

**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 REFERENDA, AND FOR INITIATIVES AND REFERENDUM SIGNATURE GATHERERS; MODIFYING DECLARATION OF CANDIDACY REQUIREMENTS; MODIFYING FINANCIAL REPORTING REQUIREMENTS; REQUIRING FINANCIAL REPORTING FOR MUNICIPAL INCORPORATION SIGNATURE DRIVES AND ELECTIONS; MAKING TECHNICAL CORRECTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A COORDINATION CLAUSE.

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-1-501, as last amended by Chapter 79, Laws of Utah 1996

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
- 20A-7-305**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 20A-7-306**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 20A-7-312**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 20A-7-503**, as enacted by Chapter 272, Laws of Utah 1994
- 20A-7-505**, as last amended by Chapter 165, Laws of Utah 1995
- 20A-7-506**, as last amended by Chapter 165, Laws of Utah 1995
- 20A-7-601**, as renumbered and amended by Chapter 272, Laws of Utah 1994
- 20A-7-603**, as enacted by Chapter 272, Laws of Utah 1994
- 20A-7-605**, as last amended by Chapter 165, Laws of Utah 1995
- 20A-7-606**, as last amended by Chapter 165, Laws of Utah 1995
- 20A-8-103**, as last amended by Chapter 182, Laws of Utah 1997
- 20A-9-201**, as last amended by Chapters 27 and 40, Laws of Utah 1998
- 20A-9-202**, as last amended by Chapters 24, 182 and 184, Laws of Utah 1997
- 20A-9-502**, as enacted by Chapter 1, Laws of Utah 1994
- 20A-9-503**, as last amended by Chapter 152, Laws of Utah 1995
- 20A-11-101**, as last amended by Chapter 355, Laws of Utah 1997
- 20A-11-103**, as enacted by Chapter 355, Laws of Utah 1997
- 20A-11-602**, as last amended by Chapter 40, Laws of Utah 1998
- 20A-11-802**, as last amended by Chapter 40, Laws of Utah 1998
- 63-96-103**, as enacted by Chapter 341, Laws of Utah 1998

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

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

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot cards and tabulates the results.

(3) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.

(4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

(5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.

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

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

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

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

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

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

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

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

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

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

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

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

(18) "County executive" means:

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

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

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

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

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

(19) "County legislative body" means:

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

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

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

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

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

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

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

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

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

(24) "Election officer" means:

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

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

(c) the municipal clerk for all municipal ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5; and

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

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

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

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

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

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

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

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

judge.

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

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

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

(35) "Municipal executive" means:

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

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

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

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

(37) "Municipal legislative body" means:

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

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

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

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

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

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

(41) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

(i) the election judge's initials; and

(ii) the ballot number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(63) "Special district officers" means those special district officers that are required by law

to be elected.

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

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or the election judge; or
- (c) lacks the official endorsement.

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

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

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

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

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

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

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

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

(73) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

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

(75) "Voting device" means:

- (a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;
- (b) a device for marking the ballots with ink or another substance; or

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

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

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

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

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

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

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

Section 2. Section **20A-1-501** is amended to read:

20A-1-501. Candidate vacancies -- Procedure for filling.

(1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if:

(a) after the close of the period for filing declarations of candidacy but before the primary:

(i) only one or two candidates from that party have filed a declaration of candidacy for that office; and

(ii) one or both:

(A) dies;

(B) resigns because of becoming physically or mentally disabled as certified by a physician;

or

(C) is disqualified by an election officer for improper filing or nominating procedures; or

(b) after the primary election but before the general election the party's candidate:

(i) dies;

(ii) resigns because of becoming physically or mentally disabled as certified by a physician;

[or]

(iii) is disqualified by an election officer for improper filing or nominating procedures; or

(iv) resigns to become a candidate for President or Vice-President of the United States.

(2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.

(3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

Section 3. Section **20A-2-201** is amended to read:

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

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

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

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

(b) inform them that they will be registered to vote but may not vote in the pending election

because they registered too late.

