

1 **AMENDMENTS TO ELECTION LAW**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill amends provisions relating to elections.

8 **Highlighted Provisions:**

9 This bill:

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

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **10-2a-214**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
32 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] individual seeking
79 to become a candidate for mayor or city commission or council of a city incorporating under
80 this part shall file a declaration of candidacy with the clerk of the county in which the future
81 city is located and in accordance with the deadlines set by the clerk as authorized by Section
82 10-2a-215.

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

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

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

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

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

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

94 (i) in a newspaper of general circulation within the future town at least once a week for

95 two successive weeks; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126 (2) (a) [~~A person filing~~] An individual who files a declaration of candidacy for a
127 municipal office shall [~~meet~~] comply with the requirements [~~of~~] described in Section
128 20A-9-203.

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

132 (A) Saturday or Sunday; or

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

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

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

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

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

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

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

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

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

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

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

157 **20A-1-510. Midterm vacancies in municipal offices.**

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

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

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

166 (ii) identify, in the notice:

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

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

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

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

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

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

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

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

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

187 (ii) two years of the vacated term will remain after the first Monday of January

188 following the next municipal election.

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

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

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

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

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

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

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

205 (i) act as a council member; and

206 (ii) vote at council meetings.

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

208 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

209 Each county clerk shall:

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

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

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

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

219 (2) within 30 days after the day on which the county clerk processes a voter registration
 220 application, send a notice to the [~~voter informing the voter~~] individual who submits the
 221 application that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

250 (e) (i) For a referendum, subject to Subsection (2)(c), an eligible voter who is in favor
251 of a law that is referred to the voters and who submits a request under Subsection (2)(b) may
252 prepare an argument for adoption of the law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

281 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
282 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
283 which the ballot proposition will be submitted to the voters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

317 (A) a voter information pamphlet; or

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

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

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

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

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

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

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

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

332 **20A-8-103. Petition procedures -- Criminal penalty.**

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

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

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

343 (b) file a petition with the lieutenant governor that is signed, with a holographic
344 signature, by at least 2,000 registered voters on or before [~~February~~] November 15 of the year
345 in which a regular general election will be held[-]; and

346 (c) file, with the petition described in Subsection (2)(b), a document certifying:

347 (i) the identity of one or more registered political parties whose members may vote for
348 the organization's candidates;

349 (ii) whether unaffiliated voters may vote for the organization's candidates; and

350 (iii) whether, for the next election, the organization intends to nominate the
351 organization's candidates in accordance with the provisions of Section 20A-9-406.

352 (3) The petition shall:

353 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

354 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
355 blank for the purpose of binding;

356 (c) contain the name of the political party and the words "Political Party Registration
357 Petition" printed directly below the horizontal line;

358 (d) contain the word "Warning" printed directly under the words described in
359 Subsection (3)(c);

360 (e) contain, to the right of the word "Warning," the following statement printed in not
361 less than eight-point, single leaded type:

362 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
363 petition signature sheet with any name other than the [~~person's~~] individual's own name or more
364 than once for the same party or if the [~~person~~] individual is not registered to vote in this state
365 and does not intend to become registered to vote in this state before the petition is submitted to
366 the lieutenant governor.";

367 (f) contain the following statement directly under the statement described in Subsection
368 (3)(e):

369 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
370 Lieutenant Governor:

371 We, the undersigned citizens of Utah, seek registered political party status for _____
372 (name);

373 Each signer says:

374 I have personally signed this petition with a holographic signature;
375 I am registered to vote in Utah or will register to vote in Utah before the petition is
376 submitted to the lieutenant governor;
377 I am or desire to become a member of the political party; and
378 My street address is written correctly after my name."; and
379 (g) be vertically divided into columns as follows:
380 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
381 headed with "For Office Use Only," and be subdivided with a light vertical line down the
382 middle;
383 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
384 Name (must be legible to be counted)";
385 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
386 Registered Voter";
387 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
388 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
389 Code"; and
390 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
391 information is not required, but it may be used to verify your identity with voter registration
392 records. If you choose not to provide it, your signature may not be certified as a valid signature
393 if you change your address before petition signatures are certified or if the information you
394 provide does not match your voter registration records.";
395 (h) have a final page bound to one or more signature sheets that are bound together that
396 contains the following printed statement:
397 "Verification
398 State of Utah, County of ____
399 I, _____, of _____, hereby state that:
400 I am a Utah resident and am at least 18 years old;
401 All the names that appear on the signature sheets bound to this page were signed by
402 ~~[persons]~~ individuals who professed to be the ~~[persons]~~ individuals whose names appear on the
403 signature sheets, and each ~~[of them]~~ individual signed the ~~[person's]~~ individual's name on the
404 signature sheets in my presence;

405 I believe that each individual has printed and signed the [~~person's~~] individual's name
 406 and written the [~~person's~~] individual's street address correctly, and that each [~~signer~~] individual
 407 is registered to vote in Utah or will register to vote in Utah before the petition is submitted to
 408 the lieutenant governor.

409 _____
 410 (Signature) (Residence Address) (Date)"; and

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

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

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

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

418 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the [~~person~~]
 419 individual in whose presence each signature sheet is signed:

420 (a) is at least 18 years old;

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

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

424 (5) [~~A person~~] An individual may not sign the verification if the [~~person~~] individual
 425 signed a signature sheet bound to the verification.

426 (6) The lieutenant governor shall:

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

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

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

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

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

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

442 (9) (a) It is unlawful for ~~[any person]~~ an individual to:

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

444 (A) with any name other than the ~~[person's]~~ individual's own name;

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

446 (C) if the ~~[person]~~ individual is not registered to vote in this state and does not intend
 447 to become registered to vote in this state before the petition is submitted to the lieutenant
 448 governor; or

449 (ii) sign the verification of a political party registration petition signature sheet if the
 450 ~~[person]~~ individual:

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

452 (B) has not witnessed the signing by those ~~[persons]~~ individuals whose names appear
 453 on the political party registration petition signature sheet; or

454 (C) knows that ~~[a person]~~ an individual whose signature appears on the political party
 455 registration petition signature sheet is not registered to vote in this state and does not intend to
 456 become registered to vote in this state.

457 (b) ~~[Any person violating]~~ An individual who violates this Subsection (9) is guilty of a
 458 class A misdemeanor.

