

**ELECTION LAW COMMISSION**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Judy Ann Buffmire**

**This act modifies the Election Code creating a State Elections Commission. This act defines the State Elections Commission's membership, powers, and duties. The act changes the following responsibilities from the Lieutenant Governor to the State Elections Commission: preparing voter information pamphlets; issuing and revoking lobbyist licenses; certifying new political parties; reviewing and adjudicating complaints and disputes in the election process; certifying the names of individuals who have filed a declaration of candidacy; governing the state initiative and referendum process; preparing a summary of the financial reports submitted by political action committees, political issues committees, and corporations; canvassing the return of statewide or multicounty ballots and publishing the results of primaries; transmitting certificates of election; canvassing petitions for delegates to a convention regarding an amendment to the U.S. Constitution; complying with the provisions regulating open and public meetings; and preparing and submitting a written annual report to the Government Operations Interim Committee.**

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

AMENDS:

- 10-2-117**, as enacted by Chapter 389, Laws of Utah 1997
- 17-2-2**, as last amended by Chapter 68, Laws of Utah 1984
- 17-2-3**, as last amended by Chapter 68, Laws of Utah 1984
- 17-2-7**, as last amended by Chapter 263, Laws of Utah 1996
- 17-2-8**, as last amended by Chapter 14, Laws of Utah 2000
- 17-3-2**, as last amended by Chapter 68, Laws of Utah 1984
- 17-16-6.5**, as last amended by Chapter 258, Laws of Utah 1996
- 17-20-5**, as last amended by Chapter 3, Laws of Utah 2000



- 28           **20A-1-102**, as last amended by Chapter 241, Laws of Utah 2001  
29           **20A-1-305**, as enacted by Chapter 1, Laws of Utah 1993  
30           **20A-1-703**, as last amended by Chapter 296, Laws of Utah 1997  
31           **20A-1-704**, as enacted by Chapter 1, Laws of Utah 1993  
32           **20A-1-706**, as enacted by Chapter 1, Laws of Utah 1993  
33           **20A-2-104**, as last amended by Chapters 75 and 328, Laws of Utah 2000  
34           **20A-2-108**, as last amended by Chapter 75, Laws of Utah 2000  
35           **20A-2-109**, as last amended by Chapter 266, Laws of Utah 1998  
36           **20A-2-204**, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997  
37           **20A-2-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session  
38           **20A-2-300.6**, as enacted by Chapter 311, Laws of Utah 1994  
39           **20A-2-308**, as enacted by Chapter 311, Laws of Utah 1994  
40           **20A-3-406**, as enacted by Chapter 1, Laws of Utah 1993  
41           **20A-4-304**, as last amended by Chapter 22, Laws of Utah 1999  
42           **20A-4-306**, as last amended by Chapter 22, Laws of Utah 1999  
43           **20A-5-101**, as last amended by Chapters 40 and 362, Laws of Utah 1998  
44           **20A-5-405**, as last amended by Chapter 340, Laws of Utah 1995  
45           **20A-5-409**, as enacted by Chapter 183, Laws of Utah 1997  
46           **20A-6-104**, as enacted by Chapter 313, Laws of Utah 2001  
47           **20A-6-203**, as enacted by Chapter 328, Laws of Utah 2000  
48           **20A-6-301**, as last amended by Chapter 57, Laws of Utah 2001  
49           **20A-6-302**, as last amended by Chapter 241, Laws of Utah 2001  
50           **20A-7-103**, as last amended by Chapter 57, Laws of Utah 2001  
51           **20A-7-201**, as last amended by Chapter 115, Laws of Utah 1999  
52           **20A-7-202**, as last amended by Chapter 45, Laws of Utah 1999  
53           **20A-7-203**, as last amended by Chapters 3 and 75, Laws of Utah 2000  
54           **20A-7-204**, as last amended by Chapter 153, Laws of Utah 1995  
55           **20A-7-205**, as last amended by Chapter 3, Laws of Utah 2000  
56           **20A-7-205.5**, as enacted by Chapter 109, Laws of Utah 1999  
57           **20A-7-206**, as last amended by Chapter 3, Laws of Utah 2000  
58           **20A-7-206.5**, as enacted by Chapter 109, Laws of Utah 1999

- 59           **20A-7-207**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 60           **20A-7-208**, as last amended by Chapter 115, Laws of Utah 1999
- 61           **20A-7-209**, as last amended by Chapters 57, 65 and 169, Laws of Utah 2001
- 62           **20A-7-210**, as enacted by Chapter 1, Laws of Utah 1994
- 63           **20A-7-211**, as enacted by Chapter 1, Laws of Utah 1994
- 64           **20A-7-301**, as last amended by Chapter 153, Laws of Utah 1995
- 65           **20A-7-302**, as last amended by Chapter 153, Laws of Utah 1995
- 66           **20A-7-303**, as last amended by Chapter 3, Laws of Utah 2000
- 67           **20A-7-304**, as last amended by Chapter 153, Laws of Utah 1995
- 68           **20A-7-305**, as last amended by Chapter 3, Laws of Utah 2000
- 69           **20A-7-306**, as last amended by Chapter 3, Laws of Utah 2000
- 70           **20A-7-307**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 71           **20A-7-308**, as last amended by Chapters 57, 65 and 169, Laws of Utah 2001
- 72           **20A-7-309**, as enacted by Chapter 1, Laws of Utah 1994
- 73           **20A-7-310**, as enacted by Chapter 1, Laws of Utah 1994
- 74           **20A-7-701**, as last amended by Chapter 215, Laws of Utah 1997
- 75           **20A-7-702**, as last amended by Chapters 65 and 166, Laws of Utah 2001
- 76           **20A-7-703**, as enacted by Chapter 1 and last amended by Chapter 153, Laws of Utah 1995
- 77           **20A-7-704**, as last amended by Chapter 65, Laws of Utah 2001
- 78           **20A-7-705**, as last amended by Chapter 116, Laws of Utah 1999
- 79           **20A-7-706**, as last amended by Chapter 65, Laws of Utah 2001
- 80           **20A-8-103**, as last amended by Chapter 45, Laws of Utah 1999
- 81           **20A-8-106**, as last amended by Chapter 213, Laws of Utah 1996
- 82           **20A-8-401**, as last amended by Chapter 78, Laws of Utah 2001
- 83           **20A-8-402**, as last amended by Chapter 49, Laws of Utah 1999
- 84           **20A-8-403**, as enacted by Chapter 182, Laws of Utah 1997
- 85           **20A-9-101**, as last amended by Chapter 24, Laws of Utah 1997
- 86           **20A-9-201**, as last amended by Chapter 75, Laws of Utah 2000
- 87           **20A-9-202**, as last amended by Chapter 45, Laws of Utah 1999
- 88           **20A-9-202.5**, as enacted by Chapter 22, Laws of Utah 1999
- 89           **20A-9-203**, as last amended by Chapters 3 and 75, Laws of Utah 2000

- 90           **20A-9-402**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
- 91           **20A-9-403**, as last amended by Chapters 75 and 328, Laws of Utah 2000
- 92           **20A-9-503**, as last amended by Chapter 45, Laws of Utah 1999
- 93           **20A-9-601**, as last amended by Chapter 81, Laws of Utah 2000
- 94           **20A-9-701**, as enacted by Chapter 183, Laws of Utah 1997
- 95           **20A-9-802**, as enacted by Chapter 22, Laws of Utah 1999
- 96           **20A-9-803**, as enacted by Chapter 22, Laws of Utah 1999
- 97           **20A-9-805**, as enacted by Chapter 22, Laws of Utah 1999
- 98           **20A-9-806**, as enacted by Chapter 22, Laws of Utah 1999
- 99           **20A-9-809**, as enacted by Chapter 22, Laws of Utah 1999
- 100          **20A-10-201**, as enacted by Chapter 264, Laws of Utah 1994
- 101          **20A-10-301**, as enacted by Chapter 264, Laws of Utah 1994
- 102          **20A-11-101**, as last amended by Chapters 45 and 93, Laws of Utah 1999
- 103          **20A-11-103**, as last amended by Chapter 166, Laws of Utah 2001
- 104          **20A-11-201**, as last amended by Chapter 355, Laws of Utah 1997
- 105          **20A-11-202**, as last amended by Chapter 355, Laws of Utah 1997
- 106          **20A-11-204**, as last amended by Chapter 93, Laws of Utah 1999
- 107          **20A-11-205**, as last amended by Chapter 355, Laws of Utah 1997
- 108          **20A-11-206**, as last amended by Chapter 93, Laws of Utah 1999
- 109          **20A-11-301**, as last amended by Chapter 355, Laws of Utah 1997
- 110          **20A-11-303**, as last amended by Chapter 93, Laws of Utah 1999
- 111          **20A-11-304**, as last amended by Chapter 355, Laws of Utah 1997
- 112          **20A-11-305**, as last amended by Chapter 93, Laws of Utah 1999
- 113          **20A-11-402**, as last amended by Chapter 355, Laws of Utah 1997
- 114          **20A-11-403**, as repealed and reenacted by Chapter 355, Laws of Utah 1997
- 115          **20A-11-507**, as last amended by Chapter 355, Laws of Utah 1997
- 116          **20A-11-508**, as repealed and reenacted by Chapter 355, Laws of Utah 1997
- 117          **20A-11-601**, as enacted by Chapter 1, Laws of Utah 1995
- 118          **20A-11-602**, as last amended by Chapters 45 and 86, Laws of Utah 1999
- 119          **20A-11-603**, as enacted by Chapter 355, Laws of Utah 1997
- 120          **20A-11-701**, as last amended by Chapter 40, Laws of Utah 1998

- 121           **20A-11-702**, as last amended by Chapter 355, Laws of Utah 1997
- 122           **20A-11-703**, as enacted by Chapter 355, Laws of Utah 1997
- 123           **20A-11-801**, as last amended by Chapter 355, Laws of Utah 1997
- 124           **20A-11-802**, as last amended by Chapters 45 and 109, Laws of Utah 1999
- 125           **20A-11-803**, as enacted by Chapter 355, Laws of Utah 1997
- 126           **20A-11-1004**, as enacted by Chapter 1, Laws of Utah 1995
- 127           **20A-11-1301**, as enacted by Chapter 355, Laws of Utah 1997
- 128           **20A-11-1303**, as enacted by Chapter 355, Laws of Utah 1997
- 129           **20A-11-1304**, as enacted by Chapter 355, Laws of Utah 1997
- 130           **20A-11-1305**, as enacted by Chapter 355, Laws of Utah 1997
- 131           **20A-12-201**, as last amended by Chapter 308, Laws of Utah 2001
- 132           **20A-12-302**, as enacted by Chapter 166, Laws of Utah 2001
- 133           **20A-12-304**, as enacted by Chapter 166, Laws of Utah 2001
- 134           **20A-12-305**, as enacted by Chapter 166, Laws of Utah 2001
- 135           **20A-12-306**, as enacted by Chapter 166, Laws of Utah 2001
- 136           **20A-13-102**, as repealed and reenacted by Chapter 6, Laws of Utah 2001, Second Special
- 137 Session
- 138           **20A-13-301**, as last amended by Chapter 78, Laws of Utah 2001
- 139           **20A-13-302**, as last amended by Chapter 78, Laws of Utah 2001
- 140           **20A-13-304**, as enacted by Chapter 1, Laws of Utah 1995
- 141           **20A-14-102**, as repealed and reenacted by Chapter 2, Laws of Utah 2001, Second Special
- 142 Session
- 143           **20A-14-104**, as last amended by Chapter 184, Laws of Utah 1997
- 144           **20A-14-105**, as enacted by Chapter 1, Laws of Utah 1995
- 145           **20A-15-103**, as enacted by Chapter 1, Laws of Utah 1995
- 146           **20A-15-201**, as enacted by Chapter 1, Laws of Utah 1995
- 147           **20A-15-202**, as enacted by Chapter 1, Laws of Utah 1995
- 148           **36-1-103**, as enacted by Chapter 5, Laws of Utah 2001, Second Special Session
- 149           **36-1-105**, as enacted by Chapter 5, Laws of Utah 2001, Second Special Session
- 150           **36-1-202**, as enacted by Chapter 1, Laws of Utah 2001, Second Special Session
- 151           **36-1-203**, as enacted by Chapter 1, Laws of Utah 2001, Second Special Session

152           **36-1-204**, as enacted by Chapter 1, Laws of Utah 2001, Second Special Session  
153           **36-11-103**, as last amended by Chapter 338, Laws of Utah 2000  
154           **36-11-106**, as last amended by Chapter 338, Laws of Utah 2000  
155           **36-11-201**, as last amended by Chapter 338, Laws of Utah 2000  
156           **36-11-401**, as last amended by Chapter 338, Laws of Utah 2000  
157           **36-11-404**, as enacted by Chapter 280, Laws of Utah 1991  
158           **67-1a-2**, as enacted by Chapter 68, Laws of Utah 1984  
159           **78-3-21**, as last amended by Chapter 221, Laws of Utah 2000

160 ENACTS:

161           **20A-1a-101**, Utah Code Annotated 1953  
162           **20A-1a-102**, Utah Code Annotated 1953  
163           **20A-1a-201**, Utah Code Annotated 1953  
164           **20A-1a-202**, Utah Code Annotated 1953  
165           **20A-1a-203**, Utah Code Annotated 1953  
166           **20A-1a-204**, Utah Code Annotated 1953  
167           **20A-1a-301**, Utah Code Annotated 1953  
168           **20A-1a-302**, Utah Code Annotated 1953

169 REPEALS:

170           **67-1a-9**, as enacted by Chapter 68, Laws of Utah 1984

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

172           Section 1. Section **10-2-117** is amended to read:

173           **10-2-117. Notification to State Elections Commission of election of city officers.**

174           Within ten days of the canvass of the final election of city officers under Section 10-2-116,  
175 the county clerk shall send written notice to the [~~lieutenant governor~~] State Elections Commission  
176 of the name and position of each officer elected and the term for which each has been elected.