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

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

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

Section 4. Section **20A-2-203** is amended to read:

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

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

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

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

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

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

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

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

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

(i) present themselves for registration; and

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

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

Section 5. Section **20A-3-306.5** is amended to read:

20A-3-306.5. Emergency absentee ballots.

(1) As used in this section, "hospitalized voter" means a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution after the deadline for filing an application for an absentee ballot established in Section 20A-3-304.

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

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

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

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

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

Section 6. Section **20A-4-401** is amended to read:

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

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

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

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

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

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

~~[(3)]~~ (1) (a) For any regular ~~[general]~~ primary, municipal primary, regular general, or municipal general election, when any candidate loses by not more than a total of one vote per voting precinct, ~~[he]~~ the candidate may file a request for a recount with the appropriate election officer within seven days of the canvass.

(b) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that office;

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

and

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

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

(b) The election officer shall:

(i) supervise the recount;

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

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

and

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

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

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

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

Section 7. Section **20A-5-202** is amended to read:

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

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

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

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

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

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

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

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

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

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

(3) Each satellite registrar shall:

(a) provide voter registration applications for interested citizens;

(b) have maps available for determining precinct locations;

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

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

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

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

(4) The county clerk shall:

(a) record the new voters into the official register and posting list or prepare an addendum

of new voters for the official register and posting list; and

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

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

Section 8. Section **20A-5-303** is amended to read:

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

Common polling places -- Combined voting precincts -- Counties.

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

(2) (a) The county legislative body shall alter or divide voting precincts so that each voting precinct contains not more than 1,000 active voters.

(b) The county legislative body shall:

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

(ii) divide those precincts before February 1.

(3) The county legislative body may not:

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

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

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

(a) the total population of the [~~combined voting precinct~~] voters authorized to vote at the common polling place may not exceed 3,000 active voters;

(b) the [~~combined~~] voting precincts voting at the common polling place shall all lie within the same legislative district; and

(c) the voting precincts [~~shall be combined for balloting purposes~~] voting at, and the location of, the common polling place shall be designated at least 90 days before the election.

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

Section 9. Section **20A-7-202** is amended to read:

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

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

(2) The application shall contain:

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

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

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

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

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) a copy of the proposed law.

(3) The application and its contents are public when filed with the lieutenant governor.

(4) (a) The sponsors shall qualify the petition for the regular general election ballot no later than the second regular general election after the application is filed.

(b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:

(i) submit a new application;

(ii) obtain new signature sheets; and

(iii) collect signatures again.

(5) The lieutenant governor shall reject the application and not issue circulation sheets if:

(a) the law proposed by the initiative is patently unconstitutional;

(b) the law proposed by the initiative is nonsensical; or

(c) the proposed law could not become law if passed.

Section 10. Section **20A-7-203** is amended to read:

20A-7-203. Form of initiative petition and signature sheets.

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

"INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on the _____ day of _____, 19__;

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

(f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required

by this section; and

(g) be vertically divided into columns as follows:

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

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

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

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

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

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

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

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

(Name)

(Residence Address)

(Date)"

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

Section 11. Section **20A-7-205** is amended to read:

20A-7-205. Obtaining signatures -- Verification -- Removal of signature.

(1) Any Utah voter may sign an initiative petition if the voter is a legal voter.

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

signed:

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

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

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

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

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

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

(c) No one may remove signatures from an initiative petition after the petition is submitted to the lieutenant governor.

Section 12. Section **20A-7-206** is amended to read:

20A-7-206. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the June 1 before the regular general election.

