

1 **Y2K REVISORS - TECHNICAL CHANGES**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: L. Steven Poulton**

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7 AN ACT RELATING TO STATE AFFAIRS; AMENDING REFERENCES FROM 1900.

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

9 AMENDS:

10 **7-3-3.2**, as enacted by Chapter 267, Laws of Utah 1989

11 **10-7-70**, Utah Code Annotated 1953

12 **11-14-6**, as last amended by Chapter 45, Laws of Utah 1977

13 **16-4-12**, as last amended by Chapter 29, Laws of Utah 1961

14 **17A-2-556**, as renumbered and amended by Chapter 186, Laws of Utah 1990

15 **20A-2-104**, as last amended by Chapter 48, Laws of Utah 1999

16 **20A-2-108**, as last amended by Chapter 152, Laws of Utah 1995

17 **20A-3-304**, as last amended by Chapters 22 and 253, Laws of Utah 1999

18 **20A-4-106**, as last amended by Chapter 21, Laws of Utah 1999

19 **20A-5-404**, as enacted by Chapter 1, Laws of Utah 1993

20 **20A-7-203**, as last amended by Chapter 45, Laws of Utah 1999

21 **20A-7-603**, as last amended by Chapter 45, Laws of Utah 1999

22 **20A-9-201**, as last amended by Chapters 22 and 45, Laws of Utah 1999

23 **20A-9-203**, as last amended by Chapters 24 and 130, Laws of Utah 1997

24 **20A-9-403**, as last amended by Chapters 24, 182 and 184, Laws of Utah 1997

25 **20A-9-502**, as last amended by Chapter 45, Laws of Utah 1999

26 **21-6-3**, Utah Code Annotated 1953

27 **47-2-4**, as last amended by Chapter 227, Laws of Utah 1993

SB0129

28 **54-4-22**, Utah Code Annotated 1953
29 **57-1-12**, Utah Code Annotated 1953
30 **57-1-13**, Utah Code Annotated 1953
31 **57-1-14**, Utah Code Annotated 1953
32 **57-1-22**, as last amended by Chapter 88, Laws of Utah 1989
33 **57-1-25**, as last amended by Chapter 88, Laws of Utah 1989
34 **57-1-26**, as last amended by Chapter 88, Laws of Utah 1989
35 **57-1-31**, as last amended by Chapter 68, Laws of Utah 1985
36 **57-2-13**, Utah Code Annotated 1953
37 **59-2-311**, as last amended by Chapter 271, Laws of Utah 1995
38 **59-2-1339**, as last amended by Chapter 181, Laws of Utah 1995
39 **59-2-1351**, as last amended by Chapters 181 and 299, Laws of Utah 1995
40 **59-2-1351.1**, as last amended by Chapter 79, Laws of Utah 1996
41 **59-2-1351.3**, as enacted by Chapter 181, Laws of Utah 1995

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

43 Section 1. Section **7-3-3.2** is amended to read:

44 **7-3-3.2. Securities business permitted -- Activities conducted by subsidiary --**

45 **Disclosure statements required.**

46 (1) A bank has all necessary and incidental powers to engage in the business of purchasing,
47 selling, underwriting, and dealing in securities, whether as a principal for its own account or as
48 agent or broker for a customer, subject to the limitations in this section.

49 (2) The securities business that a bank may conduct as a principal for its own account is
50 limited to the activities specified in Subsections (2)(a) through (d). A bank does not otherwise
51 have power to enter securities underwriting or act as a principal in issuance or marketing of
52 securities.

53 (a) A bank may purchase for investment and subsequently resell those types of securities
54 authorized by statute or rule of the commissioner, including, without limitation, shares purchased
55 in accordance with Section 7-3-21 and government or other securities lawfully acquired for the
56 investment or trading portfolio of the bank or any of its subsidiaries or affiliates in accordance with
57 any limitation established by any other federal or state statute, regulation, or rule.

58 (b) A bank may sell securities of any kind acquired in the ordinary course of business,

59 including, without limitation, through foreclosure on pledged securities.

60 (c) A bank may underwrite or deal in securities issued by a municipality, county, or other
61 local governmental entity or an agency of any such governmental entity, securities issued by a state
62 or any of its agencies, or securities issued by the federal government or any of its agencies.

63 (d) A bank may establish or underwrite the securities of registered investment companies
64 that are limited to operating or investing in money market funds or other short-term government
65 or corporate debt instruments.

66 (3) This section may not be interpreted to alter the traditional rights and powers of banks
67 to issue deposit instruments or similar instruments that acknowledge receipt of monies for
68 customers, even though the instruments may for some purposes be considered securities.

69 (4) Securities activities under this section, except those activities described in Subsections
70 (2)(a) and (b), shall be conducted only through a subsidiary. Any such subsidiary shall be
71 established pursuant to rules that the commissioner may adopt after notice and hearing. Any such
72 rules shall further define the standards by which a securities subsidiary of a bank may be
73 established and operated, including the requirement for registration, if required, as a broker-dealer
74 with state, federal, and self-regulatory agencies. In addition to other standards that may be
75 established by these rules, a bank may not invest more than 10% of its total capital in a securities
76 subsidiary. For purposes of that determination, total capital shall be calculated in accordance with
77 all other applicable statutes and rules of the commissioner, including the effect of loans from the
78 bank to the subsidiary, together with capital standards established by the Federal Deposit Insurance
79 Corporation. Every loan made by the bank to a securities subsidiary shall comply with applicable
80 state and federal laws. In all cases, each subsidiary shall maintain separate corporate and financial
81 records.

82 (5) Notwithstanding Subsection (4), a bank may enter into a networking agreement with
83 a registered broker-dealer for the provision of brokerage services to the bank's customers on the
84 bank's premises without the need to comply with Subsection (4), (6), or (7).

85 (6) The securities activities authorized by this section may be conducted from an
86 authorized banking office or from a separate office of a subsidiary, and may be offered to
87 customers in this state or in any other state, territory, or country, except to the extent such activities
88 are limited or prohibited by the laws of the other state, territory, or country.

89 (7) Before undertaking any of the direct or indirect securities activities permitted under this

90 section, except those authorized by Subsection (2)(a), a bank shall apply to the commissioner. The
91 commissioner shall render a decision of approval, conditional approval, or disapproval within 60
92 days from the date of receiving the application. Public notice is not required for any hearing on
93 the application that may be held. The commissioner shall satisfy himself before approving the
94 application that the bank possesses the managerial and financial resources necessary to conduct
95 the securities activities safely and soundly.

96 (8) In conducting securities activities, a bank shall in all respects comply, and cause its
97 securities subsidiary to comply, with the Utah Uniform Securities Act, the Securities Act of 1933,
98 the Securities Exchange Act of 1934, the Investment Company Act of 1940, and other applicable
99 statutes, regulations, and rules.

100 (9) In connection with each customer for which a bank or its securities subsidiary shall act
101 as agent or broker, the bank or the subsidiary, as applicable, shall give a written disclosure to its
102 customer prior to closing any single transaction or establishment of an account contemplating a
103 series of transactions. The disclosure statement shall be in legible print and shall be in
104 substantially the form shown in Subsection (9)(a) with respect to the bank and in Subsection (9)(b)
105 with respect to any securities subsidiary.

106 (a)

107 DISCLOSURE STATEMENT

108 The services offered by the securities department of this bank are offered to its customers
109 without regard to any other banking relationship. By signing below the customer acknowledges
110 receipt of this Disclosure Statement and agrees that any contract for securities services is
111 completely voluntary, and the selection of this bank for securities services has not been required
112 by any other business relationship or account with the bank.

113 [Dated this _____ day of _____, 19__] _____ (month/day/year).

114 CUSTOMER:

115 _____
116 _____

117 (b)

118 DISCLOSURE STATEMENT

119 _____ (name of securities agency subsidiary) is a subsidiary of
120 _____ (name of bank). The services offered by _____ (name of

121 subsidiary) are offered to its customers without regard to any separate banking relationship with
122 _____ (name of bank). By signing below the customer acknowledges receipt of this
123 Disclosure Statement and agrees that any contract for services with _____ (name of
124 subsidiary) is completely voluntary and the selection of _____ (name of subsidiary)
125 for securities services has not been required by any business relationship with its parent bank.

126 [Dated this _____ day of _____, 19__] _____ (month/day/year).