177           Section 2. Section **17-2-2** is amended to read:

178           **17-2-2. Election returns transmitted to State Elections Commission.**

179           As soon as the returns of the vote upon such proposition have been canvassed by the county  
180 boards of canvassers each county clerk must make a certified abstract thereof, seal up such  
181 abstract, endorse it "election returns," and without delay transmit it by registered mail to the  
182 [~~lieutenant governor~~] State Elections Commission.

183 Section 3. Section **17-2-3** is amended to read:

184 **17-2-3. Certification of election result to governor.**

185 The certified abstract of such returns must be filed [~~in the office of the lieutenant governor~~]  
186 with the State Elections Commission, and, if it appears therefrom that a majority of the voters in  
187 each of the counties have voted in favor of such annexation, the [~~lieutenant governor~~] State  
188 Elections Commission must certify the result of such vote to the governor.

189 Section 4. Section **17-2-7** is amended to read:

190 **17-2-7. Election returns transmitted to State Elections Commission.**

191 As soon as the returns of the vote upon the proposition under either Subsection 17-2-6(1)  
192 or 17-2-6(2) have been canvassed by the county boards of canvassers, each county clerk must make  
193 a certified abstract thereof, endorse it "election returns," and without delay transmit it by registered  
194 mail to the [~~lieutenant governor~~] State Elections Commission.

195 Section 5. Section **17-2-8** is amended to read:

196 **17-2-8. Certification of election result to governor.**

197 (1) The certified abstract of such returns shall be filed [~~in the office of the lieutenant~~  
198 ~~governor~~] with the State Elections Commission.

199 (2) (a) In an election held under Subsection 17-2-6(1), if it appears from the certified  
200 abstract that a majority of those voting in each county have voted in favor of such annexation, the  
201 [~~lieutenant governor~~] State Elections Commission shall certify the result of such vote to the  
202 governor.

203 (b) In an election held under Subsection 17-2-6(2), the [~~lieutenant governor~~] State  
204 Elections Commission shall certify the result of that vote to the governor if it appears from the  
205 certified abstract that:

206 (i) a majority of voters living in the area proposed for annexation have voted in favor of  
207 annexation; and

208 (ii) a majority of voters living in the county to which the area is proposed to be annexed  
209 have voted in favor of annexation.

210 Section 6. Section **17-3-2** is amended to read:

211 **17-3-2. Election returns transmitted to State Elections Commission.**

212 As soon as the returns of the vote upon such proposition have been canvassed by the county  
213 board of canvassers the county clerk must make a certified abstract thereof, seal up such abstract,

214 endorse it "election returns," and without delay transmit it, together with a certified copy of the  
215 petition provided for in Section 17-3-1 by registered mail to the [~~lieutenant governor~~] State  
216 Elections Commission.

217 Section 7. Section **17-16-6.5** is amended to read:

218 **17-16-6.5. Campaign financial disclosure in county elections.**

219 (1) (a) By January 1, 1996, each county shall adopt an ordinance establishing campaign  
220 finance disclosure requirements for candidates for county office.

221 (b) The ordinance shall include:

222 (i) a requirement that each candidate for county office report his itemized and total  
223 campaign contributions and expenditures at least once within the two weeks before the election  
224 and at least once within two months after the election;

225 (ii) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary  
226 contributions such as in-kind contributions and contributions of tangible things; and

227 (iii) a requirement that the financial reports identify:

228 (A) for each contribution of more than \$50, the name of the donor of the contribution and  
229 the amount of the contribution; and

230 (B) for each expenditure, the name of the recipient and the amount of the expenditure.

231 (2) (a) Except as provided in Subsection (2)(b), if any county fails to adopt a campaign  
232 finance disclosure ordinance by January 1, 1996, candidates for county office shall comply with  
233 the financial reporting requirements contained in Subsections (3) through (6).

234 (b) If, after August 1, 1995, any county adopts a campaign finance ordinance meeting the  
235 requirements of Subsection (1), that county need not comply with the requirements of Subsections  
236 (3) through (6).

237 (3) (a) Except as provided in Subsection (3)(b), and if there is no county ordinance meeting  
238 the requirements of this section, each candidate for elective office in any county who is not  
239 required to submit a campaign financial statement to the [~~lieutenant governor~~] State Elections  
240 Commission shall file a signed campaign financial statement with the county clerk:

241 (i) seven days before the date of the regular general election, reporting each contribution  
242 of more than \$50 and each expenditure as of ten days before the date of the regular general  
243 election; and

244 (ii) no later than 30 days after the date of the regular general election.

245 (b) Candidates for community council offices are exempt from the requirements of this  
246 section.

247 (4) (a) The statement filed seven days before the regular general election shall include:

248 (i) a list of each contribution of more than \$50 received by the candidate, and the name of  
249 the donor;

250 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

251 (iii) a list of each expenditure for political purposes made during the campaign period, and  
252 the recipient of each expenditure.

253 (b) The statement filed 30 days after the regular general election shall include:

254 (i) a list of each contribution of more than \$50 received after the cutoff date for the  
255 statement filed seven days before the election, and the name of the donor;

256 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after the  
257 cutoff date for the statement filed seven days before the election; and

258 (iii) a list of all expenditures for political purposes made by the candidate after the cutoff  
259 date for the statement filed seven days before the election, and the recipient of each expenditure.

260 (5) Candidates for elective office in any county who are eliminated at a primary election  
261 shall file a signed campaign financial statement containing the information required by this section  
262 not later than 30 days after the primary election.

263 (6) Any person who fails to comply with this section is guilty of an infraction.

264 (7) Counties may, by ordinance, enact requirements that:

265 (a) require greater disclosure of campaign contributions and expenditures; and

266 (b) impose additional penalties.

267 Section 8. Section **17-20-5** is amended to read:

268 **17-20-5. Report of election and appointment of officers.**

269 Within ten days after a county clerk issues a certificate of election or a certificate of  
270 appointment made to fill vacancies in elective county offices, the county clerk shall prepare and  
271 forward to the [~~lieutenant governor~~] State Elections Commission a certified report showing:

272 (1) the name of the county;

273 (2) the name of the county office to which the person was elected or appointed;

274 (3) the date of the election or appointment of the person;

275 (4) the date of the expiration of the term for which the person was elected or appointed;

276 (5) the date of the certificate of election or appointment; and

277 (6) the date of the qualification of the person elected or appointed.

278 Section 9. Section **20A-1-102** is amended to read:

279 **20A-1-102. Definitions.**

280 As used in this title:

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

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

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

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

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

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

294 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
295 20A-4-306 to canvass election returns.

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

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

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

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

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

306 (13) "Convention" means the political party convention at which party officers and

307 delegates are selected.

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

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

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

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

316 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

317 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

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

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

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

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

325 (24) "Election officer" means:

326 (a) the ~~lieutenant governor~~ executive director of the State Elections Commission, for all  
327 statewide ballots;

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

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

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

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

335 (26) "Election returns" includes the pollbook, all affidavits of registration, the military and  
336 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed  
337 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the

338 ballot disposition form, and the total votes cast form.

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

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

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

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

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

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

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

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

355 (35) "Municipal executive" means:

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

358 (b) the mayor in the council-mayor optional form of government defined in Section  
359 10-3-1209; and

360 (c) the manager in the council-manager optional form of government defined in Section  
361 10-3-1209.

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

365 (37) "Municipal legislative body" means:

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

368 (b) the municipal council in the council-mayor optional form of government defined in

369 Section 10-3-1209; and

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

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

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

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

378 (41) "Official endorsement" means:

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

380 (i) the ballot as an official ballot;

381 (ii) the date of the election; and

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

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

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

385 (ii) the ballot number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

431 (62) "Special district officers" means those special district officers that are required by law  
432 to be elected.

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

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

435 (a) is spoiled by the voter;

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

437 (c) lacks the official endorsement.

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

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

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

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

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

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

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

452 (72) "Voter" means a person who meets the requirements for voting in an election, meets  
453 the requirements of election registration, is registered to vote, and is listed in the official register  
454 book.

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

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

459 (75) "Voting device" means:

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

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

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

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

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

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

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

473 (80) "Western States Presidential Primary" means the election established in Title 20A,  
474 Chapter 9, Part 8.

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

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

478 Section 10. Section **20A-1-305** is amended to read:

479 **20A-1-305. Publication and distribution of election laws.**

480 (1) The [~~lieutenant governor~~] State Elections Commission shall:

481 (a) publish a sufficient number of copies of Title 20A, Election Code, and any other  
482 provisions of law that govern elections; and

483 (b) transmit copies to each county clerk.

484 (2) Each county clerk shall:

485 (a) inform the [~~lieutenant governor~~] State Elections Commission of the number of copies  
486 needed; and

487 (b) furnish each election officer in the county with one copy.

488 Section 11. Section **20A-1-703** is amended to read:

489 **20A-1-703. Proceedings by registered voter.**

490 (1) Any registered voter who has information that any provisions of this title have been  
491 violated by any candidate for whom the registered voter had the right to vote, by any personal  
492 campaign committee of that candidate, by any member of that committee, or by any election

493 official, may file a verified petition with the [~~lieutenant governor~~] State Elections Commission.

494 (2) (a) The [~~lieutenant governor~~] State Elections Commission shall gather information and  
495 determine if a special investigation is necessary.

496 (b) If the [~~lieutenant governor~~] State Elections Commission determines that a special  
497 investigation is necessary, the [~~lieutenant governor~~] State Elections Commission shall refer the  
498 information to the attorney general, who shall:

499 (i) bring a special proceeding to investigate and determine whether or not there has been  
500 a violation; and

501 (ii) appoint special counsel to conduct that proceeding on behalf of the state.

502 (3) If it appears from the petition or otherwise that sufficient evidence is obtainable to  
503 show that there is probable cause to believe that a violation has occurred, the attorney general  
504 shall:

505 (a) grant leave to bring the proceeding; and

506 (b) appoint special counsel to conduct the proceeding.

507 (4) (a) If leave is granted, the registered voter may, by a special proceeding brought in the  
508 district court in the name of the state upon the relation of the registered voter, investigate and  
509 determine whether or not the candidate, candidate's personal campaign committee, any member  
510 of the candidate's personal campaign committee, or any election officer has violated any provision  
511 of this title.

512 (b) (i) In the proceeding, the complaint shall:

513 (A) be served with the summons; and

514 (B) set forth the name of the person or persons who have allegedly violated this title and  
515 the grounds of those violations in detail.

516 (ii) The complaint may not be amended except by leave of the court.

517 (iii) The summons and complaint in the proceeding shall be filed with the court no later  
518 than five days after they are served.

519 (c) (i) The answer to the complaint shall be served and filed within ten days after the  
520 service of the summons and complaint.

521 (ii) Any allegation of new matters in the answer shall be considered controverted by the  
522 adverse party without reply, and the proceeding shall be considered at issue and stand ready for  
523 trial upon five days' notice of trial.

524 (d) (i) All proceedings initiated under this section have precedence over any other civil  
525 actions.

526 (ii) The court shall always be considered open for the trial of the issues raised in this  
527 proceeding.

528 (iii) The proceeding shall be tried and determined as a civil action without a jury, with the  
529 court determining all issues of fact and issues of law.

530 (iv) If more than one proceeding is pending or the election of more than one person is  
531 investigated and contested, the court may:

532 (A) order the proceedings consolidated and heard together; and

533 (B) equitably apportion costs and disbursements.

534 (e) (i) Either party may request a change of venue as provided by law in civil actions, but  
535 application for a change of venue must be made within five days after service of summons and  
536 complaint.

537 (ii) The judge shall decide the request for a change of venue and issue any necessary orders  
538 within three days after the application is made.

539 (iii) If a party fails to request a change of venue within five days of service, he has waived  
540 his right to a change of venue.

541 (f) (i) If judgment is in favor of the plaintiff, the relator may petition the judge to recover  
542 his taxable costs and disbursements against the person whose right to the office is contested.

543 (ii) The judge may not award costs to the defendant unless it appears that the proceeding  
544 was brought in bad faith.

545 (iii) Subject to the limitations contained in Subsection (4)(f), the judge may decide whether  
546 or not to award costs and disbursements.

547 (5) Nothing in this section may be construed to prohibit any other civil or criminal actions  
548 or remedies against alleged violators.

549 (6) In the event a witness asserts a privilege against self-incrimination, testimony and  
550 evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of  
551 Immunity.

552 Section 12. Section **20A-1-704** is amended to read:

553 **20A-1-704. Judgment and findings -- Appeal -- Criminal prosecution not affected**  
554 **by judgment.**

555 (1) (a) If the court finds that the candidate whose right to any office is being investigated,  
556 or that the candidate, the candidate's personal campaign committee or any member of the  
557 candidate's personal campaign committee has violated any provision of this title in the conduct of  
558 the campaign for nomination or election, and if the candidate is not one mentioned in Subsection  
559 (2), the judge shall enter an order:

560 (i) declaring void the election of the candidate to that office;

561 (ii) ousting and excluding the candidate from office; and

562 (iii) declaring the office vacant.

563 (b) The vacancy created by that order shall be filled as provided in this chapter.

564 (2) (a) If a proceeding has been brought to investigate the right of a candidate for either  
565 house of the Legislature, and the court finds that the candidate, the candidate's personal campaign  
566 committee, or any member of the candidate's personal campaign committee has violated any  
567 provision of this title in the conduct of the campaign for nomination or election, the court shall:

568 (i) prepare and sign written findings of fact and conclusions of law relating to the  
569 violation; and

570 (ii) without issuing an order, transmit those findings and conclusions to the [~~lieutenant~~  
571 ~~governor~~] State Elections Commission.

572 (b) The [~~lieutenant governor~~] State Elections Commission shall transmit the judge's  
573 findings and conclusions to the house of the Legislature for which the person is a candidate.

574 (3) (a) A party may appeal the determination of the court in the same manner as appeals  
575 may be taken in civil actions.

576 (b) A judge may not issue an injunction suspending or staying the proceeding unless:

577 (i) application is made to the court or to the presiding judge of the court;

578 (ii) all parties receive notice of the application and the time for the hearing; and

579 (iii) the judge conducts a hearing.

580 (4) Any judgment or findings and conclusions issued as provided in this section may not  
581 be construed to bar or affect in any way any criminal prosecution of any candidate or other person.

