

**ELECTION LAW AND ELECTED OFFICER**

**SUBSTANTIVE AMENDMENTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Loraine T. Pace**

AN ACT RELATING TO THE ELECTION CODE; AMENDING DEFINITIONS; MODIFYING  
VOTER REGISTRATION REQUIREMENTS; ESTABLISHING A DEADLINE FOR  
EMERGENCY ABSENTEE BALLOTS; MODIFYING RECOUNT PROCEDURES;  
MODIFYING REQUIREMENTS AND FORMS FOR INITIATIVE AND REFERENDUM  
SIGNATURE GATHERERS; MODIFYING DECLARATION OF CANDIDACY  
REQUIREMENTS; MODIFYING FINANCIAL REPORTING REQUIREMENTS; ~~h~~ **h**  
MAKING TECHNICAL CORRECTIONS **h** ; **AND PROVIDING A COORDINATION CLAUSE h** .

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**20A-1-102**, as last amended by Chapters 344 and 369, Laws of Utah 1998

**20A-2-201**, as last amended by Chapter 106, Laws of Utah 1998

**20A-2-203**, as last amended by Chapter 183, Laws of Utah 1997

**20A-3-306.5**, as enacted by Chapter 10, Laws of Utah 1996

**20A-4-401**, as enacted by Chapter 1, Laws of Utah 1993

**20A-5-202**, as last amended by Chapter 24, Laws of Utah 1997

**20A-5-303**, as last amended by Chapter 183, Laws of Utah 1997

**20A-7-202**, as last amended by Chapter 153, Laws of Utah 1995

**20A-7-203**, as last amended by Chapter 153, Laws of Utah 1995

**20A-7-205**, as last amended by Chapters 153 and 165, Laws of Utah 1995

**20A-7-206**, as last amended by Chapters 153, 165 and 340, Laws of Utah 1995

**20A-7-213**, as last amended by Chapter 79, Laws of Utah 1996

**20A-7-303**, as last amended by Chapter 153, Laws of Utah 1995

- 28            **20A-7-305**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 29            **20A-7-306**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 30            **20A-7-312**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 31            **20A-7-503**, as enacted by Chapter 272, Laws of Utah 1994
- 32            **20A-7-505**, as last amended by Chapter 165, Laws of Utah 1995
- 33            **20A-7-506**, as last amended by Chapter 165, Laws of Utah 1995
- 34            **20A-7-603**, as enacted by Chapter 272, Laws of Utah 1994
- 35            **20A-7-605**, as last amended by Chapter 165, Laws of Utah 1995
- 36            **20A-7-606**, as last amended by Chapter 165, Laws of Utah 1995
- 37            **20A-8-103**, as last amended by Chapter 182, Laws of Utah 1997
- 38            **20A-9-201**, as last amended by Chapters 27 and 40, Laws of Utah 1998
- 39            **20A-9-202**, as last amended by Chapters 24, 182 and 184, Laws of Utah 1997
- 40            **20A-9-502**, as enacted by Chapter 1, Laws of Utah 1994
- 41            **20A-9-503**, as last amended by Chapter 152, Laws of Utah 1995
- 42            **20A-11-101**, as last amended by Chapter 355, Laws of Utah 1997
- 43            **20A-11-103**, as enacted by Chapter 355, Laws of Utah 1997
- 44            **20A-11-602**, as last amended by Chapter 40, Laws of Utah 1998
- 45            **20A-11-802**, as last amended by Chapter 40, Laws of Utah 1998
- 46            **63-96-103**, as enacted by Chapter 341, Laws of Utah 1998

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

48            Section 1. Section **20A-1-102** is amended to read:

49            **20A-1-102. Definitions.**

50            As used in this title:

- 51            (1) "Active voter" means a registered voter who has not been classified as an inactive voter
- 52 by the county clerk.
- 53            (2) "Automatic tabulating equipment" means apparatus that automatically examines and
- 54 counts votes recorded on paper ballots or ballot cards and tabulates the results.
- 55            (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his
- 56 votes and includes ballot cards, paper ballots, and secrecy envelopes.
- 57            (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.
- 58            (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain

59 the names of offices and candidates and statements of ballot propositions to be voted on and which  
60 are used in conjunction with ballot cards.

61 (6) "Ballot proposition" means opinion questions specifically authorized by the  
62 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions[;  
63 ~~opinion questions, and other questions~~] that are submitted to the voters for their approval or  
64 rejection.

65 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
66 20A-4-306 to canvass election returns.

67 (8) "Book voter registration form" means voter registration forms contained in a bound  
68 book that are used by election officers and registration agents to register persons to vote.

69 (9) "Bond election" means an election held for the sole purpose of approving or rejecting  
70 the proposed issuance of bonds by a government entity.

71 (10) "By-mail voter registration form" means a voter registration form designed to be  
72 completed by the voter and mailed to the election officer.

73 (11) "Canvass" means the review of election returns and the official declaration of election  
74 results by the board of canvassers.

75 (12) "Canvassing judge" means an election judge designated to assist in counting ballots  
76 at the canvass.

77 (13) "Convention" means the political party convention at which party officers and  
78 delegates are selected.

79 (14) "Counting center" means one or more locations selected by the election officer in  
80 charge of the election for the automatic counting of ballots.

81 (15) "Counting judge" means a judge designated to count the ballots during election day.

82 (16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201  
83 to witness the counting of ballots.

84 (17) "Counting room" means a suitable and convenient private place or room, immediately  
85 adjoining the place where the election is being held, for use by the counting judges to count ballots  
86 during election day.

87 (18) "County executive" means:

88 (a) the county commission in the traditional form of government established by Section  
89 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

90 (b) the county executive in the county executive and chief administrative officer-council  
91 optional form of government authorized by Section 17-35a-501;

92 (c) the county executive in the county executive-council optional form of government  
93 authorized by Section 17-35a-502;

94 (d) the county council in the council-manager optional form of government authorized by  
95 Section 17-35a-503; and

96 (e) the county council in the council-county administrative officer optional form of  
97 government authorized by Section 17-35a-504.

98 (19) "County legislative body" means:

99 (a) the county commission in the traditional form of government established by Section  
100 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

101 (b) the county council in the county executive and chief administrative officer-council  
102 optional form of government authorized by Section 17-35a-501;

103 (c) the county council in the county executive-council optional form of government  
104 authorized by Section 17-35a-502;

105 (d) the county council in the council-manager optional form of government authorized by  
106 Section 17-35a-503; and

107 (e) the county council in the council-county administrative officer optional form of  
108 government authorized by Section 17-35a-504.

109 (20) "County officers" means those county officers that are required by law to be elected.

110 (21) "Election" means a regular general election, a municipal general election, a statewide  
111 special election, a local special election, a regular primary election, a municipal primary election,  
112 and a special district election.

113 (22) "Election cycle" means the period beginning on the first day persons are eligible to  
114 file declarations of candidacy and ending when the canvass is completed.

115 (23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

116 (24) "Election officer" means:

117 (a) the lieutenant governor, for all statewide ballots;

118 (b) the county clerk or clerks for all county ballots and for certain special district and  
119 school district ballots as provided in Section 20A-5-400.5;

120 (c) the municipal clerk for all municipal ballots and for certain special district and school

121 district ballots as provided in Section 20A-5-400.5; and

122 (d) the special district clerk or chief executive officer for all special district ballots that are  
123 not part of a statewide, county, or municipal ballot.

124 (25) "Election official" means any election officer, election judge, or satellite registrar.

125 (26) "Election returns" includes the pollbook, all affidavits of registration, the military and  
126 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed  
127 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the  
128 ballot disposition form, and the total votes cast form.

129 (27) "Electronic voting system" means a system in which a voting device is used in  
130 conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic  
131 tabulating equipment.

132 (28) "Inactive voter" means a registered voter who has been sent the notice required by  
133 Section 20A-2-306 and who has failed to respond to that notice.

134 (29) "Inspecting poll watcher" means a person selected as provided in this title to witness  
135 the receipt and safe deposit of voted and counted ballots.

136 (30) "Judicial office" means the office filled by any judicial officer.

137 (31) "Judicial officer" means any justice or judge of a court of record or any county court  
138 judge.

139 (32) "Local election" means a regular municipal election, a local special election, a special  
140 district election, and a bond election.

141 (33) "Local political subdivision" means a county, a municipality, a special district, or a  
142 local school district.

143 (34) "Local special election" means a special election called by the governing body of a  
144 local political subdivision in which all registered voters of the local political subdivision may vote.

145 (35) "Municipal executive" means:

146 (a) the city commission, city council, or town council in the traditional management  
147 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

148 (b) the mayor in the council-mayor optional form of government defined in Section  
149 10-3-1209; and

150 (c) the manager in the council-manager optional form of government defined in Section  
151 10-3-1209.

152 (36) "Municipal general election" means the election held in municipalities and special  
153 districts on the first Tuesday after the first Monday in November of each odd-numbered year for  
154 the purposes established in Section 20A-1-202.

155 (37) "Municipal legislative body" means:

156 (a) the city commission, city council, or town council in the traditional management  
157 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

158 (b) the municipal council in the council-mayor optional form of government defined in  
159 Section 10-3-1209; and

160 (c) the municipal council in the council-manager optional form of government defined in  
161 Section 10-3-1209.

162 (38) "Municipal officers" means those municipal officers that are required by law to be  
163 elected.

164 (39) "Municipal primary election" means an election held to nominate candidates for  
165 municipal office.

166 (40) "Official ballot" means the ballots distributed by the election officer to the election  
167 judges to be given to voters to record their votes.