127 CUSTOMER:

128 _____
129 _____

130 Section 2. Section 10-7-70 is amended to read:

131 **10-7-70. Corporate violation -- Summons -- Forms.**

132 Whenever complaint is made against a corporation for violation of a city or town ordinance
133 summons shall be issued thereon substantially in the following form:

134 State of Utah,

135 County of _____

136 In the _____ court, in and for the city (or town) of _____, county of
137 _____ city, (or town) _____

138 vs. _____

139 SUMMONS.

140 The state of Utah, to (naming the corporation):

141 You are hereby summoned to be and appear before the above entitled court at the
142 courtroom thereof on the _____ day of _____ at the hour of _____ o'clock __m.,
143 then and there to answer a charge made against you upon the complaint of _____ for
144 (designating the offense in general terms), a copy of which complaint is hereto attached.

145 [Dated this _____ day of _____, 19__] _____ (month\day\year).

146 Witness:

147 The Honorable _____

148 Judge of said court.

149 _____ Clerk

151 By _____ Deputy Clerk.

152 In courts having a clerk the summons, with a copy of the complaint attached, shall be
153 signed by the clerk thereof, and in courts having no clerk the summons shall be signed by the judge
154 or justice thereof.

155 Section 3. Section 11-14-6 is amended to read:

156 **11-14-6. Election procedure.**

157 (1) The qualifications as an elector of any person applying for a ballot at a bond election
158 may be challenged for cause by any one or more of the election officials or by any other person at
159 the time the ballot is applied for, but notwithstanding any challenge hereunder, any such person
160 shall receive a ballot and be permitted to vote if:

161 (a) [such] the person is shown on the registration lists as a registered voter in the
162 municipality or other entity calling the bond election[.]; and

163 (b) [such] the person takes an oath sworn to before one of the election officials that he is
164 a qualified elector of such municipality or entity.

165 (2) The oath referred to in Subsection (1) may, but need not, be in substantially the
166 following form:

167 ELECTOR'S OATH

168 STATE OF UTAH)

169 COUNTY OF _____)

170 The undersigned, having been first duly sworn upon oath, deposes and says under the pains
171 and penalties of perjury, as follows:

172 That I am a citizen of the United States; that I am 18 years of age or older; that I am now
173 and have been a resident of the state of Utah for not less than 30 days; that I am a resident of ____
174 County and of the voting district or precinct of the (municipality or other entity calling the bond
175 election) in which I am offering to vote; that I am a duly registered voter of ____ County and I am
176 a qualified voter of and reside within the confines of (municipality or other entity calling the bond
177 election); and that I have not previously voted at the bond election being held on this [____ day
178 of ____, 19__] _____ (month\day\year) in (municipality or other entity calling the bond
179 election).

180 _____
181 Signature of Elector
182 _____

Address of Elector

183
184 I, the undersigned, Judge of election, hereby certify that the person whose signature appears
185 above, signed the foregoing statement on this [____ day of ____, 19__]
186 _____ (month\day\year), immediately after I administered to him an oath in the following
187 words: You do solemnly swear (or affirm) that you have read the oath to which you are about to
188 subscribe your signature and that the facts recited therein are true and correct, so help you God (or
189 under the pains and penalties of perjury).

Judge of Election

192 Each election official is expressly authorized to administer [such] the oath.

193 (3) In the case of challenges made pursuant to Subsection (1), the election officials shall
194 keep a list of the names of each person challenged, the grounds for the challenge, and whether such
195 person was permitted to vote. [Such] The list shall be made in duplicate and the duplicate list shall
196 be made available to the governing body when it canvasses the election results.

197 (4) No bond election shall be held invalid on the grounds that unqualified voters voted
198 unless it shall be shown by clear and convincing evidence in a contest filed prior to the expiration
199 of the period in which bond election contest may be filed that unqualified voters in sufficient
200 numbers to change the result voted at the bond election. When the election results are canvassed
201 [such], the canvass shall show separately the number of votes which were challenged and the
202 number of challenged voters who were permitted to vote, but the votes cast by [such] the voters
203 shall be accepted as having been legally cast for purposes of determining the outcome of the
204 election, unless the court in a bond election contest shall find otherwise.

205 Section 4. Section **16-4-12** is amended to read:

206 **16-4-12. Notice of delinquency -- Form.**

207 If any portion of the assessment mentioned in the notice remains unpaid on the day
208 specified therein when the stock shall be delinquent, the secretary shall, unless otherwise ordered
209 by the board of directors, cause to be published in the same newspapers in which the notice
210 hereinbefore provided for shall have been published a notice in the following form:

211 (Name of corporation in full; location of principal place of business). Notice. There are
212 delinquent upon the following described stock, on account of assessment levied on the [____ day
213 of ____, 19__] _____ (month/day/year), (and assessment levied previously thereto, if any)

214 the several amounts set opposite the names of the respective shareholders as follows: (Names,
215 number of certificate, number of shares, and amount) and in accordance with law, (and an order
216 of the board of directors made on the [____ day of ____, 19__] _____ (month/day/year), if
217 any such order shall have been made) so many shares of each parcel of [such] the stock as may be
218 necessary will be sold at the (particular place) on the [____ day of ____, 19__]
219 _____ (month/day/year), at the hour of ____, to pay the delinquent assessments thereon,
220 together with the cost of advertising and expenses of the sale. (Name of secretary, with location
221 of office).

222 Section 5. Section **17A-2-556** is amended to read:

223 **17A-2-556. Form of release and discharge.**

224 [Such] The release and discharge shall be substantially in the following form:

225 Release and discharge from liability for payment of the bonded indebtedness of ____
226 drainage district in ____ county, Utah, and from the lien of the equalized assessment of benefits
227 and taxes and the benefit assessment roll.

228 Whereas, on the [____ day of ____, 19__] _____ (month\day\year), ____ (the owner,
229 part owner, mortgagee or other lien holders, as the case may be) paid to the county treasurer of
230 ____ county, (in lawful money of the United States, or bonds, notes, warrants or matured interest
231 coupons of the district, as the case may be) the sum of \$____, being the total amount of the unpaid
232 drainage district equalized assessment of benefits and taxes levied and assessed against that certain
233 tract, lot or parcel of land located in ____ drainage district in ____ county, Utah, and particularly
234 bounded and described as follows, to wit: (Insert description of property) ____ and, ____.

235 Whereas, there is on file with the treasurer of this drainage district a receipt showing [such]
236 payment in full,

237 Now Therefore, in consideration of such payment and pursuant to law, the undersigned
238 drainage district does by these presents release and discharge the above described tract, lot or
239 parcel of land from the lien of and from the payment of all of the bonded indebtedness now
240 existing against the same, and from the payment of any bonds now issued or that may hereafter be
241 issued to refund the same, or any part thereof, and from the payment of any notes or warrants of
242 the district heretofore issued or that may hereafter be issued in payment of interest on [such] the
243 indebtedness or refunded indebtedness, and releases and discharges said tract, lot or parcel of land
244 from the payment of any of the unpaid equalized assessment of benefits and taxes levied or

245 assessed against the same and from the lien of the benefit assessment roll of said drainage district.

246 In Witness Whereof, the said drainage district has executed this instrument and caused its
247 corporate name and corporate seal to be hereunto affixed by its president and secretary this [____
248 day of ____ 19__] _____ (month\day\year), pursuant to a resolution of its board of
249 supervisors.

250 Attest: _____
251 (Name of drainage district.)

252 By _____,
253 President

254 _____
255 Secretary.

256 Said written release and discharge may be acknowledged before any officer authorized to
257 take acknowledgments of deeds. The form of acknowledgment shall be substantially as follows:
258 State of Utah, ss.

259 County of ____

260 On the [____ day of ____, A. D. 19__] _____ (month\day\year), personally appeared
261 before me ____, who being by me duly sworn, did say that he is the president of ____ drainage
262 district which executed the above and foregoing instrument and that said instrument was signed
263 in behalf of said drainage district by authority of a resolution of its board of supervisors, and said
264 ____ acknowledged to me that said drainage district executed the same.

265 _____
266 Notary Public.

267 My Commission expires: ____ (month\day\year) Residing at: ____.

268 Section 6. Section **20A-2-104** is amended to read:

269 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

270 (1) Every person applying to be registered shall complete a registration form printed in
271 substantially the following form:

272 -----

273 UTAH ELECTION REGISTRATION FORM

274 Name of Voter _____

275 First Middle Last

276 Driver License or Identification Card Number (optional)_____

277 Date of Birth _____

278 Street Address of Principal Place of Residence _____

279 _____

280 City County State Zip Code

281 Telephone Number (optional) _____

282 Last four digits of Social Security Number (optional) _____

283 Place of Birth _____

284 Last former address at which I was registered to vote (if known)

285 _____

286 City County State Zip Code

287 _____

288 Voting Precinct (if known)

289 Political Party (optional) _____

290 I do swear (or affirm), subject to penalty of law for false statements, that the information
291 contained in this form is true, and that I am a citizen of the United States and a resident of the state
292 of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah
293 for 30 days immediately before the next election. I am not a convicted felon currently incarcerated
294 for commission of a felony.