582 Section 13. Section **20A-1-706** is amended to read:

583 **20A-1-706. Special counsel on appeal.**

584 (1) If either party appeals the judgment of the trial court, the district judge, the attorney  
585 general, or the governor who appointed special counsel for the trial court shall authorize that

586 counsel, or some other person, to appear as special counsel in the appellate court in the matter.

587 (2) (a) The special counsel authorized by this chapter shall receive a reasonable  
588 compensation for his services.

589 (b) The compensation shall be audited by the [~~lieutenant governor~~] State Elections  
590 Commission and paid out of the state treasury upon a voucher and upon the written statement of  
591 the officer appointing the counsel that:

592 (i) the appointment has been made;

593 (ii) the person appointed has faithfully performed the duties imposed upon him; and

594 (iii) that the special counsel's bill is accurate and correct.

595 (c) Compensation for special counsel shall be audited and paid in the same manner as other  
596 claims against the state are audited and paid.

597 Section 14. Section **20A-1a-101** is enacted to read:

598 **CHAPTER 1a. STATE ELECTIONS COMMISSION**

599 **Part 1. General Provision**

600 **20A-1a-101. Title.**

601 This chapter shall be known as "State Elections Commission."

602 Section 15. Section **20A-1a-102** is enacted to read:

603 **20A-1a-102. Definitions.**

604 As used in this section:

605 (1) "Candidate for public office" means a person who has filed a declaration of candidacy  
606 for an office to be filled at a regular general election or municipal general election.

607 (2) "Party official" means the executive director of a registered political party, and each  
608 state and county chair, vice chair, secretary, and treasurer.

609 (3) "Public official" means each person serving in an elected office and each person  
610 appointed by a person serving in an elected office.

611 (4) "Total constitutional officer vote" means the total number of votes cast statewide in  
612 the last gubernatorial election for governor, attorney general, state auditor, and state treasurer.

613 Section 16. Section **20A-1a-201** is enacted to read:

614 **Part 2. Creation of State Elections Commission**

615 **20A-1a-201. Creation.**

616 (1) There is created a State Elections Commission.

617 (2) The governor, with the advice and consent of the Senate, shall appoint members to the  
618 State Elections Commission as provided in this section.

619 (3) (a) The state central committee of each political party that received at least 15% of the  
620 total constitutional officer vote shall submit a list of five nominees to the governor.

621 (b) The state central committee may not nominate a candidate for public office, a public  
622 official, or a party official for service on the State Elections Commission.

623 (c) (i) The governor shall select two commission members from each list of nominees  
624 submitted to the governor by a central committee under this Subsection (3).

625 (ii) The governor may not appoint a candidate for public office, a public official, or a party  
626 official to serve on the State Elections Commission.

627 (4) (a) (i) At the first commission meeting, the commission shall select one additional  
628 commission member by a majority vote.

629 (ii) The commission may not appoint a candidate for public office, a public official, or a  
630 party official to serve on the State Elections Commission.

631 (b) If the commission is unable to select an additional member within 30 days after the first  
632 commission meeting, the governor shall replace each member of the commission in accordance  
633 with the procedures established by this chapter.

634 (c) This process shall continue until an additional commission member is selected.

635 (5) (a) Except as provided in Subsection (5)(b), the governor shall appoint commission  
636 members to serve four-year terms.

637 (b) (i) When selecting the initial commission members, the governor shall select one  
638 member from each political party to serve a two-year term and the remaining members to serve  
639 four-year terms.

640 (ii) The commission member selected by the commission at the first commission meeting  
641 shall serve a four-year term.

642 (c) (i) Commission members may serve a four-year term unless their position becomes  
643 vacant as provided in Section 20A-1a-202 or unless they were appointed to a two-year term under  
644 Subsection (5)(b).

645 (ii) Commission members may not serve more than two four-year terms.

646 (6) (a) The commission shall elect a chair and vice chair from the commission to serve for  
647 two years.

- 648 (b) The chair and vice chair may not be members of the same political party.
- 649 (c) The chair may not be a member of the same political party as the preceding chair.
- 650 (7) A simple majority of the commission is a quorum for the transaction of business.
- 651 (8) (a) The commission shall meet at least once per quarter.
- 652 (b) Additional meetings may be called by:
- 653 (i) the chair of the commission;
- 654 (ii) the executive director of the commission; or
- 655 (iii) a simple majority of the commission members communicating their request for a
- 656 meeting in writing to the chair.
- 657 (9) (a) For each meeting that a commission member attends, the commission member may
- 658 receive a per diem rate that is established by the Division of Finance under Sections 63A-3-106
- 659 and 63A-3-107.
- 660 (b) A commission member may decline to receive per diem and expenses for the
- 661 commission member's service.
- 662 (10) (a) The commission shall hire an executive director and additional support staff as
- 663 needed.
- 664 (b) The commission shall hire independent legal counsel.
- 665 (c) In conjunction with the Department of Human Resource Management, the commission
- 666 shall establish job classifications, job descriptions, and salary ranges for the executive director and
- 667 each staff member.
- 668 (d) The executive director may be removed from office for any reason at any time by a
- 669 simple majority vote of the members of the commission.
- 670 (11) Each member of the commission is exempt from the requirements of Title 67, Chapter
- 671 16, Utah Public Officers' and Employees' Ethics Act.
- 672 Section 17. Section **20A-1a-202** is enacted to read:
- 673 **20A-1a-202. Commission vacancies.**
- 674 (1) A vacancy occurs on the commission when:
- 675 (a) the political party of a commission member does not receive at least 15% of the total
- 676 constitutional officer vote in the last gubernatorial election;
- 677 (b) a commission member resigns from the commission or is otherwise unable to complete
- 678 the commission member's term; or

679 (c) a commission member completes the commission member's term.

680 (2) (a) Except as provided in Subsection (2)(b), the governor, within 30 days after a  
681 vacancy has occurred, shall appoint a member of the same political party to fill the vacancy in  
682 accordance with the procedures established in this chapter.

683 (b) (i) When the political party of a commission member does not receive more than 15%  
684 of the total constitutional officer vote in the preceding gubernatorial election, the terms of the  
685 commission members of that political party have expired, and those persons are no longer  
686 members of the commission.

687 (ii) The governor may not replace any vacant positions that occur under Subsection (2)(b).

688 (iii) When the position of the commission member selected by other commission members  
689 becomes vacant, the commission members appointed by the governor shall select a person to fill  
690 the vacancy for the unexpired term.

691 Section 18. Section **20A-1a-203** is enacted to read:

692 **20A-1a-203. Adding members to the commission.**

693 The governor shall, within 30 days after each gubernatorial election, select two additional  
694 nominees to serve on the commission from a list of ten nominees submitted by the central  
695 committee of a political party if the political party:

696 (1) received at least 15% of the votes for governor in the last gubernatorial election; and

697 (2) does not already have a representative on the commission who was appointed by the  
698 governor.

699 Section 19. Section **20A-1a-204** is enacted to read:

700 **20A-1a-204. Transfer of personnel, equipment, and property.**

701 (1) To the extent practicable, the State Elections Commission shall use the personnel and  
702 equipment transferred from the lieutenant governor's office under this section.

703 (2) (a) The lieutenant governor's office shall transfer to the State Elections Commission  
704 each person employed by the lieutenant governor who, as of the effective date of this chapter,  
705 spends more than 60% of the employee's time performing functions related to the lieutenant  
706 governor's functions as the chief election officer of the state.

707 (b) The transfer of personnel shall be completed by July 1, 2002.

708 (c) Effective July 1, 2002, the Division of Finance shall transfer from the lieutenant  
709 governor's office to the commission, all monies that have been appropriated to the lieutenant

710 governor to manage and operate the election process, including monies that would have been used  
711 to compensate any transferred personnel for the remainder of the 2001-02 fiscal year, including  
712 retirement, leave, and all other benefits.

713 (3) The lieutenant governor's office shall inventory and transfer to the State Elections  
714 Commission all equipment and other tangible property in its possession that is primarily used by  
715 persons transferred to the State Elections Commission under this section.

716 Section 20. Section **20A-1a-301** is enacted to read:

717 **Part 3. Duties and Responsibilities**

718 **20A-1a-301. Duties of the State Elections Commission.**

719 The State Elections Commission shall:

720 (1) select an additional committee member, within 30 days after each gubernatorial  
721 election, to serve on the committee for a four-year term according to Subsection 20A-1a-201(5)(a);

722 (2) prepare voter information pamphlets in accordance with Title 20A, Chapter 7, Issues  
723 Submitted to the Voters;

724 (3) issue and revoke lobbyist licenses in accordance with Title 36, Chapter 11, Lobbyist  
725 Disclosure and Regulation Act;

726 (4) certify new political parties in accordance with Title 20A, Chapter 8, Political Party  
727 Formation and Procedures;

728 (5) review and adjudicate complaints and disputes that arise in the election process by  
729 following the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures  
730 Act;

731 (6) certify to the state central committee of each political party the names of individuals  
732 of that political party who have filed a declaration of candidacy with the commission;

733 (7) govern the initiative and referendum process in accordance with Title 20A, Chapter  
734 7, Issues Submitted to the Voters;

735 (8) prepare a summary of the financial reports submitted by political action committees,  
736 political issues committees, and corporations in accordance with Title 20A, Chapter 11, Campaign  
737 and Financial Reporting Requirements;

738 (9) canvass the return of ballots and publish the results of primaries in accordance with  
739 Title 20A, Chapter 4, Election Returns and Election Contests;

740 (10) canvass the return of ballots of general and special elections in accordance with Title

741 20A, Chapter 4, Election Returns and Election Contests;

742 (11) transmit certificates of election in accordance with Title 20A, Chapter 4, Election  
743 Returns and Election Contests;

744 (12) canvass petitions for delegates to a convention regarding an amendment to the U.S.  
745 Constitution in accordance with Title 20A, Chapter 15, Convention to Ratify Amendments to the  
746 Constitution of the United States;

747 (13) comply with the provisions of Title 52, Chapter 4, Open and Public Meetings;

748 (14) prepare a written annual report that contains:

749 (a) a list of the registered political parties in Utah;

750 (b) a list of all lobbyists licensed in Utah;

751 (c) a summary of political contributions to and political expenditures of political action  
752 committees, political issues committees, and corporations;

753 (d) a summary detailing the total political contributions to and political expenditures of  
754 each candidate for:

755 (i) governor;

756 (ii) attorney general;

757 (iii) state auditor;

758 (iv) state treasurer; and

759 (v) state school board;

760 (e) a summary detailing the total political contributions to and political expenditures of all  
761 candidates for:

762 (i) the Utah House of Representatives; and

763 (ii) the Utah Senate;

764 (f) a list detailing each initiative and referendum that is being circulated for signature;

765 (g) a brief description of any significant regulatory, adjudicative, enforcement, or legal  
766 action that the commission undertook or was involved in;

767 (h) a brief description of any rules enacted by the commission since the date of the last  
768 report; and

769 (i) any proposed legislation that the commission believes should be considered by the  
770 Legislature; and

771 (15) submit the annual report to the governor and the staffing members of the Government

772 Operations Interim Committee of the Legislature by February 1 of each year.

773 Section 21. Section **20A-1a-302** is enacted to read:

774 **20A-1a-302. Duties of the executive director.**

775 The executive director shall:

776 (1) provide election information to the public;

777 (2) publish, in pamphlet form, copies of the election laws and distribute copies to each  
778 county clerk in accordance with Title 20A, Chapter 1, General Provisions;

779 (3) publish and distribute voter information pamphlets to each county clerk in accordance  
780 with Title 20A, Chapter 5, Election Administration;

781 (4) serve as the filing officer for candidates for the following positions:

782 (a) President, U.S. Senator, and U.S. Representative;

783 (b) governor, lieutenant governor, attorney general, state auditor, and state treasurer;

784 (c) state school board; and

785 (d) state senator and state representative, when that official represents constituents in more  
786 than one county;

787 (5) license lobbyists and maintain lobby registration lists in accordance with Title 36,  
788 Chapter 11, Lobbyist Disclosure and Regulation Act;

789 (6) maintain election returns and statistics as required by Title 20A, Elections;

790 (7) maintain expenditure records of lobbyists, principals, and government officers on  
791 public officials or members of their immediate family in accordance with Title 36, Chapter 11,

792 Lobbyist Disclosure and Regulation Act;

793 (8) register and maintain expenditure records of political action committees, political issue  
794 committees, and corporations in accordance with Title 20A, Chapter 11, Campaign and Financial  
795 Reporting Requirements;

796 (9) maintain records on candidates and candidate's personal campaign committees in  
797 accordance with Title 20A, Chapter 11, Campaign and Financial Reporting Requirements;

798 (10) maintain the official districting maps in accordance with Title 20A, Chapter 13,  
799 Elections to Federal Offices; and

800 (11) maintain argument papers concerning the adoption of a referendum in accordance  
801 with Title 20A, Chapter 7, Issues Submitted to the Voters.

802 Section 22. Section **20A-2-104** is amended to read:

803 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

806 -----

807 UTAH ELECTION REGISTRATION FORM

808 Name of Voter \_\_\_\_\_

809 First Middle Last

810 Driver License or Identification Card Number (optional) \_\_\_\_\_

811 Date of Birth \_\_\_\_\_

812 Street Address of Principal Place of Residence \_\_\_\_\_

813 \_\_\_\_\_

814 City County State Zip Code

815 Telephone Number (optional) \_\_\_\_\_

816 Last four digits of Social Security Number (optional) \_\_\_\_\_

817 Place of Birth \_\_\_\_\_

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

819 \_\_\_\_\_

820 City County State Zip Code

821 \_\_\_\_\_

822 Voting Precinct (if known)

823 Political Party

824 American Democrat Green Independent American Libertarian Natural Law

825 Reform Populist Republican Socialist Workers Unaffiliated (no political party

826 preference)

827 Other (Please specify) \_\_\_\_\_

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

833 Signed and sworn

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Voter's Signature

\_\_\_\_\_ (month/day/year).