168 (41) "Official endorsement" means:

169 (a) the information on the ballot that identifies:

170 (i) the ballot as an official ballot;

171 (ii) the date of the election; and

172 (iii) the facsimile signature of the election officer; and

173 (b) the information on the ballot stub that identifies:

174 (i) the election judge's initials; and

175 (ii) the ballot number.

176 (42) "Official register" means the book furnished election officials by the election officer  
177 that contains the information required by Section 20A-5-401.

178 (43) "Paper ballot" means a paper that contains:

179 (a) the names of offices and candidates and statements of ballot propositions to be voted  
180 on; and

181 (b) spaces for the voter to record his vote for each office and for or against each ballot  
182 proposition.

183 (44) "Political party" means an organization of registered voters that has qualified to  
184 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party  
185 Formation and Procedures.

186 (45) "Polling place" means the building where residents of a voting precinct vote.

187 (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in  
188 which the voter marks his choice.

189 (47) "Posting list" means a list of registered voters within a voting precinct.

190 (48) "Primary convention" means the political party conventions at which nominees for  
191 the regular primary election are selected.

192 (49) "Protective counter" means a separate counter, which cannot be reset, that is built into  
193 a voting machine and records the total number of movements of the operating lever.

194 (50) "Qualify" or "qualified" means to take the oath of office and begin performing the  
195 duties of the position for which the person was elected.

196 (51) "Receiving judge" means the election judge that checks the voter's name in the official  
197 register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter  
198 has voted.

199 (52) "Registration days" means the days designated in Section 20A-2-203 when a voter  
200 may register to vote with a satellite registrar.

201 (53) "Registration form" means a book voter registration form and a by-mail voter  
202 registration form.

203 (54) "Regular general election" means the election held throughout the state on the first  
204 Tuesday after the first Monday in November of each even-numbered year for the purposes  
205 established in Section 20A-1-201.

206 (55) "Regular primary election" means the election on the fourth Tuesday of June of each  
207 even-numbered year, at which candidates of political parties and nonpolitical groups are voted for  
208 nomination.

209 (56) "Resident" means a person who resides within a specific voting precinct in Utah.

210 (57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and  
211 distributed as provided in Section 20A-5-405.

212 (58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register  
213 voters and perform other duties.

214 (59) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
215 punch the ballot for one or more candidates who are members of different political parties.

216 (60) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
217 which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's  
218 vote.

219 (61) "Special election" means an election held as authorized by Section 20A-1-204.

220 (62) "Special district" means those local government entities created under the authority  
221 of Title 17A.

222 (63) "Special district officers" means those special district officers that are required by law  
223 to be elected.

224 (64) "Spoiled ballot" means each ballot that:

225 (a) is spoiled by the voter;

226 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

227 (c) lacks the official endorsement.

228 (65) "Statewide special election" means a special election called by the governor or the  
229 Legislature in which all registered voters in Utah may vote.

230 (66) "Stub" means the detachable part of each ballot.

231 (67) "Substitute ballots" means replacement ballots provided by an election officer to the  
232 election judges when the official ballots are lost or stolen.

233 (68) "Ticket" means each list of candidates for each political party or for each group of  
234 petitioners.

235 (69) "Transfer case" means the sealed box used to transport voted ballots to the counting  
236 center.

237 (70) "Vacancy" means the absence of a person to serve in any position created by statute,  
238 whether that absence occurs because of death, disability, disqualification, resignation, or other  
239 cause.

240 (71) "Valid write-in candidate" means a candidate who has qualified as a write-in  
241 candidate by following the procedures and requirements of this title.

242 (72) "Voter" means a person who meets the requirements of election registration and is  
243 registered and is listed in the official register book.

244 (73) "Voting area" means the area within six feet of the voting booths, voting machines,

245 and ballot box.

246 (74) "Voting booth" means the space or compartment within a polling place that is  
247 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

248 (75) "Voting device" means:

249 (a) an apparatus in which ballot cards are used in connection with a punch device for  
250 piercing the ballots by the voter;

251 (b) a device for marking the ballots with ink or another substance; or

252 (c) any other method for recording votes on ballots so that the ballot may be tabulated by  
253 means of automatic tabulating equipment.

254 (76) "Voting machine" means a machine designed for the sole purpose of recording and  
255 tabulating votes cast by voters at an election.

256 (77) "Voting poll watcher" means a person appointed as provided in this title to witness  
257 the distribution of ballots and the voting process.

258 (78) "Voting precinct" means the smallest voting unit established as provided by law  
259 within which qualified voters vote at one polling place.

260 (79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting  
261 poll watcher.

262 (80) "Write-in ballot" means a ballot containing any write-in votes.

263 (81) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot  
264 according to the procedures established in this title.

265 Section 2. Section **20A-2-201** is amended to read:

266 **20A-2-201. Registering to vote at office of county clerk.**

267 (1) Except as provided in [~~Subsections~~] Subsection (2) [~~and (3)~~], the county clerk shall  
268 register to vote all persons who present themselves for registration at the county clerk's office  
269 during designated office hours if those persons, on voting day, will be legally qualified and entitled  
270 to vote in a voting precinct in the county.

271 (2) [~~Except as provided in Subsection (3), during the 19~~] During the seven calendar days  
272 immediately before any scheduled election, the county clerk shall:

273 (a) accept registration forms from all persons who present themselves for registration at  
274 the clerk's office during designated office hours if those persons, on voting day, will be legally  
275 qualified and entitled to vote in a voting precinct in the county; and

276 (b) inform them that they will be registered to vote but may not vote in the pending  
277 election because they registered too late.

278 [~~(3) Nothing in this section shall prevent a county clerk from:~~]

279 [~~(a) designating the county clerk's office as a satellite location for voter registration; and]~~

280 [~~(b) allowing a person to register to vote according to the schedule and procedures in~~  
281 ~~Section 20A-2-203.~~]

282 Section 3. Section **20A-2-203** is amended to read:

283 **20A-2-203. Satellite location -- Registration by satellite registrar.**

284 (1) (a) Each county clerk shall designate at least one satellite location for voter registration  
285 for every 25,000 people residing within the county.

286 (b) A county clerk may designate as many satellite locations as desired.

287 (2) (a) Any person who meets the voter registration requirements may register to vote with  
288 a satellite registrar at any satellite location within the person's county of residence between 8 a.m.  
289 and 8 p.m.:

290 (i) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
291 before the regular primary election in counties holding a primary election;

292 (ii) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
293 before the regular general election;

294 (iii) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
295 before the municipal primary election in municipalities holding a municipal primary election; and

296 (iv) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
297 before the municipal general election.

298 (b) Each satellite registrar shall register to vote all persons who:

299 (i) present themselves for registration; and

300 (ii) are legally qualified and entitled to vote in that voting precinct on election day.

301 (3) For municipal elections, the municipality in which the registration is made shall pay  
302 the expenses of registration.

303 Section 4. Section **20A-3-306.5** is amended to read:

304 **20A-3-306.5. Emergency absentee ballots.**

305 (1) As used in this section, "hospitalized voter" means a registered voter who is  
306 hospitalized or otherwise confined to a medical or long-term care institution after the deadline for

307 filing an application for an absentee ballot established in Section 20A-3-304.

308 (2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an  
309 absentee ballot and vote on election day by following the procedures and requirements of this  
310 section.

311 (3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an  
312 absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting  
313 a ballot and application in person at the election officer's office.

314 (b) The election officer shall require the person to sign a statement identifying himself and  
315 the hospitalized voter.

316 (4) To vote, the hospitalized voter shall complete the absentee ballot application, complete  
317 and sign the application on the absentee ballot envelope, mark his votes on the absentee ballot,  
318 place the absentee ballot into the envelope, and seal the envelope.

319 (5) To be counted, the absentee voter application and the sealed absentee ballot envelope  
320 must be returned to the election officer's office before the polls close on election day.

321 Section 5. Section **20A-4-401** is amended to read:

322 **20A-4-401. Recounts -- Procedure.**

323 [~~(1) (a) Any candidate whose name appears on the official ballot in any voting precinct for  
324 any regular primary or municipal primary election may request that the board of canvassers recount  
325 the ballots cast in that voting precinct by alleging, in an affidavit filed with the election officer at  
326 least one day before the date fixed for canvassing the returns, that fraud was committed or error  
327 or mistake was made in counting or returning the votes cast in that voting precinct.]~~

328 [~~(b) (i) If the board receives an affidavit requesting a recount, the board shall recount the  
329 ballots cast in those voting precincts for the office for which the contestant was a candidate.]~~

330 [~~(ii) If, after recounting the ballots, the board reaches a different result from that returned  
331 by the election judges, the board shall substitute its result as the true and correct return and use its  
332 result in all subsequent proceedings.]~~

333 [~~(c) The board's decision based upon the recount is final and no other contest is permitted.]~~

334 [~~(2) If a court orders a recount of votes, the ballots shall be recounted in the manner  
335 directed by the judicial authority.]~~

336 [~~(3)~~] (1) (a) For any regular [~~general~~] primary, municipal primary, regular general, or  
337 municipal general election, when any candidate loses by not more than a total of one vote per

338 voting precinct, ~~[he]~~ the candidate may file a request for a recount with the appropriate election  
339 officer within seven days of the canvass.

340 (b) The election officer shall:

341 (i) supervise the recount;

342 (ii) recount all ballots cast for that office;

343 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part  
344 3; and

345 (iv) declare elected the person receiving the highest number of votes on the recount.

346 ~~[(4)]~~ (2) (a) Any ten voters who voted in an election when any ballot proposition was on  
347 the ballot may file a request for a recount with the appropriate election officer within seven days  
348 of the canvass.

349 (b) The election officer shall:

350 (i) supervise the recount;

351 (ii) recount all ballots cast for that ballot proposition;

352 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part  
353 3; and

354 (iv) declare the ballot proposition to have "passed" or "failed" based upon the results of  
355 the recount.

