

32 REPEALS:

33 **20A-4-503**, as enacted by Laws of Utah 1993, Chapter 1

34

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

36 Section 1. Section **20A-4-501** is amended to read:

37 **20A-4-501. Election returns -- Forgery.**

38 (1) It is unlawful for any person to:

39 (a) forge or counterfeit any election returns from any election purporting to have been
40 held at any voting precinct where no election was in fact held;

41 (b) willfully substitute any forged or counterfeit election returns in the place of the true
42 return for a voting precinct where any election was actually held; or

43 (c) commit or cause any fraud in any election in any manner.

44 (2) ~~[Each person who violates this section may be sentenced to imprisonment in the~~
45 ~~state prison for a term of not less than two nor more than 10 years]~~ A violation of this section is
46 a third degree felony.

47 Section 2. Section **20A-4-502** is amended to read:

48 **20A-4-502. Altering vote count or returns.**

49 (1) It is unlawful for any person to:

50 (a) willfully add to or subtract from the votes actually cast at an election in any election
51 returns; or

52 (b) alter any election returns.

53 (2) Any person who violates this section ~~[may be sentenced to imprisonment in the~~
54 ~~state prison for not less than one nor more than five years]~~ is guilty of a third degree felony.

55 Section 3. Section **20A-5-701** is amended to read:

56 **20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.**

57 (1) It is unlawful for any poll worker to willfully neglect ~~[his]~~ the poll worker's duty or
58 to willfully act corruptly in discharging ~~[his]~~ the poll worker's duty.

59 (2) Any poll worker who violates this section is guilty of a third degree felony ~~[and,~~
60 ~~upon conviction, shall be punished by a fine of \$500 or by confinement in the state prison for~~
61 ~~not less than one year or both].~~

62 Section 4. Section **20A-5-702** is amended to read:

63 **20A-5-702. Destroying or concealing ballots.**

64 (1) It is unlawful for any person, or officer having charge of official ballots, to destroy,
65 suppress, or conceal them, except authorized by this title.

66 (2) Any person who violates this section is guilty of a third degree felony~~[, and shall be~~
67 ~~punished by imprisonment in the state prison for not less than one year nor more than five~~
68 ~~years]~~.

69 Section 5. Section **20A-5-705** is amended to read:

70 **20A-5-705. Officer or watcher revealing vote.**

71 (1) It is unlawful for any election official or watcher to reveal to any other person the
72 name of any candidate for whom a voter has voted, or to communicate to another ~~[his]~~ the
73 election official's or watcher's opinion, belief, or impression as to how or for whom a voter has
74 voted.

75 (2) ~~[Any election official or watcher]~~ A person who violates this section is guilty of a
76 class A misdemeanor ~~[and shall be imprisoned for not less than six months, and fined not less~~
77 ~~than \$250]~~.

78 Section 6. Section **20A-7-213** is amended to read:

79 **20A-7-213. Misconduct of electors and officers -- Penalty.**

80 (1) It is unlawful for any person to:

81 (a) sign any name other than ~~[his]~~ the person's own to any initiative petition;

82 (b) knowingly sign ~~[his]~~ the person's name more than once for the same measure at one
83 election;

84 (c) sign an initiative knowing ~~[he]~~ the person is not a legal voter; or

85 (d) knowingly and willfully violate any provision of this part.

86 (2) It is unlawful for any person to sign the verification for an initiative packet knowing
87 that:

88 (a) ~~[he]~~ the person does not meet the residency requirements of Section 20A-2-105;

89 (b) ~~[he]~~ the person has not witnessed the signatures of those persons whose names
90 appear in the initiative packet; or

91 (c) one or more persons whose signatures appear in the initiative packet is either:

92 (i) not registered to vote in Utah; or

93 (ii) does not intend to become registered to vote in Utah.

- 94 (3) It is unlawful for any person to:
- 95 (a) pay a person to sign an initiative petition;
- 96 (b) pay a person to remove the person's signature from an initiative petition;
- 97 (c) accept payment to sign an initiative petition; or
- 98 (d) accept payment to have the person's name removed from an initiative petition.
- 99 (4) Any person violating this section is guilty of a class A misdemeanor.