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

FOR OFFICIAL USE ONLY

Voting Precinct \_\_\_\_\_

Voting I.D. Number \_\_\_\_\_

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(b) The [~~lieutenant governor~~] State Elections Commission, after consulting with the county clerks, may direct additional changes to the voter registration form when necessary to provide information to persons registering to vote or to facilitate election administration.

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

(3) (a) Each county clerk shall retain lists of currently registered voters.

(b) The [~~lieutenant governor~~] State Elections Commission shall maintain a list of registered voters in electronic form.

(c) If there are any discrepancies between the two lists, the county clerk's list is the official list.

(d) The [~~lieutenant governor~~] State Elections Commission and the county clerks may charge the fees established under the authority of Subsection 63-2-203(10) to individuals who wish to obtain a copy of the list of registered voters.

(4) When political parties not listed on the voter registration form qualify as registered political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the [~~lieutenant governor~~] State Elections Commission shall inform the county clerks about the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include that political party.

Section 23. Section **20A-2-108** is amended to read:

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

(1) The [~~lieutenant governor~~] State Elections Commission and the Driver License Division shall design the driver license application and renewal forms to include the question "if you are

865 not registered to vote where you live now, would you like to register to vote today?"

866 (2) (a) The [~~lieutenant governor~~] State Elections Commission and the Driver License  
867 Division shall design a motor voter registration form to be used in conjunction with driver license  
868 application and renewal forms.

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

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

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

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

876 Signed and sworn

877 \_\_\_\_\_  
878 Voter's Signature

879 \_\_\_\_\_(month\day\year)";

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

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

886 Section 24. Section **20A-2-109** is amended to read:

887 **20A-2-109. Statewide voter registration data base -- State Elections Commission to**  
888 **create -- Counties to provide information -- List of incarcerated felons.**

889 (1) (a) The [~~lieutenant governor~~] State Elections Commission shall develop a statewide  
890 voter registration data base.

891 (b) Each county clerk shall provide the [~~lieutenant governor~~] State Elections Commission  
892 with the county's voter registration and other data requested by the [~~lieutenant governor~~] State  
893 Elections Commission in the form required by the [~~lieutenant governor~~] State Elections  
894 Commission.

895 (2) (a) The [~~lieutenant governor~~] State Elections Commission shall maintain a current list

896 of all incarcerated felons in Utah.

897 (b) (i) The Department of Corrections shall provide the [~~lieutenant governor's office~~] State  
898 Elections Commission with a list of the name and last-known address of each person who:

899 (A) was convicted of a felony in a Utah state court; and

900 (B) is currently incarcerated for commission of a felony.

901 (ii) The [~~lieutenant governor~~] State Elections Commission shall establish the frequency  
902 of receipt of the information and the method of transmitting the information after consultation with  
903 the Department of Corrections.

904 (c) (i) The Department of Corrections shall provide the [~~lieutenant governor's office~~] State  
905 Elections Commission with a list of the name of each convicted felon who is no longer subject to  
906 the jurisdiction of the department because the person has been released from incarceration.

907 (ii) The [~~lieutenant governor~~] State Elections Commission shall establish the frequency  
908 of receipt of the information and the method of transmitting the information after consultation with  
909 the Department of Corrections.

910 Section 25. Section **20A-2-204** is amended to read:

911 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

912 (1) As used in this section, "voter registration form" means the driver license  
913 application/voter registration form and the driver license renewal/voter registration form required  
914 by Section 20A-2-108.

915 (2) Any citizen who is qualified to vote may register to vote by completing the voter  
916 registration form.

917 (3) The Driver License Division shall:

918 (a) assist applicants in completing the voter registration form unless the applicant refuses  
919 assistance;

920 (b) accept completed forms for transmittal to the appropriate election official;

921 (c) transmit a copy of each voter registration form to the appropriate election official  
922 within five days after it is received by the division;

923 (d) transmit each address change within five days after it is received by the division; and

924 (e) transmit electronically to the [~~lieutenant governor's~~] State Elections Commission's  
925 office the name, address, birth date, and driver license number of each person who answers "yes"  
926 to the question on the driver license form about registering to vote.

927 (4) Upon receipt of a correctly completed voter registration form, the county clerk shall:

928 (a) enter the applicant's name on the list of registered voters for the voting precinct in  
929 which the applicant resides; and

930 (b) notify the applicant of registration.

931 (5) (a) If the county clerk receives a correctly completed voter registration form that is  
932 dated less than 20 days before an election, the county clerk shall:

933 (i) register the applicant after the next election; and

934 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
935 informing the applicant that his registration will not be effective until after the election.

936 (b) When the county clerk receives any voter registration forms at least seven days before  
937 an election that are dated at least 20 days before the election, the county clerk shall:

938 (i) process the voter registration forms; and

939 (ii) record the new voters in the official register and posting list.

940 (6) If the county clerk determines that a voter registration form received from the Driver  
941 License Division is incorrect because of an error or because it is incomplete, the county clerk shall  
942 mail notice to the person attempting to register, informing him that he has not been registered  
943 because of an error or because the form is incomplete.

944 Section 26. Section **20A-2-205** is amended to read:

945 **20A-2-205. Registration at voter registration agencies.**

946 (1) As used in this section:

947 (a) "Discretionary voter registration agency" means each office designated by the county  
948 clerk under Part 3 to provide by-mail voter registration forms to the public.

949 (b) "Public assistance agency" means each office in Utah that provides:

950 (i) public assistance; or

951 (ii) state funded programs primarily engaged in providing services to people with  
952 disabilities.

953 (2) Any person may obtain and complete a by-mail registration form at a public assistance  
954 agency or discretionary voter registration agency.

955 (3) Each public assistance agency and discretionary voter registration agency shall provide,  
956 either as part of existing forms or on a separate form, the following information in substantially  
957 the following form:

958 "REGISTERING TO VOTE

959 If you are not registered to vote where you live now, would you like to apply to register to  
960 vote here today? (Applying to register to vote or declining to register to vote will not affect the  
961 amount of assistance that you will be provided by this agency.) Yes\_\_\_\_ No\_\_\_\_ IF YOU DO  
962 NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO  
963 REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration  
964 application form, we will help you. The decision about whether or not to seek or accept help is  
965 yours. You may fill out the application form in private. If you believe that someone has interfered  
966 with your right to register or to decline to register to vote, your right to privacy in deciding whether  
967 or not to register, or in applying to register to vote, or your right to choose your own political party  
968 or other political preference, you may file a complaint with the [~~Office of the Lieutenant Governor,  
969 State Capitol Building, Salt Lake City, Utah 84114. (801) 538-1040~~] State Elections  
970 Commission."

971 (4) Unless a person applying for service or assistance from a public assistance agency or  
972 discretionary voter registration agency declines, in writing, to register to vote, each public  
973 assistance agency and discretionary voter registration agency shall:

974 (a) distribute a by-mail voter registration form with each application for service or  
975 assistance provided by the agency or office;

976 (b) assist applicants in completing the voter registration form unless the applicant refuses  
977 assistance;

978 (c) accept completed forms for transmittal to the appropriate election official; and

979 (d) transmit a copy of each voter registration form to the appropriate election official  
980 within five days after it is received by the division.

981 (5) A person in a public assistance agency or a discretionary voter registration agency that  
982 helps a person complete the voter registration form may not:

983 (a) seek to influence an applicant's political preference or party registration;

984 (b) display any political preference or party allegiance;

985 (c) make any statement to an applicant or take any action that has the purpose or effect of  
986 discouraging the applicant from registering to vote; or

987 (d) make any statement to an applicant or take any action that has the purpose or effect of  
988 leading the applicant to believe that a decision to register or not to register has any bearing upon

989 the availability of services or benefits.

990 (6) Upon receipt of a correctly completed voter registration form, the county clerk shall:

991 (a) enter the applicant's name on the list of registered voters for the voting precinct in  
992 which the applicant resides; and

993 (b) notify the applicant of registration.

994 (7) (a) If the county clerk receives a correctly completed voter registration form that is  
995 dated less than 20 days before an election, the county clerk shall:

996 (i) register the applicant after the next election; and

997 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
998 informing the applicant that his registration will not be effective until after the election.

999 (b) When the county clerk receives any voter registration forms at least seven days before  
1000 an election that are dated at least 20 days before the election, the county clerk shall:

1001 (i) process the voter registration forms; and

1002 (ii) record the new voters in the official register and posting list.

1003 (8) If the county clerk determines that a voter registration form received from a public  
1004 assistance agency or discretionary voter registration agency is incorrect because of an error or  
1005 because it is incomplete, the county clerk shall mail notice to the person attempting to register,  
1006 informing him that he has not been registered because of an error or because the form is  
1007 incomplete.

1008 Section 27. Section **20A-2-300.6** is amended to read:

1009 **20A-2-300.6. Chief elections officer.**

1010 (1) The [~~lieutenant governor~~] executive director of the State Elections Commission is  
1011 Utah's chief elections officer.

1012 (2) The [~~lieutenant governor~~] executive director of the State Elections Commission shall:

1013 (a) oversee all of Utah's:

1014 (i) voter registration activities; and

1015 (ii) other responsibilities established by Public Law 103-31, the National Voter  
1016 Registration Act of 1993; and

1017 (b) coordinate with local, state, and federal officials to ensure compliance with state and  
1018 federal election laws.

1019 (3) The [~~lieutenant governor~~] executive director of the State Elections Commission, in

1020 cooperation with the county clerks, shall develop a general program to obtain change of address  
1021 information in order to remove the names of ineligible voters from the official register.

1022 Section 28. Section **20A-2-308** is amended to read:

1023 **20A-2-308. State Elections Commission and county clerks to preserve records.**

1024 (1) As used in this section:

1025 (a) "Voter registration records" means all records concerning the implementation of  
1026 programs and activities conducted for the purpose of ensuring that the official register is accurate  
1027 and current.

1028 (b) "Voter registration records" does not mean records that:

1029 (i) relate to a person's decision to decline to register to vote; and

1030 (ii) identify the particular public assistance agency, discretionary voter registration agency,  
1031 or Driver License Division through which a particular voter registered to vote.

1032 (2) The [~~lieutenant governor~~] State Elections Commission and each county clerk shall:

1033 (a) preserve for at least two years all records relating to voter registration, including:

1034 (i) the official register; and

1035 (ii) the names and addresses of all persons to whom the notice required by Section  
1036 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;

1037 (b) make the records available for public inspection; and

1038 (c) allow the records to be photocopied for a reasonable cost.

1039 Section 29. Section **20A-3-406** is amended to read:

1040 **20A-3-406. Absentee ballots for military personnel and citizens living overseas --**  
1041 **Federal postcard applications for ballot.**

1042 (1) (a) Applications for absentee ballots for military voters shall be filed in the county  
1043 clerk's office no later than the Friday immediately before the day of election.

1044 (b) Military personnel voting an absentee ballot at the office of the clerk shall apply and  
1045 cast their ballot no later than the day before the election.

1046 (2) (a) Military voters stationed overseas and overseas citizen voters shall file an  
1047 application for a ballot with the county clerk no later than 20 days before the day of election.

1048 (b) Upon receipt of a properly completed written application for an absentee ballot signed  
1049 by any military voter or overseas citizen voter, the county clerk shall mail an appropriate ballot to  
1050 the military voter or overseas citizen voter.

1051 (c) The county clerk, at the time he furnishes the ballot, shall record, in a record book  
1052 provided for that purpose, the name and home address of the military voter or overseas citizen  
1053 voter to whom the ballot is mailed, the address mailed to, and the date of mailing the ballot.

1054 (d) If the military voter or overseas citizen voter sends his application to the [~~lieutenant~~  
1055 ~~governor~~] State Elections Commission, the [~~lieutenant governor~~] State Elections Commission shall  
1056 forward the application to the county clerk of the county where the military voter or overseas  
1057 citizen voter is entitled to vote.

1058 (3) Any military voter or overseas citizen voter who is physically disabled so as to be  
1059 unable to see or write may apply for a ballot by having a commissioned, noncommissioned, or  
1060 petty officer not below the rank of sergeant, or other person authorized to administer oaths to apply  
1061 for a ballot on the voter's behalf.

1062 (4) (a) A federal postcard application issued under the authority of any Act of Congress  
1063 or federal regulation is acceptable, when properly executed, as an application for a ballot under this  
1064 chapter.

1065 (b) The county clerk shall accept the completed postcard application as an application for  
1066 ballots for every election held in even-numbered years and shall send the applicant a ballot for each  
1067 election as required by Section 20A-3-407.

1068 (5) The county clerk shall retain the application for use at the time the ballot is received  
1069 from the military voter or overseas citizen voter.

1070 Section 30. Section **20A-4-304** is amended to read:

1071 **20A-4-304. Declaration of results -- Canvassers' report.**

1072 (1) Each board of canvassers shall:

1073 (a) declare "elected" or "nominated" those persons who:

1074 (i) had the highest number of votes; and

1075 (ii) sought election or nomination to an office completely within the board's jurisdiction;

1076 (b) declare:

1077 (i) "approved" those ballot propositions that:

1078 (A) had more "yes" votes than "no" votes; and

1079 (B) were submitted only to the voters within the board's jurisdiction;

1080 (ii) "rejected" those ballot propositions that:

1081 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"

- 1082 votes; and
- 1083 (B) were submitted only to the voters within the board's jurisdiction;
- 1084 (c) certify the vote totals for persons and for and against ballot propositions that were
- 1085 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the
- 1086 ~~lieutenant governor~~ State Elections Commission; and
- 1087 (d) if applicable, certify the results of each special district election to the special district
- 1088 clerk.
- 1089 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
- 1090 result, which shall contain:
- 1091 (i) the total number of votes cast in the board's jurisdiction;
- 1092 (ii) the names of each candidate whose name appeared on the ballot;
- 1093 (iii) the title of each ballot proposition that appeared on the ballot;
- 1094 (iv) each office that appeared on the ballot;
- 1095 (v) from each voting precinct:
- 1096 (A) the number of votes for each candidate; and
- 1097 (B) the number of votes for and against each ballot proposition;
- 1098 (vi) the total number of votes given in the board's jurisdiction to each candidate, and for
- 1099 and against each ballot proposition; and
- 1100 (vii) a statement certifying that the information contained in the report is accurate.
- 1101 (b) The election officer and the board of canvassers shall:
- 1102 (i) review the report to ensure that it is correct; and
- 1103 (ii) sign the report.
- 1104 (c) The election officer shall:
- 1105 (i) record or file the certified report in a book kept for that purpose;
- 1106 (ii) prepare and transmit a certificate of nomination or election under the officer's seal to
- 1107 each nominated or elected candidate;
- 1108 (iii) publish a copy of the certified report in a newspaper with general circulation in the
- 1109 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and
- 1110 (iv) file a copy of the certified report with the ~~lieutenant governor~~ State Elections
- 1111 Commission.
- 1112 (3) When there has been a regular general or a statewide special election for statewide

1113 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
1114 or more county ballot proposition, each board of canvassers shall:

1115 (a) prepare a separate report detailing the number of votes for each candidate and the  
1116 number of votes for and against each ballot proposition; and

1117 (b) transmit it by registered mail to the [~~lieutenant governor~~] State Elections Commission.