356 (c) Proponents and opponents of the ballot proposition may designate representatives to  
357 witness the recount.

358 (d) The person or entity requesting the recount shall pay the costs of the recount.

359 ~~[(5)]~~ (3) Costs incurred by recount under Subsection ~~[(3)]~~ (1) may not be assessed against  
360 the person requesting the recount.

361 Section 6. Section **20A-5-202** is amended to read:

362 **20A-5-202. Satellite registrars -- Duties.**

363 (1) Satellite registrars may administer oaths and affirmations and perform all other acts that  
364 are necessary to fully accomplish the requirements of this part.

365 ~~[(2) A satellite registrar shall register to vote all persons who:]~~

366 ~~[(a) present themselves for registration between 8 a.m. and 8 p.m. on:]~~

367 ~~[(i) the Monday and Tuesday, the seventh and eighth day before the regular primary~~  
368 ~~election;]~~

369 ~~[(ii) the Monday and Tuesday, the seventh and eighth day before the regular general~~  
370 ~~election;]~~

371 ~~[(iii) the Monday and Tuesday, the seventh and eighth day before the municipal primary~~  
372 ~~election in municipalities holding a municipal primary election; and]~~

373 ~~[(iv) the Monday and Tuesday, the seventh and eighth day before the municipal general~~  
374 ~~election; and]~~

375 ~~[(b) are legally qualified and entitled to vote in that voting precinct on election day.]~~

376 (2) On the dates and at the times provided in Section 20A-2-203, a satellite registrar shall  
377 register to vote each person who is legally qualified and entitled to vote in that county on election  
378 day.

379 (3) Each satellite registrar shall:

380 (a) provide voter registration applications for interested citizens;

381 (b) have maps available for determining precinct locations;

382 (c) assist citizens in completing the voter registration form;

383 (d) review completed voter registration forms to ensure that they are accurate and that the  
384 applicant meets eligibility requirements;

385 (e) return the official proof of registration form to the voter; and

386 (f) deliver completed registration forms to the county clerk.

387 (4) The county clerk shall:

388 (a) record the new voters into the official register and posting list or prepare an addendum  
389 of new voters for the official register and posting list; and

390 (b) before election day, deliver the official register, posting list, and addendum, if any, to  
391 the election judges of each voting precinct.

392 (5) During the time voter registration is being held, satellite registrars may not display any  
393 political signs, posters, or other designations of support for candidates, issues, or political parties  
394 on the premises.

395 Section 7. Section **20A-5-303** is amended to read:

396 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**

397 **Combined voting precincts -- Counties.**

398 (1) The county legislative body may establish, divide, abolish, and change voting precincts.

399 (2) (a) The county legislative body shall alter or divide voting precincts so that each voting

400 precinct contains not more than 1,000 active voters.

401 (b) The county legislative body shall:

402 (i) identify those precincts that may reach 1,000 active voters or become too large to  
403 facilitate the election process; and

404 (ii) divide those precincts before February 1.

405 (3) The county legislative body may not:

406 (a) establish or abolish any voting precinct after February 1, of a regular general election  
407 year; or

408 (b) alter or change the boundaries of any voting precinct after February 1, of a regular  
409 general election year.

410 (4) For the purpose of balloting on regular primary or regular general election day, the  
411 county legislative body may combine voting precincts and establish a common polling place for  
412 two or more whole voting precincts according to the following requirements:

413 (a) the total population of the combined voting precinct may not exceed 3,000 active  
414 voters;

415 (b) the combined voting precincts shall all lie within the same legislative district; and

416 (c) the voting precincts shall be combined for balloting purposes at least 90 days before  
417 the election.

418 (5) In addition to the authorizations contained in Subsection (4), in regular primary  
419 elections only, the county legislative body may, when combining precincts, use one set of election  
420 judges for the combined precincts if the ballots for each of the combined precincts are identical.

421 Section 8. Section **20A-7-202** is amended to read:

422 **20A-7-202. Statewide initiative process -- Application procedures -- Time to gather**  
423 **signatures -- Grounds for rejection.**

424 (1) Persons wishing to circulate an initiative petition shall file an application with the  
425 lieutenant governor.

426 (2) The application shall contain:

427 (a) the name and residence address of at least five sponsors of the initiative petition;

428 (b) a statement indicating that each of the sponsors:

429 (i) is a [~~registered voter~~] resident of Utah; and

430 (ii) has voted in a regular general election in Utah within the last three years;

- 431 (c) the signature of each of the sponsors, attested to by a notary public; and  
432 (d) a copy of the proposed law.
- 433 (3) The application and its contents are public when filed with the lieutenant governor.
- 434 (4) (a) The sponsors shall qualify the petition for the regular general election ballot no later  
435 than the second regular general election after the application is filed.
- 436 (b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:
- 437 (i) submit a new application;
- 438 (ii) obtain new signature sheets; and
- 439 (iii) collect signatures again.
- 440 (5) The lieutenant governor shall reject the application and not issue circulation sheets if:
- 441 (a) the law proposed by the initiative is patently unconstitutional;
- 442 (b) the law proposed by the initiative is nonsensical; or
- 443 (c) the proposed law could not become law if passed.
- 444 Section 9. Section **20A-7-203** is amended to read:
- 445 **20A-7-203. Form of initiative petition and signature sheets.**
- 446 (1) (a) Each proposed initiative petition shall be printed in substantially the following  
447 form:
- 448 "INITIATIVE PETITION To the Honorable \_\_\_\_, Lieutenant Governor:
- 449 We, the undersigned citizens of Utah, respectfully demand that the following proposed law  
450 be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular  
451 general election/session to be held/ beginning on the \_\_\_\_ day of \_\_\_\_, 19\_\_;
- 452 Each signer says:
- 453 I have personally signed this petition;
- 454 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
455 certification of the petition names by the county clerk; and
- 456 My residence and post office address are written correctly after my name."
- 457 (b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative  
458 petition.
- 459 (2) Each signature sheet shall:
- 460 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 461 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line

462 blank for the purpose of binding;

463 (c) contain the title of the initiative printed below the horizontal line;

464 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
465 the title of the initiative;

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

468 "It is a class A misdemeanor for anyone to sign any initiative petition with any other name  
469 than his own, or knowingly to sign his name more than once for the same measure, or to sign an  
470 initiative petition when he knows he is not a registered voter and knows that he does not intend  
471 to become registered to vote before the certification of the petition names by the county clerk.";

472 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
473 by this section; and

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

475 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
476 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle  
477 with the left subdivision entitled "Registered" and the right subdivision left untitled;

478 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
479 (must be legible to be counted)";

480 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
481 and

482 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

483 (3) The final page of each initiative packet shall contain the following printed or typed  
484 statement:

485 "Verification

486 State of Utah, County of \_\_\_\_

487 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

488 I am [~~registered to vote in~~] a resident of Utah;

489 All the names that appear in this packet were signed by persons who professed to be the  
490 persons whose names appear in it, and each of them signed his name on it in my presence;

491 I believe that each has printed and signed his name and written his post office address and  
492 residence correctly, and that each signer is registered to vote in Utah or intends to become



524 (b) submit the name of each of those persons who is not registered to vote in Utah to the  
525 attorney general and county attorney.

526 (3) No later than July 1 before the regular general election, the county clerk shall:

527 (a) check all the names of the signers against the official registers to determine whether  
528 or not the signer is a registered voter;

529 (b) certify on the petition whether or not each name is that of a registered voter; and

530 (c) deliver all of the packets to the lieutenant governor.

531 (4) In order to qualify an initiative petition for submission to the Legislature, the sponsors  
532 shall deliver each signed and verified initiative packet to the county clerk of the county in which  
533 the packet was circulated by the November 15 before the annual general session of the Legislature.

534 (5) No later than December 1 before the annual general session of the Legislature, the  
535 county clerk shall:

536 (a) check the names of all persons completing the verification for the initiative packet to  
537 determine whether or not those persons are Utah residents; and

538 (b) submit the name of each of those persons who is not a Utah resident to the attorney  
539 general and county attorney.

540 (6) No later than December 15 before the annual general session of the Legislature, the  
541 county clerk shall:

542 (a) check all the names of the signers against the official registers to determine whether  
543 or not the signer is a registered voter;

544 (b) certify on the petition whether or not each name is that of a registered voter; and

545 (c) deliver all of the packets to the lieutenant governor.

546 [~~4~~] (7) Initiative packets are public once they are delivered to the county clerks.

547 [~~5~~] (8) The sponsor or their representatives may not retrieve initiative packets from the  
548 county clerks once they have submitted them.

549 Section 12. Section **20A-7-213** is amended to read:

550 **20A-7-213. Misconduct of electors and officers -- Penalty.**

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

552 (a) sign any name other than his own to any initiative petition;

553 (b) knowingly sign his name more than once for the same measure at one election;

554 (c) sign an initiative knowing he is not a legal voter; or

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

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

558 [~~(a)~~ he is not registered to vote in Utah;]

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

560 [~~(c)~~] (b) he has not witnessed the signatures of those persons whose names appear in the  
561 initiative packet; or

562 [~~(d)~~] (c) one or more persons whose signatures appear in the initiative packet is either:

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

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

565 (3) Any person violating this section is guilty of a class A misdemeanor.

566 (4) The attorney general or the county attorney shall prosecute any violation of this section.

567 Section 13. Section **20A-7-303** is amended to read:

568 **20A-7-303. Form of referendum petition and signature sheets.**

569 (1) (a) Each proposed referendum petition shall be printed in substantially the following  
570 form:

571 "REFERENDUM PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

572 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.

