filled at the regular municipal election, those candidates for municipal office shall
822 be nominated at a partisan primary election.

823 (d) The clerk shall ensure that:

824 (i) the partisan municipal primary ballot is similar to the ballot forms required by
825 Sections 20A-6-401 and 20A-6-401.1;

826 (ii) the candidates for each municipal political party are listed in one or more columns
827 under their party name and emblem;

828 (iii) the names of candidates of all parties are printed on the same ballot, but under
829 their party designation;

830 (iv) every ballot is folded and perforated [~~so as to separate~~] in a manner that separates
831 the candidates of one party from those of the other parties and [~~so as to enable the elector~~]
832 enables the voter to separate the part of the ballot containing the names of the party of [~~his~~] the
833 voter's choice from the remainder of the ballot; and

834 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
835 when detached, are similar in appearance to inside sections when detached.

836 (e) After marking a municipal primary ballot, the voter shall:

837 (i) detach the part of the ballot containing the names of the candidates of the party [~~he~~]
838 the voter has voted from the rest of the ballot;

839 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
840 and

841 (iii) fold the remainder of the ballot containing the names of the candidates of the
842 parties for whom the elector did not vote and deposit it in the blank ballot box.

843 (f) Immediately after the canvass, the election judges shall, without examination,
844 destroy the tickets deposited in the blank ballot box.

845 Section 11. Section **20A-9-406** is amended to read:

846 **20A-9-406. Qualified political party -- Requirements and exemptions.**

847 The following provisions apply to a qualified political party:

848 (1) the qualified political party shall, no later than 5 p.m. on [~~March 1 of each~~
849 ~~even-numbered~~] November 15 of each odd-numbered year, certify to the lieutenant governor
850 the identity of one or more registered political parties whose members may vote for the
851 qualified political party's candidates and whether unaffiliated voters may vote for the qualified
852 political party's candidates;

853 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
854 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
855 political party;

856 (3) an individual may only seek the nomination of the qualified political party by using
857 a method described in Section 20A-9-407, Section 20A-9-408, or both;

858 (4) the qualified political party shall comply with the provisions of Sections
859 20A-9-407, 20A-9-408, and 20A-9-409;

860 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
861 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a
862 qualified political party:

863 (a) under the qualified political party's name, if any; or

864 (b) under the title of the qualified registered political party as designated by the
865 qualified political party in the certification described in Subsection (1), or, if none is
866 designated, then under some suitable title;

867 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
868 paper ballots in regular general elections, that each candidate who is nominated by the qualified
869 political party is listed by party;

870 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
871 the party designation of each candidate who is nominated by the qualified political party is
872 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

873 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
874 the party designation of each candidate who is nominated by the qualified political party is
875 displayed adjacent to the candidate's name on an electronic ballot;

876 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
877 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
878 20A-9-408 to run in a regular general election for a federal office, constitutional office,
879 multicounty office, or county office;

880 (10) an individual who is nominated by, or seeking the nomination of, the qualified
881 political party is not required to comply with Subsection 20A-9-201(1)(c);

882 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
883 to have each of the qualified political party's candidates for elective office appear on the
884 primary ballot of the qualified political party with an indication that each candidate is a
885 candidate for the qualified political party;

886 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
887 on the list provided by the lieutenant governor to the county clerks:

888 (a) the names of all candidates of the qualified political party for federal, constitutional,
889 multicounty, and county offices; and

890 (b) the names of unopposed candidates for elective office who have been nominated by
891 the qualified political party and instruct the county clerks to exclude such candidates from the
892 primary-election ballot;

893 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
894 elective office in the regular primary election of the qualified political party is nominated by
895 the party for that office without appearing on the primary ballot; and

896 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
897 20A-9-405, the qualified political party is entitled to have the names of its candidates for
898 elective office featured with party affiliation on the ballot at a regular general election.

899 Section 12. Section **20A-9-407** is amended to read:

900 **20A-9-407. Convention process to seek the nomination of a qualified political**

901 **party.**

902 (1) This section describes the requirements for a member of a qualified political party
903 who is seeking the nomination of a qualified political party for an elective office through the
904 qualified political party's convention process.

905 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
906 candidacy for a member of a qualified political party who is nominated by, or who is seeking
907 the nomination of, the qualified political party under this section shall be substantially as
908 described in Section 20A-9-408.5.

909 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
910 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
911 nomination of the qualified political party for an elective office that is to be filled at the next
912 general election, shall:

913 (a) file a declaration of candidacy in person with the filing officer on or after the
914 second Friday in March and before 5 p.m. on the third Thursday in March before the next
915 regular general election; and

916 (b) pay the filing fee.

917 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
918 party who, under this section, is seeking the nomination of the qualified political party for the
919 office of district attorney within a multicounty prosecution district that is to be filled at the next
920 general election shall:

921 (a) file a declaration of candidacy with the county clerk designated in the interlocal
922 agreement creating the prosecution district on or after the second Friday in March and before 5
923 p.m. on the third Thursday in March before the next regular general election; and

924 (b) pay the filing fee.