(2) No later than June 15 before the regular general election, the county clerk shall:

(a) check the names of all persons completing the verification for the initiative packet to determine whether or not those persons are ~~[registered to vote in]~~ residents of Utah; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 13. Section **20A-7-213** is amended to read:

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

(1) It is unlawful for any person to:

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

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

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

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

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

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

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

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

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

(i) not registered to vote in Utah; or

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

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

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

Section 14. Section **20A-7-303** is amended to read:

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

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

"REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. ____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the ____ Session of the Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank

for the purpose of binding;

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

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

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

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

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

(g) be vertically divided into columns as follows:

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

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

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

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

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

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

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

I believe that each has printed and signed his name and written his post office address and

residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

(Name)	(Residence Address)	(Date)"
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(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 15. Section **20A-7-305** is amended to read:

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

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

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

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

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

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

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

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

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

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

Section 16. Section **20A-7-306** is amended to read:

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

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

in which the packet was circulated.

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

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

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

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

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

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

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

Section 17. Section **20A-7-312** is amended to read:

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

(1) It is unlawful for any person to:

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

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

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

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

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

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

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

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

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

(i) not registered to vote in Utah; or

- (ii) does not intend to become registered to vote in Utah.
- (3) Any person violating this section is guilty of a class A misdemeanor.
- (4) The attorney general or the county clerk shall prosecute any violation of this section.

Section 18. Section **20A-7-503** is amended to read:

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

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

"INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town Clerk:

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

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

"It is a class A misdemeanor for anyone to sign any initiative petition with any other name

than his own, or knowingly to sign his name more than once for the same measure, or to sign an initiative petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

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

(g) be vertically divided into columns as follows:

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

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

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

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

and

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

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

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

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

_____ "

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

Section 19. Section **20A-7-505** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) check all the names of the signers against the official registers to determine whether or not the signer is a voter;
- (b) certify on the petition whether or not each name is that of a voter; and
- (c) deliver all of the packets to the local clerk.

Section 21. Section **20A-7-601** is amended to read:

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws -- Time requirements.

(1) [~~A~~] Except as provided in Subsection (2), a person seeking to have a law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) 10% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes exceeds 25,000;

(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(c) 15% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(d) 20% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 2,500 but is more than 500;

(e) 25% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 500 but is more than 250; and

(f) 30% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 250.

(2) (a) As used in this Subsection (2), "land use law" includes a land use development code, an annexation ordinance, and comprehensive zoning ordinances.

(b) A person seeking to have a land use law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(i) in counties and first and second class cities, 20% of all votes cast in the county or city for all candidates for governor at the last election at which a governor was elected; and

(ii) in third class cities and towns, 35% of all the votes cast in the city or town for all candidates for governor at the last election at which a governor was elected.

(3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2), any local law passed by a local legislative body shall file the petition within 35 days after the passage of the local law.

(b) The local law remains in effect until repealed by the voters via referendum.

~~[(3)]~~ (4) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.

Section 22. Section **20A-7-603** is amended to read:

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

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

"REFERENDUM PETITION To the Honorable ____, County Clerk/City Recorder/Town Clerk:

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

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

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

(g) be vertically divided into columns as follows:

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

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

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

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

and

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

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

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

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

_____ "

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

Section 23. Section **20A-7-605** is amended to read:

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

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

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

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

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

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

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

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

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

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

Section 24. Section **20A-7-606** is amended to read:

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

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

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

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

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

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

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

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

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

Section 25. Section **20A-8-103** is amended to read:

20A-8-103. Petition procedures.

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

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

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

(b) file a petition with the lieutenant governor that is signed by at least 2,000 registered

voters on or before February 15 of the year in which a regular general election will be held.

(3) The petition shall:

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

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

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

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

(4) The lieutenant governor shall:

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

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

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

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

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

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

Section 26. Section **20A-9-201** is amended to read:

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

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

(a) be a United States citizen; and

(b) meet the legal requirements of that office.

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

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

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

(b) A person may file a declaration of candidacy for, or be a candidate for, President or Vice-President of the United States and another office, if the person resigns the person's candidacy for the other office after the person is officially nominated for President or Vice-President of the United States.

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

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

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

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

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

(A) a United States citizen;

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

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

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

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

- (A) a United States citizen;
- (B) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;
- (C) a registered voter in the prosecution district in which he is seeking office; and
- (D) a current resident of the prosecution district in which he is seeking office and either will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.