573 \_\_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the

574 part or parts on which the referendum is sought), passed by the \_\_\_\_\_ Session of the Legislature of

575 the state of Utah, be referred to the people of Utah for their approval or rejection at a regular

576 general election or a statewide special election;

577 Each signer says:

578 I have personally signed this petition;

579 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
580 certification of the petition names by the county clerk; and

581 My residence and post office address are written correctly after my name."

582 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
583 referendum to each referendum petition.

584 (2) Each signature sheet shall:

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

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

588 (c) contain the title of the referendum printed below the horizontal line;

589 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
590 the title of the referendum;

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

593 "It is a class A misdemeanor for anyone to sign any referendum petition with any other  
594 name than his own, or knowingly to sign his name more than once for the same measure, or to sign  
595 a referendum petition when he knows he is not a registered voter and knows that he does not intend  
596 to become registered to vote before the certification of the petition names by the county clerk.";

597 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
598 by this section; and

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

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

602 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
603 (must be legible to be counted)";

604 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
605 and

606 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

607 (3) The final page of each referendum packet shall contain the following printed or typed  
608 statement:

609 "Verification  
610 State of Utah, County of \_\_\_\_

611 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

612 I am [~~registered to vote in~~] a Utah resident;

613 All the names that appear in this packet were signed by persons who professed to be the  
614 persons whose names appear in it, and each of them signed his name on it in my presence;

615 I believe that each has printed and signed his name and written his post office address and  
616 residence correctly, and that each signer is registered to vote in Utah or intends to become

617 registered to vote before the certification of the petition names by the county clerk.

618

619 (Name) (Residence Address) (Date)"

620 (4) The forms prescribed in this section are not mandatory, and, if substantially followed,

621 the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

622 Section 14. Section **20A-7-305** is amended to read:

623 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

624 (1) Any Utah voter may sign a referendum petition if the voter is a legal voter.

625 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
626 signed:

627 [~~(a) is registered to vote in Utah;~~]

628 [~~(b)~~] (a) meets the residency requirements of Section 20A-2-105; and

629 [~~(c)~~] (b) verifies each signature sheet by completing the verification printed on the last  
630 page of each signature sheet.

631 (3) (a) (i) Any voter who has signed a referendum petition may have his signature removed  
632 from the petition by submitting a notarized statement to that effect to the county clerk.

633 (ii) In order for the signature to be removed, the statement must be received by the county  
634 clerk before he delivers the petition to the lieutenant governor.

635 (b) Upon receipt of the statement, the county clerk shall remove the signature of the person  
636 submitting the statement from the referendum petition.

637 (c) No one may remove signatures from a referendum petition after the petition is  
638 submitted to the lieutenant governor.

639 Section 15. Section **20A-7-306** is amended to read:

640 **20A-7-306. Submitting the referendum petition -- Certification of signatures by the**  
641 **county clerks -- Transfer to lieutenant governor.**

642 (1) No later than 40 days after the end of the legislative session at which the law passed,  
643 the sponsors shall deliver each signed and verified referendum packet to the county clerk of the  
644 county in which the packet was circulated.

645 (2) No later than 55 days after the end of the legislative session at which the law passed,  
646 the county clerk shall:

647 (a) check the names of all persons completing the verification on the back of each

648 signature sheet to determine whether or not those persons are [~~registered to vote in~~] Utah residents;  
649 and

650 (b) submit the name of each of those persons who is not [~~registered to vote in~~] a Utah  
651 resident to the attorney general and county attorney.

652 (3) No later than 55 days after the end of the legislative session at which the law passed,  
653 the county clerk shall:

654 (a) check all the names of the signers against the official registers to determine whether  
655 or not the signer is a voter;

656 (b) certify on the referendum petition whether or not each name is that of a voter; and

657 (c) deliver all of the referendum packets to the lieutenant governor.

658 Section 16. Section **20A-7-312** is amended to read:

659 **20A-7-312. Misconduct of electors and officers -- Penalty.**

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

661 (a) sign any name other than his own to any referendum petition;

662 (b) knowingly sign his name more than once for the same measure at one election;

663 (c) sign a referendum knowing he is not a legal voter; or

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

665 (2) It is unlawful for any person to sign the verification for a referendum packet knowing

666 that:

667 [~~(a) he is not registered to vote in Utah;~~]

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

669 [~~(c)~~] (b) he has not witnessed the signatures of those persons whose names appear in the  
670 referendum packet; or

671 [~~(d)~~] (c) one or more persons whose signatures appear in the referendum packet is either:

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

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

674 (3) Any person violating this section is guilty of a class A misdemeanor.

675 (4) The attorney general or the county clerk shall prosecute any violation of this section.

676 Section 17. Section **20A-7-503** is amended to read:

677 **20A-7-503. Form of initiative petitions and signature sheets.**

678 (1) (a) Each proposed initiative petition shall be printed in substantially the following

679 form:

680 "INITIATIVE PETITION To the Honorable \_\_\_\_, County Clerk/City Recorder/Town

681 Clerk:

682 We, the undersigned citizens of Utah, respectfully demand that the following proposed law  
683 be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal  
684 voters of the county/city/town, if the legislative body rejects the proposed law or takes no action  
685 on it.

686 Each signer says:

687 I have personally signed this petition;

688 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
689 certification of the petition names by the county clerk; and

690 My residence and post office address are written correctly after my name."

691 (b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative  
692 petition.

693 (2) Each signature sheet shall:

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

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

697 (c) contain the title of the initiative printed below the horizontal line;

698 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
699 the title of the initiative;

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

702 "It is a class A misdemeanor for anyone to sign any initiative petition with any other name  
703 than his own, or knowingly to sign his name more than once for the same measure, or to sign an  
704 initiative petition when he knows he is not a registered voter and knows that he does not intend  
705 to become registered to vote before the certification of the petition names by the county clerk.";

706 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
707 by this section;

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

709 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be

710 headed with "For Office Use Only", and be subdivided with a light vertical line down the middle  
711 with the left subdivision entitled "Registered" and the right subdivision left untitled;

712 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
713 (must be legible to be counted)";

714 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
715 and

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

718 (h) contain the following statement, printed or typed upon the back of each sheet:

719 "Verification

720 State of Utah, County of \_\_\_\_\_

721 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

722 I am [~~registered to vote in~~] a resident of Utah;

723 All the names that appear on this sheet were signed by persons who professed to be the  
724 persons whose names appear in it, and each of them signed his name on it in my presence;

725 I believe that each has printed and signed his name and written his post office address and  
726 residence correctly, and that each signer is registered to vote in Utah or intends to become  
727 registered to vote before the certification of the petition names by the county clerk.

728 \_\_\_\_\_"

729 (3) The forms prescribed in this section are not mandatory, and, if substantially followed,  
730 the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

731 Section 18. Section **20A-7-505** is amended to read:

732 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

733 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and  
734 resides in the local jurisdiction.

735 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
736 signed:

737 [~~(a) is registered to vote in Utah; and~~]

738 [~~(b)~~] (a) meets the residency requirements of Section 20A-2-105; and

739 [~~(c)~~] (b) verifies each signature sheet by completing the verification printed on the back  
740 of each signature sheet.

741 (3) (a) (i) Any voter who has signed an initiative petition may have his signature removed  
742 from the petition by submitting a notarized statement to that effect to the local clerk.

743 (ii) In order for the signature to be removed, the statement must be received by the local  
744 clerk before he delivers the petition to the county clerk to be certified.

745 (b) Upon receipt of the statement, the local clerk shall remove the signature of the person  
746 submitting the statement from the initiative petition.

747 (c) No one may remove signatures from an initiative petition after the petition is submitted  
748 to the county clerk to be certified.

749 Section 19. Section **20A-7-506** is amended to read:

750 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**  
751 **county clerks -- Transfer to local clerk.**

752 (1) No later than 120 days before any regular general election, for county initiatives, or  
753 municipal general election, for municipal initiatives, the sponsors shall deliver each signed and  
754 verified initiative packet to the county clerk of the county in which the packet was circulated.

755 (2) No later than 90 days before any general election, the county clerk shall:

756 (a) check the names of all persons completing the verification on the back of each  
757 signature sheet to determine whether or not those persons are [~~registered to vote in~~] residents of  
758 Utah; and

759 (b) submit the name of each of those persons who is [~~not registered to vote in~~] a Utah  
760 resident to the attorney general and county attorney.

761 (3) No later than 60 days before any general election, the county clerk shall:

762 (a) check all the names of the signers against the official registers to determine whether  
763 or not the signer is a voter;

764 (b) certify on the petition whether or not each name is that of a voter; and

765 (c) deliver all of the packets to the local clerk.

766 Section 20. Section **20A-7-603** is amended to read:

767 **20A-7-603. Form of referendum petition and signature sheets.**

768 (1) (a) Each proposed referendum petition shall be printed in substantially the following  
769 form:

770 "REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City Recorder/Town  
771 Clerk:

772 We, the undersigned citizens of Utah, respectfully order that Ordinance No. \_\_\_\_\_, entitled  
773 (title of ordinance, and, if the petition is against less than the whole ordinance, set forth here the  
774 part or parts on which the referendum is sought), passed by the \_\_\_\_\_ be referred to the voters for  
775 their approval or rejection at the regular/municipal general election to be held on the \_\_\_\_\_ day of  
776 \_\_\_\_\_, 19\_\_;

777 Each signer says:

778 I have personally signed this petition;

779 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
780 certification of the petition names by the county clerk; and

781 My residence and post office address are written correctly after my name."

782 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
783 referendum to each referendum petition.