925 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
926 who files as the joint-ticket running mate of an individual who is nominated by a qualified
927 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
928 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
929 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
930 running mate.

931 (6) (a) A qualified political party that nominates a candidate under this section shall

932 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
933 after the fourth Saturday in April.

934 (b) The lieutenant governor shall ensure that the certification described in Subsection
935 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
936 under this section.

937 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
938 is nominated by a qualified political party under this section, designate the qualified political
939 party that nominated the candidate.

940 Section 13. Section **20A-9-408 (Effective 01/01/17)** is amended to read:

941 **20A-9-408 (Effective 01/01/17). Signature-gathering process to seek the**
942 **nomination of a qualified political party.**

943 (1) This section describes the requirements for a member of a qualified political party
944 who is seeking the nomination of the qualified political party for an elective office through the
945 signature-gathering process described in this section.

946 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
947 candidacy for a member of a qualified political party who is nominated by, or who is seeking
948 the nomination of, the qualified political party under this section shall be substantially as
949 described in Section 20A-9-408.5.

950 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
951 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
952 nomination of the qualified political party for an elective office that is to be filled at the next
953 general election shall:

954 (a) within the period beginning on January 1 before the next regular general election
955 and ending on the third Thursday in March of the same year, and before gathering signatures
956 under this section, file with the filing officer on a form approved by the lieutenant governor a
957 notice of intent to gather signatures for candidacy that includes:

958 (i) the name of the member who will attempt to become a candidate for a registered
959 political party under this section;

960 (ii) the name of the registered political party for which the member is seeking
961 nomination;

962 (iii) the office for which the member is seeking to become a candidate;

- 963 (iv) the address and telephone number of the member; and
964 (v) other information required by the lieutenant governor;
- 965 (b) file a declaration of candidacy, in person, with the filing officer on or after the
966 second Friday in March and before 5 p.m. on the third Thursday in March before the next
967 regular general election; and
- 968 (c) pay the filing fee.
- 969 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
970 party who, under this section, is seeking the nomination of the qualified political party for the
971 office of district attorney within a multicounty prosecution district that is to be filled at the next
972 general election shall:
- 973 (a) on or after January 1 before the next regular general election, and before gathering
974 signatures under this section, file with the filing officer on a form approved by the lieutenant
975 governor a notice of intent to gather signatures for candidacy that includes:
- 976 (i) the name of the member who will attempt to become a candidate for a registered
977 political party under this section;
- 978 (ii) the name of the registered political party for which the member is seeking
979 nomination;
- 980 (iii) the office for which the member is seeking to become a candidate;
- 981 (iv) the address and telephone number of the member; and
982 (v) other information required by the lieutenant governor;
- 983 (b) file a declaration of candidacy, in person, with the filing officer on or after the
984 second Friday in March and before 5 p.m. on the third Thursday in March before the next
985 regular general election; and
- 986 (c) pay the filing fee.
- 987 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
988 who files as the joint-ticket running mate of an individual who is nominated by a qualified
989 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
990 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
991 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
992 running mate.
- 993 (6) The lieutenant governor shall ensure that the certification described in Subsection

994 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
995 under this section.

996 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
997 is nominated by a qualified political party under this section, designate the qualified political
998 party that nominated the candidate.

999 (8) A member of a qualified political party may seek the nomination of the qualified
1000 political party for an elective office by:

1001 (a) complying with the requirements described in this section; and

1002 (b) collecting signatures, on a form approved by the lieutenant governor, during the
1003 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
1004 which the qualified political party's convention for the office is held, in the following amounts:

1005 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1006 permitted by the qualified political party to vote for the qualified political party's candidates in
1007 a primary election;

1008 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1009 residents of the congressional district and are permitted by the qualified political party to vote
1010 for the qualified political party's candidates in a primary election;

1011 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1012 residents of the state Senate district and are permitted by the qualified political party to vote for
1013 the qualified political party's candidates in a primary election;

1014 (iv) for a state House district race, 1,000 signatures of registered voters who are
1015 residents of the state House district and are permitted by the qualified political party to vote for
1016 the qualified political party's candidates in a primary election;

1017 (v) for a State Board of Education race, the lesser of:

1018 (A) 2,000 signatures of registered voters who are residents of the State Board of
1019 Education district and are permitted by the qualified political party to vote for the qualified
1020 political party's candidates in a primary election; or

1021 (B) 3% of the registered voters of the qualified political party who are residents of the
1022 applicable State Board of Education district; and

1023 (vi) for a county office race, signatures of 3% of the registered voters who are residents
1024 of the area permitted to vote for the county office and are permitted by the qualified political

1025 party to vote for the qualified political party's candidates in a primary election.

1026 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1027 for the qualified political party's nomination for an elective office under this section, the
1028 member shall:

1029 (i) collect the signatures on a form approved by the lieutenant governor, using the same
1030 circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

1031 (ii) submit the signatures to the election officer no later than 14 days before the day on
1032 which the qualified political party holds its convention to select candidates, for the elective
1033 office, for the qualified political party's nomination.