100 ~~[(5) The attorney general or the county attorney shall prosecute any violation of this~~
 101 ~~section.]~~

102 Section 7. Section **20A-7-312** is amended to read:

103 **20A-7-312. Misconduct of electors and officers -- Penalty.**

- 104 (1) It is unlawful for any person to:
- 105 (a) sign any name other than ~~[his]~~ the person's own to any referendum petition;
- 106 (b) knowingly sign ~~[his]~~ the person's name more than once for the same measure at one
 107 election;
- 108 (c) sign a referendum knowing ~~[he]~~ the person is not a legal voter; or
- 109 (d) knowingly and willfully violate any provision of this part.
- 110 (2) It is unlawful for any person to sign the verification for a referendum packet
 111 knowing that:
- 112 (a) ~~[he]~~ the person does not meet the residency requirements of Section 20A-2-105;
- 113 (b) ~~[he]~~ the person has not witnessed the signatures of those persons whose names
 114 appear in the referendum packet; or
- 115 (c) one or more persons whose signatures appear in the referendum packet is either:
- 116 (i) not registered to vote in Utah; or
- 117 (ii) does not intend to become registered to vote in Utah.
- 118 (3) Any person violating this section is guilty of a class A misdemeanor.

119 ~~[(4) The attorney general or the county or district attorney shall prosecute any violation~~
 120 ~~of this section.]~~

121 Section 8. Section **20A-7-512** is amended to read:

122 **20A-7-512. Misconduct of electors and officers -- Penalty.**

- 123 (1) It is unlawful for any person to:
- 124 (a) sign any name other than ~~[his]~~ the person's own to any initiative petition;

125 (b) knowingly sign [his] the person's name more than once for the same measure at one
126 election;

127 (c) sign an initiative knowing [he] the person is not a legal voter; or

128 (d) knowingly and willfully violate any provision of this part.

129 (2) It is unlawful for any person to sign the verification for an initiative packet knowing
130 that:

131 (a) [he] the person does not meet the residency requirements of Section 20A-2-105;

132 (b) [he] the person has not witnessed the signatures of those persons whose names
133 appear in the initiative packet; or

134 (c) one or more persons whose signatures appear in the initiative packet is either:

135 (i) not registered to vote in Utah; or

136 (ii) does not intend to become registered to vote in Utah.

137 (3) Any person violating this part is guilty of a class A misdemeanor.

138 [~~(4) The county attorney or municipal attorney shall prosecute any violation of this~~
139 ~~section.]~~

140 Section 9. Section **20A-8-103** is amended to read:

141 **20A-8-103. Petition procedures -- Criminal penalty.**

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

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

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

151 (b) file a petition with the lieutenant governor that is signed, with a holographic
152 signature, by at least 2,000 registered voters on or before February 15 of the year in which a
153 regular general election will be held.

154 (3) The petition shall:

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

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

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

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

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

164 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
165 petition signature sheet with any name other than the person's own name or more than once for
166 the same party or if the person is not registered to vote in this state and does not intend to
167 become registered to vote in this state before the petition is submitted to the lieutenant
168 governor.";

169 (f) contain the following statement directly under the statement described in Subsection
170 (3)(e):

171 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
172 Lieutenant Governor:

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

175 Each signer says:

176 I have personally signed this petition with a holographic signature;

177 I am registered to vote in Utah or will register to vote in Utah before the petition is
178 submitted to the lieutenant governor;

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

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

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

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

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

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

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

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

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

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

199 "Verification

200 State of Utah, County of _____

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

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

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

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

209 _____
210 (Signature) (Residence Address) (Date)"; and

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

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

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

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

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

220 (a) is at least 18 years old;

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

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

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

226 (6) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

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

248 (ii) sign the verification of a political party registration petition signature sheet if the

249 person:

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

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

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

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

257 ~~[(c) The attorney general or the county attorney shall prosecute any violation of this~~
258 ~~Subsection (9).]~~

259 Section 10. Section **20A-9-502** is amended to read:

260 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**
261 **Criminal penalty.**

262 (1) The candidate shall:

263 (a) prepare a certificate of nomination in substantially the following form:

264 "State of Utah, County of _____

265 I, _____, declare my intention of becoming an unaffiliated candidate for the
266 political group designated as ____ for the office of _____. I do solemnly swear that I can
267 qualify to hold that office both legally and constitutionally if selected, and that I reside at _____
268 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
269 that I am providing, or have provided, the required number of holographic signatures of
270 registered voters required by law; that as a candidate at the next election I will not knowingly
271 violate any election or campaign law; I will file all campaign financial disclosure reports as
272 required by law; and I understand that failure to do so will result in my disqualification as a
273 candidate for this office and removal of my name from the ballot.