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

460 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

470 ~~[(ii)]~~ (2) (a) For purposes of determining whether ~~[a person]~~ an individual meets the
 471 residency requirement of Subsection ~~[(1)(a)(i)(B)(F)]~~ (1)(b)(i) in a municipality that was
 472 incorporated less than 12 months before the election, the municipality ~~[shall be]~~ is considered
 473 to have been incorporated 12 months before the date of the election.

474 (b) In addition to the requirements of Subsection (1)~~[(a)]~~, each candidate for a
 475 municipal council position shall, if elected from a district, be a resident of the council district
 476 from which the candidate is elected.

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

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

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

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

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

489 (i) filing a nomination petition with the city recorder or town clerk during the office

490 hours described in Section 10-3-301 and not later than the close of those office hours, between
 491 June 1 and June 7 of any odd-numbered year; and

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

493 ~~[(3)]~~ (4) (a) Before the filing officer may accept any declaration of candidacy or
 494 nomination petition, the filing officer shall:

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

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

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

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

504 (i) inform the candidate that the candidate's name will appear on the ballot as it is
505 written on the declaration of candidacy;

506 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
507 for the office the candidate is seeking and inform the candidate that failure to comply will
508 result in disqualification as a candidate and removal of the candidate's name from the ballot;

509 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
510 Electronic Voter Information Website Program and inform the candidate of the submission
511 deadline under Subsection 20A-7-801(4)(a);

512 (iv) provide the candidate with a copy of the pledge of fair campaign practices
513 described under Section 20A-9-206 and inform the candidate that:

514 (A) signing the pledge is voluntary; and

515 (B) signed pledges shall be filed with the filing officer; and

516 (v) accept the declaration of candidacy or nomination petition.

517 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
518 officer shall:

519 (i) accept the candidate's pledge; and

520 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
521 candidate's pledge to the chair of the county or state political party of which the candidate is a
522 member.

523 ~~[(4)]~~ (5) Notwithstanding the requirement in Subsection ~~[(2)]~~ (3)(a)(i) to file a
524 declaration of candidacy in person, ~~[a person]~~ an individual may designate an agent to file the
525 form described in Subsection ~~[(5)]~~ (6) in person with the city recorder or town clerk if:

526 (a) the ~~[person]~~ individual is located outside the state during the filing period because:

527 (i) of employment with the state or the United States; or

528 (ii) the ~~[person]~~ individual is a member of:

529 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
530 Coast Guard of the United States who is on active duty;

531 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
532 commissioned corps of the National Oceanic and Atmospheric Administration of the United
533 States; or

534 (C) the National Guard on activated status;

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

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

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

542 ~~[(5)]~~ (6) (a) The declaration of candidacy shall substantially comply with the following
543 form:

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

551 _____

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

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

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

557 ~~[(6)]~~ (7) (a) A registered voter may be nominated for municipal office by submitting a
558 petition signed, with a holographic signature, by:

559 (i) 25 residents of the municipality who are at least 18 years old; or

560 (ii) 20% of the residents of the municipality who are at least 18 years old.

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

562 "NOMINATION PETITION

563 The undersigned residents of (name of municipality) being 18 years old or older
564 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
565 applicable)."

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

569 [~~(7)~~] (8) If the declaration of candidacy or nomination petition fails to state whether the
570 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
571 for the four-year term.

572 [~~(8)~~] (9) (a) The clerk shall verify with the county clerk that all candidates are
573 registered voters.

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

576 [~~(9)~~] (10) Immediately after expiration of the period for filing a declaration of
577 candidacy, the clerk shall:

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

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

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

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

584 [~~(10)~~] (11) A declaration of candidacy or nomination petition filed under this section
585 may not be amended after the expiration of the period for filing a declaration of candidacy.

586 [~~(11)~~] (12) (a) A declaration of candidacy or nomination petition filed under this
587 section is valid unless a written objection is filed with the clerk within five days after the last
588 day for filing.

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

590 (i) mail or personally deliver notice of the objection to the affected candidate

591 immediately; and

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

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

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

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

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

601 ~~[(12)]~~ (13) ~~[Any person who filed]~~ An individual who files a declaration of candidacy
602 and ~~[was]~~ is nominated, and ~~[any person who was]~~ an individual who is nominated by a
603 nomination petition, may, any time up to 23 days before the election, withdraw the nomination
604 by filing a written affidavit with the clerk.

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

606 **20A-9-403. Regular primary elections.**

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

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

619 (c) A filing officer may not permit an official ballot at a regular general election to be
620 produced or used if the ballot denotes affiliation between a registered political party or any
621 other political group and a candidate for elective office who ~~[was]~~ is not nominated in the

622 manner prescribed in this section or in Subsection 20A-9-202(4).

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

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

627 (i) either declare [~~their~~] the registered political party's intent to participate in the next
628 regular primary election or declare that the registered political party chooses not to have the
629 names of [~~its~~] the registered political party's candidates for elective office featured on the ballot
630 at the next regular general election; and

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

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

638 (ii) An organization that is seeking to become a registered political party under Section
639 20A-8-103 [~~must~~] shall file the statement described in Subsection (2)(a) at the time that the
640 registered political party files the petition described in Section 20A-8-103.

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

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

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

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

652 (ii) A candidate may supplement [~~their~~] the candidate's submissions at any time on or

653 before the filing deadline.

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

659 (ii) The lieutenant governor shall publish [~~this~~] the determination for each elective
660 office no later than November 15 of each odd-numbered year.

661 (d) The filing officer shall:

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

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

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

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

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

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

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

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

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

682 (B) reflect a bona fide effort to determine the validity of a candidate's entire

683 submission, using widely recognized statistical sampling techniques; and

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

686 (g) The county clerk shall:

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

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

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

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

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

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

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

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

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

713 (5) (a) [~~Candidates~~] A candidate, other than a presidential [~~candidates, receiving~~]
714 candidate, who, at the regular primary election, receives the highest number of votes cast for

715 ~~[each office at the regular primary election are]~~ the office sought by the candidate is:

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

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

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

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

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

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

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

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

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

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

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

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

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

754 **20A-9-404. Municipal primary elections.**

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

757 (b) Municipal primary elections shall be held:

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

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

761 (2) If the number of candidates for a particular municipal office does not exceed twice
762 the number of ~~[persons]~~ individuals needed to fill that office, a primary election for that office
763 may not be held and the candidates are considered nominated.