295 Signed and sworn

296 _____

297 Voter's Signature

298 [Date _____, 19 _____] _____ (month/day/year).

299 NOTICE: IN ORDER TO VOTE, YOUR NAME MUST APPEAR IN THE OFFICIAL
300 REGISTER.

301 FOR OFFICIAL USE ONLY

302 Voting Precinct _____

303 Voting I.D. Number _____

304 -----
-

305 (2) The county clerk shall retain a copy in a permanent countywide alphabetical file, which
306 may be electronic or some other recognized system.

- 307 (3) (a) Each county clerk shall retain lists of currently registered voters.
- 308 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 309 (c) If there are any discrepancies between the two lists, the county clerk's list is the official
- 310 list.
- 311 (d) The lieutenant governor and the county clerks may charge the fees established under
- 312 the authority of Subsection 63-2-203(10) to individuals who wish to obtain a copy of the list of
- 313 registered voters.

314 Section 7. Section **20A-2-108** is amended to read:

315 **20A-2-108. Driver license registration form -- Transmittal of information.**

316 (1) The lieutenant governor and the Driver License Division shall design the driver license
317 application and renewal forms to include the question "if you are not registered to vote where you
318 live now, would you like to register to vote today?"

319 (2) (a) The lieutenant governor and the Driver License Division shall design a motor voter
320 registration form to be used in conjunction with driver license application and renewal forms.

321 (b) Each driver license application and renewal form shall contain:

322 (i) a place for the applicant to decline to register to vote;

323 (ii) an eligibility statement in substantially the following form:

324 "I do swear (or affirm), subject to penalty of law for false statements, that the information
325 contained in this form is true, and that I am a citizen of the United States and a resident of the state
326 of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah
327 for 30 days immediately before the next election.

328 Signed and sworn

329 _____
330 Voter's Signature

331 [Date....., 19...] _____ (month\day\year)";

332 (iii) a statement that if an applicant declines to register to vote, the fact that the applicant
333 has declined to register will remain confidential and will be used only for voter registration
334 purposes; and

335 (iv) a statement that if an applicant does register to vote, the office at which the applicant
336 submits a voter registration application will remain confidential and will be used only for voter
337 registration purposes.

338 Section 8. Section 20A-3-304 is amended to read:

339 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

340 (1) As used in this section, "absent elector" means a person who:

341 (a) is physically, emotionally, or mentally impaired;

342 (b) will be serving as an election judge or who has election duties in another voting
343 precinct;

344 (c) is detained or incarcerated in a jail or prison as a penalty for committing a
345 misdemeanor;

346 (d) suffers a legal disability;

347 (e) is prevented from voting in a particular location because of religious tenets or other
348 strongly held personal values;

349 (f) is called for jury duty in state or federal court; or

350 (g) otherwise expects to be absent from the voting precinct during the hours the polls are
351 open on election day.

352 (2) A registered voter who is or will be an absent elector may file an absentee ballot
353 application with the appropriate election officer for an official absentee ballot.

354 (3) (a) Each election officer shall prepare blank applications for absentee ballot
355 applications in substantially the following form:

356 "I, _____ a qualified elector, in full possession of my mental faculties, residing at _____
357 Street, _____ City, _____ County, Utah and to my best knowledge and belief am entitled to vote by
358 absentee ballot at the next election.

359 I apply for an official absentee ballot to be voted by me at the election.

360 [Dated _____ 19_____] _____ (month\day\year) Signed _____
361 Voter"

362 (b) If requested by the applicant, the election officer shall:

363 (i) mail or fax the application blank to the absentee voter; or

364 (ii) deliver the application blank to any voter who personally applies for it at the office of
365 the election officer.

366 (4) (a) (i) Except as provided in Subsections (4)(a)(ii) and (iii), the voters shall file the
367 application for an absentee ballot with the appropriate election officer no later than the Friday
368 before election day.

369 (ii) Overseas applicants shall file their applications with the appropriate election officer
370 no later than 20 days before the day of election.

371 (iii) Voters applying for an absentee ballot for the Western States Presidential Primary
372 shall file the application for an absentee ballot with the appropriate election officer not later than
373 the Tuesday before election day.

374 (b) Persons voting an absentee ballot at the office of the election officer shall apply for and
375 cast their ballot no later than the day before the election.

376 (5) (a) A county clerk may establish a permanent absentee voter list.

377 (b) The clerk shall place on the list the name of any person who:

378 (i) requests permanent absentee voter status; and

379 (ii) meets the requirements of this section.

380 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the
381 absentee voter list.

382 (ii) The questionnaire shall allow the absentee person to verify the voter's residence and
383 inability to vote at the voting precinct on election day.

384 (iii) The clerk may remove the names of any voter from the absentee voter registration list
385 if:

386 (A) the voter is no longer listed in the official register; or

387 (B) the voter fails to verify the voter's residence and absentee status.

388 (d) The clerk shall provide a copy of the permanent absentee voter list to election officers
389 for use in elections.

390 Section 9. Section **20A-4-106** is amended to read:

391 **20A-4-106. Paper ballots -- Sealing.**

392 (1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read and
393 tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate strings.

394 (ii) After the ballots are strung, they may not be examined by anyone, except when
395 examined during a recount conducted under the authority of Section 20A-4-401.

396 (b) The judges shall carefully seal all of the strung ballots in a strong envelope.

397 (2) (a) For regular primary elections, after all the ballots have been counted, certified to,
398 and strung by the judges, they shall seal the ballots cast for each of the parties in separate
399 envelopes.

400 (b) The judges shall:
401 (i) seal each of the envelopes containing the votes of each of the political parties in one
402 large envelope; and
403 (ii) return that envelope to the county clerk.
404 (c) The judges shall:
405 (i) destroy the ballots in the blank ballot box; or
406 (ii) if directed to do so by the election officer, return them to the election officer for
407 destruction.
408 (3) As soon as the judges have counted all the votes and sealed the ballots they shall sign
409 and certify the pollbooks.
410 (4) (a) The judges, before they adjourn, shall:
411 (i) enclose and seal the official register, the posting book, the pollbook, all affidavits of
412 registration received by them, the ballot disposition form, the military and overseas absentee voter
413 registration and voting certificates, one of the tally sheets, and any unprocessed absentee ballots
414 in a strong envelope or pouch;
415 (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been
416 strung and placed in a separate envelope or pouch as required by Subsection (1);
417 (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot
418 disposition form in a separate envelope or pouch; and
419 (iv) place the total votes cast form and the judges' vouchers requesting compensation for
420 services rendered in a separate pouch.
421 (b) Before enclosing the official register in the envelope or pouch, the election judges shall
422 certify it substantially as follows:
423 "We, the undersigned, judges of election for precinct _____, (jurisdiction) _____,
424 Utah, certify that the required entries have been made for the election held [_____, 19__]
425 _____ (month\day\year), including:
426 a list of the ballot numbers for each voter;
427 the voters' signatures, except where a judge has signed for the absentee voters;
428 a list of information surrounding a voter who is challenged,
429 including any affidavits; and
430 a notation for each time a voter was assisted with a ballot."

- 431 (5) Each judge shall:
- 432 (a) write his name across the seal of each envelope or pouch;
- 433 (b) mark on the exterior of the envelope or pouch:
- 434 (i) the word "ballots" or "returns" or "unused ballots," or other words plainly indicating
- 435 the contents of the packages; and
- 436 (ii) the number of the voting precinct.