1034 (b) An individual may not gather signatures under this section until after the individual
1035 files a notice of intent to gather signatures for candidacy described in this section.

1036 (c) An individual who files a notice of intent to gather signatures for candidacy,
1037 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1038 the notice of intent to gather signatures for candidacy:

1039 (i) required to comply with the reporting requirements that a candidate for office is
1040 required to comply with; and

1041 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1042 apply to a candidate for office in relation to the reporting requirements described in Subsection
1043 (9)(c)(i).

1044 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1045 election officer shall, no later than one day before the day on which the qualified political party
1046 holds the convention to select a nominee for the elective office to which the signature packets
1047 relate:

1048 (i) check the name of each individual who completes the verification for a signature
1049 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1050 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1051 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1052 (iii) determine whether each signer is a registered voter who is qualified to sign the
1053 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
1054 on a petition;

1055 (iv) certify whether each name is that of a registered voter who is qualified to sign the

1056 signature packet; and

1057 (v) notify the qualified political party and the lieutenant governor of the name of each
1058 member of the qualified political party who qualifies as a nominee of the qualified political
1059 party, under this section, for the elective office to which the convention relates.

1060 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1061 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1062 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1063 posts a declaration of candidacy.

1064 Section 14. Section **20A-9-409** is amended to read:

1065 **20A-9-409. Primary election provisions relating to qualified political party.**

1066 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
1067 primary election day.

1068 (2) A qualified political party that nominates one or more candidates for an elective
1069 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that
1070 office under Section 20A-9-408, may, but is not required to, participate in the primary election
1071 for that office.

1072 (3) A qualified political party that has only one candidate qualify as a candidate for an
1073 elective office under Section 20A-9-408 and does not nominate a candidate for that office
1074 under Section 20A-9-407, may, but is not required to, participate in the primary election for
1075 that office.

1076 (4) A qualified political party that nominates one or more candidates for an elective
1077 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that
1078 office under Section 20A-9-408 shall participate in the primary election for that office.

1079 (5) A qualified political party that has two or more candidates qualify as candidates for
1080 an elective office under Section 20A-9-408 and does not nominate a candidate for that office
1081 under Section 20A-9-407 shall participate in the primary election for that office.

1082 (6) (a) As used in this Subsection (6), a candidate is "unopposed" if:

1083 (A) no individual other than the candidate receives a certification, from the appropriate
1084 filing officer, for the regular primary election ballot of the candidate's registered political party
1085 for a particular elective office; or

1086 (B) for an office where more than one individual is to be elected or nominated, the

1087 number of candidates who receive certification, from the appropriate filing officer, for the
1088 regular primary election of the candidate's registered political party does not exceed the total
1089 number of candidates to be elected or nominated for that office.

1090 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1091 governor shall:

1092 (i) provide to the county clerks:

1093 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1094 county, and county offices who have received certifications from the appropriate filing officer,
1095 along with instructions on how those names shall appear on the primary election ballot in
1096 accordance with Section 20A-6-305; and

1097 (B) a list of unopposed candidates for elective office who have been nominated by a
1098 registered political party; and

1099 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1100 election ballot.

1101 Section 15. Section **53A-2-117** is amended to read:

1102 **53A-2-117. Definitions.**

1103 As used in Sections 53A-2-117 through 53A-2-122, except Section 53A-2-118.4:

1104 (1) "Allocation date" means:

1105 (a) June 30 of the second calendar year after the local school board general election
1106 date described in Subsection 53A-2-118.1(3)(a)(i); or

1107 (b) another date that the transition teams under Section 53A-2-118.1 mutually agree to.

1108 (2) "Canvass date" means the date of the canvass of an election under Subsection
1109 53A-2-118~~(5)~~(9) at which voters approve the creation of a new school district under Section
1110 53A-2-118.1.

1111 (3) "Creation election date" means the date of the election under Subsection
1112 53A-2-118~~(5)~~(9) at which voters approve the creation of a new school district under Section
1113 53A-2-118.1.

1114 (4) "Divided school district, "existing district," or "existing school district" means a
1115 school district from which a new district is created.

1116 (5) "New district" or "new school district" means a school district created under
1117 Section 53A-2-118 or 53A-2-118.1.

1118 (6) "Remaining district" or "remaining school district" means an existing district after
1119 the creation of a new district.

1120 Section 16. Section **53A-2-118** is amended to read:

1121 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**
1122 **to be followed.**

1123 (1) A new school district may be created from one or more existing school districts, as
1124 provided in this section.

1125 (2) ~~[(a)]~~ The process to create a new school district may be initiated:

1126 ~~[(i)]~~ (a) through a citizens' initiative petition;

1127 ~~[(ii)]~~ (b) at the request of the board of the existing district or districts to be affected by
1128 the creation of the new district; or

1129 ~~[(iii)]~~ (c) at the request of a city within the boundaries of the school district or at the
1130 request of interlocal agreement participants, pursuant to Section 53A-2-118.1.