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

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

- (i) accept the candidate's declaration of candidacy; and
- (ii) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

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

"State of Utah, County of ____

I, _____, declare my intention of becoming a candidate for the office of ____ as a candidate for the ____ party. I do solemnly swear that: I can qualify to hold that office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law governing campaigns and elections; and I will qualify for the office if elected to it. The mailing address that I designate for receiving official election notices is _____.

Subscribed and sworn before me this ____ day of _____, 19__.

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

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

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

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

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

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

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

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

"Affidavit of Impecuniosity

Individual Name _____ Address _____

Phone Number _____

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

Date _____ Signature _____ Affiant

Subscribed and sworn to before me on _____ (date)

(signature)

Name and Title of Officer Authorized to Administer Oath:"

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

Section 27. Section **20A-9-202** is amended to read:

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

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

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

(ii) pay the filing fee.

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

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

(ii) pay the filing fee.

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

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

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

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

(ii) pay the filing fee.

(e) Each person seeking the office of lieutenant governor, the office of district attorney, or

the office of President or Vice President of the United States shall comply with the specific declaration of candidacy requirements established by this section.

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

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

(ii) pay the filing fee.

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

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

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

(ii) pay the filing fee.

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

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

(4) Each registered political party shall:

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

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

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

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

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

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

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

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

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

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

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

Section 28. Section **20A-9-502** is amended to read:

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

(1) The candidate shall:

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

"State of Utah, County of _____

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

Subscribed and sworn to before me this ____ day of _____, 19__.

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

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

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

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

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

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

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

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

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

Section 29. Section **20A-9-503** is amended to read:

20A-9-503. Certificate of nomination -- Filing -- Fees.

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

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

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

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

(iii) pay the filing fee; or

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

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

- (ii) the special district clerk, if the candidate seeks an office in a special district; and
- (iii) pay the filing fee.

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

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

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

Section 30. Section **20A-11-101** is amended to read:

20A-11-101. Definitions.

As used in this chapter:

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

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

(3) "Candidate" means any person who:

- (a) files a declaration of candidacy for a public office; or
- (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

(4) "Chief election officer" means:

- (a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, and state school board candidates; and
- (b) the county clerk for local school board candidates.

(5) "Continuing political party" means an organization of voters that participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all

candidates for the United States House of Representatives.

(6) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity or a corporation to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from any organization or its directly affiliated organization that has a registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature is in session;

(vi) salaries or other remuneration paid to a legislator by any agency or subdivision of the state, including school districts, for the period the Legislature is in session; and

(vii) goods or services provided to or for the benefit of the filing entity at less than fair market value.

(b) "Contribution" does not include:

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

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

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

(i) political purposes; or

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

(b) "Corporation" does not mean:

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

- (ii) a business entity organized as a partnership or a sole proprietorship.
- (8) "Detailed listing" means:
 - (a) for each contribution or public service assistance:
 - (i) the name and address of the individual or source making the contribution or public service assistance;
 - (ii) the amount or value of the contribution or public service assistance; and
 - (iii) the date the contribution or public service assistance was made; and
 - (b) for each expenditure:
 - (i) the amount of the expenditure;
 - (ii) the person or entity to whom it was disbursed;
 - (iii) the specific purpose, item, or service acquired by the expenditure; and
 - (iv) the date the expenditure was made.
- (9) "Election" means each:
 - (a) regular general election;
 - (b) regular primary election; and
 - (c) special election at which candidates are eliminated and selected.
- (10) (a) "Expenditure" means:
 - (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
 - (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
 - (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
 - (iv) compensation paid by a corporation or filing entity for personal services rendered by a person without charge to a reporting entity;
 - (v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or

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

(b) "Expenditure" does not include:

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

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

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

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

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

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

(14) "Incorporation" means the process established by Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

(15) "Incorporation election" means the election authorized by Section 10-2-111.