784 (2) Each signature sheet shall:

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

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

788 (c) contain the title of the referendum printed below the horizontal line;

789 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
790 the title of the referendum;

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

793 "It is a class A misdemeanor for anyone to sign any referendum petition with any other  
794 name than his own, or knowingly to sign his name more than once for the same measure, or to sign  
795 a referendum petition when he knows he is not a registered voter and knows that he does not intend  
796 to become registered to vote before the certification of the petition names by the county clerk.";

797 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
798 by this section;

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

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

802 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name

803 (must be legible to be counted)";

804 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";

805 and

806 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";

807 and

808 (h) contain the following statement, printed or typed upon the back of each sheet:

809 "Verification

810 State of Utah, County of \_\_\_\_\_

811 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

812 I am [~~registered to vote in~~] a resident of Utah;

813 All the names that appear on this sheet were signed by persons who professed to be the  
814 persons whose names appear in it, and each of them signed his name on it in my presence;

815 I believe that each has printed and signed his name and written his post office address and  
816 residence correctly, and that each signer is registered to vote in Utah or intends to become  
817 registered to vote before the certification of the petition names by the county clerk.

818 \_\_\_\_\_"

819 (3) The forms prescribed in this section are not mandatory, and, if substantially followed,  
820 the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

821 Section 21. Section **20A-7-605** is amended to read:

822 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

823 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and  
824 resides in the local jurisdiction.

825 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
826 signed:

827 [~~(a) is registered to vote in Utah; and~~]

828 [~~(b)~~] (a) meets the residency requirements of Section 20A-2-105; and

829 [~~(c)~~] (b) verifies each signature sheet by completing the verification printed on the back  
830 of each signature sheet.

831 (3) (a) (i) Any voter who has signed a referendum petition may have his signature removed  
832 from the petition by submitting a notarized statement to that effect to the local clerk.

833 (ii) In order for the signature to be removed, the statement must be received by the local

834 clerk before he delivers the petition to the county clerk to be certified.

835 (b) Upon receipt of the statement, the local clerk shall remove the signature of the person  
836 submitting the statement from the referendum petition.

837 (c) No one may remove signatures from a referendum petition after the petition is  
838 submitted to the county clerk to be certified.

839 Section 22. Section **20A-7-606** is amended to read:

840 **20A-7-606. Submitting the referendum petition -- Certification of signatures by the**  
841 **county clerks -- Transfer to local clerk.**

842 (1) No later than 120 days before any regular general election for county referenda, or  
843 municipal general election for local referenda, the sponsors shall deliver each signed and verified  
844 referendum packet to the county clerk of the county in which the packet was circulated.

845 (2) No later than 90 days before any general election, the county clerk shall:

846 (a) check the names of all persons completing the verification on the back of each  
847 signature sheet to determine whether or not those persons are [~~registered to vote in~~] Utah residents;  
848 and

849 (b) submit the name of each of those persons who is not [~~registered to vote in~~] a Utah  
850 resident to the attorney general and county attorney.

851 (3) No later than 60 days before any general election, the county clerk shall:

852 (a) check all the names of the signers against the official registers to determine whether  
853 or not the signer is a voter;

854 (b) certify on the referendum petition whether or not each name is that of a voter; and

855 (c) deliver all of the referendum packets to the local clerk.

856 Section 23. Section **20A-8-103** is amended to read:

857 **20A-8-103. Petition procedures.**

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

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

864 (a) circulate a petition seeking registered political party status beginning no earlier than

865 the date of the statewide canvass held after the last regular general election and ending no later  
866 than the February 15 of the year in which the next regular general election will be held; and

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

869 (3) The petition shall:

870 (a) state that the signers are or desire to become members of the designated party or group;

871 (b) state the name, which may not exceed four words, and identify the emblem of the party  
872 or group;

873 (c) state the process that the organization will follow to organize and adopt a constitution  
874 and bylaws; and

875 (d) be signed by a filing officer, who agrees to receive communications on behalf of the  
876 organization.

877 (4) The lieutenant governor shall:

878 (a) determine whether or not the required number of voters appears on the petition;

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

881 (c) certify his findings to the filing officer of the group within 30 days of the filing of the  
882 petition.

883 (5) (a) If the lieutenant governor determines that the petition meets the requirements of this  
884 section, and that the proposed name and emblem are distinguishable, he shall authorize the filing  
885 officer to organize the prospective political party.

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

890 (6) A registered political party may not change its name or emblem during the regular  
891 general election cycle.

892 Section 24. Section **20A-9-201** is amended to read:

893 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
894 **more than one political party prohibited -- General filing and form requirements.**

895 (1) Before filing a declaration of candidacy for election to any office, a person shall:

896 (a) be a United States citizen; and

897 (b) meet the legal requirements of that office.

898 (2) ~~[A]~~ (a) Except as provided in Subsection (2)(b), a person may not:

899 ~~[(a)]~~ (i) file a declaration of candidacy for, or be a candidate for, more than one office  
900 during any election year; or

901 ~~[(b)]~~ (ii) appear on the ballot as the candidate of more than one political party.

902 (b) A person may file a declaration of candidacy for, or be a candidate for more than one  
903 office during an election year if one of those offices is President or Vice President of the United  
904 States.

905 (3) If the final date established for filing a declaration of candidacy is a Saturday or  
906 Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

907 (4) (a) (i) Before the filing officer may accept any declaration of candidacy, the filing  
908 officer shall:

909 (A) read to the prospective candidate the constitutional and statutory qualification  
910 requirements for the office that the candidate is seeking; and

911 (B) require the candidate to state whether or not the candidate meets those requirements.

912 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
913 county clerk shall ensure that the person filing that declaration of candidacy is:

914 (A) a United States citizen;

915 (B) an attorney licensed to practice law in Utah who is an active member in good standing  
916 of the Utah State Bar;

917 (C) a registered voter in the county in which he is seeking office; and

918 (D) a current resident of the county in which he is seeking office and either has been a  
919 resident of that county for at least one year or was appointed and is currently serving as county  
920 attorney and became a resident of the county within 30 days after appointment to the office.

921 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
922 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
923 candidacy is:

924 (A) a United States citizen;

925 (B) an attorney licensed to practice law in Utah who is an active member in good standing  
926 of the Utah State Bar;

927 (C) a registered voter in the prosecution district in which he is seeking office; and

928 (D) a current resident of the prosecution district in which he is seeking office and either  
929 will have been a resident of that prosecution district for at least one year as of the date of the  
930 election or was appointed and is currently serving as district attorney and became a resident of the  
931 prosecution district within 30 days after receiving appointment to the office.

932 (b) If the prospective candidate states that he does not meet the qualification requirements  
933 for the office, the filing officer may not accept the prospective candidate's declaration of candidacy.

934 (c) If the candidate states that he meets the requirements of candidacy, the filing officer  
935 shall:

936 (i) accept the candidate's declaration of candidacy; and

937 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
938 declaration of candidacy to the chair of the county or state political party of which the candidate  
939 is a member.

940 (5) The form of the declaration of candidacy shall be substantially as follows:

941 "State of Utah, County of \_\_\_\_

942 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_

943 as a candidate for the \_\_\_\_ party. I do solemnly swear that: I can qualify to hold that office, both

944 legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,

945 Utah, Zip Code \_\_\_\_ Phone No. \_\_\_\_; I will not knowingly violate any law governing campaigns

946 and elections; and I will qualify for the office if elected to it. The mailing address that I designate

947 for receiving official election notices is \_\_\_\_\_.

948 \_\_\_\_\_

949 Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

950 \_\_\_\_\_

951 Notary Public (or other officer qualified to administer oath.)"

952 (6) (a) The fee for filing a declaration of candidacy is:

953 (i) \$25 for candidates for the local school district board; and

954 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding  
955 the office, but not less than \$5, for all other federal, state, and county offices.

956 (b) The filing officer shall refund the filing fee to any candidate:

957 (i) who is disqualified; or

958 (ii) who the filing officer determines has filed improperly.

959 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received from  
960 candidates.

961 (ii) The lieutenant governor shall:

962 (A) apportion to and pay to the county treasurers of the various counties all fees received  
963 for filing of nomination certificates or acceptances; and

964 (B) ensure that each county receives that proportion of the total amount paid to the  
965 lieutenant governor from the congressional district that the total vote of that county for all  
966 candidates for representative in Congress bears to the total vote of all counties within the  
967 congressional district for all candidates for representative in Congress.

968 (d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy  
969 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of  
970 impecuniosity filed with the filing officer.

971 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
972 substantially the following form:

973 "Affidavit of Impecuniosity

974 Individual Name \_\_\_\_\_ Address \_\_\_\_\_

975 Phone Number \_\_\_\_\_

976 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm] that, owing to my poverty,  
977 I am unable to pay the filing fee required by law.

978 Date \_\_\_\_\_ Signature \_\_\_\_\_

979 Affiant

980 Subscribed and sworn to before me on \_\_\_\_\_ (date)

981 \_\_\_\_\_  
982 (signature)

983 Name and Title of Officer Authorized to Administer Oath:"

984 (7) Any person who fails to file a declaration of candidacy or certificate of nomination  
985 within the time provided in this chapter is ineligible for nomination to office.

986 Section 25. Section 20A-9-202 is amended to read:

987 **20A-9-202. Declarations of candidacy for regular general elections -- Requirements**  
988 **for candidates.**

989 (1) (a) Each person seeking to become a candidate for elective office for any county office  
990 that is to be filled at the next regular general election shall:

991 (i) file a declaration of candidacy in person with the county clerk between the March 7 and  
992 before 5 p.m. on the March 17 before the next regular general election; and

993 (ii) pay the filing fee.

994 (b) Each person intending to become a candidate for any legislative office or multicounty  
995 office that is to be filled at the next regular general election shall:

996 (i) file a declaration of candidacy in person with either the lieutenant governor or the  
997 county clerk in the candidate's county of residence between the March 7 and before 5 p.m. on the  
998 March 17 before the next regular general election; and

999 (ii) pay the filing fee.