437 Section 10. Section **20A-5-404** is amended to read:

438 **20A-5-404. Election forms -- Preparation and contents.**

- 439 (1) For each election, the election officer:
- 440 (a) shall prepare, for each voting precinct, a:
- 441 (i) ballot disposition form;
- 442 (ii) total votes cast form;
- 443 (iii) tally sheet form; and
- 444 (iv) pollbook.
- 445 (b) For each election, the election officer shall:
- 446 (i) provide a copy of each form to each of those precincts using paper ballots; and
- 447 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting
- 448 precincts using an automated voting system.
- 449 (2) The election officer shall ensure that the ballot disposition form contains a space for
- 450 the judges to identify:
- 451 (a) the number of ballots voted;
- 452 (b) the number of substitute ballots voted, if any;
- 453 (c) the number of ballots delivered to the voters;
- 454 (d) the number of spoiled ballots;
- 455 (e) the number of registered voters listed in the official register;
- 456 (f) the total number of voters voting according to the pollbook; and
- 457 (g) the number of unused ballots.
- 458 (3) The election officer shall ensure that the total votes cast form contains:
- 459 (a) the name of each candidate appearing on the ballot, the office for which the candidate
- 460 is running, and a blank space for the election judges to record the number of votes that the
- 461 candidate received;

462 (b) for each office, blank spaces for the election judges to record the names of write-in
463 candidates, if any, and a blank space for the election judges to record the number of votes that the
464 write-in candidate received;

465 (c) a heading identifying each ballot proposition and blank spaces for the election judges
466 to record the number of votes for and against each proposition; and

467 (d) a certification, in substantially the following form, to be signed by the judges when
468 they have completed the total votes cast form:

469 "TOTAL VOTES CAST

470 At an election held at ____ in ____ voting precinct in _____(name of entity
471 holding the election) and State of Utah, on [the ____ day of ____, in the year ____]
472 _____(month\day\year), the following named persons received the number of votes annexed
473 to their respective names for the following described offices: Total number of votes cast were as
474 follows:

475 Certified by us ____, ____, ____, Judges of Election."

476 (4) The election officer shall ensure that the tally sheet form contains:

477 (a) for each office, the names of the candidates for that office, and blank spaces to tally the
478 votes that each candidate receives;

479 (b) for each office, blank spaces for the election judges to record the names of write-in
480 candidates, if any, and a blank space for the election judges to tally the votes for each write-in
481 candidate;

482 (c) for each ballot proposition, a heading identifying the ballot proposition and the words
483 "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for
484 the election judges to tally the ballot proposition votes; and

485 (d) a certification, in substantially the following form, to be signed by the judges when
486 they have completed the tally sheet form:

487 "Tally Sheet

488 We the undersigned election judges for voting precinct #_____,
489 _____(entity holding the election) certify that this is a true and correct list of all
490 persons voted for and ballot propositions voted on at the election held in that voting precinct on
491 _____(date of election) and is a tally of the votes cast for each of those
492 persons. Certified by us ____, ____, ____, Judges of Election."

- 493 (5) The election officer shall ensure that the pollbook:
- 494 (a) identifies the voting precinct number on its face; and
- 495 (b) contains:
- 496 (i) a section to record persons voting on election day, with columns entitled "Ballot
- 497 Number" and "Voter's Name";
- 498 (ii) another section in which to record absentee ballots;
- 499 (iii) a section in which to record voters who are challenged; and
- 500 (iv) a certification, in substantially the following form:

501 "We, the undersigned, judges of an election held at _____ voting precinct, in _____

502 County, state of Utah, on [the ____ day of ____, 19__] _____ (month\day\year), having first

503 been sworn according to law, certify that the information listed in this book is a true statement of

504 the number and names of the persons voting in the voting precinct at the election, and that the total

505 number of persons voting at the election was ____."

506 _____

507 _____

508 _____

Judges of Election

510 Section 11. Section **20A-7-203** is amended to read:

511 **20A-7-203. Form of initiative petition and signature sheets.**

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

513 form:

514 "INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

515 We, the undersigned citizens of Utah, respectfully demand that the following proposed law

516 be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular

517 general election/session to be held/ beginning on [the ____ day of ____, 19__]

518 _____ (month\day\year);

519 Each signer says:

520 I have personally signed this petition;

521 I am registered to vote in Utah or intend to become registered to vote in Utah before the

522 certification of the petition names by the county clerk; and

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

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

526 (2) Each signature sheet shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

552 "Verification

553 State of Utah, County of _____

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

555 I am a resident of Utah;

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

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

561 _____
562 (Name) (Residence Address) (Date)"

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

565 Section 12. Section **20A-7-603** is amended to read:

566 **20A-7-603. Form of referendum petition and signature sheets.**

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

569 "REFERENDUM PETITION To the Honorable _____, County Clerk/City Recorder/Town
570 Clerk:

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

576 Each signer says:

577 I have personally signed this petition;

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

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

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

583 (2) Each signature sheet shall:

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

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

586 blank for the purpose of binding;

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

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

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

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

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

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

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

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

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

604 and

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

606 and

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

608 "Verification

609 State of Utah, County of _____

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

611 I am a resident of Utah;

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

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

617 _____ "

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

620 Section 13. Section **20A-9-201** is amended to read:

621 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
622 **more than one political party prohibited with exceptions -- General filing and form**
623 **requirements.**

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

625 (a) be a United States citizen; and

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

627 (2) (a) Except as provided in Subsection (2)(b), a person may not:

628 (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah
629 during any election year; or

630 (ii) appear on the ballot as the candidate of more than one political party.

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

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

637 (4) (a) (i) Except for presidential candidates, before the filing officer may accept any
638 declaration of candidacy, the filing officer shall:

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

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

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

644 (A) a United States citizen;

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

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

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

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

654 (A) a United States citizen;

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

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

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

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

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

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

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

670 (5) Except for presidential candidates, the form of the declaration of candidacy shall be
671 substantially as follows:

672 "State of Utah, County of ____

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

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Subscribed and sworn before me this [____ day of _____, 19__]
(month\day\year).

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

(6) (a) Except for presidential candidates, 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) Except for presidential candidates, 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,

710 I am unable to pay the filing fee required by law.

711 Date _____ Signature _____

712 Affiant

713 Subscribed and sworn to before me on _____ [(date)] (month\day\year)

714 _____
715 (signature)

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

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

719 Section 14. Section **20A-9-203** is amended to read:

720 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

721 (1) (a) A person may become a candidate for any municipal office if the person is a
722 registered voter and:

723 (i) the person has resided within the municipality in which that person seeks to hold
724 elective office for the 12 consecutive months immediately before the date of the election; or

725 (ii) if the territory in which the person resides was annexed into the municipality, the
726 person has resided within the annexed territory or the municipality for 12 months.

727 (b) In addition to the requirements of Subsection (1)(a), candidates for a municipal council
728 position under the council-mayor or council-manager alternative forms of municipal government
729 shall, if elected from districts, be residents of the council district from which they are elected.

730 (2) (a) Each person seeking to become a candidate for a municipal office shall file a
731 declaration of candidacy in person with the city recorder or town clerk during office hours and not
732 later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee,
733 if one is required by municipal ordinance.

734 (b) Any resident of a municipality may nominate a candidate for a municipal office by
735 filing a nomination petition with the city recorder or town clerk during office hours but not later
736 than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee, if
737 one is required by municipal ordinance.

738 (c) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m.
739 on the following Monday.

740 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination

741 petition, the filing officer shall:

742 (i) read to the prospective candidate or person filing the petition the constitutional and
743 statutory qualification requirements for the office that the candidate is seeking; and

744 (ii) require the candidate or person filing the petition to state whether or not the candidate
745 meets those requirements.

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

748 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
749 filing officer shall accept the declaration of candidacy or nomination petition.

750 (4) The declaration of candidacy shall substantially comply with the following form:

751 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
752 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
753 registered voter; and that I am a candidate for the office of ____ (stating the term). I request that
754 my name be printed upon the applicable official ballots. (Signed) _____

755 Subscribed and sworn to (or affirmed) before me by ____ on this [____ day of ____, 19__]
756 _____ (month\day\year).

757 (Signed) _____ (Clerk or Notary Public)"

758 (5) (a) Any registered voter may be nominated for municipal office by submitting a
759 petition signed by:

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

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

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

763 "NOMINATION PETITION

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

766 (ii) The remainder of the petition shall contain lines and columns for the signatures of
767 persons signing the petition and their addresses and telephone numbers.

768 (c) If the declaration of candidacy or nomination petition fails to state whether the
769 nomination is for the two or four-year term, the clerk shall consider the nomination to be for the
770 four-year term.

771 (d) (i) The clerk shall verify with the county clerk that all candidates are registered voters.

772 (ii) Any candidate who is not registered to vote is disqualified and the clerk may not print
773 the candidate's name on the ballot.

774 (6) Immediately after expiration of the period for filing a declaration of candidacy, the
775 clerk shall:

776 (a) cause the names of the candidates as they will appear on the ballot to be published in
777 at least two successive publications of a newspaper with general circulation in the municipality;
778 and

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

781 (7) (a) A declaration of candidacy or nomination petition filed under this section is valid
782 unless a written objection is filed with the clerk within five days after the last day for filing.

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

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

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

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

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

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

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

795 (8) Any person who filed a declaration of candidacy and was nominated, and any person
796 who was nominated by a nomination petition, may, any time up to 23 days before the election,
797 withdraw the nomination by filing a written affidavit with the clerk.