1118 (4) In each county election, municipal election, school election, special district election,  
1119 and local special election, the election officer shall transmit the reports to the [~~lieutenant governor~~]  
1120 State Elections Commission within 14 days of the canvass.

1121 (5) In regular primary elections and in the Western States Presidential Primary, the board  
1122 shall transmit to the [~~lieutenant governor~~] State Elections Commission:

1123 (a) the county totals for multi-county races, to be telephoned or faxed to the [~~lieutenant~~  
1124 ~~governor~~] State Elections Commission:

1125 (i) not later than the Tuesday after the primary election for the regular primary election;  
1126 and

1127 (ii) not later than the Friday after the election for the Western States Presidential Primary;  
1128 and

1129 (b) a complete tabulation showing voting totals for all primary races, precinct by precinct,  
1130 to be mailed to the [~~lieutenant governor~~] State Elections Commission on or before the second  
1131 Friday following the primary election.

1132 Section 31. Section **20A-4-306** is amended to read:

1133 **20A-4-306. Statewide canvass.**

1134 (1) (a) The state board of canvassers shall convene:

1135 (i) on the fourth Monday of November, at noon; or

1136 (ii) at noon on the day following the receipt by the [~~lieutenant governor~~] State Elections  
1137 Commission of the last of the returns of a statewide special election.

1138 (b) The state auditor, the state treasurer, and the attorney general are the state board of  
1139 canvassers.

1140 (2) (a) The state board of canvassers shall:

1141 (i) meet in the [~~lieutenant governor's~~] office of the State Elections Commission; and

1142 (ii) compute and determine the vote for officers and for and against any ballot propositions  
1143 voted upon by the voters of the entire state or of two or more counties.

- 1144 (b) The [~~lieutenant governor, as secretary of the board~~] State Elections Commission shall  
1145 [~~file~~] prepare a report [~~in his office~~] that details:
- 1146 (i) for each statewide officer and ballot proposition:
- 1147 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- 1148 (B) the candidates for each statewide office whose names appeared on the ballot, plus any  
1149 recorded write-in candidates;
- 1150 (C) the number of votes from each county cast for each candidate and for and against each  
1151 ballot proposition;
- 1152 (D) the total number of votes cast statewide for each candidate and for and against each  
1153 ballot proposition; and
- 1154 (E) the total number of votes cast statewide; and
- 1155 (ii) for each officer or ballot proposition voted on in two or more counties:
- 1156 (A) the name of each of those offices and ballot propositions that appeared on the ballot;
- 1157 (B) the candidates for those offices, plus any recorded write-in candidates;
- 1158 (C) the number of votes from each county cast for each candidate and for and against each  
1159 ballot proposition; and
- 1160 (D) the total number of votes cast for each candidate and for and against each ballot  
1161 proposition.
- 1162 (c) The [~~lieutenant governor~~] State Elections Commission shall:
- 1163 (i) prepare certificates of election for:
- 1164 (A) each successful candidate; and
- 1165 (B) each of the presidential electors of the candidate for president who received a majority  
1166 of the votes;
- 1167 (ii) authenticate each certificate with his seal; and
- 1168 (iii) deliver a certificate of election to:
- 1169 (A) each candidate who had the highest number of votes for each office; and
- 1170 (B) each of the presidential electors of the candidate for president who received a majority  
1171 of the votes.
- 1172 (3) If the [~~lieutenant governor~~] State Elections Commission has not received election  
1173 returns from all counties on the fifth day before the day designated for the meeting of the state  
1174 board of canvassers, the [~~lieutenant governor~~] State Elections Commission shall:

1175 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
1176 county;

1177 (b) instruct the messenger to demand a certified copy of the board of canvasser's report  
1178 required by Section 20A-4-304 from the clerk; and

1179 (c) pay the messenger the per diem provided by law as compensation.

1180 (4) The state board of canvassers may not withhold the declaration of the result or any  
1181 certificate of election because of any defect or informality in the returns of any election if the board  
1182 can determine from the returns, with reasonable certainty, what office is intended and who is  
1183 elected to it.

1184 (5) (a) At noon on the third Monday after the regular primary election, the [~~lieutenant~~  
1185 ~~governor~~] State Elections Commission shall:

1186 (i) canvass the returns for all multicounty candidates required to file with the office of the  
1187 [~~lieutenant governor~~] State Elections Commission; and

1188 (ii) publish and file the results of the canvass in the [~~lieutenant governor's~~] office of the  
1189 State Elections Commission.

1190 (b) The [~~lieutenant governor~~] State Elections Commission shall certify the results of the  
1191 primary canvass to the county clerks not later than the August 1 after the primary election.

1192 (6) (a) At noon on the third Thursday after the Western States Presidential Primary  
1193 election, the [~~lieutenant governor~~] State Elections Commission shall:

1194 (i) canvass the returns; and

1195 (ii) publish and file the results of the canvass in the [~~lieutenant governor's~~] State Elections  
1196 Commission's office.

1197 (b) The [~~lieutenant governor~~] State Elections Commission shall certify the results of the  
1198 Western States Presidential Primary canvass to each registered political party that participated in  
1199 the primary not later than the April 15 after the primary election.

1200 Section 32. Section **20A-5-101** is amended to read:

1201 **20A-5-101. Notice of election.**

1202 (1) On or before February 1 in each regular general election year, the [~~lieutenant governor~~]  
1203 State Elections Commission shall prepare and transmit a written notice to each county clerk that:

1204 (a) designates the offices to be filled at the regular general election;

1205 (b) identifies the dates for filing a declaration of candidacy for those offices; and

1206 (c) contains a description of any ballot propositions to be decided by the voters that have  
1207 qualified for the ballot as of that date.

1208 (2) (a) No later than February 10, each county clerk shall:

1209 (i) publish a notice once in a newspaper published in that county; and

1210 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to give  
1211 notice of the election to the voters in each voting precinct within the county; and

1212 (B) prepare an affidavit of that posting, showing a copy of the notice and the places where  
1213 the notice was posted.

1214 (b) The notice required by Subsection (2)(a) shall:

1215 (i) designate the offices to be voted on in that election in that county, other than special  
1216 district offices; and

1217 (ii) identify the dates for filing a declaration of candidacy for those offices.

1218 (3) Before each election, the election officer shall give written or printed notice of:

1219 (a) the date and place of election;

1220 (b) the hours during which the polls will be open;

1221 (c) the polling places for each voting precinct; and

1222 (d) the qualifications for persons to vote in the election.

1223 (4) To provide the notice required by Subsection (3), the election officer shall publish the  
1224 notice at least two days before the election in a newspaper of general circulation common to the  
1225 area or in which the election is being held.

1226 Section 33. Section **20A-5-405** is amended to read:

1227 **20A-5-405. Election officer to provide ballots.**

1228 (1) In jurisdictions using paper ballots, each election officer shall:

1229 (a) provide printed official paper ballots and absentee ballots for every election of public  
1230 officers in which the voters, or any of the voters, within the election officer's jurisdiction  
1231 participate;

1232 (b) cause the name of every candidate whose nomination has been certified to or filed with  
1233 the election officer in the manner provided by law to be printed on each official paper ballot and  
1234 absentee ballot;

1235 (c) cause any ballot proposition that has qualified for the ballot as provided by law to be  
1236 printed on each official paper ballot and absentee ballot;

- 1237 (d) ensure that the official paper ballots are printed and in the possession of the election  
1238 officer at least four days before election day;
- 1239 (e) ensure that the absentee ballots are printed and in the possession of the election officer  
1240 at least 15 days before election day;
- 1241 (f) cause any ballot proposition that has qualified for the ballot as provided by law to be  
1242 printed on each official paper ballot and absentee ballot;
- 1243 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
1244 qualified for the official ballot to inspect the official paper ballots and absentee ballots;
- 1245 (h) cause sample ballots to be printed that are in the same form as official paper ballots and  
1246 that contain the same information as official paper ballots but that are printed on different colored  
1247 paper than official paper ballots;
- 1248 (i) ensure that the sample ballots are printed and in the possession of the election officer  
1249 at least seven days before election day;
- 1250 (j) make the sample ballots available for public inspection by:
- 1251 (i) posting a copy of the sample ballot in his office at least seven days before the election;
- 1252 (ii) mailing a copy of the sample ballot to:
- 1253 (A) each candidate listed on the ballot; and
- 1254 (B) the [~~lieutenant governor~~] State Elections Commission; and
- 1255 (iii) publishing a copy of the sample ballot immediately before the election in at least one  
1256 newspaper of general circulation in the jurisdiction holding the election;
- 1257 (k) deliver at least five copies of the sample ballot to election judges in each voting  
1258 precinct and direct them to post the sample ballots at each voting precinct as required by Section  
1259 20A-5-102; and
- 1260 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough  
1261 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting  
1262 demands of the qualified voters in each voting precinct.
- 1263 (2) In jurisdictions using ballot cards, each election officer shall:
- 1264 (a) provide official ballot cards, absentee ballot cards, and printed official ballot labels for  
1265 every election of public officers in which the voters, or any of the voters, within the election  
1266 officer's jurisdiction participate;
- 1267 (b) cause the name of every candidate who filed with the election officer in the manner

1268 provided by law or whose nomination has been certified to the election officer to be printed on  
1269 each official ballot label;

1270 (c) cause each ballot proposition that has qualified for the ballot as provided by law to be  
1271 printed on each official ballot label;

1272 (d) ensure that the official ballot labels are printed and in the possession of the election  
1273 officer at least four days before election day;

1274 (e) ensure that the absentee ballots are printed and in the possession of the election officer  
1275 at least 15 days before election day;

1276 (f) cause any ballot proposition that has qualified for the ballot as provided by law to be  
1277 printed on each official ballot label and absentee ballot;

1278 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
1279 qualified for the official sample ballot to inspect the official sample ballot;

1280 (h) cause sample ballots to be printed that contain the same information as official ballot  
1281 labels but that are distinguishable from official ballot labels;

1282 (i) ensure that the sample ballots are printed and in the possession of the election officer  
1283 at least seven days before election day;

1284 (j) make the sample ballots available for public inspection by:

1285 (i) posting a copy of the sample ballot in his office at least seven days before the election;

1286 (ii) mailing a copy of the sample ballot to:

1287 (A) each candidate listed on the ballot; and

1288 (B) the ~~[lieutenant governor]~~ State Elections Commission; and

1289 (iii) publishing a copy of the sample ballot immediately before the election in at least one  
1290 newspaper of general circulation in the jurisdiction holding the election;

1291 (k) deliver at least five copies of the sample ballot to election judges in each voting  
1292 precinct and direct them to post the sample ballots at each voting precinct as required by Section  
1293 20A-5-102; and

1294 (l) print and deliver official ballot cards, official ballot labels, sample ballots, and  
1295 instruction cards at the expense of the jurisdiction conducting the election.

1296 (3) (a) Each election officer shall, without delay, correct any error discovered in any  
1297 official paper ballot, ballot label, or sample ballot, if the correction can be made without interfering  
1298 with the timely distribution of paper ballots and ballot labels.

1299 (b) If the election officer discovers errors or omissions in the paper ballots or ballot labels  
1300 and it is not possible to correct the errors or omissions by reprinting the paper ballots or ballot  
1301 labels, the election officer shall direct the election judges to make the necessary corrections on the  
1302 official paper ballots or ballot labels before they are distributed at the polls.

1303 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper  
1304 ballots or ballot labels, a candidate or his agent may file a verified petition with the district court  
1305 asserting that:

1306 (A) an error or omission has occurred in the publication of the name or description of a  
1307 candidate or in the printing of sample or official paper ballots or ballot labels; and

1308 (B) the election officer has failed to correct or provide for the correction of the error or  
1309 omission.

1310 (ii) The district court shall issue an order requiring correction of any error in a paper ballot  
1311 or ballot label, or an order to show cause why the error should not be corrected if it appears to the  
1312 court that the error or omission has occurred and the election officer has failed to correct it or  
1313 failed to provide for its correction.

1314 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah  
1315 Supreme Court within five days after the decision of the district court.

1316 Section 34. Section **20A-5-409** is amended to read:

1317 **20A-5-409. Certification of candidates to county clerks.**

1318 By September 1 of each regular general election year, the [~~lieutenant governor~~] State  
1319 Elections Commission shall certify to each county clerk the name of each candidate qualified to  
1320 be printed on the regular general election ballot for that county clerk's county.

1321 Section 35. Section **20A-6-104** is amended to read:

1322 **20A-6-104. Electronic ballots and electronic voting.**

1323 Under the direction of the [~~lieutenant governor as chief election officer~~] executive director  
1324 of the State Elections Commission, a county may develop and implement a voting system meeting  
1325 the requirements of the Utah Constitution that allows a voter to cast the voter's vote electronically.

1326 Section 36. Section **20A-6-203** is amended to read:

1327 **20A-6-203. Ballots for regular primary elections.**

1328 (1) The [~~lieutenant governor~~] State Elections Commission, together with county clerks,  
1329 suppliers of election materials, and representatives of registered political parties, shall:

1330 (a) develop paper ballots, ballot labels, and ballot cards to be used in Utah's regular  
1331 primary election;

1332 (b) ensure that the paper ballots, ballot labels, and ballot cards comply generally, where  
1333 applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All  
1334 Ballots, and this section; and

1335 (c) provide voting booths, election records and supplies, and ballot boxes for each voting  
1336 precinct as required by Section 20A-5-403.