1131 ~~[(b)-(i)-Each]~~ (3) (a) An initiative petition submitted under Subsection (2)(a)~~[(i)]~~ shall
1132 be signed by qualified electors residing within the geographical boundaries of the proposed
1133 new school district in an amount equal ~~[in number]~~ to at least 15% of ~~[the number of electors~~
1134 ~~in the area who voted for the office of governor]~~ all votes cast within the geographic
1135 boundaries of the proposed new school district for all candidates for president of the United
1136 States at the last regular general election at which a president of the United States was elected.

1137 ~~[(ii)]~~ (b) Each request or petition submitted under Subsection (2)~~[(a)]~~ shall:

1138 ~~[(A)]~~ (i) be filed with the clerk of each county in which any part of the proposed new
1139 school district is located;

1140 ~~[(B)]~~ (ii) indicate the typed or printed name and current residence address of each
1141 governing board member making a request, or registered voter signing a petition, as the case
1142 may be;

1143 ~~[(C)]~~ (iii) describe the proposed new school district boundaries; and

1144 ~~[(D)]~~ (iv) designate up to five signers of the petition or request as sponsors, one of
1145 whom shall be designated as the contact sponsor, with the mailing address and telephone
1146 number of each.

1147 ~~[(c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,~~
1148 ~~reinstate the signer's signature at any time before the filing of the petition by filing a written~~

1149 ~~withdrawal or reinstatement with the county clerk.]~~

1150 ~~[(d)]~~ (c) The process ~~[under]~~ described in Subsection (2)(a)~~[(f)]~~ may only be initiated
1151 once during any four-year period.

1152 ~~[(e)]~~ (d) A new district may not be formed ~~[pursuant to]~~ under Subsection (2)~~[(a)]~~ if the
1153 student population of the proposed new district is less than 3,000 or the existing district's
1154 student population would be less than 3,000 because of the creation of the new school district.

1155 (4) A signer of a petition described in Subsection (2)(a) may withdraw or, once
1156 withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing
1157 a written request for withdrawal or reinstatement with the county clerk.

1158 ~~[(f)]~~ (5) Within 45 days after the ~~[filing of]~~ day on which a petition ~~[under]~~ described
1159 in Subsection (2)(a)~~[(f)]~~ is filed, or five business days after the ~~[filing of]~~ day on which a
1160 request ~~[under]~~ described in Subsection (2)~~[(a)(ii) or (iii)]~~ (b) or (c) is filed, the clerk of each
1161 county with which ~~[a]~~ the request or petition is filed shall:

1162 ~~[(f)]~~ (a) determine whether the request or petition complies with Subsections (2)~~[(a);~~
1163 ~~(b), (d), and (e)]~~ and (3), as applicable; and

1164 ~~[(ii)-(A)]~~ (b) (i) if the county clerk determines that the request or petition complies with
1165 the applicable requirements:

1166 ~~[(f)]~~ (A) certify the request or petition and deliver the certified request or petition to the
1167 county legislative body; and

1168 ~~[(H)]~~ (B) mail or deliver written notification of the certification to the contact sponsor;
1169 or

1170 ~~[(B)]~~ (ii) if the county clerk determines that the request or petition fails to comply with
1171 any of the applicable requirements, reject the request or petition and notify the contact sponsor
1172 in writing of the rejection and reasons for the rejection.

1173 ~~[(g)]~~ (6) (a) If the county clerk fails to certify or reject a request or petition within the
1174 time specified in Subsection ~~[(2)(f)]~~ (5), the request or petition ~~[shall be]~~ is considered to be
1175 certified.

1176 ~~[(h)]~~ (b) (i) If the county clerk rejects a request or petition, the person that submitted
1177 the request or petition may [be amended] amend the request or petition to correct the
1178 deficiencies for which ~~[it]~~ the request or petition was rejected, and ~~[then refiled]~~ refile the
1179 request or petition.

1180 (ii) Subsection (2)~~(d)~~(c) does not apply to a request or petition that is amended and
 1181 refiled after having been rejected by a county clerk.

1182 ~~(f)~~ (c) If, on or before December 1, a county legislative body receives a request from
 1183 a school board under Subsection (2)~~(a)(ii)~~(b) or a petition under Subsection (2)(a)~~(f)~~which
 1184 that is certified by the county clerk ~~[on or before December 1]~~:

1185 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
 1186 ~~[by]~~ in Subsection ~~[(3)]~~ (7), on or before January 1;

1187 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
 1188 county legislative body, as provided ~~[by]~~ in Subsection ~~[(3)]~~ (7), on or before July 1; and

1189 (iii) if the legislative body of each county with which a request or petition is filed
 1190 approves a proposal to create a new district, ~~[the proposal shall be submitted]~~ each legislative
 1191 body shall submit the proposal to the respective county clerk to be voted on by the electors of
 1192 each existing district at the regular general or municipal general election held in November.