798 Section 15. Section **20A-9-403** is amended to read:

799 **20A-9-403. Regular primary elections.**

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

802 (b) Each registered political party that chooses to use the primary election process to

803 nominate some or all of its candidates shall comply with the requirements of this section.

804 (2) (a) (i) Each registered political party that wishes to participate in the primary election
805 shall submit the names of its county candidates to the county clerks and the names of all of its
806 candidates to the lieutenant governor by 5 p.m. on May 13 of each even-numbered year.

807 (ii) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall send
808 the county clerks a certified list of the names of all statewide or multicounty candidates that must
809 be printed on the primary ballot.

810 (b) (i) Except as provided in Subsection (2)(b)(ii), if a registered political party does not
811 wish to participate in the primary election, it shall submit the names of its county candidates to the
812 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May
813 30 of each even-numbered year.

814 (ii) Notwithstanding Subsection (2)(b)(i), a registered political party's candidates for
815 President and Vice President of the United States shall be certified to the lieutenant governor as
816 provided in Subsection 20A-9-202(4).

817 (c) Each political party shall certify the names of its presidential and vice presidential
818 candidates and presidential electors to the lieutenant governor's office by August 30 of each
819 presidential election year.

820 (3) The county clerk shall:

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

823 (b) place the names of all candidates who have filed a declaration of candidacy for a local
824 board of education seat on the nonpartisan section of the ballot if more than two candidates have
825 filed for the same seat; and

826 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

827 (4) After the county clerk receives the certified list from a registered political party, the
828 county clerk shall post or publish a primary election notice in substantially the following form:

829 "Notice is given that a primary election will be held Tuesday, June ____, [~~19~~]
830 ____ (year), to nominate party candidates for the parties and nonpartisan offices listed on the
831 primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m.
832 and continue open until 8 p.m. of the same day. Attest: county clerk".

833 (5) (a) Candidates receiving the highest number of votes cast for each office at the regular

834 primary election are nominated by their party or nonpartisan group for that office.

835 (b) If two or more candidates are to be elected to the office at the regular general election,
836 those party candidates equal in number to positions to be filled who receive the highest number
837 of votes at the regular primary election are the nominees of their party for those positions.

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

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

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

850 Section 16. Section **20A-9-502** is amended to read:

851 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

852 (1) The candidate shall:

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

854 "State of Utah, County of _____

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

862 _____

863 Subscribed and sworn to before me this [____ day of _____, 19__] _____ (month\day\year).

864 _____

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

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

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

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

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

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

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

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

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

883 Section 17. Section **21-6-3** is amended to read:

884 **21-6-3. Verification of statement of fees.**

885 The verification attached to such statements shall be substantially in the following form:
886 State of Utah, County of ____

887 I, [~~A~~B] _____, county clerk (or other officer, as the case may be), do swear that
888 the fee book in my office contains a true statement in detail of all fees and compensation of every
889 kind and nature for official services rendered by me, my deputies, and assistants for the (month or
890 quarter) ending ____, [~~19~~__] ____ (year); that said fee book shows the full amount received or
891 chargeable in said (month or quarter) and since my last regular payment; that neither I, nor, to my
892 knowledge or belief, any of my deputies or assistants, has rendered any official service, except for
893 the county or the state, which is not fully set out in said fee book; and that the foregoing statement
894 thereof is full and correct.

895 _____

896 Subscribed and sworn to before me this [____ day of ____, 19__]
897 _____ (month\day\year).

898 Section 18. Section 47-2-4 is amended to read:

899 **47-2-4. Elimination by the county executive -- Notice of intention.**

900 The county executive may provide for the elimination of abandoned horses in the
901 respective counties in the following manner:

902 They shall cause notice to be published at least once a week for three successive weeks in
903 some newspaper of general circulation published in the county, and [such] the notice shall also be
904 posted in at least five public places outside of the county seat on public highways in such county,
905 and in three public places at the county seat, one of which shall be at the front door of the
906 courthouse. The notices posted outside of the county seat shall be posted not less than two miles
907 apart, and all posted notices shall be posted at least 30 days before the date which the county
908 executive shall fix for the beginning of the elimination of abandoned horses from the range in such
909 county as hereinafter provided. If no newspaper is published in the county, publication in a
910 newspaper shall not be required.

911 [Such] The notice shall be substantially in the following form:

912 Notice is hereby given that in accordance with the provisions of law the county executive
913 of ____ County, Utah, will proceed to eliminate abandoned horses from the open range in said
914 county, and that beginning on [the ____ day of ____, 19__] _____ (month\day\year), a drive
915 will be held, and all abandoned horses running upon the open range will, under the direction and
916 supervision of the county executive, be eliminated. All owners of horses running upon the open
917 range are hereby given notice to file with the county executive a description of [such] the horses,
918 and the brands or marks thereon.

919 Dated this [____ day of ____, 19__] _____ (month\day\year).

920 By order of the county executive of ____ County, Utah.

921 _____
922 County Clerk.

923 Section 19. Section 54-4-22 is amended to read:

924 **54-4-22. Statements of valuations -- Affidavits -- Records of valuation.**

925 The Public Service Commission must on or before the first day of December of each year
926 furnish every public utility doing business in the state of Utah whose rates are based on the

927 valuation of its properties or the amount of its investments with blank forms providing spaces for
928 statements of the valuation of all of the properties of the public utilities located within this state.
929 Said blank forms shall provide for whatever segregation or division of the values of said properties
930 as the commission may require.

931 Each blank form shall have affixed thereto an affidavit which must be substantially as
932 follows:

933 "I, _____, do swear that I am _____ (position held), of the _____ (name of company), and that
934 as such I am in a position to know the valuations of both the tangible and intangible properties of
935 the _____ (name of company), located in the state of Utah, and that to the best of my knowledge
936 the above figures represent the true valuations of said properties at [~~12:00 o'clock~~] 12 noon on the
937 first day of January of the year [~~19__~~] _____".

938 Said affidavit in addition to the above must state the principal place of business of the
939 public utility and other information required by the commission.

940 The Public Service Commission shall require every public utility doing business within the
941 state of Utah whose rates are based on the valuation of its properties or the amount of its
942 investments to declare through its authorized agent on said blank forms the full value of all of the
943 tangible and intangible properties of said utility which are located within the state of Utah, and it
944 shall furthermore require that the valuation of the tangible properties be listed separately from the
945 intangible properties. In making [such] this declaration every public utility may take into
946 consideration any increase or decrease in values of [such] its property during the tax year last past
947 and may raise or lower its declared true values accordingly.

948 [It] The Public Service Commission shall [furthermore] also require that [said] this blank
949 form be filed with the commission on or before a specific date each year to be determined by the
950 commission, and shall require the affidavit of [said] this blank form to be signed and sworn to by
951 a duly qualified and acting officer of [said] the respective public utility in the manner provided by
952 law. The Public Service Commission shall [furthermore] prepare each year a book to be called
953 "Record of Valuations of Utility Companies," in which must be entered the names of every person,
954 organization, or corporation engaged in any utility business in Utah together with the valuation of
955 the tangible and the valuation of the intangible properties of each of said person, organization, or
956 corporation as determined and declared by the duly qualified officers of said public utilities and
957 as declared and filed in accordance with the provisions of this section or as otherwise determined

958 by the commission according to law. The Public Service Commission shall accept the values filed
 959 as provided herein unless otherwise changed by the commission upon evidence taken by and filed
 960 with the commission as the true values of the tangible and the intangible properties of [said] the
 961 public utility and [said] these last declared values shall be the values upon which said utility might
 962 earn a fair return. Under no circumstances shall an increase in the rates of any public utility be
 963 found justified by the commission if [said] the increase shall result in an earning by [said] the
 964 respective utility of an amount greater than a fair return on the value of the properties of [said] the
 965 public utility located in the state of Utah as shown on the forms provided herein.

966 Section 20. Section **57-1-12** is amended to read:

967 **57-1-12. Form of warranty deed -- Effect.**

968 Conveyances of land may be substantially in the following form:

969 WARRANTY DEED

970 _____ (here insert name), grantor, of _____ (insert place of residence), hereby conveys and
 971 warrants to _____ (insert name), grantee, of _____ (insert place of residence), for the sum of _____
 972 dollars, the following described tract _____ of land in _____ County, Utah, to wit: (here describe the
 973 premises).