1337 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter  
1338 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and  
1339 20A-6-401.1, the ~~[lieutenant governor]~~ State Elections Commission, together with county clerks,  
1340 suppliers of election materials, and representatives of registered political parties shall ensure that  
1341 the paper ballots, ballot labels, ballot cards, and voting booths, election records and supplies, and  
1342 ballot boxes:

1343 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all  
1344 voters are authorized to vote for a party's candidate;

1345 (ii) simplify the task of election judges, particularly in determining a voter's party  
1346 affiliation;

1347 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

1348 (iv) protect against fraud.

1349 (b) To accomplish the requirements of this Subsection (2), the ~~[lieutenant governor]~~ State  
1350 Elections Commission, county clerks, suppliers of election materials, and representatives of  
1351 registered political parties shall:

1352 (i) mark, prepunch, or otherwise identify ballot cards as being for a particular registered  
1353 political party; and

1354 (ii) instruct persons counting the ballots to count only those votes for candidates from the  
1355 registered political party whose ballot the voter received.

1356 Section 37. Section **20A-6-301** is amended to read:

1357 **20A-6-301. Paper ballots -- Regular general election.**

1358 (1) Each election officer shall ensure that:

1359 (a) all ballots furnished for use at the regular general election contain no captions or other  
1360 endorsements except as provided in this section;

- 1361 (b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of the  
1362 ballot, and divided from the rest of ballot by a perforated line;
- 1363 (ii) the ballot number and the words "Judge's Initial \_\_\_\_" are printed on the stub; and  
1364 (iii) ballot stubs are numbered consecutively;
- 1365 (c) immediately below the perforated ballot stub, the following endorsements are printed  
1366 in 18-point bold type:
- 1367 (i) "Official Ballot for \_\_\_\_ County, Utah";  
1368 (ii) the date of the election; and  
1369 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 1370 (d) each ticket is placed in a separate column on the ballot in the order determined by the  
1371 election officer with the party emblem, followed by the party name, at the head of the column;
- 1372 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;  
1373 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and  
1374 the top of the circle is placed not less than two inches below the perforated line;
- 1375 (g) unaffiliated candidates and candidates not affiliated with a registered political party are  
1376 listed in one column, without a party circle, with the following instructions printed at the head of  
1377 the column: "All candidates not affiliated with a political party are listed below. They are to be  
1378 considered with all offices and candidates listed to the left. Only one vote is allowed for each  
1379 office.";
- 1380 (h) the columns containing the lists of candidates, including the party name and device,  
1381 are separated by heavy parallel lines;
- 1382 (i) the offices to be filled are plainly printed immediately above the names of the  
1383 candidates for those offices;
- 1384 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than  
1385 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of  
1386 an inch apart;
- 1387 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the  
1388 right of the name of each candidate;
- 1389 (l) for the offices of president and vice president and governor and lieutenant governor,  
1390 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a double  
1391 bracket enclosing the right side of the names of the two candidates;

1392 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a  
1393 write-in column long enough to contain as many written names of candidates as there are persons  
1394 to be elected with:

1395 (i) the offices to be filled printed above the blank spaces on the ticket; and

1396 (ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2  
1397 inch circle;

1398 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the right  
1399 of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule  
1400 running vertically the full length of the nonpartisan ballot copy; and

1401 (o) constitutional amendments or other questions submitted to the vote of the people, are  
1402 printed on the ballot after the list of candidates.

1403 (2) Each election officer shall ensure that:

1404 (a) each person nominated by any political party or group of petitioners is placed on the  
1405 ballot:

1406 (i) under the party name and emblem, if any; or

1407 (ii) under the title of the party or group as designated by them in their certificates of  
1408 nomination or petition, or, if none is designated, then under some suitable title;

1409 (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter  
1410 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

1411 (c) the names of the candidates for president and vice president are used on the ballot  
1412 instead of the names of the presidential electors; and

1413 (d) the ballots contain no other names.

1414 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

1415 (a) the designation of the office to be filled in the election and the number of candidates  
1416 to be elected are printed in type not smaller than eight-point;

1417 (b) the words designating the office are printed flush with the left-hand margin;

1418 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the  
1419 column;

1420 (d) the nonpartisan candidates are grouped according to the office for which they are  
1421 candidates;

1422 (e) the names in each group are placed in alphabetical order with the surnames last, except

1423 for candidates for the State Board of Education and local school boards;

1424 (f) the names of candidates for the State Board of Education are placed on the ballot as  
1425 certified by the [~~lieutenant governor~~] State Elections Commission under Section 20A-14-105;

1426 (g) if candidates for membership on a local board of education were selected in a primary  
1427 election, the name of the candidate who received the most votes in the primary election is listed  
1428 first on the ballot;

1429 (h) if candidates for membership on a local board of education were not selected in the  
1430 primary election, the names of the candidates are listed on the ballot in the order determined by  
1431 a lottery conducted by the county clerk; and

1432 (i) each group is preceded by the designation of the office for which the candidates seek  
1433 election, and the words, "Vote for one" or "Vote for two or more," according to the number to be  
1434 elected.

1435 (4) Each election officer shall ensure that:

1436 (a) proposed amendments to the Utah Constitution are listed on the ballot under the  
1437 heading "Constitutional Amendment Number \_\_\_" with the number of the constitutional  
1438 amendment as assigned under Section 20A-7-103 placed in the blank;

1439 (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot  
1440 under the heading "State Proposition Number \_\_\_" with the number of the state proposition as  
1441 assigned under Section 20A-7-103 placed in the blank;

1442 (c) propositions submitted to the voters by a county are listed on the ballot under the  
1443 heading "County Proposition Number \_\_\_" with the number of the county proposition as assigned  
1444 by the county legislative body placed in the blank;

1445 (d) propositions submitted to the voters by a school district are listed on the ballot under  
1446 the heading "School District Proposition Number \_\_\_" with the number of the school district  
1447 proposition as assigned by the county legislative body placed in the blank;

1448 (e) state initiatives that have qualified for the ballot are listed on the ballot under the  
1449 heading "Citizen's State Initiative Number \_\_\_" with the number of the state initiative as assigned  
1450 by Section 20A-7-209 placed in the blank;

1451 (f) county initiatives that have qualified for the ballot are listed on the ballot under the  
1452 heading "Citizen's County Initiative Number \_\_\_" with the number of the county initiative as  
1453 assigned under Section 20A-7-508 placed in the blank;

1454 (g) state referenda that have qualified for the ballot are listed on the ballot under the  
1455 heading "Citizen's State Referendum Number \_\_\_" with the number of the state referendum as  
1456 assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

1457 (h) county referenda that have qualified for the ballot are listed on the ballot under the  
1458 heading "Citizen's County Referendum Number \_\_\_" with the number of the county referendum as  
1459 assigned under Section 20A-7-608 placed in the blank.

1460 Section 38. Section **20A-6-302** is amended to read:

1461 **20A-6-302. Placement of candidates' names on paper ballots.**

1462 (1) Each election officer shall ensure, for paper ballots in regular general elections, that:

1463 (a) except for candidates for state school board and local school boards:

1464 (i) each candidate is listed by party; and

1465 (ii) candidates' surnames are listed in alphabetical order on the ballots when two or more  
1466 candidates' names are required to be listed on a ticket under the title of an office;

1467 (b) the names of candidates for the State Board of Education are placed on the ballot as  
1468 certified by the [~~lieutenant governor~~] State Elections Commission under Section 20A-14-105;

1469 (c) if candidates for membership on a local board of education were selected in a regular  
1470 primary election, the name of the candidate who received the most votes in the regular primary  
1471 election is listed first on the ballot; and

1472 (d) if candidates for membership on a local board of education were not selected in the  
1473 regular primary election, the names of the candidates are listed on the ballot in the order  
1474 determined by a lottery conducted by the county clerk.

1475 (2) (a) The election officer may not allow the name of a candidate who dies or withdraws  
1476 before election day to be printed upon the ballots.

1477 (b) If the ballots have already been printed, the election officer:

1478 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a line  
1479 through the candidate's name before the ballots are delivered to voters; and

1480 (ii) may not count any votes for that dead or withdrawn candidate.

1481 (3) (a) When there is only one candidate for county attorney at the regular general election  
1482 in counties that have three or fewer registered voters of the county who are licensed active  
1483 members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name  
1484 and party affiliation, if any, to be placed on a separate section of the ballot with the following

1485 question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_ No  
1486 \_\_\_\_."

1487 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
1488 elected to the office of county attorney.

1489 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
1490 elected and may not take office, nor may he continue in the office past the end of the term resulting  
1491 from any prior election or appointment.

1492 (d) When the name of only one candidate for county attorney is printed on the ballot under  
1493 authority of Subsection (3), the county clerk may not count any write-in votes received for the  
1494 office of county attorney.

1495 (e) If no qualified person files for the office of county attorney or if the candidate is not  
1496 elected by the voters, the county legislative body shall appoint the county attorney as provided in  
1497 Section 20A-1-509.2.

1498 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the  
1499 ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two  
1500 consecutive terms immediately preceding the term for which the candidate is seeking election,  
1501 Subsection (3)(a) shall not apply and that candidate shall be considered to be an unopposed  
1502 candidate the same as any other unopposed candidate for another office, unless a petition is filed  
1503 with the county clerk before the date of that year's primary election that:

1504 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

1505 (ii) contains the signatures of registered voters in the county representing in number at  
1506 least 25% of all votes cast in the county for all candidates for governor at the last election at which  
1507 a governor was elected.

1508 (4) (a) When there is only one candidate for district attorney at the regular general election  
1509 in a prosecution district that has three or fewer registered voters of the district who are licensed  
1510 active members in good standing of the Utah State Bar, the county clerk shall cause that  
1511 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with  
1512 the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes  
1513 \_\_\_\_ No \_\_\_\_."

1514 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
1515 elected to the office of district attorney.

1516 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
1517 elected and may not take office, nor may he continue in the office past the end of the term resulting  
1518 from any prior election or appointment.

1519 (d) When the name of only one candidate for district attorney is printed on the ballot under  
1520 authority of this Subsection (4), the county clerk may not count any write-in votes received for the  
1521 office of district attorney.

1522 (e) If no qualified person files for the office of district attorney, or if the only candidate is  
1523 not elected by the voters under this subsection, the county legislative body shall appoint a new  
1524 district attorney for a four-year term as provided in Section 20A-1-509.2.

1525 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on the  
1526 ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the two  
1527 consecutive terms immediately preceding the term for which the candidate is seeking election,  
1528 Subsection (4)(a) shall not apply and that candidate shall be considered to be an unopposed  
1529 candidate the same as any other unopposed candidate for another office, unless a petition is filed  
1530 with the county clerk before the date of that year's primary election that:

1531 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and

1532 (ii) contains the signatures of registered voters in the county representing in number at  
1533 least 25% of all votes cast in the county for all candidates for governor at the last election at which  
1534 a governor was elected.

1535 Section 39. Section **20A-7-103** is amended to read:

1536 **20A-7-103. Constitutional amendments and other questions -- Procedures for**  
1537 **submission to popular vote.**

1538 (1) The procedures contained in this section govern when:

1539 (a) the Legislature submits a proposed constitutional amendment or other question to the  
1540 voters; and

1541 (b) an act of the Legislature is referred to the voters by referendum petition.

1542 (2) The [~~lieutenant governor~~] State Elections Commission shall, not later than 60 days  
1543 before the regular general election, publish the full text of the amendment, question, or statute in  
1544 at least one newspaper in every county of the state where a newspaper is published.

1545 (3) The legislative general counsel shall:

1546 (a) entitle each proposed constitutional amendment "Constitutional Amendment Number

1547 \_\_\_" and give it a number;

1548 (b) entitle each proposed question "State Proposition Number \_\_\_" and give it a number;

1549 (c) entitle each state referendum that has qualified for the ballot "Citizen's State

1550 Referendum Number \_\_\_" and give it a number;

1551 (d) draft and designate a ballot title that summarizes the subject matter of the amendment  
1552 or question; and

1553 (e) deliver them to the [~~lieutenant governor~~] State Elections Commission.

1554 (4) The [~~lieutenant governor~~] State Elections Commission shall certify the number and  
1555 ballot title of each amendment or question to the county clerk of each county no later than the  
1556 second Friday after the primary election.

1557 (5) The county clerk of each county shall:

1558 (a) ensure that both the number and title of the amendment, question, or referendum is  
1559 printed on the sample ballots and official ballots; and

1560 (b) publish them as provided by law.

1561 Section 40. Section **20A-7-201** is amended to read:

1562 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**  
1563 **Legislature or to a vote of the people.**

1564 (1) (a) A person seeking to have an initiative submitted to the Legislature for approval or  
1565 rejection shall obtain:

1566 (i) legal signatures equal to 5% of the cumulative total of all votes cast for all candidates  
1567 for governor at the last regular general election at which a governor was elected; and

1568 (ii) from each of at least 20 counties, legal signatures equal to 5% of the total of all votes  
1569 cast in that county for all candidates for governor at the last regular general election at which a  
1570 governor was elected.

1571 (b) If, at any time not less than ten days before the beginning of an annual general session  
1572 of the Legislature, the [~~lieutenant governor~~] State Elections Commission declares sufficient any  
1573 initiative petition that is signed by enough voters to meet the requirements of this Subsection (1),  
1574 the [~~lieutenant governor~~] State Elections Commission shall deliver a copy of the petition and the  
1575 cover sheet required by Subsection (1)(c) to the president of the Senate, the speaker of the House,  
1576 and the director of the Office of Legislative Research and General Counsel.

1577 (c) In delivering a copy of the petition, the [~~lieutenant governor~~] State Elections

1578 Commission shall include a cover sheet that contains:

1579 (i) the cumulative total of all votes cast for all candidates for governor at the last regular  
1580 general election at which a governor was elected;

1581 (ii) the total of all votes cast in each county for all candidates for governor at the last  
1582 regular general election at which a governor was elected;

1583 (iii) the total number of certified signatures received for the submitted initiative; and

1584 (iv) the total number of certified signatures received from each county for the submitted  
1585 initiative.