1193 ~~[(3)]~~ (7) (a) The legislative body of each county with which a request or petition is
 1194 filed shall appoint an ad hoc advisory committee to review and make recommendations on a
 1195 request for the creation of a new school district submitted under Subsection (2)(a)~~(i) or (ii)]~~ or
 1196 (b).

1197 (b) The advisory committee shall:

1198 (i) seek input from:

1199 (A) those requesting the creation of the new school district;

1200 (B) the school board and school personnel of each existing school district;

1201 (C) those citizens residing within the geographical boundaries of each existing school
 1202 district;

1203 (D) the State Board of Education; and

1204 (E) other interested parties;

1205 (ii) review data and gather information on at least:

1206 (A) the financial viability of the proposed new school district;

1207 (B) the proposal's financial impact on each existing school district;

1208 (C) the exact placement of school district boundaries; and

1209 (D) the positive and negative effects of creating a new school district and whether the
 1210 positive effects outweigh the negative if a new school district were to be created; and

1211 (iii) make a report to the county legislative body in a public meeting on the committee's
1212 activities, together with a recommendation on whether to create a new school district.

1213 [~~(4)~~] (8) For a request or petition submitted under Subsection (2)(a)[~~(i)~~ or ~~(2)(a)(ii)~~] or
1214 (b):

1215 (a) The county legislative body shall provide for a 45-day public comment period on
1216 the report and recommendation to begin on the day the report is given under Subsection [~~(3)~~]
1217 (7)(b)(iii).

1218 (b) Within 14 days after the end of the comment period, the legislative body of each
1219 county with which a request or petition is filed shall vote on the creation of the proposed new
1220 school district.

1221 (c) The proposal is approved if a majority of the members of the legislative body of
1222 each county with which a request or petition is filed votes in favor of the proposal.

1223 (d) If the proposal is approved, the legislative body of each county with which a
1224 request or petition is filed shall submit the proposal to the county clerk to be voted on:

1225 (i) by the legal voters of each existing school district affected by the proposal;

1226 (ii) in accordance with the procedures and requirements applicable to a regular general
1227 election under Title 20A, Election Code; and

1228 (iii) at the next regular general election or municipal general election, whichever is
1229 first.

1230 (e) Creation of the new school district shall occur if a majority of the electors within
1231 both the proposed school district and each remaining school district voting on the proposal vote
1232 in favor of the creation of the new district.

1233 (f) Each county legislative body shall comply with the requirements of Section
1234 53A-2-101.5.

1235 (g) If a proposal submitted under Subsection (2)(a)[~~(i)~~ or ~~(ii)~~] or (b) to create a new
1236 district is approved by the electors, the existing district's documented costs to study and
1237 implement the proposal shall be reimbursed by the new district.

1238 [~~(5)~~] (9) (a) If a proposal submitted under Subsection (2)[~~(a)(iii)~~](c) is certified under
1239 Subsection [~~(2)(f)~~ or ~~(g)~~] (5) or (6)(a), the legislative body of each county in which part of the
1240 proposed new school district is located shall submit the proposal to the respective clerk of each
1241 county to be voted on:

1242 (i) by the legal voters residing within the proposed new school district boundaries;
 1243 (ii) in accordance with the procedures and requirements applicable to a regular general
 1244 election under Title 20A, Election Code; and
 1245 (iii) at the next regular general election or municipal general election, whichever is
 1246 first.

1247 (b) (i) If a majority of the legal voters within the proposed new school district
 1248 boundaries voting on the proposal at an election under Subsection [~~(5)~~] (9)(a) vote in favor of
 1249 the creation of the new district:

1250 (A) each county legislative body shall comply with the requirements of Section
 1251 53A-2-101.5; and

1252 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
 1253 the new district is created.

1254 (ii) Notwithstanding the creation of a new district as provided in Subsection
 1255 [~~(5)~~](9)(b)(i)(B):

1256 (A) a new school district may not begin to provide educational services to the area
 1257 within the new district until July 1 of the second calendar year following the school board
 1258 general election date described in Subsection 53A-2-118.1(3)(a)(i);

1259 (B) a remaining district may not begin to provide educational services to the area
 1260 within the remaining district until the time specified in Subsection [~~(5)~~](9)(b)(ii)(A); and

1261 (C) each existing district shall continue, until the time specified in Subsection
 1262 [~~(5)~~](9)(b)(ii)(A), to provide educational services within the entire area covered by the existing
 1263 district.

1264 Section 17. Section **53A-2-118.1** is amended to read:

1265 **53A-2-118.1. Proposal initiated by a city or interlocal agreement participants to**
 1266 **create a school district -- Boundaries -- Election of local school board members --**
 1267 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

1268 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
 1269 as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3),
 1270 may by majority vote of the legislative body, submit for voter approval a measure to create a
 1271 new school district with boundaries contiguous with that city's boundaries, in accordance with
 1272 Section 53A-2-118.

1273 (b) (i) The determination of all matters relating to the scope, adequacy, and other
1274 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
1275 city's legislative body.