974 Witness the hand of said grantor this [____ day of _____, 19__]
 975 _____(month\day\year).

976 [Such] A warranty deed when executed as required by law shall have the effect of a
 977 conveyance in fee simple to the grantee, his heirs and assigns, of the premises therein named,
 978 together with all the appurtenances, rights, and privileges thereunto belonging, with covenants
 979 from the grantor, his heirs, and personal representatives, that he is lawfully seised of the premises;
 980 that he has good right to convey the same; that he guarantees the grantee, his heirs, and assigns in
 981 the quiet possession thereof; that the premises are free from all encumbrances; and that the grantor,
 982 his heirs, and personal representatives will forever warrant and defend the title thereof in the
 983 grantee, his heirs, and assigns against all lawful claims whatsoever. Any exceptions to [such] these
 984 covenants may be briefly inserted in [such] the deed following the description of the land.

985 Section 21. Section **57-1-13** is amended to read:

986 **57-1-13. Form of quitclaim deed -- Effect.**

987 Conveyances of land may also be substantially in the following form:

988 QUITCLAIM DEED

989 _____ (here insert name), grantor, of _____ (insert place of residence), hereby quitclaims to
990 _____ (insert name), grantee, of _____ (here insert place of residence), for the sum of _____ dollars,
991 the following described tract _____ of land in _____ County, Utah, to wit: (here describe the
992 premises).

993 Witness the hand of said grantor this [____ day of _____, 19__]
994 _____ (month\day\year).

995 [Such] A quitclaim deed when executed as required by law shall have the effect of a
996 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
997 described and all rights, privileges, and appurtenances thereunto belonging, at the date of [such]
998 the conveyance.

999 Section 22. Section **57-1-14** is amended to read:

1000 **57-1-14. Form of mortgage -- Effect.**

1001 A mortgage of land may be substantially in the following form:

1002 MORTGAGE

1003 _____ (here insert name), mortgagor, of _____ (insert place of residence), hereby mortgages
1004 to _____ (insert name), mortgagee, of _____ (insert place of residence), for the sum of _____ dollars,
1005 the following described tract _____ of land in _____ County, Utah, to wit: (here describe the
1006 premises).

1007 This mortgage is given to secure the following indebtedness (here state amount and form
1008 of indebtedness, maturity, rate of interest, by and to whom payable, and where).

1009 The mortgagor agrees to pay all taxes and assessments on said premises, and the sum of
1010 _____ dollars attorneys' fee in case of foreclosure.

1011 Witness the hand of said mortgagor this [____ day of _____, 19__]
1012 _____ (month\day\year).

1013 [Such] A mortgage when executed as required by law shall have the effect of a conveyance
1014 of the land therein described, together with all the rights, privileges and appurtenances thereunto
1015 belonging, to the mortgagee, his heirs, assigns, and legal representatives, as security for the
1016 payment of the indebtedness thereon set forth, with covenants from the mortgagor of general
1017 warranty of title, and that all taxes and assessments levied and assessed upon the land described,
1018 during the continuance of the mortgage, will be paid previous to the day appointed for the sale of
1019 such lands for taxes; and may be foreclosed as provided by law upon any default being made in

1020 any of the conditions thereof as to payment of either principal, interest, taxes, or assessments.

1021 Section 23. Section 57-1-22 is amended to read:

1022 **57-1-22. Successor trustees -- Appointment by beneficiary -- Effect -- Substitution**
1023 **of trustee -- Recording -- Form.**

1024 (1) The beneficiary may appoint a successor trustee at any time by filing for record in the
1025 office of the county recorder of each county in which the trust property or some part thereof is
1026 situated, a substitution of trustee. From the time the substitution is filed for record, the new trustee
1027 shall succeed to all the power, duties, authority, and title of the trustee named in the deed of trust
1028 and of any successor trustee.

1029 (2) The substitution shall:

1030 (a) identify the trust deed by stating the names of the original parties thereto, the date of
1031 recordation, and the book and page where the same is recorded or the entry number;

1032 (b) include the legal description of the trust property;

1033 (c) state the name of the new trustee; and

1034 (d) be executed and acknowledged by all of the beneficiaries under the trust deed or their
1035 successors in interest.

1036 (3) If not previously recorded, at the time of recording the notice of default, the successor
1037 trustee shall file for record the substitution of trustee, and a copy thereof shall be sent in the
1038 manner provided in Section 57-1-26 to all persons to whom a copy of the notice of default would
1039 be required to be mailed by Section 57-1-26. In addition thereto, a copy shall be sent to the prior
1040 trustee by regular mail to his last-known address.

1041 (4) A substitution of trustee shall be sufficient if made in substantially the following form:

1042 Substitution of Trustee

1043 (insert name and address of new trustee)

1044 is hereby appointed successor trustee under the trust deed executed by ____ as
1045 trustor, in which ____ is named beneficiary and ____ as trustee, and filed for record [____, 19__]
1046 _____(month\day\year), and recorded in Book ____, Page ____, Records of ____ County,
1047 (or filed for record [____, 19__] _____(month\day\year), with recorder's entry No. ____,
1048 ____ County), Utah.

1049 (Insert legal description)

1050 Signature _____

1051 (Certificate of Acknowledgment)

1052 Section 24. Section 57-1-25 is amended to read:

1053 **57-1-25. Notice of trustee's sale -- Description of property -- Time and place of sale.**

1054 (1) The trustee shall give written notice of the time and place of sale particularly describing
1055 the property to be sold:

1056 (a) by publication of [such] the notice, at least three times, once a week for three
1057 consecutive weeks, the last publication to be at least ten days but not more than 30 days prior to
1058 the sale, in some newspaper having a general circulation in each county in which the property to
1059 be sold, or some part thereof, is situated; and

1060 (b) by posting [such] the notice, at least 20 days before the date of sale, in some
1061 conspicuous place on the property to be sold and also in at least three public places of each city
1062 or county in which the property to be sold, or some part thereof, is situated.

1063 (2) The sale shall be held at the time and place designated in the notice of sale which shall
1064 be between the hours of 9 a.m. and 5 p.m. and at the courthouse of the county in which the
1065 property to be sold, or some part thereof, is situated.

1066 (3) The notice of sale shall be sufficient if made in substantially the following form:

1067 Notice of Trustee's Sale

1068 The following described property will be sold at public auction to the highest
1069 bidder, payable in lawful money of the United States at the time of sale, at the ___ in ___, ___
1070 County, Utah, on [____, 19__] _____(month\day\year), at __.m. of said day, for the purpose
1071 of foreclosing a trust deed executed by ___ and ___, his wife, as trustors, in favor of ___,
1072 covering real property located at ___, and more particularly described as:

1073 (Insert legal description)

1074 (Certificate of Acknowledgment, if recorded)

1075 Dated [____, 19__] _____(month\day\year).

1076 _____
Trustee

1077 Section 25. Section 57-1-26 is amended to read:

1078 **57-1-26. Requests for copies of notice of default and notice of sale -- Mailing by**
1079 **trustee or beneficiary -- Publication of notice of default.**

1080 (1) (a) Any person desiring a copy of any notice of default and of any notice of sale under
1081 any trust deed may, at any time subsequent to the filing for record of the trust deed and prior to the

1082 filing for record of a notice of default thereunder, file for record in the office of the county recorder
 1083 of any county in which any part or parcel of the trust property is situated, a duly acknowledged
 1084 request for a copy of any [such] notice of default and notice of sale. The request shall set forth the
 1085 name and address of the person or persons requesting copies of such notices and shall identify the
 1086 trust deed by stating the names of the original parties thereto, the date of filing for record thereof,
 1087 the book and page where the same is recorded or the recorder's entry number, and the legal
 1088 description of the trust property. The request shall be in substantially the following form:

1089 REQUEST FOR NOTICE

1090 Request is hereby made that a copy of any notice of default and a copy of notice of sale
 1091 under the trust deed filed for record [____, 19__] _____ (month\day\year), and recorded in
 1092 Book ____, Page ____, Records of ____ County, (or filed for record [____, 19__]
 1093 _____ (month\day\year), with recorder's entry number ____, _____ County), Utah,
 1094 executed by ____ as trustor, in which ____ is named as beneficiary and ____ as trustee, be mailed
 1095 to ____ (insert name) ____ at ____ (insert address) _____

1096 (Insert legal description)

1097 Signature _____

1098 (Certificate of Acknowledgement)

1099 (b) Upon filing for record of [such] a request for notice, the recorder shall index [such] the
 1100 request in the mortgagor's index, mortgagee's index, and abstract record. Except as provided in this
 1101 section, the trustee under any such deed of trust is not required to send notice of default or notice
 1102 of sale to any person not filing a request for notice as described herein.