1586 (2) (a) A person seeking to have an initiative submitted to a vote of the people for approval  
1587 or rejection shall obtain:

1588 (i) legal signatures equal to 10% of the cumulative total of all votes cast for all candidates  
1589 for governor at the last regular general election at which a governor was elected; and

1590 (ii) from each of at least 20 counties, legal signatures equal to 10% of the total of all votes  
1591 cast in that county for all candidates for governor at the last regular general election at which a  
1592 governor was elected.

1593 (b) If, at any time not less than four months before any regular general election, the  
1594 [~~lieutenant governor~~] State Elections Commission declares sufficient any initiative petition that  
1595 is signed by enough legal voters to meet the requirements of this Subsection (2)(b), the [~~lieutenant~~  
1596 ~~governor~~] State Elections Commission shall submit the proposed law to a vote of the people at the  
1597 next regular general election.

1598 (3) The [~~lieutenant governor~~] State Elections Commission shall provide the following  
1599 information from the official canvass of the last regular general election at which a governor was  
1600 elected to any interested person:

1601 (a) the cumulative total of all votes cast for all candidates for governor; and

1602 (b) for each county, the total of all votes cast in that county for all candidates for governor.

1603 Section 41. Section **20A-7-202** is amended to read:

1604 **20A-7-202. Statewide initiative process -- Application procedures -- Time to gather**  
1605 **signatures -- Grounds for rejection.**

1606 (1) Persons wishing to circulate an initiative petition shall file an application with the  
1607 [~~lieutenant governor~~] State Elections Commission.

1608 (2) The application shall contain:

- 1609 (a) the name and residence address of at least five sponsors of the initiative petition;  
1610 (b) a statement indicating that each of the sponsors:  
1611 (i) is a resident of Utah; and  
1612 (ii) has voted in a regular general election in Utah within the last three years;  
1613 (c) the signature of each of the sponsors, attested to by a notary public; and  
1614 (d) a copy of the proposed law.

1615 (3) The application and its contents are public when filed with the [~~lieutenant governor~~]  
1616 State Elections Commission.

1617 (4) (a) The sponsors shall qualify the petition for the regular general election ballot no later  
1618 than the second regular general election after the application is filed.

1619 (b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:

- 1620 (i) submit a new application;  
1621 (ii) obtain new signature sheets; and  
1622 (iii) collect signatures again.

1623 (5) The [~~lieutenant governor~~] State Elections Commission shall reject the application and  
1624 not issue circulation sheets if:

- 1625 (a) the law proposed by the initiative is patently unconstitutional;  
1626 (b) the law proposed by the initiative is nonsensical; or  
1627 (c) the proposed law could not become law if passed.

1628 Section 42. Section **20A-7-203** is amended to read:

1629 **20A-7-203. Form of initiative petition and signature sheets.**

1630 (1) (a) Each proposed initiative petition shall be printed in substantially the following  
1631 form:

1632 "INITIATIVE PETITION To the [~~Honorable \_\_\_\_\_, Lieutenant Governor~~] State Elections  
1633 Commission:

1634 We, the undersigned citizens of Utah, respectfully demand that the following proposed law  
1635 be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular  
1636 general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

1637 Each signer says:

1638 I have personally signed this petition;

1639 I am registered to vote in Utah or intend to become registered to vote in Utah before the

1640 certification of the petition names by the county clerk; and

1641 My residence and post office address are written correctly after my name."

1642 (b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative  
1643 petition.

1644 (2) Each signature sheet shall:

1645 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1646 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
1647 blank for the purpose of binding;

1648 (c) contain the title of the initiative printed below the horizontal line;

1649 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
1650 the title of the initiative;

1651 (e) contain, to the right of the word "Warning," the following statement printed or typed  
1652 in not less than eight-point, single leaded type:

1653 "It is a class A misdemeanor for anyone to sign any initiative petition with any other name  
1654 than his own, or knowingly to sign his name more than once for the same measure, or to sign an  
1655 initiative petition when he knows he is not a registered voter and knows that he does not intend  
1656 to become registered to vote before the certification of the petition names by the county clerk.";

1657 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
1658 by this section; and

1659 (g) be vertically divided into columns as follows:

1660 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
1661 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle  
1662 with the left subdivision entitled "Registered" and the right subdivision left untitled;

1663 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
1664 (must be legible to be counted)";

1665 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
1666 and

1667 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

1668 (3) The final page of each initiative packet shall contain the following printed or typed  
1669 statement:

1670 "Verification

1671 State of Utah, County of \_\_\_\_\_

1672 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

1673 I am a resident of Utah and am at least 18 years old;

1674 All the names that appear in this packet were signed by persons who professed to be the  
1675 persons whose names appear in it, and each of them signed his name on it in my presence;

1676 I believe that each has printed and signed his name and written his post office address and  
1677 residence correctly, and that each signer is registered to vote in Utah or intends to become  
1678 registered to vote before the certification of the petition names by the county clerk.

1679 \_\_\_\_\_  
1680 (Name) (Residence Address) (Date)"

1681 (4) The forms prescribed in this section are not mandatory, and, if substantially followed,  
1682 the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

1683 Section 43. Section **20A-7-204** is amended to read:

1684 **20A-7-204. Circulation requirements -- State Elections Commission to provide**  
1685 **sponsors with materials.**

1686 (1) In order to obtain the necessary number of signatures required by this part, the sponsors  
1687 shall circulate initiative packets that meet the form requirements of this part.

1688 (2) The [~~lieutenant governor~~] State Elections Commission shall furnish to the sponsors:

- 1689 (a) a copy of the initiative petition; and
- 1690 (b) one signature sheet.

1691 (3) The sponsors of the petition shall:

- 1692 (a) arrange and pay for the printing of all additional copies of the petition and signature  
1693 sheets; and

- 1694 (b) ensure that the copies of the petition and signature sheets meet the form requirements  
1695 of this section.

1696 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple  
1697 initiative packets.

1698 (b) The sponsors shall create those packets by binding a copy of the initiative petition, a  
1699 copy of the proposed law, and no more than 50 signature sheets together at the top in such a way  
1700 that the packets may be conveniently opened for signing.

1701 (c) The sponsors need not attach a uniform number of signature sheets to each initiative

1702 packet.

1703 (5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them  
1704 to the [~~lieutenant governor~~] State Elections Commission.

1705 (b) The [~~lieutenant governor~~] State Elections Commission shall:

1706 (i) number each of the initiative packets and return them to the sponsors within five  
1707 working days; and

1708 (ii) keep a record of the numbers assigned to each packet.

1709 Section 44. Section **20A-7-205** is amended to read:

1710 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

1711 (1) Any Utah voter may sign an initiative petition if the voter is a legal voter.

1712 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
1713 signed:

1714 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

1715 (b) verifies each signature sheet by completing the verification printed on the last page of  
1716 each initiative packet.

1717 (3) (a) (i) Any voter who has signed an initiative petition may have his signature removed  
1718 from the petition by submitting a notarized statement to that effect to the county clerk.

1719 (ii) In order for the signature to be removed, the statement must be received by the county  
1720 clerk before he delivers the petition to the [~~lieutenant governor~~] State Elections Commission.

1721 (b) Upon receipt of the statement, the county clerk shall remove the signature of the person  
1722 submitting the statement from the initiative petition.

1723 (c) No one may remove signatures from an initiative petition after the petition is submitted  
1724 to the [~~lieutenant governor~~] State Elections Commission.

1725 Section 45. Section **20A-7-205.5** is amended to read:

1726 **20A-7-205.5. Monthly reports.**

1727 (1) When petitions are being circulated by paid circulators, the sponsors of the initiative  
1728 shall file a report with the [~~lieutenant governor~~] State Elections Commission on the last Tuesday  
1729 in April and on the Tuesday before the regular general election.

1730 (2) The report shall contain:

1731 (a) the names of the sponsors; and

1732 (b) the name of the proposed measure for which petitions are being circulated by paid

1733 circulators.

1734 Section 46. Section **20A-7-206** is amended to read:

1735 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
1736 **county clerks -- Transfer to State Elections Commission.**

1737 (1) In order to qualify an initiative petition for placement on the regular general election  
1738 ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of  
1739 the county in which the packet was circulated by the June 1 before the regular general election.

1740 (2) No later than June 15 before the regular general election, the county clerk shall:

1741 (a) check the names of all persons completing the verification for the initiative packet to  
1742 determine whether or not those persons are residents of Utah and are at least 18 years old; and

1743 (b) submit the name of each of those persons who is not a Utah resident or who is not at  
1744 least 18 years old to the attorney general and county attorney.

1745 (3) No later than July 1 before the regular general election, the county clerk shall:

1746 (a) check all the names of the signers against the official registers to determine whether  
1747 or not the signer is a registered voter;

1748 (b) certify on the petition whether or not each name is that of a registered voter; and

1749 (c) deliver all of the packets to the [~~lieutenant governor~~] State Elections Commission.

1750 (4) In order to qualify an initiative petition for submission to the Legislature, the sponsors  
1751 shall deliver each signed and verified initiative packet to the county clerk of the county in which  
1752 the packet was circulated by the November 15 before the annual general session of the Legislature.

1753 (5) No later than December 1 before the annual general session of the Legislature, the  
1754 county clerk shall:

1755 (a) check the names of all persons completing the verification for the initiative packet to  
1756 determine whether or not those persons are Utah residents and are at least 18 years old; and

1757 (b) submit the name of each of those persons who is not a Utah resident or who is not at  
1758 least 18 years old to the attorney general and county attorney.

1759 (6) No later than December 15 before the annual general session of the Legislature, the  
1760 county clerk shall:

1761 (a) check all the names of the signers against the official registers to determine whether  
1762 or not the signer is a registered voter;

1763 (b) certify on the petition whether or not each name is that of a registered voter; and

1764 (c) deliver all of the packets to the [~~lieutenant governor~~] State Elections Commission.

1765 (7) Initiative packets are public once they are delivered to the county clerks.

1766 (8) The sponsor or their representatives may not retrieve initiative packets from the county  
1767 clerks once they have submitted them.

1768 Section 47. Section **20A-7-206.5** is amended to read:

1769 **20A-7-206.5. Financial disclosure -- Paid circulators.**

1770 (1) When the proponents of a proposed initiative have paid persons to circulate the  
1771 petition, the proponents shall, at the time the last initiative packet is filed with the county clerk,  
1772 file a form with the [~~lieutenant governor~~] State Elections Commission detailing the amount of  
1773 money paid per signature.

1774 (2) The [~~lieutenant governor~~] State Elections Commission shall develop a form to disclose  
1775 the information required by this section.

1776 Section 48. Section **20A-7-207** is amended to read:

1777 **20A-7-207. Evaluation by the State Elections Commission.**

1778 (1) When each initiative packet is received from a county clerk, the [~~lieutenant governor~~]  
1779 State Elections Commission shall check off from [~~his~~] its record the number of each initiative  
1780 packet filed.

1781 (2) (a) After all of the initiative packets have been received by the [~~lieutenant governor~~]  
1782 State Elections Commission, the [~~lieutenant governor~~] State Elections Commission shall:

1783 (i) count the number of the names certified by the county clerks that appear on each  
1784 verified signature sheet; and

1785 (ii) declare the petition to be sufficient or insufficient by July 6 before the regular general  
1786 election.

1787 (b) If the total number of certified names from each verified signature sheet equals or  
1788 exceeds the number of names required by Section 20A-7-201, the [~~lieutenant governor~~] State  
1789 Elections Commission shall mark upon the front of the petition the word "sufficient."

1790 (c) If the total number of certified names from each verified signature sheet does not equal  
1791 or exceed the number of names required by Section 20A-7-201, the [~~lieutenant governor~~] State  
1792 Elections Commission shall mark upon the front of the petition the word "insufficient."

1793 (d) The [~~lieutenant governor~~] State Elections Commission shall immediately notify any  
1794 one of the sponsors of [~~his~~] its finding.

1795 (3) (a) Once a petition is declared insufficient, the sponsors may not submit additional  
1796 signatures to qualify the petition for the pending regular general election.

1797 (b) The petition sponsors may submit additional signatures to qualify the petition for the  
1798 regular general election following the pending regular general election if:

1799 (i) the petition is declared insufficient; and

1800 (ii) the pending general election is the first regular general election after the application  
1801 was filed.

1802 (4) (a) If the [~~lieutenant governor~~] State Elections Commission refuses to accept and file  
1803 any initiative petition that a sponsor believes is legally sufficient, any voter may, by July 20, apply  
1804 to the supreme court for an extraordinary writ to compel the [~~lieutenant governor~~] State Elections  
1805 Commission to do so.

1806 (b) The supreme court shall:

1807 (i) determine whether or not the initiative petition is legally sufficient; and

1808 (ii) certify its findings to the [~~lieutenant governor~~] State Elections Commission by July 30.

1809 (c) If the supreme court certifies that the initiative petition is legally sufficient, the  
1810 [~~lieutenant governor~~] State Elections Commission shall file it, with a verified copy of the judgment  
1811 attached to it, as of the date on which it was originally offered for filing in [~~his~~] its office.

1812 (d) If the supreme court determines that any petition filed is not legally sufficient, the  
1813 supreme court may enjoin the [~~lieutenant governor~~] State Elections Commission and all other  
1814 officers from certifying or printing the ballot title and numbers of that measure on the official  
1815 ballot for the next election.

1816 Section 49. Section **20A-7-208** is amended to read:

1817 **20A-7-208. Disposition of initiative petitions by the Legislature.**

1818 (1) (a) Except as provided in Subsection (1)(b), when the [~~lieutenant governor~~] State  
1819 Elections Commission delivers an initiative petition to the Legislature, the law proposed by that  
1820 initiative petition shall be either enacted or rejected without change or amendment by the  
1821 Legislature.

1822 (b) The speaker of the House and the president of the Senate may direct legislative staff  
1823 to:

1824 (i) make technical corrections authorized by Section 36-12-12; and

1825 (ii) prepare a legislative review note and a legislative fiscal note on the law proposed by

1826 the initiative petition.