1276 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
1277 a legal action or other challenge to:

1278 (A) an election for voter approval of the creation of a new school district; or

1279 (B) the creation of the new school district.

1280 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
1281 may, together with one or more other cities, towns, or the county enter into an interlocal
1282 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
1283 of submitting for voter approval a measure to create a new school district.

1284 (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under
1285 Subsection (2)(a) may submit a proposal for voter approval if:

1286 (A) the interlocal agreement participants conduct a feasibility study prior to submitting
1287 the proposal to the county;

1288 (B) the combined population within the proposed new school district boundaries is at
1289 least 50,000;

1290 (C) the new school district boundaries:

1291 (I) are contiguous;

1292 (II) do not completely surround or otherwise completely geographically isolate a
1293 portion of an existing school district that is not part of the proposed new school district from
1294 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

1295 (III) include the entire boundaries of each participant city or town, except as provided
1296 in Subsection (2)(d)(ii); and

1297 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

1298 (D) the combined population within the proposed new school district of interlocal
1299 agreement participants that have entered into an interlocal agreement proposing to create a new
1300 school district is at least 80% of the total population of the proposed new school district.

1301 (ii) The determination of all matters relating to the scope, adequacy, and other aspects
1302 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new
1303 feasibility study or revise a previous feasibility study due to a change in the proposed new

1304 school district boundaries, is within the exclusive discretion of the legislative bodies of the
1305 interlocal agreement participants that enter into an interlocal agreement to submit for voter
1306 approval a measure to create a new school district.

1307 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the
1308 basis of a legal action or other challenge to:

1309 (A) an election for voter approval of the creation of a new school district; or

1310 (B) the creation of the new school district.

1311 (iv) For purposes of determining whether the boundaries of a proposed new school
1312 district cross county lines under Subsection (2)(b)(i)(C)(IV):

1313 (A) a municipality located in more than one county and entirely within the boundaries
1314 of a single school district is considered to be entirely within the same county as other
1315 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's
1316 land area and population is located in that same county than outside the county; and

1317 (B) a municipality located in more than one county that participates in an interlocal
1318 agreement under Subsection (2)(a) with respect to some but not all of the area within the
1319 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may
1320 not be considered to cross county lines.

1321 (c) (i) A county may only participate in an interlocal agreement under this Subsection
1322 (2) for the unincorporated areas of the county.

1323 (ii) Boundaries of a new school district created under this section may include:

1324 (A) a portion of one or more existing school districts; and

1325 (B) a portion of the unincorporated area of a county, including a portion of a township.

1326 (d) (i) As used in this Subsection (2)(d):

1327 (A) "Isolated area" means an area that:

1328 (I) is entirely within the boundaries of a municipality that, except for that area, is
1329 entirely within a school district different than the school district in which the area is located;
1330 and

1331 (II) would, because of the creation of a new school district from the existing district in
1332 which the area is located, become completely geographically isolated.

1333 (B) "Municipality's school district" means the school district that includes all of the
1334 municipality in which the isolated area is located except the isolated area.

1335 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
1336 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
1337 within the municipality's boundaries if:

1338 (A) the portion of the municipality proposed to be included in the new school district
1339 would, if not included, become an isolated area upon the creation of the new school district; or

1340 (B) (I) the portion of the municipality proposed to be included in the new school
1341 district is within the boundaries of the same school district that includes the other interlocal
1342 agreement participants; and

1343 (II) the portion of the municipality proposed to be excluded from the new school
1344 district is within the boundaries of a school district other than the school district that includes
1345 the other interlocal agreement participants.

1346 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
1347 district may be submitted for voter approval pursuant to an interlocal agreement under
1348 Subsection (2)(a), even though the new school district boundaries would create an isolated
1349 area, if:

1350 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
1351 participants;

1352 (II) the interlocal participants submit a written request to the municipality in which the
1353 potential isolated area is located, requesting the municipality to enter into an interlocal
1354 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
1355 create a new school district that includes the potential isolated area; and

1356 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
1357 municipality has not entered into an interlocal agreement as requested in the request.

1358 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
1359 one or more public hearings to allow input from the public and affected school districts
1360 regarding whether or not the municipality should enter into an interlocal agreement with
1361 respect to the potential isolated area.

1362 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

1363 (Aa) a new school district is created under this section after a measure is submitted to
1364 voters based on the authority of Subsection (2)(d)(iii)(A); and

1365 (Bb) the creation of the new school district results in an isolated area.

1366 (II) The isolated area shall, on July 1 of the second calendar year following the local
1367 school board general election date described in Subsection (3)(a)(i), become part of the
1368 municipality's school district.

1369 (III) Unless the isolated area is the only remaining part of the existing district, the
1370 process described in Subsection (4) shall be modified to:

1371 (Aa) include a third transition team, appointed by the local school board of the
1372 municipality's school district, to represent that school district; and

1373 (Bb) require allocation of the existing district's assets and liabilities among the new
1374 district, the remaining district, and the municipality's school district.