1103 (2) Not later than ten days after recordation of [such] a notice of default, the trustee or
 1104 beneficiary shall mail, by certified or registered mail, with postage prepaid, a copy of such notice
 1105 with the recording date shown thereon, addressed to each person whose name and address are set
 1106 forth in a request therefor which has been recorded prior to the filing for record of the notice of
 1107 default, directed to the address designated in the request. At least 20 days before the date of sale,
 1108 the trustee shall mail, by certified or registered mail, with postage prepaid, a copy of the notice of
 1109 the time and place of sale, addressed to each person whose name and address are set forth in a
 1110 request therefor which has been recorded prior to the filing for record of the notice of default,
 1111 directed to the address designated in the request.

1112 (3) Any trust deed may contain a request that a copy of any notice of default and a copy

1113 of any notice of sale thereunder be mailed to any person a party thereto at the address of [such] the
1114 person set forth therein, and a copy of any notice of default and of any notice of sale shall be
1115 mailed to each such person at the same time and in the same manner required as though a separate
1116 request therefor had been filed by each of such persons as provided in this section.

1117 (4) If no address of the trustor is set forth in the trust deed and if no request for notice by
1118 [such] the trustor has been recorded as provided in this section, a copy of the notice of default shall
1119 be published at least three times, once a week for three consecutive weeks, in a newspaper of
1120 general circulation in each county in which the trust property, or some part thereof, is situated,
1121 such publication to commence not later than ten days after the filing for record of the notice of
1122 default. In lieu of [such] this publication, a copy of the notice of default may be delivered
1123 personally to the trustor within the ten days or at any time before publication is completed.

1124 (5) No request for a copy of any notice filed for record pursuant to this section, nor any
1125 statement or allegation in any such request, nor any record thereof, shall affect the title to trust
1126 property or be [~~deemed~~] considered notice to any person that any person requesting copies of
1127 notice of default or of notice of sale has or claims any right, title or interest in, or lien or claim
1128 upon, the trust property.

1129 Section 26. Section **57-1-31** is amended to read:

1130 **57-1-31. Trust deeds -- Default in performance of obligations secured --**
1131 **Reinstatement -- Cancellation of recorded notice of default.**

1132 (1) Whenever all or a portion of the principal sum of any obligation secured by a trust deed
1133 has, prior to the maturity date fixed in [such] the obligation, become due or been declared due by
1134 reason of a breach or default in the performance of any obligation secured by the trust deed,
1135 including a default in the payment of interest or of any installment of principal, or by reason of
1136 failure of the trustor to pay, in accordance with the terms of the trust deed, taxes, assessments,
1137 premiums for insurance, or advances made by the beneficiary in accordance with terms of [such]
1138 the obligation or of [such] the trust deed, the trustor or his successor in interest in the trust property
1139 or any part thereof or any other person having a subordinate lien or encumbrance of record thereon
1140 or any beneficiary under a subordinate trust deed, at any time within three months of the filing for
1141 record of notice of default under [such] the trust deed, if the power of sale is to be exercised, may
1142 pay to the beneficiary or his successor in interest the entire amount then due under the terms of
1143 [such] the trust deed (including costs and expenses actually incurred in enforcing the terms of

1144 [such] the obligation, or trust deed, and the trustee's and attorney's fees actually incurred) other
1145 than [such] that portion of the principal as would not then be due had no default occurred, and
1146 thereby cure the default theretofore existing and, thereupon, all proceedings theretofore had or
1147 instituted shall be dismissed or discontinued and the obligation and trust deed shall be reinstated
1148 and shall be and remain in force and effect the same as if no such acceleration had occurred.

1149 (2) If the default is cured and the trust deed reinstated in the manner provided in
1150 Subsection (1), the beneficiary, or his assignee, shall, on demand of any person having an interest
1151 in the trust property, execute and deliver to him a request to the trustee to execute, acknowledge,
1152 and deliver a cancellation of the recorded notice of default under [such] the trust deed; and any
1153 beneficiary under a trust deed, or his assignee, who, for a period of 30 days after such demand,
1154 refuses to request the trustee to execute and deliver [such] this cancellation is liable to the person
1155 entitled to such request for all damages resulting from [such] this refusal. A release and
1156 reconveyance given by the trustee or beneficiary, or both, or the execution of a trustee's deed
1157 constitutes a cancellation of a notice of default. Otherwise, a cancellation of a recorded notice of
1158 default under a trust deed is, when acknowledged, entitled to be recorded and is sufficient if made
1159 and executed by the trustee in substantially the following form:

1160 Cancellation of Notice of Default

1161 The undersigned hereby cancels the notice of default filed for record [____, 19__]
1162 _____ (month\day\year), and recorded in Book ____, Page ____, Records of ____ County,
1163 (or filed of record[____, 19__] _____ (month\day\year), with recorder's entry No. ____,
1164 ____ County), Utah, which notice of default refers to the trust deed executed by ____ as trustor,
1165 in which ____ is named as beneficiary and ____ as trustee, and filed for record [____, 19__]
1166 _____ (month\day\year), and recorded in Book ____, Page ____, Records of ____ County,
1167 (or filed of record [____, 19__] _____ (month\day\year), with recorder's entry No. ____,
1168 ____ County), Utah.

1169 (legal description)

1170 Signature of Trustee _____

1171 Section 27. Section **57-2-13** is amended to read:

1172 **57-2-13. Form for certificate of proof.**

1173 The certificate of [such] proof shall be substantially in the following form, to wit:

1174 State of Utah, County of ____

1175 On this [____ day of _____, 19__] _____(month\day\year), before me personally
 1176 appeared ____, personally known to me (or satisfactorily proved to me by the oath of ____, a
 1177 competent and credible witness for that purpose, by me duly sworn) to be the same person whose
 1178 name is subscribed to the above instrument as a witness thereto, who, being by me duly sworn,
 1179 deposed and said that he resides in ____, county of ____, and state of Utah; that he was present
 1180 and saw ____, personally known to him to be the signer of the above instrument as a party thereto,
 1181 sign and deliver the same, and heard him acknowledge that he executed the same, and that he, the
 1182 deponent, thereupon signed his name as a subscribing witness thereto at the request of said ____.

1183 Section 28. Section **59-2-311** is amended to read:

1184 **59-2-311. Completion and delivery of assessment book -- Affidavit required --**
 1185 **Contents of affidavit.**

1186 Prior to May 22 each year, the assessor shall complete and deliver the assessment book to
 1187 the county auditor. The assessor shall subscribe an affidavit in the assessment book substantially
 1188 as follows:

1189 I, ____, the assessor of ____ County, do swear that before May 22, [19__] ____ (year), I
 1190 made diligent inquiry and examination, and either personally or by deputy, established the value
 1191 of all of the property within the county subject to assessment by me; that the property has been
 1192 assessed on the assessment book equally and uniformly according to the best of my judgment,
 1193 information, and belief at its fair market value; that I have faithfully complied with all the duties
 1194 imposed on the assessor under the revenue laws including the requirements of Section 59-2-303.1;
 1195 and that I have not imposed any unjust or double assessments through malice or ill will or
 1196 otherwise, or allowed anyone to escape a just and equal assessment through favor or reward, or
 1197 otherwise.

1198 Section 29. Section **59-2-1339** is amended to read:

1199 **59-2-1339. Form of treasurer's certificate -- Contents of form.**

1200 (1) On or before March 15 the treasurer shall complete the official record of delinquent
 1201 taxes and attach the treasurer's certificate to the record. The certificate shall be substantially in the
 1202 following form:

1203 State of Utah)

1204 ss.

1205 County of)

1206 I, ____ county treasurer of the county of ____, state of Utah, do certify that to the best of
 1207 my knowledge the attached record is a full, true, and correct record and constitutes the official
 1208 record of all properties which became delinquent for the year [19__] ____, and shows in the same
 1209 order as the property appears on the assessment roll, the name of the person to whom the property
 1210 is assessed, the description of the delinquent parcel and a reference to the parcel, serial, or account
 1211 number under which the property was listed in the assessment roll, the amount of taxes, penalties,
 1212 administrative costs, the date of redemption, and by whom the property was redeemed if any
 1213 redemption has been made.

1214 Signature _____
 1215 County Treasurer of _____ County

1216 (2) The official record shall be maintained in the treasurer's office and shall include any
 1217 subsequent delinquent taxes, penalties, administrative costs, and redemptions pertaining to the
 1218 properties listed thereon.

1219 Section 30. Section **59-2-1351** is amended to read:

1220 **59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.**

1221 (1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor
 1222 shall select a date for the tax sale for all real property on which a delinquency exists that was not
 1223 previously redeemed and upon which the period of redemption is expiring in the nearest tax sale.

1224 (b) The tax sale shall be conducted in May or June of the current year.