(16) "Incorporation petition" means a petition authorized by Section 10-2-109.

~~(14)~~ (17) "Individual" means a natural person.

~~(15)~~ (18) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

~~(16)~~ (19) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

~~(17)~~ (20) "Legislative office candidate" means a person who:

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

(b) declares himself to be a candidate for, or actively campaigns for, the position of speaker

of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; and

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

~~[(18)]~~ (21) "Newly registered political party" means an organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.

~~[(19)]~~ (22) "Officeholder" means a person who holds a public office.

~~[(20)]~~ (23) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

~~[(21)]~~ (24) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

~~[(22)]~~ (25) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

~~[(23)]~~ (26) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives contributions from any other person, group, or entity or makes expenditures for political purposes. A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.

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

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

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular

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

- (iii) an individual;
- (iv) individuals who are related and who make contributions from a joint checking account;
- (v) a corporation; or
- (vi) a personal campaign committee.

~~[(24)]~~ (27) "Political convention" means a county or state political convention held by a registered political party to select candidates.

~~[(25)]~~ (28) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives donations from any other person, group, or entity or makes disbursements to influence, or to intend to influence, directly or indirectly, any person to:

(i) assist in placing a statewide ballot proposition on the ballot, ~~[(t)]~~ assist in keeping a statewide ballot proposition off the ballot, or ~~[(t)]~~ refrain from voting or ~~[(t)]~~ vote for or ~~[(t)]~~ vote against any statewide ballot proposition~~[-];~~ or

(ii) sign or refuse to sign an incorporation petition or refrain from voting, vote for, or vote against any proposed incorporation in an incorporation election.

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

- (i) a registered political party or a party committee;
- (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
- (iii) an individual;
- (iv) individuals who are related and who make contributions from a joint checking account;

or

(v) a corporation, except a corporation whose apparent purpose is to act as a political issues committee.

~~[(26)]~~ (29) (a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

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

(iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

(v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

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

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

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

~~[(27)]~~ (30) (a) "Political issues expenditure" means any of the following:

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

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

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

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

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

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

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

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

~~[(28)]~~ (31) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

~~[(29)]~~ (32) "Primary election" means any regular primary election held under the election laws.

~~[(30)]~~ (33) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state or local school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

~~[(31)]~~ (34) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

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

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

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

(i) anything provided by the state;

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

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

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

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

~~[(32)]~~ (35) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action

committee or political issues committee upon whose financial report they are listed.

~~[(33)]~~ (36) "Receipts" means contributions and public service assistance.

~~[(34)]~~ (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

~~[(35)]~~ (38) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(36)]~~ (39) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(37)]~~ (40) "Registered political party" means an organization of voters that:

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

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

~~[(38)]~~ (41) "Report" means a verified financial statement.

~~[(39)]~~ (42) "Reporting entity" means a candidate, a candidate's personal campaign committee, an officeholder, and a party committee, a political action committee, and a political issues committee.

~~[(40)]~~ (43) "School board office" means the office of state school board or local school board.

~~[(41)]~~ (44) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

~~[(42)]~~ (45) "State office candidate" means a person who:

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

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

~~[(43)]~~ (46) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(44)]~~ (47) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 31. Section **20A-11-103** is amended to read:

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

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

(A) that the report is due; and

(B) the date that the report is due.

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

(iii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing, ten days before the interim reports or verified financial statements for entities that are due September 15 and before the regular general election are due, and ten days before summary reports or January 5 financial statements are due, the lieutenant governor shall inform the entity, candidate, or officeholder that if the report is not received in the lieutenant governor's office by the date that it is due, the entity, candidate, or officeholder may be guilty of a class B misdemeanor for failing to file the report or statement.