1000 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for  
1001 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
1002 candidacy to the lieutenant governor within one working day after it is filed.

1003 (ii) Each day during the filing period, each county clerk shall notify the lieutenant governor  
1004 electronically or by telephone of legislative candidates who have filed in their office.

1005 (d) Each person seeking to become a candidate for elective office for any federal office or  
1006 constitutional office that is to be filled at the next regular general election shall:

1007 (i) file a declaration of candidacy in person with the lieutenant governor between the  
1008 March 7 and before 5 p.m. on the March 17 before the next regular general election; and

1009 (ii) pay the filing fee.

1010 (e) Each person seeking the office of lieutenant governor, the office of district attorney,  
1011 or the office of President or Vice President of the United States shall comply with the specific  
1012 declaration of candidacy requirements established by this section.

1013 (2) (a) Each person intending to become a candidate for the office of district attorney  
1014 within a multicounty prosecution district that is to be filled at the next regular general election  
1015 shall:

1016 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
1017 creating the prosecution district between the March 7 and before 5 p.m. on the March 17 before  
1018 the next regular general election; and

1019 (ii) pay the filing fee.

1020 (b) The designated clerk shall provide to the county clerk of each county in the prosecution  
1021 district a certified copy of each declaration of candidacy filed for the office of district attorney.

1022 (3) (a) Within five working days of nomination, each lieutenant governor candidate shall:

1023 (i) file a declaration of candidacy with the lieutenant governor; and

1024 (ii) pay the filing fee.

1025 (b) (i) Any candidate for lieutenant governor who fails to file within five working days is  
1026 disqualified.

1027 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace  
1028 the disqualified candidate.

1029 (4) Each registered political party shall:

1030 (a) certify the names of its candidates for President and Vice President of the United States  
1031 to the lieutenant governor by August 30; or

1032 (b) provide written authorization for the lieutenant governor to accept the certification of  
1033 candidates for President and Vice President of the United States from the national office of the  
1034 registered political party.

1035 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
1036 objection is filed with the clerk or lieutenant governor within five days after the last day for filing.

1037 (b) If an objection is made, the clerk or lieutenant governor shall:

1038 (i) mail or personally deliver notice of the objection to the affected candidate immediately;  
1039 and

1040 (ii) decide any objection within 48 hours after it is filed.

1041 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
1042 problem by amending the declaration or petition within three days after the objection is sustained  
1043 or by filing a new declaration within three days after the objection is sustained.

1044 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1045 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
1046 by a district court if prompt application is made to the court.

1047 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of  
1048 its discretion, agrees to review the lower court decision.

1049 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing  
1050 a written affidavit with the clerk.

1051 Section 26. Section **20A-9-502** is amended to read:

1052 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

1053 (1) The candidate shall:

1054 (a) prepare a certificate of nomination in substantially the following form:

1055 "State of Utah, County of \_\_\_\_\_

1056 I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the  
1057 political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can qualify  
1058 to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_ Street, in  
1059 the city of \_\_\_\_\_, county of \_\_\_\_\_, state of Utah, zip code \_\_\_\_\_, phone \_\_\_\_\_, and that I am  
1060 providing, or have provided, the required number of signatures of registered voters required by  
1061 law; that as a candidate at the next election I will not knowingly violate any election or campaign  
1062 law, and that I will qualify for the office if I am elected to it.

1063 \_\_\_\_\_

1064 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

1065 \_\_\_\_\_

1066 Notary Public (or other officer  
1067 qualified to administer oaths)"; and

1068 (b) attach signature sheets to the certificate that contain a place for the registered voter's  
1069 signature, a place for the registered voter to print his name, and a place for the registered voter's  
1070 address.

1071 (2) (a) The candidate shall circulate the nomination petition and submit it to the county  
1072 clerk for certification when the petition has been completed by:

1073 (i) at least [~~300~~] 1,000 registered voters residing within the state when the nomination is  
1074 for an office to be filled by the voters of the entire state; or

1075 (ii) at least [~~100~~] 300 registered voters residing within a political division when the  
1076 nomination is for an office to be filled by the voters of any political division smaller than the state.

1077 (b) In reviewing the petition, the county clerk shall count and certify only those persons  
1078 who signed the petition who:

1079 (i) are registered voters within the political division that the candidate seeks to represent;  
1080 and

1081 (ii) did not sign any other certificate of nomination for that office.

1082 (c) The candidate may supplement or amend the certificate of nomination at any time on  
1083 or before the filing deadline.

1084 Section 27. Section **20A-9-503** is amended to read:

1085 **20A-9-503. Certificate of nomination -- Filing.**

1086 (1) After the certificate of nomination has been certified, executed, and acknowledged by  
1087 the county clerk, the candidate shall:

1088 (a) between March 7 and March 17 of the year in which the regular general election will  
1089 be held, file the petition in person with:

1090 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or a  
1091 federal office; or

1092 (ii) the county clerk, if the office the candidate seeks is a county office; and

1093 (iii) pay the filing fee; or

1094 (b) not later than the sixth Tuesday before the primary election date, file the petition in  
1095 person with:

1096 (i) the municipal clerk, if the candidate seeks an office in a city or town;

1097 (ii) the special district clerk, if the candidate seeks an office in a special district; and

1098 (iii) pay the filing fee.

1099 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall read  
1100 the constitutional and statutory requirements for candidacy to the candidate.

1101 (b) If the candidate states that he does not meet the requirements, the filing officer may not  
1102 accept the petition.

1103 (3) Persons filing a certificate of nomination for President of the United States under this  
1104 section shall pay a filing fee of \$500.

1105 Section 28. Section **20A-11-101** is amended to read:

1106 **20A-11-101. Definitions.**

1107 As used in this chapter:

1108 (1) "Address" means the number and street where an individual resides or where a  
1109 reporting entity has its principal office.

1110 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1111 amendments, and any other ballot propositions submitted to the voters that are authorized by the  
1112 Utah Code Annotated 1953.

- 1113 (3) "Candidate" means any person who:
- 1114 (a) files a declaration of candidacy for a public office; or
- 1115 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 1116 receive contributions or make expenditures to bring about the person's nomination or election to
- 1117 a public office.
- 1118 (4) "Chief election officer" means:
- 1119 (a) the lieutenant governor for state office candidates, legislative office candidates,
- 1120 officeholders, political parties, political action committees, corporations, political issues
- 1121 committees, and state school board candidates; and
- 1122 (b) the county clerk for local school board candidates.
- 1123 (5) "Continuing political party" means an organization of voters that participated in the last
- 1124 regular general election and polled a total vote equal to 2% or more of the total votes cast for all
- 1125 candidates for the United States House of Representatives.
- 1126 (6) (a) "Contribution" means any of the following when done for political purposes:
- 1127 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value
- 1128 given to the filing entity;
- 1129 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 1130 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything
- 1131 of value to the filing entity;
- 1132 (iii) any transfer of funds from another reporting entity or a corporation to the filing entity;
- 1133 (iv) compensation paid by any person or reporting entity other than the filing entity for
- 1134 personal services provided without charge to the filing entity;
- 1135 (v) remuneration from any organization or its directly affiliated organization that has a
- 1136 registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature
- 1137 is in session;
- 1138 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of the
- 1139 state, including school districts, for the period the Legislature is in session; and
- 1140 (vii) goods or services provided to or for the benefit of the filing entity at less than fair
- 1141 market value.
- 1142 (b) "Contribution" does not include:
- 1143 (i) services provided without compensation by individuals volunteering a portion or all of

1144 their time on behalf of the filing entity; or

1145 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
1146 business.

1147 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1148 organization that is registered as a corporation or is authorized to do business in a state and makes  
1149 any expenditure from corporate funds for:

1150 (i) political purposes; or

1151 (ii) the purpose of influencing the approval or the defeat of any ballot proposition.

1152 (b) "Corporation" does not mean:

1153 (i) a business organization's political action committee or political issues committee; or

1154 (ii) a business entity organized as a partnership or a sole proprietorship.

1155 (8) "Detailed listing" means:

1156 (a) for each contribution or public service assistance:

1157 (i) the name and address of the individual or source making the contribution or public  
1158 service assistance;

1159 (ii) the amount or value of the contribution or public service assistance; and

1160 (iii) the date the contribution or public service assistance was made; and

1161 (b) for each expenditure:

1162 (i) the amount of the expenditure;

1163 (ii) the person or entity to whom it was disbursed;

1164 (iii) the specific purpose, item, or service acquired by the expenditure; and

1165 (iv) the date the expenditure was made.

1166 (9) "Election" means each:

1167 (a) regular general election;

1168 (b) regular primary election; and

1169 (c) special election at which candidates are eliminated and selected.

1170 (10) (a) "Expenditure" means:

1171 (i) any disbursement from contributions, receipts, or from the separate bank account  
1172 required by this chapter;

1173 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or  
1174 anything of value made for political purposes;

1175 (iii) an express, legally enforceable contract, promise, or agreement to make any purchase,  
1176 payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for  
1177 political purposes;

1178 (iv) compensation paid by a corporation or filing entity for personal services rendered by  
1179 a person without charge to a reporting entity;

1180 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
1181 committee; or

1182 (vi) goods or services provided by the filing entity to or for the benefit of another reporting  
1183 entity for political purposes at less than fair market value.

1184 (b) "Expenditure" does not include:

1185 (i) services provided without compensation by individuals volunteering a portion or all of  
1186 their time on behalf of a reporting entity;

1187 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
1188 business; or

1189 (iii) anything listed in Subsection (5)(a) that is given by a corporation or reporting entity  
1190 to candidates for office or officeholders in states other than Utah.

1191 (11) "Filing entity" means the reporting entity that is filing a report required by this  
1192 chapter.