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

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

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

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

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

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

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

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

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

784 (ii) The certificate of nomination shall:

785 (A) contain the name of the office for which each [~~person~~] individual is nominated, the
786 name, post office address, and, if in a city, the street number of residence and place of business,
787 if any, of each [~~person~~] individual nominated;

788 (B) designate in not more than five words the political party that the convention or
789 committee represents;

790 (C) contain a copy of the resolution passed at the convention that authorized the
791 committee to make the nomination;

792 (D) contain a statement certifying that the name of the candidate nominated by the
793 political party will not appear on the ballot as a candidate for any other political party;

794 (E) be signed by the presiding officer and secretary of the convention or committee;
795 and

796 (F) contain a statement identifying the residence and post office address of the
797 presiding officer and secretary and certifying that the presiding officer and secretary were
798 officers of the convention or committee and that the certificates are true to the best of their
799 knowledge and belief.

800 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
801 before the municipal general election.

802 (e) A committee appointed at a convention, if authorized by an enabling resolution,
803 may also make nominations or fill vacancies in nominations made at a convention.

804 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
805 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
806 be included with the candidate's name.

807 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1

808 that falls before the regular municipal election that:

809 (i) exempts the city from the other methods of nominating candidates to municipal
810 office provided in this section; and

811 (ii) provides for a partisan primary election method of nominating candidates as
812 provided in this Subsection (4).

813 (b) (i) Any party that was a registered political party at the last regular general election
814 or regular municipal election is a municipal political party under this section.

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

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

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

821 (C) is substantially similar to the form of the signature sheets described in Section
822 20A-7-303; and

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

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

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

830 (d) The clerk shall ensure that:

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

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

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

837 (iv) every ballot is folded and perforated [~~so as to separate~~] in a manner that separates
838 the candidates of one party from those of the other parties and [~~so as to enable the elector~~]

839 enables the voter to separate the part of the ballot containing the names of the party of [~~his~~] the
840 voter's choice from the remainder of the ballot; and

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

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

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

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

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

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

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

853 **20A-9-406. Qualified political party -- Requirements and exemptions.**

854 The following provisions apply to a qualified political party:

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

860 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
861 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
862 political party;

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

865 (4) the qualified political party shall comply with the provisions of Sections
866 20A-9-407, 20A-9-408, and 20A-9-409;

867 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
868 shall ensure that a ballot described in Section 20A-6-301 includes each [~~person~~] individual
869 nominated by a qualified political party:

- 870 (a) under the qualified political party's name, if any; or
- 871 (b) under the title of the qualified registered political party as designated by the
- 872 qualified political party in the certification described in Subsection (1), or, if none is
- 873 designated, then under some suitable title;
- 874 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
- 875 paper ballots in regular general elections, that each candidate who is nominated by the qualified
- 876 political party is listed by party;
- 877 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
- 878 the party designation of each candidate who is nominated by the qualified political party is
- 879 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;
- 880 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
- 881 the party designation of each candidate who is nominated by the qualified political party is
- 882 displayed adjacent to the candidate's name on an electronic ballot;
- 883 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
- 884 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
- 885 20A-9-408 to run in a regular general election for a federal office, constitutional office,
- 886 multicounty office, or county office;
- 887 (10) an individual who is nominated by, or seeking the nomination of, the qualified
- 888 political party is not required to comply with Subsection 20A-9-201(1)(c);
- 889 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
- 890 to have each of the qualified political party's candidates for elective office appear on the
- 891 primary ballot of the qualified political party with an indication that each candidate is a
- 892 candidate for the qualified political party;
- 893 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
- 894 on the list provided by the lieutenant governor to the county clerks:
- 895 (a) the names of all candidates of the qualified political party for federal, constitutional,
- 896 multicounty, and county offices; and
- 897 (b) the names of unopposed candidates for elective office who have been nominated by
- 898 the qualified political party and instruct the county clerks to exclude such candidates from the
- 899 primary-election ballot;
- 900 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an

901 elective office in the regular primary election of the qualified political party is nominated by
902 the party for that office without appearing on the primary ballot; and

903 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
904 20A-9-405, the qualified political party is entitled to have the names of its candidates for
905 elective office featured with party affiliation on the ballot at a regular general election.

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

907 **20A-9-407. Convention process to seek the nomination of a qualified political**
908 **party.**

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

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

916 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
917 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
918 nomination of the qualified political party for an elective office that is to be filled at the next
919 general election, shall:

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

923 (b) pay the filing fee.

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

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

931 (b) pay the filing fee.

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

938 (6) (a) A qualified political party that nominates a candidate under this section shall
939 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
940 after the fourth Saturday in April.

941 (b) The lieutenant governor shall ensure that the certification described in Subsection
942 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
943 under this section.

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

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

948 **20A-9-408 (Effective 01/01/17). Signature-gathering process to seek the**
949 **nomination of a qualified political party.**

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

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

957 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
958 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
959 nomination of the qualified political party for an elective office that is to be filled at the next
960 general election shall:

961 (a) within the period beginning on January 1 before the next regular general election
962 and ending on the third Thursday in March of the same year, and before gathering signatures

963 under this section, file with the filing officer on a form approved by the lieutenant governor a
964 notice of intent to gather signatures for candidacy that includes:

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

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

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

970 (iv) the address and telephone number of the member; and

971 (v) other information required by the lieutenant governor;

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

975 (c) pay the filing fee.

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

980 (a) on or after January 1 before the next regular general election, and before gathering
981 signatures under this section, file with the filing officer on a form approved by the lieutenant
982 governor a notice of intent to gather signatures for candidacy that includes:

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

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

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

988 (iv) the address and telephone number of the member; and

989 (v) other information required by the lieutenant governor;

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

993 (c) pay the filing fee.

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

1000 (6) The lieutenant governor shall ensure that the certification described in Subsection
1001 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1002 under this section.

1003 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1004 is nominated by a qualified political party under this section, designate the qualified political
1005 party that nominated the candidate.