1375 (IV) The existing district shall continue to provide educational services to the isolated
1376 area until July 1 of the second calendar year following the local school board general election
1377 date described in Subsection (3)(a)(i).

1378 (3) (a) If a proposal under this section is approved by voters:

1379 (i) an election shall be held at the next regular general election to elect:

1380 (A) members to the local school board of the existing school district whose terms are
1381 expiring;

1382 (B) all members to the local school board of the new school district; and

1383 (C) all members to the local school board of the remaining district;

1384 (ii) the assets and liabilities of the existing school district shall be divided between the
1385 remaining school district and the new school district as provided in Subsection (5) and Section
1386 53A-2-121;

1387 (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and
1388 53A-2-122;

1389 (iv) (A) an individual residing within the boundaries of a new school district at the
1390 time the new school district is created may, for six school years after the creation of the new
1391 school district, elect to enroll in a secondary school located outside the boundaries of the new
1392 school district if:

1393 (I) the individual resides within the boundaries of that secondary school as of the day
1394 before the new school district is created; and

1395 (II) the individual would have been eligible to enroll in that secondary school had the
1396 new school district not been created; and

1397 (B) the school district in which the secondary school is located shall provide
1398 educational services, including, if provided before the creation of the new school district,
1399 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
1400 year for which the individual makes the election; and

1401 (v) within one year after the new district begins providing educational services, the
1402 superintendent of each remaining district affected and the superintendent of the new district
1403 shall meet, together with the Superintendent of Public Instruction, to determine if further
1404 boundary changes should be proposed in accordance with Section 53A-2-104.

1405 (b) (i) The terms of the initial members of the local school board of the new district and
1406 remaining district shall be staggered and adjusted by the county legislative body so that
1407 approximately half of the local school board is elected every two years.

1408 (ii) The term of a member of the existing local school board, including a member
1409 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local
1410 school board general election date described in Subsection (3)(a)(i), regardless of when the
1411 term would otherwise have terminated.

1412 (iii) Notwithstanding the existence of a local school board for the new district and a
1413 local school board for the remaining district under Subsection (3)(a)(i), the local school board
1414 of the existing district shall continue, until the time specified in Subsection
1415 53A-2-118~~(5)~~(9)(b)(ii)(A), to function and exercise authority as a local school board to the
1416 extent necessary to continue to provide educational services to the entire existing district.

1417 (iv) A person may simultaneously serve as or be elected to be a member of the local
1418 school board of an existing district and a member of the local school board of:

1419 (A) a new district; or

1420 (B) a remaining district.

1421 (4) (a) Within 45 days after the canvass date for the election at which voters approve
1422 the creation of a new district:

1423 (i) a transition team to represent the remaining district shall be appointed by the
1424 members of the existing local school board who reside within the area of the remaining district,
1425 in consultation with:

1426 (A) the legislative bodies of all municipalities in the area of the remaining district; and

1427 (B) the legislative body of the county in which the remaining district is located, if the

1428 remaining district includes one or more unincorporated areas of the county; and

1429 (ii) another transition team to represent the new district shall be appointed by:

1430 (A) for a new district located entirely within the boundaries of a single city, the

1431 legislative body of that city; or

1432 (B) for each other new district, the legislative bodies of all interlocal agreement

1433 participants.

1434 (b) The local school board of the existing school district shall, within 60 days after the

1435 canvass date for the election at which voters approve the creation of a new district:

1436 (i) prepare an inventory of the existing district's:

1437 (A) assets, both tangible and intangible, real and personal; and

1438 (B) liabilities; and

1439 (ii) deliver a copy of the inventory to each of the transition teams.

1440 (c) The transition teams appointed under Subsection (4)(a) shall:

1441 (i) determine the allocation of the existing district's assets and, except for indebtedness

1442 under Section 53A-2-121, liabilities between the remaining district and the new district in

1443 accordance with Subsection (5);

1444 (ii) prepare a written report detailing how the existing district's assets and, except for

1445 indebtedness under Section 53A-2-121, liabilities are to be allocated; and

1446 (iii) deliver a copy of the written report to:

1447 (A) the local school board of the existing district;

1448 (B) the local school board of the remaining district; and

1449 (C) the local school board of the new district.

1450 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and

1451 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the

1452 election at which voters approve the creation of a new district, unless that deadline is extended

1453 by the mutual agreement of:

1454 (i) the local school board of the existing district; and

1455 (ii) (A) the legislative body of the city in which the new district is located, for a new

1456 district located entirely within a single city; or

1457 (B) the legislative bodies of all interlocal agreement participants, for each other new

1458 district.

1459 (e) (i) All costs and expenses of the transition team that represents a remaining district
1460 shall be borne by the remaining district.

1461 (ii) All costs and expenses of the transition team that represents a new district shall
1462 initially be borne by:

1463 (A) the city whose legislative body appoints the transition team, if the transition team
1464 is appointed by the legislative body of a single city; or

1465 (B) the interlocal agreement participants, if the transition team is appointed by the
1466 legislative bodies of interlocal agreement participants.