1193 (12) "Financial statement" includes any summary report, interim report, or other statement  
1194 disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this  
1195 chapter.

1196 (13) "Governing board" means the individual or group of individuals that determine the  
1197 candidates and committees that will receive expenditures from a political action committee.

1198 (14) "Individual" means a natural person.

1199 (15) "Interim report" means a report identifying the contributions received and  
1200 expenditures made since the last report.

1201 (16) "Legislative office" means the office of state senator, state representative, speaker of  
1202 the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of  
1203 any party caucus in either house of the Legislature.

1204 (17) "Legislative office candidate" means a person who:

1205 (a) files a declaration of candidacy for the office of state senator or state representative;

1206 (b) declares himself to be a candidate for, or actively campaigns for, the position of  
1207 speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant  
1208 whip of any party caucus in either house of the Legislature; and

1209 (c) receives contributions, makes expenditures, or gives consent for any other person to  
1210 receive contributions or make expenditures to bring about the person's nomination or election to  
1211 a legislative office.

1212 (18) "Newly registered political party" means an organization of voters that has complied  
1213 with the petition and organizing procedures of this chapter to become a registered political party.

1214 (19) "Officeholder" means a person who holds a public office.

1215 (20) "Party committee" means any committee organized by or authorized by the governing  
1216 board of a registered political party.

1217 (21) "Person" means both natural and legal persons, including individuals, business  
1218 organizations, personal campaign committees, party committees, political action committees,  
1219 political issues committees, labor unions, and labor organizations.

1220 (22) "Personal campaign committee" means the committee appointed by a candidate to act  
1221 for the candidate as provided in this chapter.

1222 (23) (a) "Political action committee" means an entity, or any group of individuals or  
1223 entities within or outside this state, that solicits or receives contributions from any other person,  
1224 group, or entity or makes expenditures for political purposes. A group or entity may not divide or  
1225 separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting  
1226 requirements of this chapter, and substance shall prevail over form in determining the scope or size  
1227 of a political action committee.

1228 (b) "Political action committee" includes groups affiliated with a registered political party  
1229 but not authorized or organized by the governing board of the registered political party that receive  
1230 contributions or makes expenditures for political purposes.

1231 (c) "Political action committee" does not mean:

1232 (i) a party committee;

1233 (ii) any entity that provides goods or services to a candidate or committee in the regular  
1234 course of its business at the same price that would be provided to the general public;

1235 (iii) an individual;

1236 (iv) individuals who are related and who make contributions from a joint checking

1237 account;

1238 (v) a corporation; or

1239 (vi) a personal campaign committee.

1240 (24) "Political convention" means a county or state political convention held by a

1241 registered political party to select candidates.

1242 (25) (a) "Political issues committee" means an entity, or any group of individuals or

1243 entities within or outside this state, that solicits or receives donations from any other person, group,

1244 or entity or makes disbursements to influence, or to intend to influence, directly or indirectly, any

1245 person to assist in placing a statewide ballot proposition on the ballot, to assist in keeping a

1246 statewide ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against

1247 any statewide ballot proposition.

1248 (b) "Political issues committee" does not mean:

1249 (i) a registered political party or a party committee;

1250 (ii) any entity that provides goods or services to an individual or committee in the regular

1251 course of its business at the same price that would be provided to the general public;

1252 (iii) an individual;

1253 (iv) individuals who are related and who make contributions from a joint checking

1254 account; or

1255 (v) a corporation, except a corporation whose apparent purpose is to act as a political

1256 issues committee.

1257 (26) (a) "Political issues contribution" means any of the following:

1258 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or

1259 anything of value given to a political issues committee;

1260 (ii) an express, legally enforceable contract, promise, or agreement to make a political

1261 issues donation to influence the approval or defeat of any ballot proposition;

1262 (iii) any transfer of funds received by a political issues committee from a reporting entity;

1263 (iv) compensation paid by another reporting entity for personal services rendered without

1264 charge to a political issues committee; and

1265 (v) goods or services provided to or for the benefit of a political issues committee at less

1266 than fair market value.

1267 (b) "Political issues contribution" does not include:

1268 (i) services provided without compensation by individuals volunteering a portion or all of  
1269 their time on behalf of a political issues committee; or

1270 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1271 course of business.

1272 (27) (a) "Political issues expenditure" means any of the following:

1273 (i) any payment from political issues contributions made for the purpose of influencing the  
1274 approval or the defeat of a statewide ballot proposition;

1275 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
1276 the purpose of influencing the approval or the defeat of a statewide ballot proposition;

1277 (iii) an express, legally enforceable contract, promise, or agreement to make any political  
1278 issues expenditure;

1279 (iv) compensation paid by a reporting entity for personal services rendered by a person  
1280 without charge to a political issues committee; or

1281 (v) goods or services provided to or for the benefit of another reporting entity at less than  
1282 fair market value.

1283 (b) "Political issues expenditure" does not include:

1284 (i) services provided without compensation by individuals volunteering a portion or all of  
1285 their time on behalf of a political issues committee; or

1286 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1287 course of business.

1288 (28) "Political purposes" means an act done with the intent or in a way to influence or tend  
1289 to influence, directly or indirectly, any person to refrain from voting or to vote for or against any  
1290 candidate for public office at any caucus, political convention, primary, or election.

1291 (29) "Primary election" means any regular primary election held under the election laws.

1292 (30) "Public office" means the office of governor, lieutenant governor, state auditor, state  
1293 treasurer, attorney general, state or local school board member, state senator, state representative,  
1294 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
1295 assistant whip of any party caucus in either house of the Legislature.

1296 (31) (a) "Public service assistance" means the following when given or provided to an  
1297 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
1298 communicate with the officeholder's constituents:

1299 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
1300 money or anything of value to an officeholder; or

1301 (ii) goods or services provided at less than fair market value to or for the benefit of the  
1302 officeholder.

1303 (b) "Public service assistance" does not include:

1304 (i) anything provided by the state;

1305 (ii) services provided without compensation by individuals volunteering a portion or all  
1306 of their time on behalf of an officeholder;

1307 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1308 business;

1309 (iv) news coverage or any publication by the news media; or

1310 (v) any article, story, or other coverage as part of any regular publication of any  
1311 organization unless substantially all the publication is devoted to information about the  
1312 officeholder.

1313 (32) "Publicly identified class of individuals" means a group of 50 or more individuals  
1314 sharing a common occupation, interest, or association that contribute to a political action  
1315 committee or political issues committee and whose names can be obtained by contacting the  
1316 political action committee or political issues committee upon whose financial report they are listed.

1317 (33) "Receipts" means contributions and public service assistance.

1318 (34) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist  
1319 Disclosure and Regulation Act.

1320 (35) "Registered political action committee" means any political action committee that is  
1321 required by this chapter to file a statement of organization with the lieutenant governor's office.

1322 (36) "Registered political issues committee" means any political issues committee that is  
1323 required by this chapter to file a statement of organization with the lieutenant governor's office.

1324 (37) "Registered political party" means an organization of voters that:

1325 (a) participated in the last regular general election and polled a total vote equal to 2% or  
1326 more of the total votes cast for all candidates for the United States House of Representatives for  
1327 any of its candidates for any office; or

1328 (b) has complied with the petition and organizing procedures of this chapter.

1329 (38) "Report" means a verified financial statement.

1330 (39) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
1331 an officeholder, and a party committee, a political action committee, and a political issues  
1332 committee.

1333 (40) "School board office" means the office of state school board or local school board.

1334 (41) "State office" means the offices of governor, lieutenant governor, attorney general,  
1335 state auditor, and state treasurer.

1336 (42) "State office candidate" means a person who:

1337 (a) files a declaration of candidacy for a state office; or

1338 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1339 receive contributions or make expenditures to bring about the person's nomination or election to  
1340 a state office.

1341 (43) "Summary report" means the year end report containing the summary of a reporting  
1342 entity's contributions and expenditures.

1343 (44) "Supervisory board" means the individual or group of individuals that allocate  
1344 expenditures from a political issues committee.

1345 Section 29. Section **20A-11-103** is amended to read:

1346 **20A-11-103. Reports -- Form of submission.**

1347 (1) (a) (i) Ten days before a report from a state office candidate, legislative office  
1348 candidate, state school board candidate, political party, political action committee, or political  
1349 issues committee is due under this chapter, the lieutenant governor shall inform those candidates  
1350 and entities by mail:

1351 (A) that the report is due; and

1352 (B) the date that the report is due.

1353 (ii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing,  
1354 ten days before the interim reports for candidates are due, the lieutenant governor shall inform the  
1355 candidate that if the report is not received in the lieutenant governor's office by 5 p.m. on the date  
1356 that it is due, voters will be informed that the candidate has been disqualified and any votes cast  
1357 for the candidate will not be counted.

1358 (iii) In addition to the information required by Subsection (1)(a)(i) and in the same  
1359 mailing, ten days before the interim reports or verified financial statements for entities that are due  
1360 September 15 and before the regular general election are due, and ten days before summary reports

1361 or January 5 financial statements are due, the lieutenant governor shall inform the entity, candidate,  
1362 or officeholder that if the report is not received in the lieutenant governor's office by the date that  
1363 it is due, the entity, candidate, or officeholder may be guilty of a class B misdemeanor for failing  
1364 to file the report or statement.

1365 (b) Ten days before a report from a local school board candidate is due under this chapter,  
1366 the county clerk shall inform the candidate by mail:

1367 (i) that the report is due;

1368 (ii) the date that the report is due; and

1369 (iii) if the report is not received in the county clerk's office by 5 p.m. on the date that it is  
1370 due, voters will be informed that the candidate has been disqualified and any votes cast for the  
1371 candidate will not be counted.