1006 (8) A member of a qualified political party may seek the nomination of the qualified
1007 political party for an elective office by:

1008 (a) complying with the requirements described in this section; and

1009 (b) collecting signatures, on a form approved by the lieutenant governor, during the
1010 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
1011 which the qualified political party's convention for the office is held, in the following amounts:

1012 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1013 permitted by the qualified political party to vote for the qualified political party's candidates in
1014 a primary election;

1015 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1016 residents of the congressional district and are permitted by the qualified political party to vote
1017 for the qualified political party's candidates in a primary election;

1018 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1019 residents of the state Senate district and are permitted by the qualified political party to vote for
1020 the qualified political party's candidates in a primary election;

1021 (iv) for a state House district race, 1,000 signatures of registered voters who are
1022 residents of the state House district and are permitted by the qualified political party to vote for
1023 the qualified political party's candidates in a primary election;

1024 (v) for a State Board of Education race, the lesser of:

1025 (A) 2,000 signatures of registered voters who are residents of the State Board of
1026 Education district and are permitted by the qualified political party to vote for the qualified
1027 political party's candidates in a primary election; or

1028 (B) 3% of the registered voters of the qualified political party who are residents of the
1029 applicable State Board of Education district; and

1030 (vi) for a county office race, signatures of 3% of the registered voters who are residents
1031 of the area permitted to vote for the county office and are permitted by the qualified political
1032 party to vote for the qualified political party's candidates in a primary election.

1033 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1034 for the qualified political party's nomination for an elective office under this section, the
1035 member shall:

1036 (i) collect the signatures on a form approved by the lieutenant governor, using the same
1037 circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

1038 (ii) submit the signatures to the election officer no later than 14 days before the day on
1039 which the qualified political party holds its convention to select candidates, for the elective
1040 office, for the qualified political party's nomination.

1041 (b) An individual may not gather signatures under this section until after the individual
1042 files a notice of intent to gather signatures for candidacy described in this section.

1043 (c) An individual who files a notice of intent to gather signatures for candidacy,
1044 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1045 the notice of intent to gather signatures for candidacy:

1046 (i) required to comply with the reporting requirements that a candidate for office is
1047 required to comply with; and

1048 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1049 apply to a candidate for office in relation to the reporting requirements described in Subsection
1050 (9)(c)(i).

1051 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1052 election officer shall, no later than one day before the day on which the qualified political party
1053 holds the convention to select a nominee for the elective office to which the signature packets
1054 relate:

1055 (i) check the name of each individual who completes the verification for a signature

1056 packet to determine whether each individual is a resident of Utah and is at least 18 years old;
1057 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1058 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
1059 (iii) determine whether each signer is a registered voter who is qualified to sign the
1060 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
1061 on a petition;
1062 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1063 signature packet; and
1064 (v) notify the qualified political party and the lieutenant governor of the name of each
1065 member of the qualified political party who qualifies as a nominee of the qualified political
1066 party, under this section, for the elective office to which the convention relates.
1067 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1068 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1069 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1070 posts a declaration of candidacy.

1071 Section 14. Section **20A-9-409** is amended to read:

1072 **20A-9-409. Primary election provisions relating to qualified political party.**

1073 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
1074 primary election day.

1075 (2) A qualified political party that nominates one or more candidates for an elective
1076 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that
1077 office under Section 20A-9-408, may, but is not required to, participate in the primary election
1078 for that office.

1079 (3) A qualified political party that has only one candidate qualify as a candidate for an
1080 elective office under Section 20A-9-408 and does not nominate a candidate for that office
1081 under Section 20A-9-407, may, but is not required to, participate in the primary election for
1082 that office.

1083 (4) A qualified political party that nominates one or more candidates for an elective
1084 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that
1085 office under Section 20A-9-408 shall participate in the primary election for that office.

1086 (5) A qualified political party that has two or more candidates qualify as candidates for

1087 an elective office under Section 20A-9-408 and does not nominate a candidate for that office
1088 under Section 20A-9-407 shall participate in the primary election for that office.

1089 (6) (a) As used in this Subsection (6), a candidate is "unopposed" if:

1090 (i) no individual other than the candidate receives a certification, from the appropriate
1091 filing officer, for the regular primary election ballot of the candidate's registered political party
1092 for a particular elective office; or

1093 (ii) for an office where more than one individual is to be elected or nominated, the
1094 number of candidates who receive certification, from the appropriate filing officer, for the
1095 regular primary election of the candidate's registered political party does not exceed the total
1096 number of candidates to be elected or nominated for that office.

1097 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1098 governor shall:

1099 (i) provide to the county clerks:

1100 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1101 county, and county offices who have received certifications from the appropriate filing officer,
1102 along with instructions on how those names shall appear on the primary election ballot in
1103 accordance with Section 20A-6-305; and

1104 (B) a list of unopposed candidates for elective office who have been nominated by a
1105 registered political party; and

1106 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1107 election ballot.

1108 Section 15. Section **53A-2-117** is amended to read:

1109 **53A-2-117. Definitions.**

1110 As used in Sections 53A-2-117 through 53A-2-122, except Section 53A-2-118.4:

1111 (1) "Allocation date" means:

1112 (a) June 30 of the second calendar year after the local school board general election
1113 date described in Subsection 53A-2-118.1(3)(a)(i); or

1114 (b) another date that the transition teams under Section 53A-2-118.1 mutually agree to.

1115 (2) "Canvass date" means the date of the canvass of an election under Subsection
1116 53A-2-118~~(5)~~(9) at which voters approve the creation of a new school district under Section
1117 53A-2-118.1.

1118 (3) "Creation election date" means the date of the election under Subsection
 1119 53A-2-118~~(5)~~(9) at which voters approve the creation of a new school district under Section
 1120 53A-2-118.1.

1121 (4) "Divided school district, "existing district," or "existing school district" means a
 1122 school district from which a new district is created.

1123 (5) "New district" or "new school district" means a school district created under
 1124 Section 53A-2-118 or 53A-2-118.1.

1125 (6) "Remaining district" or "remaining school district" means an existing district after
 1126 the creation of a new district.

1127 Section 16. Section **53A-2-118** is amended to read:

1128 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**
 1129 **to be followed.**

1130 (1) A new school district may be created from one or more existing school districts, as
 1131 provided in this section.

1132 (2) ~~(a)~~ The process to create a new school district may be initiated:

1133 ~~(i)~~ (a) through a citizens' initiative petition;

1134 ~~(ii)~~ (b) at the request of the board of the existing district or districts to be affected by
 1135 the creation of the new district; or

1136 ~~(iii)~~ (c) at the request of a city within the boundaries of the school district or at the
 1137 request of interlocal agreement participants, pursuant to Section 53A-2-118.1.