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

(i) that the report is due;

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

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

- (2) Persons or entities submitting reports required by this chapter may submit them:
- (a) on paper, printed, typed, or legibly handwritten or hand printed;
 - (b) on a computer disk according to specifications established by the chief election officer ~~[and, accompanied by a statement signed by the person or entity submitting the report certifying]~~ that protect against fraudulent filings and secure the accuracy of the information contained on the computer disk;
 - (c) via fax; or
 - (d) via electronic mail according to specifications established by the chief election officer.
- (3) A report is considered filed if:
- (a) it is received in the chief election officer's office no later than 5:00 p.m. on the date that it is due;
 - (b) it is received in the chief election officer's office with a postmark three days or more before the date that the report was due; or
 - (c) the candidate or entity has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

Section 32. Section **20A-11-602** is amended to read:

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

- (1) (a) Each registered political action committee that has received contributions or made expenditures that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office on:
- (i) January 5, reporting contributions and expenditures as of December 31 of the previous year;
 - (ii) September 15; and
 - (iii) seven days before the regular general election.
- (b) The registered political action committee shall report:
- (i) a detailed listing of all contributions received and expenditures made since the last statement; and
 - (ii) for financial statements filed on September 15 and before the general election, all

contributions and expenditures as of three days before the required filing date of the financial statement.

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

(2) (a) The verified financial statement shall include:

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

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

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

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

(v) the name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;

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

(vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;

(viii) a paragraph signed by the political action committee's treasurer or chief financial officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and

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

(A) beginning balance;

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

(C) total contributions to date;

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

(E) total expenditures to date.

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

(ii) Two or more contributions from the same source that have an aggregate total of more

than \$150 may not be reported in the aggregate, but shall be reported separately.

Section 33. Section **20A-11-802** is amended to read:

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

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

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

(ii) seven days before the date of an incorporation election, if the political issues committee has received donations or made disbursements to affect an incorporation;

~~[(ii)]~~ (iii) on September 15; and

~~[(iii)]~~ (iv) seven days before the regular general election.

(b) The political issues committee shall report:

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

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

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

(2) (a) That statement shall include:

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

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

contribution;

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

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

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

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

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

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

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

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

(A) beginning balance;

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

(C) total contributions to date;

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

(E) total expenditures to date.

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

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

Section 34. Section **63-96-103** is amended to read:

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

(1) (a) By January 5 of each year, each state elected official who has a fund, each

multicounty elected official who has a fund, each surrogate for a state elected official who has a fund for a state elected official, and each surrogate for a multicounty elected official who has a fund for a multicounty elected official shall file a funds report containing the information required by this section with the lieutenant governor.

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

(2) Each report shall contain:

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

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

identifying:

(i) the date of each disbursement;

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

(iii) the purpose of each disbursement; and

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

identifying:

(i) the date of each contribution; and

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

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

Section 35. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Section 36. Coordination clause.

(1) If this bill and H.B. 91, Western States Presidential Primary, both pass, it is the intent

of the Legislature that the following amendments be made in this bill:

Subsection 20A-4-401(1)(a) of the database shall read:

"(1) (a) For any regular [~~general~~] primary, municipal primary, regular general, or municipal general election, or the Western States Presidential primary, when any candidate loses by not more than a total of one vote per voting precinct, [~~he~~] the candidate may file a request for a recount with the appropriate election officer within seven days of the canvass."

(2) If this bill and H.B. 110, Financial Disclosure Requirement on Initiatives, both pass, it is the intent of the Legislature that the following amendments be made in this bill:

Subsection 20A-11-802(1)(a) of the database shall read:

"(1) (a) Each registered political issues committee that has [~~made~~] received political issues contributions totaling at least \$750, or disbursed political issues expenditures [on current or proposed ballot issues that total at least \$750] totaling at least \$50 during a calendar year on current or proposed statewide ballot propositions, to influence an incorporation petition or an incorporation election, or on initiative petitions to be submitted to the Legislature, shall file a verified financial statement with the lieutenant governor's office on:

- (i) January 5, reporting contributions and expenditures as of December 31 of the previous year;
- (ii) September 15; and
- (iii) seven days before the regular general election."