274 _____
275 Subscribed and sworn to before me this _____ (month\day\year).

276 _____
277 Notary Public (or other officer
278 qualified to administer oaths)";

279 (b) bind signature sheets to the certificate that:

- 280 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 281 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line
282 blank for the purpose of binding;
- 283 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate
284 Certificate of Nomination Petition" printed directly below the horizontal line;
- 285 (iv) contain the word "Warning" printed directly under the words described in
286 Subsection (1)(b)(iii);
- 287 (v) contain, to the right of the word "Warning," the following statement printed in not
288 less than eight-point, single leaded type:
- 289 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination
290 signature sheet with any name other than the person's own name or more than once for the
291 same candidate or if the person is not registered to vote in this state and does not intend to
292 become registered to vote in this state before the county clerk certifies the signatures.";
- 293 (vi) contain the following statement directly under the statement described in
294 Subsection (1)(b)(v):
- 295 "Each signer says:
- 296 I have personally signed this petition with a holographic signature;
- 297 I am registered to vote in Utah or intend to become registered to vote in Utah before the
298 county clerk certifies my signature; and
- 299 My street address is written correctly after my name.";
- 300 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in
301 Subsection (1)(b)(vi); and
- 302 (viii) be vertically divided into columns as follows:
- 303 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
304 headed with "For Office Use Only," and be subdivided with a light vertical line down the
305 middle;
- 306 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
307 Name (must be legible to be counted)";
- 308 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
309 Registered Voter";
- 310 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

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

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

318 (c) bind a final page to one or more signature sheets that are bound together that
319 contains, except as provided by Subsection (2), the following printed statement:

320 "Verification

321 State of Utah, County of _____

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

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

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

327 I believe that each has printed and signed the person's name and written the person's
328 street address correctly, and that each signer is registered to vote in Utah or will register to vote
329 in Utah before the county clerk certifies the signatures on the signature sheet.

330

331 (Signature) (Residence Address) (Date)".

332 (2) (a) The candidate shall circulate the nomination petition and ensure that the person
333 in whose presence each signature sheet is signed:

334 (i) is at least 18 years old;

335 (ii) except as provided by Subsection (2)(b), meets the residency requirements of
336 Section 20A-2-105; and

337 (iii) verifies each signature sheet by completing the verification bound to one or more
338 signature sheets that are bound together.

339 (b) A person who is not a resident may sign the verification on a petition for an
340 unaffiliated candidate for the office of President of the United States.

341 (c) A person may not sign the verification if the person signed a signature sheet bound

342 to the verification.

343 (3) (a) It is unlawful for any person to:

344 (i) knowingly sign a certificate of nomination signature sheet:

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

346 (B) more than once for the same candidate; or

347 (C) if the person is not registered to vote in this state and does not intend to become
348 registered to vote in this state before the county clerk certifies the signatures; or

349 (ii) sign the verification of a certificate of nomination signature sheet if the person:

350 (A) except as provided by Subsection (2)(b), does not meet the residency requirements
351 of Section 20A-2-105;

352 (B) has not witnessed the signing by those persons whose names appear on the
353 certificate of nomination signature sheet; or

354 (C) knows that a person whose signature appears on the certificate of nomination
355 signature sheet is not registered to vote in this state and does not intend to become registered to
356 vote in this state.

357 (b) Any person violating this Subsection (3) is guilty of a class A misdemeanor.

358 [~~(c) The attorney general or the county attorney shall prosecute any violation of this~~
359 ~~Subsection (3).]~~

360 (4) (a) The candidate shall submit the petition and signature sheets to the county clerk
361 for certification when the petition has been completed by:

362 (i) at least 1,000 registered voters residing within the state when the nomination is for
363 an office to be filled by the voters of the entire state; or

364 (ii) at least 300 registered voters residing within a political division or at least 5% of
365 the registered voters residing within a political division, whichever is less, when the
366 nomination is for an office to be filled by the voters of any political division smaller than the
367 state.

368 (b) In reviewing the petition, the county clerk shall count and certify only those persons
369 who signed the petition with a holographic signature who:

370 (i) are registered voters within the political division that the candidate seeks to
371 represent; and

372 (ii) did not sign any other certificate of nomination for that office.

373 (c) The candidate may supplement or amend the certificate of nomination at any time
374 on or before the filing deadline.

375 Section 11. **Repealer.**

376 This bill repeals:

377 Section **20A-4-503, Abetting forgery or alteration.**