1138 ~~(b)(i) Each~~ (3) (a) An initiative petition submitted under Subsection (2)(a)~~(i)~~ shall
 1139 be signed by qualified electors residing within the geographical boundaries of the proposed
 1140 new school district in an amount equal ~~[in number]~~ to at least 15% of ~~[the number of electors~~
 1141 ~~in the area who voted for the office of governor]~~ all votes cast within the geographic
 1142 boundaries of the proposed new school district for all candidates for president of the United
 1143 States at the last regular general election at which a president of the United States was elected.

1144 ~~(ii)~~ (b) Each request or petition submitted under Subsection (2)~~(a)~~ shall:

1145 ~~(A)~~ (i) be filed with the clerk of each county in which any part of the proposed new
 1146 school district is located;

1147 ~~(B)~~ (ii) indicate the typed or printed name and current residence address of each
 1148 governing board member making a request, or registered voter signing a petition, as the case

1149 may be;

1150 ~~[(c)]~~ (iii) describe the proposed new school district boundaries; and

1151 ~~[(d)]~~ (iv) designate up to five signers of the petition or request as sponsors, one of
1152 whom shall be designated as the contact sponsor, with the mailing address and telephone
1153 number of each.

1154 ~~[(c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,~~
1155 ~~reinstate the signer's signature at any time before the filing of the petition by filing a written~~
1156 ~~withdrawal or reinstatement with the county clerk.]~~

1157 ~~[(d)]~~ (c) The process ~~[under]~~ described in Subsection (2)(a)~~[(i)]~~ may only be initiated
1158 once during any four-year period.

1159 ~~[(e)]~~ (d) A new district may not be formed ~~[pursuant to]~~ under Subsection (2)~~[(a)]~~ if the
1160 student population of the proposed new district is less than 3,000 or the existing district's
1161 student population would be less than 3,000 because of the creation of the new school district.

1162 (4) A signer of a petition described in Subsection (2)(a) may withdraw or, once
1163 withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing
1164 a written request for withdrawal or reinstatement with the county clerk.

1165 ~~[(f)]~~ (5) Within 45 days after the ~~[filing of]~~ day on which a petition ~~[under]~~ described
1166 in Subsection (2)(a)~~[(i)]~~ is filed, or five business days after the ~~[filing of]~~ day on which a
1167 request ~~[under]~~ described in Subsection (2)~~[(a)(ii) or (iii)]~~ (b) or (c) is filed, the clerk of each
1168 county with which ~~[a]~~ the request or petition is filed shall:

1169 ~~[(i)]~~ (a) determine whether the request or petition complies with Subsections (2)~~[(a);~~
1170 ~~(b), (d), and (e)]~~ and (3), as applicable; and

1171 ~~[(ii)-(A)]~~ (b) (i) if the county clerk determines that the request or petition complies with
1172 the applicable requirements:

1173 ~~[(i)]~~ (A) certify the request or petition and deliver the certified request or petition to the
1174 county legislative body; and

1175 ~~[(ii)]~~ (B) mail or deliver written notification of the certification to the contact sponsor;
1176 or

1177 ~~[(B)]~~ (ii) if the county clerk determines that the request or petition fails to comply with
1178 any of the applicable requirements, reject the request or petition and notify the contact sponsor
1179 in writing of the rejection and reasons for the rejection.

1180 ~~[(g)]~~ (6)(a) If the county clerk fails to certify or reject a request or petition within the
 1181 time specified in Subsection ~~[(2)(f)]~~ (5), the request or petition ~~[shall be]~~ is considered to be
 1182 certified.

1183 ~~[(h)]~~ (b) (i) If the county clerk rejects a request or petition, the person that submitted
 1184 the request or petition may ~~[be amended]~~ amend the request or petition to correct the
 1185 deficiencies for which ~~[it]~~ the request or petition was rejected, and ~~[then refiled]~~ refile the
 1186 request or petition.

1187 (ii) Subsection ~~[(2)(d)]~~ (3)(c) does not apply to a request or petition that is amended
 1188 and refiled after having been rejected by a county clerk.

1189 ~~[(i)]~~ (c) If, on or before December 1, a county legislative body receives a request from
 1190 a school board under Subsection (2)~~[(a)(ii)]~~(b) or a petition under Subsection (2)(a)~~[(i) which]~~
 1191 that is certified by the county clerk ~~[on or before December 1]~~:

1192 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
 1193 ~~[by]~~ in Subsection ~~[(3)]~~ (7), on or before January 1;

1194 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
 1195 county legislative body, as provided ~~[by]~~ in Subsection ~~[(3)]~~ (7), on or before July 1; and

1196 (iii) if the legislative body of each county with which a request or petition is filed
 1197 approves a proposal to create a new district, ~~[the proposal shall be submitted]~~ each legislative
 1198 body shall submit the proposal to the respective county clerk to be voted on by the electors of
 1199 each existing district at the regular general or municipal general election held in November.

1200 ~~[(3)]~~ (7) (a) The legislative body of each county with which a request or petition is
 1201 filed shall appoint an ad hoc advisory committee to review and make recommendations on a
 1202 request for the creation of a new school district submitted under Subsection (2)(a)~~[(i) or (ii)]~~ or
 1203 (b).

1204 (b) The advisory committee shall:

1205 (i) seek input from:

1206 (A) those requesting the creation of the new school district;

1207 (B) the school board and school personnel of each existing school district;

1208 (C) those citizens residing within the geographical boundaries of each existing school
 1209 district;

1210 (D) the State Board of Education; and

1211 (E) other interested parties;

1212 (ii) review data and gather information on at least:

1213 (A) the financial viability of the proposed new school district;

1214 (B) the proposal's financial impact on each existing school district;

1215 (C) the exact placement of school district boundaries; and

1216 (D) the positive and negative effects of creating a new school district and whether the

1217 positive effects outweigh the negative if a new school district were to be created; and

1218 (iii) make a report to the county legislative body in a public meeting on the committee's

1219 activities, together with a recommendation on whether to create a new school district.