1372 (2) Persons or entities submitting reports required by this chapter may submit them:

1373 (a) on paper, printed, typed, or legibly handwritten or hand printed;

1374 (b) on a computer disk according to specifications established by the chief election officer

1375 [~~and, accompanied by a statement signed by the person or entity submitting the report certifying]~~

1376 that protect against fraudulent filings and secure the accuracy of the information contained on the  
1377 computer disk;

1378 (c) via fax; or

1379 (d) via electronic mail according to specifications established by the chief election officer.

1380 (3) A report is considered filed if:

1381 (a) it is received in the chief election officer's office no later than 5:00 p.m. on the date  
1382 that it is due;

1383 (b) it is received in the chief election officer's office with a postmark three days or more  
1384 before the date that the report was due; or

1385 (c) the candidate or entity has proof that the report was mailed, with appropriate postage  
1386 and addressing, three days before the report was due.

1387 Section 30. Section **20A-11-602** is amended to read:

1388 **20A-11-602. Political action committees -- Financial reporting.**

1389 (1) (a) Each registered political action committee that has received contributions or made  
1390 expenditures that total at least \$750 during a calendar year shall file a verified financial statement  
1391 with the lieutenant governor's office on:

- 1392 (i) January 5, reporting contributions and expenditures as of December 31 of the previous  
1393 year;
- 1394 (ii) September 15; and
- 1395 (iii) seven days before the regular general election.
- 1396 (b) The registered political action committee shall report:
- 1397 (i) a detailed listing of all contributions received and expenditures made since the last  
1398 statement; and
- 1399 (ii) for financial statements filed on September 15 and before the general election, all  
1400 contributions and expenditures as of three days before the required filing date of the financial  
1401 statement.
- 1402 (c) The registered political action committee need not file a statement under this section  
1403 if it received no contributions and made no expenditures during the reporting period.
- 1404 (2) (a) The verified financial statement shall include:
- 1405 (i) the name, address, and occupation of any individual that makes a contribution to the  
1406 reporting political action committee, and the amount of the contribution;
- 1407 (ii) the identification of any publicly identified class of individuals that makes a  
1408 contribution to the reporting political action committee, and the amount of the contribution;
- 1409 (iii) the name and address of any political action committee, group, or entity that makes  
1410 a contribution to the reporting political action committee, and the amount of the contribution;
- 1411 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 1412 (v) the name and address of each reporting entity that received an expenditure from the  
1413 reporting political action committee, and the amount of each expenditure;
- 1414 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1415 (vii) the total amount of contributions received and expenditures disbursed by the reporting  
1416 political action committee;
- 1417 (viii) a paragraph signed by the political action committee's treasurer or chief financial  
1418 officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and
- 1419 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 1420 (A) beginning balance;
- 1421 (B) total contributions during the period since the last statement;
- 1422 (C) total contributions to date;

1423 (D) total expenditures during the period since the last statement; and

1424 (E) total expenditures to date.

1425 (b) (i) Contributions received by a political action committee that have a value of \$150 or  
1426 less need not be reported individually, but shall be listed on the report as an aggregate total.

1427 (ii) Two or more contributions from the same source that have an aggregate total of more  
1428 than \$150 may not be reported in the aggregate, but shall be reported separately.

1429 Section 31. Section **20A-11-802** is amended to read:

1430 **20A-11-802. Political issues committees -- Financial reporting.**

1431 (1) (a) Each registered political issues committee that has ~~made~~ received political issues  
1432 contributions totaling at least \$750, or disbursed political issues expenditures on current or  
1433 proposed statewide ballot ~~[issues that total]~~ propositions totaling at least ~~[\$750]~~ \$50 during a  
1434 calendar year, shall file a verified financial statement with the lieutenant governor's office on:

1435 (i) January 5, reporting contributions and expenditures as of December 31 of the previous  
1436 year;

1437 (ii) September 15; and

1438 (iii) seven days before the regular general election.

1439 (b) The political issues committee shall report:

1440 (i) a detailed listing of all contributions received and expenditures made since the last  
1441 statement; and

1442 (ii) for financial statements filed on September 15 and before the general election, all  
1443 contributions and expenditures as of three days before the required filing date of the financial  
1444 statement.

1445 (c) The political issues committee need not file a statement under this section if it received  
1446 no contributions and made no expenditures during the reporting period.

1447 (2) (a) That statement shall include:

1448 (i) the name, address, and occupation of any individual that makes a political issues  
1449 contribution to the reporting political issues committee, and the amount of the political issues  
1450 contribution;

1451 (ii) the identification of any publicly identified class of individuals that makes a political  
1452 issues contribution to the reporting political issues committee, and the amount of the political  
1453 issues contribution;

1454 (iii) the name and address of any political issues committee, group, or entity that makes  
1455 a political issues contribution to the reporting political issues committee, and the amount of the  
1456 political issues contribution;

1457 (iv) the name and address of each reporting entity that makes a political issues contribution  
1458 to the reporting political issues committee, and the amount of the political issues contribution;

1459 (v) for each nonmonetary contribution, the fair market value of the contribution;

1460 (vi) the name and address of each individual, entity, or group of individuals or entities that  
1461 received a political issues expenditure of more than \$50 from the reporting political issues  
1462 committee, and the amount of each political issues expenditure;

1463 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1464 (viii) the total amount of political issues contributions received and political issues  
1465 expenditures disbursed by the reporting political issues committee;

1466 (ix) a paragraph signed by the political issues committee's treasurer or chief financial  
1467 officer verifying that, to the best of the signer's knowledge, the financial statement is accurate; and

1468 (x) a summary page in the form required by the lieutenant governor that identifies:

1469 (A) beginning balance;

1470 (B) total contributions during the period since the last statement;

1471 (C) total contributions to date;

1472 (D) total expenditures during the period since the last statement; and

1473 (E) total expenditures to date.

1474 (b) (i) Political issues contributions received by a political issues committee that have a  
1475 value of \$50 or less need not be reported individually, but shall be listed on the report as an  
1476 aggregate total.

1477 (ii) Two or more political issues contributions from the same source that have an aggregate  
1478 total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

1479 Section 32. Section **63-96-103** is amended to read:

1480 **63-96-103. Reporting of funds -- Reports are public records.**

1481 (1) (a) By January 5 of each year, each state elected official who has a fund, each  
1482 multicounty elected official who has a fund, each surrogate for a state elected official who has a  
1483 fund for a state elected official, and each surrogate for a multicounty elected official who has a  
1484 fund for a multicounty elected official shall file a funds report containing the information required

1485 by this section with the lieutenant governor.

1486 (b) By January 5 of each year, each local elected official who has a fund and each surrogate  
1487 for a local elected official who has a fund for a local elected official shall file a funds report  
1488 containing the information required by this section with the county clerk of the county in which  
1489 the local elected official exercises his official duties.

1490 (2) Each report shall contain:

1491 (a) the dollar value of the fund as of December 31 of the previous year;

1492 (b) an itemized list of disbursements from the fund during the previous calendar year

1493 identifying:

1494 (i) the date of each disbursement;

1495 (ii) the name and address of each person or entity to whom a disbursement was made; and

1496 (iii) the purpose of each disbursement; and

1497 (c) an itemized list of contributions to the fund during the previous calendar year,

1498 identifying:

1499 (i) the date of each contribution; and

1500 (ii) the name and address of each person or entity from whom a contribution was received.

1501 (3) Reports filed under this section are classified as public records for purposes of  
1502 disclosure under Title 63, Chapter 2, Government Records Access and Management Act.

1502a **h Section 33. Coordination Clause.**

1502b **(1) IF THIS BILL AND H.B. 91, WESTERN STATES PRESIDENTIAL PRIMARY, BOTH PASS, IT**  
1502c **IS THE INTENT OF THE LEGISLATURE THAT THE FOLLOWING AMENDMENTS BE MADE IN THIS**  
1502d **BILL:**

1502e **SUBSECTION 20A-4-401(1)(a) OF THE DATABASE SHALL READ:**

1502f "(1) (a) For any regular [~~general~~] PRIMARY, MUNICIPAL PRIMARY, REGULAR GENERAL, or  
1502g municipal general election, OR THE WESTERN STATES PRESIDENTIAL PRIMARY, when any  
1502h candidate loses by not more than a total of one vote per voting precinct, [~~he~~] THE CANDIDATE may  
1502i file a request for a recount with the appropriate election officer within seven days of the canvass."

1502j **(2) IF THIS BILL AND H.B. 110, FINANCIAL DISCLOSURE REQUIREMENT ON INITIATIVES,**  
1502k **BOTH PASS, IT IS THE INTENT OF THE LEGISLATURE THAT THE FOLLOWING AMENDMENTS BE**  
1502l **MADE IN THIS BILL:**

1502m **SUBSECTION 20A-11-802 (1)(a) OF THE DATABASE SHALL READ:**

1502n "(1)(a) Each registered political issues committee that has [~~made~~] RECEIVED POLITICAL  
1502o ISSUES CONTRIBUTIONS TOTALING AT LEAST \$750, OR DISBURSED political issues expenditures  
1502p [~~on current or proposed ballot issues that total AT least \$750~~] TOTALING AT LEAST \$50 during a  
1502q calendar year ON CURRENT OR PROPOSED STATEWIDE BALLOT PROPOSITIONS, OR ON  
1502r INITIATIVE PETITIONS TO BE SUBMITTED TO THE LEGISLATURE, shall file a verified financial  
1502s statement with the lieutenant governor's office on: **h**

1502t            **h** (i) January 5, reporting contributions and expenditures as of December 31 of the previous  
1502u **year;**  
1502v            **(ii) September 15; and**  
1502w            **(iii) seven days before the regular general election. h**

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**Legislative Review Note**  
**as of 2-4-99 9:58 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**