1225 (2) Notice of the tax sale shall be provided as follows:

1226 (a) sent by certified and first class mail to the last-known recorded owner, the occupant
 1227 of any improved property, and all other interests of record, as of the preceding March 15, at their
 1228 last-known address; and

1229 (b) published four times in a newspaper published and having general circulation in the
 1230 county, once in each of four successive weeks immediately preceding the date of sale; or

1231 (c) if no newspaper is published in the county, posted in five public places in the county,
 1232 as determined by the auditor, at least 25 but no more than 30 days prior to the date of sale.

1233 (3) The notice shall be in substantially the following form:

1234 NOTICE OF TAX SALE

1235 Notice is hereby given that on [the ____ day of _____, 19__]

1236 _____ (month\day\year), at __ o'clock __. m., at the front door of the county courthouse in

1237 ____ County, Utah, I will offer for sale at public auction and sell to the highest bidder for cash,
1238 under the provisions of Section 59-2-1351.1, the following described real property located in the
1239 county and now delinquent and subject to tax sale. A bid for less than the total amount of taxes,
1240 interest, penalty, and administrative costs which are a charge upon the real estate will not be
1241 accepted.

1242 (Here describe the real estate)

1243 IN WITNESS WHEREOF I have hereunto set my hand and official seal [this ____ day of
1244 ____, 19__] on _____ (month\day\year).

1246 County Auditor

1248 County

1249 (4) (a) The notice sent by certified mail in accordance with Subsection (2)(a) shall include:

- 1250 (i) the name and last-known address of the last-known recorded owner of the property to
- 1251 be sold;
- 1252 (ii) the parcel, serial, or account number of the delinquent property; and
- 1253 (iii) the legal description of the delinquent property.

1254 (b) The notice published in a newspaper in accordance with Subsection (2)(b) shall
1255 include:

- 1256 (i) the name and last-known address of the last-known recorded owner of each parcel of
- 1257 property to be sold; and
- 1258 (ii) the street address or the parcel, serial, or account number of the delinquent parcels.

1259 Section 31. Section **59-2-1351.1** is amended to read:

1260 **59-2-1351.1. Tax sale -- Combining certain parcels -- Acceptable bids -- Deeds.**

1261 (1) (a) At the time specified in the notice the auditor shall:

- 1262 (i) attend at the place appointed, offer for sale, and sell all real property for which an
- 1263 acceptable bid is made; and

1264 (ii) refuse to offer a parcel of real property for sale if the description of the real property
1265 is so defective as to convey no title.

1266 (b) The auditor may post at the place of sale a copy of the published list of real property
1267 to be offered and cry the sale by reference to the list rather than crying each parcel separately.

1268 (2) (a) The tax commission shall establish, by rule, minimum procedural standards
1269 applicable to tax sales.

1270 (b) For matters not addressed by commission rules, the county legislative body, upon
1271 recommendation by the county auditor, shall establish procedures, by ordinance, for the sale of the
1272 delinquent property that best protect the financial interest of the delinquent property owner and
1273 meet the needs of local governments to collect delinquent property taxes due.

1274 (3) The county governing body may authorize the auditor to combine for sale two or more
1275 contiguous parcels owned by the same party when:

1276 (a) the parcels are a single economic or functional unit;

1277 (b) the combined sale will best protect the financial interests of the delinquent property
1278 owner; and

1279 (c) separate sales will reduce the economic value of the unit.

1280 (4) The governing body may accept any of the following bids:

1281 (a) the highest bid amount for the entire parcel of property, however, a bid may not be
1282 accepted for an amount which is insufficient to pay the taxes, penalties, interest, and administrative
1283 costs; or

1284 (b) a bid in an amount sufficient to pay the taxes, penalties, interest, and administrative
1285 costs, for less than the entire parcel.

1286 (i) The bid which shall be accepted shall be the bid of the bidder who will pay in cash the
1287 full amount of the taxes, penalties, interest, and administrative costs for the smallest portion of the
1288 entire parcel.

1289 (ii) The county auditor at the tax sale or the county legislative body following the tax sale
1290 shall reject a bid to purchase a strip of property around the entire perimeter of the parcel, or a bid
1291 to purchase a strip of the parcel which would prevent access to the remainder of the parcel by the
1292 redemptive owner or otherwise unreasonably diminish the value of that remainder.

1293 (iii) If the bid accepted is for less than the entire parcel, the auditor shall note the fact, with
1294 a description of the property covered by the bid, upon the tax sale record and the balance of the
1295 parcel not affected by the bid shall be considered to have been redeemed by the owner.

1296 (5) The county legislative body may decide that none of the bids are acceptable.

1297 (6) Once the county auditor has closed the sale of a particular parcel of property as a result
1298 of accepting a bid on the parcel, the successful bidder or purchaser of the property may not

1299 unilaterally rescind the bid. The county legislative body, after acceptance of a bid, may enforce
1300 the terms of the bid by obtaining a legal judgment against the purchaser in the amount of the bid,
1301 plus interest and attorney's fees.

1302 (7) Any sale funds which are in excess of the amount required to satisfy the delinquent
1303 taxes, penalties, interest, and administrative costs of the delinquent property shall be treated as
1304 unclaimed property under Title 67, Chapter 4a, Unclaimed Property Act.

1305 (8) All money received upon the sale of property made under this section shall be paid into
1306 the county treasury, and the treasurer shall settle with the taxing entities as provided in Section
1307 59-2-1366.

1308 (9) (a) The county auditor shall, after acceptance by the county governing body, and in the
1309 name of the county, execute deeds conveying in fee simple all property sold at the public sale to
1310 the purchaser and attest this with the auditor's seal. Deeds issued by the county auditor under this
1311 section shall recite the following:

1312 (i) the total amount of all the delinquent taxes, penalties, interest, and administrative costs
1313 which were paid in for the execution and delivery of the deed;

1314 (ii) the year for which the property was assessed, the year the property became delinquent,
1315 and the year the property was subject to tax sale;

1316 (iii) a full description of the property; and

1317 (iv) the name of the grantee.

1318 (b) When the deed is executed and delivered by the auditor, it shall be prima facie
1319 evidence of the regularity of all proceedings subsequent to the date the taxes initially became
1320 delinquent and of the conveyance of the property to the grantee in fee simple.

1321 (c) The deed issued by the county auditor under this section shall be recorded by the
1322 county recorder.

1323 (d) The fee for the recording shall be included in the administrative costs of the sale.

1324 (e) The deed shall be substantially in the following form:

1325 TAX DEED
1326 ____ County, a body corporate and politic of the state of Utah, grantor, hereby conveys to ____,
1327 grantee, of ____ the following described real estate in ____ County, Utah:

1328 (Here describe the property conveyed)

1329 This conveyance is made in consideration of payment by the grantee of \$____, representing

1330 the total amount owing for delinquent taxes, penalties, interest, and administrative costs
1331 constituting a charge against the real property for nonpayment of general taxes assessed against
1332 it for the years [19__] ____ through [19__] ____ in the sum of \$____.

1333 Dated [this ____ day of ____, 19__] _____ (month\day\year).

1334 (Auditor's Seal)

1335 County _____

1336 By _____

1337 County Auditor

1338 Section 32. Section **59-2-1351.3** is amended to read:

1339 **59-2-1351.3. No purchaser at tax sale -- Property struck off to county.**

1340 (1) Any property offered for sale for which there is no purchaser shall be struck off to the
1341 county by the county auditor, who shall then:

1342 (a) publicly declare substantially as follows: "All property here offered for sale which has
1343 not been struck off to a private purchaser is hereby struck off and sold to the county of ____
1344 (naming the county), and I hereby declare the fee simple title of the property to be vested in the
1345 county";

1346 (b) make an endorsement opposite each of the entries in the delinquency tax sale record
1347 described in Section 59-2-1338 substantially as follows: "The fee simple title to the property
1348 described in this entry in the year of [19__] ____, sold and conveyed to the county of ____ in
1349 payment of general taxes charged against the property"; and

1350 (c) sign the auditor's name to the record.

1351 (2) The fee simple title to the property shall then vest in the county.

1352 (3) After following the procedures in Subsection (1), the auditor shall deposit the tax sale
1353 record with the county recorder. The record shall become a part of the official records of the
1354 recorder and is considered to have been recorded by the recorder.

1355 (4) The recorder shall make the necessary entries in the index, abstract record, and plat
1356 book showing the conveyance of all property sold and conveyed to the county pursuant to this
1357 section.

Legislative Review Note
as of 1-14-00 8:22 PM

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

Office of Legislative Research and General Counsel