1220 [~~(4)~~] (8) For a request or petition submitted under Subsection (2)(a)[~~(i)~~ or (2)(a)(ii)] or

1221 (b):

1222 (a) The county legislative body shall provide for a 45-day public comment period on

1223 the report and recommendation to begin on the day the report is given under Subsection [~~(3)~~

1224 (7)(b)(iii).

1225 (b) Within 14 days after the end of the comment period, the legislative body of each

1226 county with which a request or petition is filed shall vote on the creation of the proposed new

1227 school district.

1228 (c) The proposal is approved if a majority of the members of the legislative body of

1229 each county with which a request or petition is filed votes in favor of the proposal.

1230 (d) If the proposal is approved, the legislative body of each county with which a

1231 request or petition is filed shall submit the proposal to the county clerk to be voted on:

1232 (i) by the legal voters of each existing school district affected by the proposal;

1233 (ii) in accordance with the procedures and requirements applicable to a regular general

1234 election under Title 20A, Election Code; and

1235 (iii) at the next regular general election or municipal general election, whichever is

1236 first.

1237 (e) Creation of the new school district shall occur if a majority of the electors within

1238 both the proposed school district and each remaining school district voting on the proposal vote

1239 in favor of the creation of the new district.

1240 (f) Each county legislative body shall comply with the requirements of Section

1241 53A-2-101.5.

1242 (g) If a proposal submitted under Subsection (2)(a)[~~(i)~~ or ~~(ii)~~] or (b) to create a new
1243 district is approved by the electors, the existing district's documented costs to study and
1244 implement the proposal shall be reimbursed by the new district.

1245 [~~(5)~~] (9) (a) If a proposal submitted under Subsection (2)[~~(a)(iii)~~](c) is certified under
1246 Subsection [~~(2)(f) or (g)~~] (5) or (6)(a), the legislative body of each county in which part of the
1247 proposed new school district is located shall submit the proposal to the respective clerk of each
1248 county to be voted on:

1249 (i) by the legal voters residing within the proposed new school district boundaries;

1250 (ii) in accordance with the procedures and requirements applicable to a regular general
1251 election under Title 20A, Election Code; and

1252 (iii) at the next regular general election or municipal general election, whichever is
1253 first.

1254 (b) (i) If a majority of the legal voters within the proposed new school district
1255 boundaries voting on the proposal at an election under Subsection [~~(5)~~] (9)(a) vote in favor of
1256 the creation of the new district:

1257 (A) each county legislative body shall comply with the requirements of Section
1258 53A-2-101.5; and

1259 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
1260 the new district is created.

1261 (ii) Notwithstanding the creation of a new district as provided in Subsection

1262 [~~(5)~~](9)(b)(i)(B):

1263 (A) a new school district may not begin to provide educational services to the area
1264 within the new district until July 1 of the second calendar year following the school board
1265 general election date described in Subsection 53A-2-118.1(3)(a)(i);

1266 (B) a remaining district may not begin to provide educational services to the area
1267 within the remaining district until the time specified in Subsection [~~(5)~~](9)(b)(ii)(A); and

1268 (C) each existing district shall continue, until the time specified in Subsection
1269 [~~(5)~~](9)(b)(ii)(A), to provide educational services within the entire area covered by the existing
1270 district.

1271 Section 17. Section **53A-2-118.1** is amended to read:

1272 **53A-2-118.1. Proposal initiated by a city or by interlocal agreement participants**

1273 **to create a school district -- Boundaries -- Election of local school board members --**

1274 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

1275 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
1276 as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3),
1277 may by majority vote of the legislative body, submit for voter approval a measure to create a
1278 new school district with boundaries contiguous with that city's boundaries, in accordance with
1279 Section 53A-2-118.

1280 (b) (i) The determination of all matters relating to the scope, adequacy, and other
1281 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
1282 city's legislative body.

1283 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
1284 a legal action or other challenge to:

1285 (A) an election for voter approval of the creation of a new school district; or

1286 (B) the creation of the new school district.

1287 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
1288 may, together with one or more other cities, towns, or the county enter into an interlocal
1289 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
1290 of submitting for voter approval a measure to create a new school district.

1291 (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under
1292 Subsection (2)(a) may submit a proposal for voter approval if:

1293 (A) the interlocal agreement participants conduct a feasibility study prior to submitting
1294 the proposal to the county;

1295 (B) the combined population within the proposed new school district boundaries is at
1296 least 50,000;

1297 (C) the new school district boundaries:

1298 (I) are contiguous;

1299 (II) do not completely surround or otherwise completely geographically isolate a
1300 portion of an existing school district that is not part of the proposed new school district from
1301 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

1302 (III) include the entire boundaries of each participant city or town, except as provided
1303 in Subsection (2)(d)(ii); and

- 1304 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and
- 1305 (D) the combined population within the proposed new school district of interlocal
- 1306 agreement participants that have entered into an interlocal agreement proposing to create a new
- 1307 school district is at least 80% of the total population of the proposed new school district.
- 1308 (ii) The determination of all matters relating to the scope, adequacy, and other aspects
- 1309 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new
- 1310 feasibility study or revise a previous feasibility study due to a change in the proposed new
- 1311 school district boundaries, is within the exclusive discretion of the legislative bodies of the
- 1312 interlocal agreement participants that enter into an interlocal agreement to submit for voter
- 1313 approval a measure to create a new school district.
- 1314 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the
- 1315 basis of a legal action or other challenge to:
- 1316 (A) an election for voter approval of the creation of a new school district; or
- 1317 (B) the creation of the new school district.
- 1318 (iv) For purposes of determining whether the boundaries of a proposed new school
- 1319 district cross county lines under Subsection (2)(b)(i)(C)(IV):
- 1320 (A) a municipality located in more than one county and entirely within the boundaries
- 1321 of a single school district is considered to be entirely within the same county as other
- 1322 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's
- 1323 land area and population is located in that same county than outside the county; and
- 1324 (B) a municipality located in more than one county that participates in an interlocal
- 1325 agreement under Subsection (2)(a) with respect to some but not all of the area within the
- 1326 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may
- 1327 not be considered to cross county lines.
- 1328 (c) (i) A county may only participate in an interlocal agreement under this Subsection
- 1329 (2) for the unincorporated areas of the county.
- 1330 (ii) Boundaries of a new school district created under this section may include:
- 1331 (A) a portion of one or more existing school districts; and
- 1332 (B) a portion of the unincorporated area of a county, including a portion of a township.
- 1333 (d) (i) As used in this Subsection (2)(d):
- 1334 (A) "Isolated area" means an area that:

1335 (I) is entirely within the boundaries of a municipality that, except for that area, is
1336 entirely within a school district different than the school district in which the area is located;
1337 and

1338 (II) would, because of the creation of a new school district from the existing district in
1339 which the area is located, become completely geographically isolated.