1467 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
1468 agreement participants for:

1469 (A) transition team costs and expenses; and

1470 (B) startup costs and expenses incurred by the city or interlocal agreement participants
1471 on behalf of the new district.

1472 (5) (a) As used in this Subsection (5):

1473 (i) "Associated property" means furniture, equipment, or supplies located in or
1474 specifically associated with a physical asset.

1475 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
1476 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
1477 employee by law or school district accounting practice.

1478 (B) "Discretionary asset or liability" does not include a physical asset, associated
1479 property, a vehicle, or bonded indebtedness.

1480 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection
1481 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee
1482 by law or school district accounting practice.

1483 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated
1484 property, a vehicle, or bonded indebtedness.

1485 (iv) "Physical asset" means a building, land, or water right together with revenue
1486 derived from the lease or use of the building, land, or water right.

1487 (b) Except as provided in Subsection (5)(c), the transition teams appointed under
1488 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the
1489 allocation date, both tangible and intangible, real and personal, to the new district and

1490 remaining district as follows:

1491 (i) a physical asset and associated property shall be allocated to the school district in
1492 which the physical asset is located;

1493 (ii) a discretionary asset or liability shall be allocated between the new district and
1494 remaining district in proportion to the student populations of the school districts;

1495 (iii) a nondiscretionary asset shall be allocated to the school district where the project,
1496 school, student, or employee to which the nondiscretionary asset is tied will be located;

1497 (iv) vehicles used for pupil transportation shall be allocated:

1498 (A) according to the transportation needs of schools, as measured by the number and
1499 assortment of vehicles used to serve transportation routes serving schools within the new
1500 district and remaining district; and

1501 (B) in a manner that gives each school district a fleet of vehicles for pupil
1502 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;
1503 and

1504 (v) other vehicles shall be allocated:

1505 (A) in proportion to the student populations of the school districts; and

1506 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
1507 condition, and carrying capacities.

1508 (c) By mutual agreement, the transition teams may allocate an asset or liability in a
1509 manner different than the allocation method specified in Subsection (5)(b).

1510 (6) (a) As used in this Subsection (6):

1511 (i) "New district startup costs" means:

1512 (A) costs and expenses incurred by a new district in order to prepare to begin providing
1513 educational services on July 1 of the second calendar year following the local school board
1514 general election date described in Subsection (3)(a)(i); and

1515 (B) the costs and expenses of the transition team that represents the new district.

1516 (ii) "Remaining district startup costs" means:

1517 (A) costs and expenses incurred by a remaining district in order to:

1518 (I) make necessary adjustments to deal with the impacts resulting from the creation of
1519 the new district; and

1520 (II) prepare to provide educational services within the remaining district once the new

1521 district begins providing educational services within the new district; and

1522 (B) the costs and expenses of the transition team that represents the remaining district.

1523 (b) (i) By January 1 of the year following the local school board general election date

1524 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed

1525 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the

1526 remaining district and the new district, as provided in this Subsection (6).

1527 (ii) The existing district may make additional funds available for the use of the

1528 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)

1529 through an interlocal agreement.

1530 (c) The existing district shall make the money under Subsection (6)(b) available to the

1531 remaining district and the new district proportionately based on student population.

1532 (d) The money made available under Subsection (6)(b) may be accessed and spent by:

1533 (i) for the remaining district, the local school board of the remaining district; and

1534 (ii) for the new district, the local school board of the new district.

1535 (e) (i) The remaining district may use its portion of the money made available under

1536 Subsection (6)(b) to pay for remaining district startup costs.

1537 (ii) The new district may use its portion of the money made available under Subsection

1538 (6)(b) to pay for new district startup costs.

1539 (7) (a) The existing district shall transfer title or, if applicable, partial title of property

1540 to the new school district in accordance with the allocation of property by the transition teams,

1541 as stated in the report under Subsection (4)(c)(ii).

1542 (b) The existing district shall complete each transfer of title or, if applicable, partial

1543 title to real property and vehicles by July 1 of the second calendar year following the local

1544 school board general election date described in Subsection (3)(a)(i), except as that date is

1545 changed by the mutual agreement of:

1546 (i) the local school board of the existing district;

1547 (ii) the local school board of the remaining district; and

1548 (iii) the local school board of the new district.

1549 (c) The existing district shall complete the transfer of all property not included in

1550 Subsection (7)(b) by November 1 of the second calendar year after the local school board

1551 general election date described in Subsection (3)(a)(i).

1552 (8) Except as provided in Subsections (6) and (7), after the creation election date an
1553 existing school district may not transfer or agree to transfer title to district property without the
1554 prior consent of:

1555 (a) the legislative body of the city in which the new district is located, for a new district
1556 located entirely within a single city; or

1557 (b) the legislative bodies of all interlocal agreement participants, for each other new
1558 district.

1559 (9) This section does not apply to the creation of a new district initiated through a
1560 citizens' initiative petition or at the request of a local school board under Section 53A-2-118.