1340 (B) "Municipality's school district" means the school district that includes all of the
1341 municipality in which the isolated area is located except the isolated area.

1342 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
1343 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
1344 within the municipality's boundaries if:

1345 (A) the portion of the municipality proposed to be included in the new school district
1346 would, if not included, become an isolated area upon the creation of the new school district; or

1347 (B) (I) the portion of the municipality proposed to be included in the new school
1348 district is within the boundaries of the same school district that includes the other interlocal
1349 agreement participants; and

1350 (II) the portion of the municipality proposed to be excluded from the new school
1351 district is within the boundaries of a school district other than the school district that includes
1352 the other interlocal agreement participants.

1353 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
1354 district may be submitted for voter approval pursuant to an interlocal agreement under
1355 Subsection (2)(a), even though the new school district boundaries would create an isolated
1356 area, if:

1357 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
1358 participants;

1359 (II) the interlocal participants submit a written request to the municipality in which the
1360 potential isolated area is located, requesting the municipality to enter into an interlocal
1361 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
1362 create a new school district that includes the potential isolated area; and

1363 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
1364 municipality has not entered into an interlocal agreement as requested in the request.

1365 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold

1366 one or more public hearings to allow input from the public and affected school districts
1367 regarding whether or not the municipality should enter into an interlocal agreement with
1368 respect to the potential isolated area.

1369 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

1370 (Aa) a new school district is created under this section after a measure is submitted to
1371 voters based on the authority of Subsection (2)(d)(iii)(A); and

1372 (Bb) the creation of the new school district results in an isolated area.

1373 (II) The isolated area shall, on July 1 of the second calendar year following the local
1374 school board general election date described in Subsection (3)(a)(i), become part of the
1375 municipality's school district.

1376 (III) Unless the isolated area is the only remaining part of the existing district, the
1377 process described in Subsection (4) shall be modified to:

1378 (Aa) include a third transition team, appointed by the local school board of the
1379 municipality's school district, to represent that school district; and

1380 (Bb) require allocation of the existing district's assets and liabilities among the new
1381 district, the remaining district, and the municipality's school district.

1382 (IV) The existing district shall continue to provide educational services to the isolated
1383 area until July 1 of the second calendar year following the local school board general election
1384 date described in Subsection (3)(a)(i).

1385 (3) (a) If a proposal under this section is approved by voters:

1386 (i) an election shall be held at the next regular general election to elect:

1387 (A) members to the local school board of the existing school district whose terms are
1388 expiring;

1389 (B) all members to the local school board of the new school district; and

1390 (C) all members to the local school board of the remaining district;

1391 (ii) the assets and liabilities of the existing school district shall be divided between the
1392 remaining school district and the new school district as provided in Subsection (5) and Section
1393 53A-2-121;

1394 (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and
1395 53A-2-122;

1396 (iv) (A) an individual residing within the boundaries of a new school district at the

1397 time the new school district is created may, for six school years after the creation of the new
1398 school district, elect to enroll in a secondary school located outside the boundaries of the new
1399 school district if:

1400 (I) the individual resides within the boundaries of that secondary school as of the day
1401 before the new school district is created; and

1402 (II) the individual would have been eligible to enroll in that secondary school had the
1403 new school district not been created; and

1404 (B) the school district in which the secondary school is located shall provide
1405 educational services, including, if provided before the creation of the new school district,
1406 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
1407 year for which the individual makes the election; and

1408 (v) within one year after the new district begins providing educational services, the
1409 superintendent of each remaining district affected and the superintendent of the new district
1410 shall meet, together with the Superintendent of Public Instruction, to determine if further
1411 boundary changes should be proposed in accordance with Section 53A-2-104.

1412 (b) (i) The terms of the initial members of the local school board of the new district and
1413 remaining district shall be staggered and adjusted by the county legislative body so that
1414 approximately half of the local school board is elected every two years.

1415 (ii) The term of a member of the existing local school board, including a member
1416 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local
1417 school board general election date described in Subsection (3)(a)(i), regardless of when the
1418 term would otherwise have terminated.

1419 (iii) Notwithstanding the existence of a local school board for the new district and a
1420 local school board for the remaining district under Subsection (3)(a)(i), the local school board
1421 of the existing district shall continue, until the time specified in Subsection
1422 53A-2-118[(5)](9)(b)(ii)(A), to function and exercise authority as a local school board to the
1423 extent necessary to continue to provide educational services to the entire existing district.

1424 (iv) ~~[A person]~~ An individual may simultaneously serve as or be elected to be a
1425 member of the local school board of an existing district and a member of the local school board
1426 of:

1427 (A) a new district; or

- 1428 (B) a remaining district.
- 1429 (4) (a) Within 45 days after the canvass date for the election at which voters approve
1430 the creation of a new district:
- 1431 (i) a transition team to represent the remaining district shall be appointed by the
1432 members of the existing local school board who reside within the area of the remaining district,
1433 in consultation with:
- 1434 (A) the legislative bodies of all municipalities in the area of the remaining district; and
1435 (B) the legislative body of the county in which the remaining district is located, if the
1436 remaining district includes one or more unincorporated areas of the county; and
- 1437 (ii) another transition team to represent the new district shall be appointed by:
- 1438 (A) for a new district located entirely within the boundaries of a single city, the
1439 legislative body of that city; or
1440 (B) for each other new district, the legislative bodies of all interlocal agreement
1441 participants.
- 1442 (b) The local school board of the existing school district shall, within 60 days after the
1443 canvass date for the election at which voters approve the creation of a new district:
- 1444 (i) prepare an inventory of the existing district's:
- 1445 (A) assets, both tangible and intangible, real and personal; and
1446 (B) liabilities; and
- 1447 (ii) deliver a copy of the inventory to each of the transition teams.
- 1448 (c) The transition teams appointed under Subsection (4)(a) shall:
- 1449 (i) determine the allocation of the existing district's assets and, except for indebtedness
1450 under Section 53A-2-121, liabilities between the remaining district and the new district in
1451 accordance with Subsection (5);
- 1452 (ii) prepare a written report detailing how the existing district's assets and, except for
1453 indebtedness under Section 53A-2-121, liabilities are to be allocated; and
- 1454 (iii) deliver a copy of the written report to:
- 1455 (A) the local school board of the existing district;
1456 (B) the local school board of the remaining district; and
1457 (C) the local school board of the new district.
- 1458 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and

1459 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
1460 election at which voters approve the creation of a new district, unless that deadline is extended
1461 by the mutual agreement of:

1462 (i) the local school board of the existing district; and

1463 (ii) (A) the legislative body of the city in which the new district is located, for a new
1464 district located entirely within a single city; or

1465 (B) the legislative bodies of all interlocal agreement participants, for each other new
1466 district.

1467 (e) (i) All costs and expenses of the transition team that represents a remaining district
1468 shall be borne by the remaining district.

1469 (ii) All costs and expenses of the transition team that represents a new district shall
1470 initially be borne by:

1471 (A) the city whose legislative body appoints the transition team, if the transition team
1472 is appointed by the legislative body of a single city; or

1473 (B) the interlocal agreement participants, if the transition team is appointed by the
1474 legislative bodies of interlocal agreement participants.

1475 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
1476 agreement participants for:

1477 (A) transition team costs and expenses; and

1478 (B) startup costs and expenses incurred by the city or interlocal agreement participants
1479 on behalf of the new district.

1480 (5) (a) As used in this Subsection (5):

1481 (i) "Associated property" means furniture, equipment, or supplies located in or
1482 specifically associated with a physical asset.

1483 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
1484 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
1485 employee by law or school district accounting practice.

1486 (B) "Discretionary asset or liability" does not include a physical asset, associated
1487 property, a vehicle, or bonded indebtedness.

1488 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection
1489 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee

1490 by law or school district accounting practice.

1491 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated
1492 property, a vehicle, or bonded indebtedness.

1493 (iv) "Physical asset" means a building, land, or water right together with revenue
1494 derived from the lease or use of the building, land, or water right.

1495 (b) Except as provided in Subsection (5)(c), the transition teams appointed under
1496 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the
1497 allocation date, both tangible and intangible, real and personal, to the new district and
1498 remaining district as follows:

1499 (i) a physical asset and associated property shall be allocated to the school district in
1500 which the physical asset is located;

1501 (ii) a discretionary asset or liability shall be allocated between the new district and
1502 remaining district in proportion to the student populations of the school districts;

1503 (iii) a nondiscretionary asset shall be allocated to the school district where the project,
1504 school, student, or employee to which the nondiscretionary asset is tied will be located;

1505 (iv) vehicles used for pupil transportation shall be allocated:

1506 (A) according to the transportation needs of schools, as measured by the number and
1507 assortment of vehicles used to serve transportation routes serving schools within the new
1508 district and remaining district; and

1509 (B) in a manner that gives each school district a fleet of vehicles for pupil
1510 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;
1511 and

1512 (v) other vehicles shall be allocated:

1513 (A) in proportion to the student populations of the school districts; and

1514 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
1515 condition, and carrying capacities.

1516 (c) By mutual agreement, the transition teams may allocate an asset or liability in a
1517 manner different than the allocation method specified in Subsection (5)(b).

1518 (6) (a) As used in this Subsection (6):

1519 (i) "New district startup costs" means:

1520 (A) costs and expenses incurred by a new district in order to prepare to begin providing

1521 educational services on July 1 of the second calendar year following the local school board
1522 general election date described in Subsection (3)(a)(i); and

1523 (B) the costs and expenses of the transition team that represents the new district.

1524 (ii) "Remaining district startup costs" means:

1525 (A) costs and expenses incurred by a remaining district in order to:

1526 (I) make necessary adjustments to deal with the impacts resulting from the creation of
1527 the new district; and

1528 (II) prepare to provide educational services within the remaining district once the new
1529 district begins providing educational services within the new district; and

1530 (B) the costs and expenses of the transition team that represents the remaining district.

1531 (b) (i) By January 1 of the year following the local school board general election date
1532 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed
1533 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the
1534 remaining district and the new district, as provided in this Subsection (6).

1535 (ii) The existing district may make additional funds available for the use of the
1536 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)
1537 through an interlocal agreement.

1538 (c) The existing district shall make the money under Subsection (6)(b) available to the
1539 remaining district and the new district proportionately based on student population.

1540 (d) The money made available under Subsection (6)(b) may be accessed and spent by:

1541 (i) for the remaining district, the local school board of the remaining district; and

1542 (ii) for the new district, the local school board of the new district.

1543 (e) (i) The remaining district may use its portion of the money made available under
1544 Subsection (6)(b) to pay for remaining district startup costs.

1545 (ii) The new district may use its portion of the money made available under Subsection
1546 (6)(b) to pay for new district startup costs.

1547 (7) (a) The existing district shall transfer title or, if applicable, partial title of property
1548 to the new school district in accordance with the allocation of property by the transition teams,
1549 as stated in the report under Subsection (4)(c)(ii).

1550 (b) The existing district shall complete each transfer of title or, if applicable, partial
1551 title to real property and vehicles by July 1 of the second calendar year following the local

1552 school board general election date described in Subsection (3)(a)(i), except as that date is
1553 changed by the mutual agreement of:

- 1554 (i) the local school board of the existing district;
- 1555 (ii) the local school board of the remaining district; and
- 1556 (iii) the local school board of the new district.

1557 (c) The existing district shall complete the transfer of all property not included in
1558 Subsection (7)(b) by November 1 of the second calendar year after the local school board
1559 general election date described in Subsection (3)(a)(i).

1560 (8) Except as provided in Subsections (6) and (7), after the creation election date an
1561 existing school district may not transfer or agree to transfer title to district property without the
1562 prior consent of:

1563 (a) the legislative body of the city in which the new district is located, for a new district
1564 located entirely within a single city; or

1565 (b) the legislative bodies of all interlocal agreement participants, for each other new
1566 district.

1567 (9) This section does not apply to the creation of a new district initiated through a
1568 citizens' initiative petition or at the request of a local school board under Section 53A-2-118.