1827 (c) If any law proposed by an initiative petition is enacted by the Legislature, it is subject  
1828 to referendum the same as other laws.

1829 (2) If any law proposed by a petition is not enacted by the Legislature, that proposed law  
1830 shall be submitted to a vote of the people at the next regular general election if:

1831 (a) sufficient additional signatures to the petition are first obtained to bring the total  
1832 number of signatures up to the number required by Subsection 20A-7-201(2); and

1833 (b) those additional signatures are verified, certified by the county clerks, and declared  
1834 sufficient by the [~~lieutenant governor~~] State Elections Commission as provided in this part.

1835 Section 50. Section **20A-7-209** is amended to read:

1836 **20A-7-209. Ballot title -- Duties of State Elections Commission and Office of**  
1837 **Legislative Research and General Counsel.**

1838 (1) By July 6 before the regular general election, the [~~lieutenant governor~~] State Elections  
1839 Commission shall deliver a copy of all of the proposed laws that have qualified for the ballot to  
1840 the Office of Legislative Research and General Counsel.

1841 (2) (a) The Office of Legislative Research and General Counsel shall:

1842 (i) entitle each state initiative that has qualified for the ballot "Citizen's State Initiative  
1843 Number \_\_\_" and give it a number;

1844 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the  
1845 measure; and

1846 (iii) return each petition and ballot title to the [~~lieutenant governor~~] State Elections  
1847 Commission by July 20.

1848 (b) The ballot title may be distinct from the title of the proposed law attached to the  
1849 initiative petition, and shall be not more than 100 words.

1850 (c) The ballot title and the number of the measure as determined by the Office of  
1851 Legislative Research and General Counsel shall be printed on the official ballot.

1852 (3) By July 21, the [~~lieutenant governor~~] State Elections Commission shall mail a copy of  
1853 the ballot title to any sponsor of the petition.

1854 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the  
1855 wording of the ballot title prepared by the Office of Legislative Research and General Counsel to  
1856 the Supreme Court.

1857 (ii) After receipt of the appeal, the Supreme Court shall direct the [~~lieutenant governor~~]  
1858 State Elections Commission to send notice of the appeal to:

1859 (A) any person or group that has filed an argument for or against the measure that is the  
1860 subject of the challenge; or

1861 (B) any political issues committee established under Section 20A-11-801 that has filed  
1862 written or electronic notice with the [~~lieutenant governor~~] State Elections Commission that  
1863 identifies the name, mailing or email address, and telephone number of the person designated to  
1864 receive notice about any issues relating to the initiative.

1865 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative  
1866 Research and General Counsel is an impartial summary of the contents of the initiative.

1867 (ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs  
1868 rebut the presumption by clearly and convincingly establishing that the ballot title is patently false  
1869 or biased.

1870 (c) The Supreme Court shall:

1871 (i) examine the ballot title;

1872 (ii) hear arguments; and

1873 (iii) by August 10, certify to the [~~lieutenant governor~~] State Elections Commission a ballot  
1874 title for the measure that meets the requirements of this section.

1875 (d) By September 1, the [~~lieutenant governor~~] State Elections Commission shall certify  
1876 the title verified by the Supreme Court to the county clerks to be printed on the official ballot.

1877 Section 51. Section **20A-7-210** is amended to read:

1878 **20A-7-210. Form of ballot -- Manner of voting.**

1879 (1) The county clerks shall ensure that the number and ballot title verified to them by the  
1880 [~~lieutenant governor~~] State Elections Commission are printed upon the official ballot with,  
1881 immediately to the right of them, the words "For" and "Against," each word followed by a square  
1882 in which the elector may indicate his vote.

1883 (2) Electors desiring to vote in favor of enacting the law proposed by the initiative petition  
1884 shall mark the square following the word "For," and those desiring to vote against enacting the law  
1885 proposed by the initiative petition shall mark the square following the word "Against."

1886 Section 52. Section **20A-7-211** is amended to read:

1887 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**

1888 **proclamation.**

1889 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed,  
1890 and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1891 (2) After the state board of canvassers completes its canvass, the [~~lieutenant governor~~]  
1892 State Elections Commission shall certify to the governor the vote for and against the law proposed  
1893 by the initiative petition.

1894 (3) (a) The governor shall immediately issue a proclamation that:

1895 (i) gives the total number of votes cast in the state for and against each law proposed by  
1896 an initiative petition; and

1897 (ii) declares those laws proposed by an initiative petition that were approved by majority  
1898 vote to be in full force and effect as the law of [~~the state of~~] Utah.

1899 (b) When the governor believes that two proposed laws, or that parts of two proposed laws  
1900 approved by the people at the same election are entirely in conflict, he shall proclaim that measure  
1901 to be law that has received the greatest number of affirmative votes, regardless of the difference  
1902 in the majorities which those measures have received.

1903 (c) (i) Within ten days after the governor's proclamation, any qualified voter who signed  
1904 the initiative petition proposing the law that is declared by the governor to be superseded by  
1905 another measure approved at the same election may apply to the Supreme Court to review the  
1906 governor's decision.

1907 (ii) The court shall:

1908 (A) immediately consider the matter and decide whether or not the proposed laws are in  
1909 conflict; and

1910 (B) within ten days after the matter is submitted to it for decision, certify its decision to  
1911 the governor.

1912 (4) Within 30 days after his previous proclamation, the governor shall:

1913 (a) proclaim all those measures approved by the people as law that the Supreme Court has  
1914 determined are not in conflict; and

1915 (b) of all those measures approved by the people as law that the Supreme Court has  
1916 determined to be in conflict, proclaim as law the one that received the greatest number of  
1917 affirmative votes, regardless of difference in majorities.

1918 Section 53. Section **20A-7-301** is amended to read:

1919           **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

1920           (1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of the  
1921 people shall obtain:

1922           (i) legal signatures equal to 10% of the cumulative total of all votes cast for all candidates  
1923 for governor at the last regular general election at which a governor was elected; and

1924           (ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all votes  
1925 cast in that county for all candidates for governor at the last regular general election at which a  
1926 governor was elected.

1927           (b) When the [~~lieutenant governor~~] State Elections Commission declares a referendum  
1928 petition sufficient under this part, the governor shall issue an executive order that:

1929           (i) directs that the referendum be submitted to the voters at the next regular general  
1930 election; or

1931           (ii) calls a special election according to the requirements of Section 20A-1-203 and directs  
1932 that the referendum be submitted to the voters at that special election.

1933           (2) When a referendum petition has been declared sufficient, the law that is the subject of  
1934 the petition does not take effect unless and until it is approved by a vote of the people at a regular  
1935 general election or a statewide special election.

1936           (3) The [~~lieutenant governor~~] State Elections Commission shall provide to any interested  
1937 person from the official canvass of the last regular general election at which a governor was  
1938 elected:

1939           (a) the cumulative total of all votes cast for all candidates for governor; and

1940           (b) for each county, the total of all votes cast in that county for all candidates for governor.

1941           Section 54. Section **20A-7-302** is amended to read:

1942           **20A-7-302. Referendum process -- Application procedures.**

1943           (1) Persons wishing to circulate a referendum petition shall file an application with the  
1944 [~~lieutenant governor~~] State Elections Commission within five calendar days after the end of the  
1945 legislative session at which the law passed.

1946           (2) The application shall contain:

1947           (a) the name and residence address of at least five sponsors of the referendum petition;

1948           (b) a certification indicating that each of the sponsors:

1949           (i) is a voter; and

- 1950 (ii) has voted in a regular general election in Utah within the last three years;  
1951 (c) the signature of each of the sponsors, attested to by a notary public; and  
1952 (d) a copy of the law.

1953 Section 55. Section **20A-7-303** is amended to read:

1954 **20A-7-303. Form of referendum petition and signature sheets.**

1955 (1) (a) Each proposed referendum petition shall be printed in substantially the following  
1956 form:

1957 "REFERENDUM PETITION To the [~~Honorable \_\_\_\_\_, Lieutenant Governor~~] State  
1958 Elections Commission:

1959 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.  
1960 \_\_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the  
1961 part or parts on which the referendum is sought), passed by the \_\_\_\_\_ Session of the Legislature of  
1962 the state of Utah, be referred to the people of Utah for their approval or rejection at a regular  
1963 general election or a statewide special election;

1964 Each signer says:

1965 I have personally signed this petition;

1966 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
1967 certification of the petition names by the county clerk; and

1968 My residence and post office address are written correctly after my name."

1969 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
1970 referendum to each referendum petition.

1971 (2) Each signature sheet shall:

1972 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1973 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
1974 blank for the purpose of binding;

1975 (c) contain the title of the referendum printed below the horizontal line;

1976 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
1977 the title of the referendum;

1978 (e) contain, to the right of the word "Warning," the following statement printed or typed  
1979 in not less than eight-point, single leaded type:

1980 "It is a class A misdemeanor for anyone to sign any referendum petition with any other

1981 name than his own, or knowingly to sign his name more than once for the same measure, or to sign  
1982 a referendum petition when he knows he is not a registered voter and knows that he does not intend  
1983 to become registered to vote before the certification of the petition names by the county clerk.";

1984 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
1985 by this section; and

1986 (g) be vertically divided into columns as follows:

1987 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
1988 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

1989 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
1990 (must be legible to be counted)";

1991 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";

1992 and

1993 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

1994 (3) The final page of each referendum packet shall contain the following printed or typed  
1995 statement:

1996 "Verification

1997 State of Utah, County of \_\_\_\_\_

1998 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

1999 I am a Utah resident and am at least 18 years old;

2000 All the names that appear in this packet were signed by persons who professed to be the  
2001 persons whose names appear in it, and each of them signed his name on it in my presence;

2002 I believe that each has printed and signed his name and written his post office address and  
2003 residence correctly, and that each signer is registered to vote in Utah or intends to become  
2004 registered to vote before the certification of the petition names by the county clerk.

2005 \_\_\_\_\_  
2006 (Name) (Residence Address) (Date)"

2007 (4) The forms prescribed in this section are not mandatory, and, if substantially followed,  
2008 the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

2009 Section 56. Section **20A-7-304** is amended to read:

2010 **20A-7-304. Circulation requirements -- State Elections Commission to provide**  
2011 **sponsors with materials.**

2012 (1) In order to obtain the necessary number of signatures required by this part, the sponsors  
2013 shall circulate referendum packets that meet the form requirements of this part.

2014 (2) The [~~lieutenant governor~~] State Elections Commission shall furnish to the sponsors:

2015 (a) a copy of the referendum petition; and

2016 (b) a signature sheet.

2017 (3) The sponsors of the petition shall:

2018 (a) arrange and pay for the printing of all additional copies of the petition and signature  
2019 sheets; and

2020 (b) ensure that the copies of the petition and signature sheets meet the form requirements  
2021 of this section.

2022 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple  
2023 referendum packets.

2024 (b) The sponsors shall create those packets by binding a copy of the referendum petition,  
2025 a copy of the law that is the subject of the referendum, and no more than 50 signature sheets  
2026 together at the top in such a way that the packets may be conveniently opened for signing.

2027 (c) The sponsors need not attach a uniform number of signature sheets to each referendum  
2028 packet.

2029 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall return  
2030 them to the [~~lieutenant governor~~] State Elections Commission.

2031 (b) The [~~lieutenant governor~~] State Elections Commission shall:

2032 (i) number each of the referendum packets and return them to the sponsors within five  
2033 working days; and

2034 (ii) keep a record of the numbers assigned to each packet.

2035 Section 57. Section **20A-7-305** is amended to read:

2036 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

2037 (1) Any Utah voter may sign a referendum petition if the voter is a legal voter.

2038 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
2039 signed:

2040 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

2041 (b) verifies each signature sheet by completing the verification printed on the last page of  
2042 each signature sheet.

2043 (3) (a) (i) Any voter who has signed a referendum petition may have his signature removed  
2044 from the petition by submitting a notarized statement to that effect to the county clerk.

2045 (ii) In order for the signature to be removed, the statement must be received by the county  
2046 clerk before he delivers the petition to the [~~lieutenant governor~~] State Elections Commission.

2047 (b) Upon receipt of the statement, the county clerk shall remove the signature of the person  
2048 submitting the statement from the referendum petition.

2049 (c) No one may remove signatures from a referendum petition after the petition is  
2050 submitted to the [~~lieutenant governor~~] State Elections Commission.

2051 Section 58. Section **20A-7-306** is amended to read:

2052 **20A-7-306. Submitting the referendum petition -- Certification of signatures by the**  
2053 **county clerks -- Transfer to State Elections Commission.**

2054 (1) No later than 40 days after the end of the legislative session at which the law passed,  
2055 the sponsors shall deliver each signed and verified referendum packet to the county clerk of the  
2056 county in which the packet was circulated.

2057 (2) No later than 55 days after the end of the legislative session at which the law passed,  
2058 the county clerk shall:

2059 (a) check the names of all persons completing the verification on the back of each  
2060 signature sheet to determine whether or not those persons are Utah residents and are at least 18  
2061 years old; and

2062 (b) submit the name of each of those persons who is not a Utah resident or who is not at  
2063 least 18 years old to the attorney general and county attorney.

2064 (3) No later than 55 days after the end of the legislative session at which the law passed,  
2065 the county clerk shall:

2066 (a) check all the names of the signers against the official registers to determine whether  
2067 or not the signer is a voter;

2068 (b) certify on the referendum petition whether or not each name is that of a voter; and

2069 (c) deliver all of the referendum packets to the [~~lieutenant governor~~] State Elections  
2070 Commission.

2071 Section 59. Section **20A-7-307** is amended to read:

2072 **20A-7-307. Evaluation by the State Elections Commission.**

2073 (1) When each referendum packet is received from a county clerk, the [~~lieutenant~~

2074 ~~governor~~ State Elections Commission shall check off from [~~his~~] its record the number of each  
2075 referendum packet filed.

2076 (2) (a) After all of the referendum packets have been received by the [~~lieutenant governor~~]  
2077 State Elections Commission, the [~~lieutenant governor~~] State Elections Commission shall:

2078 (i) count the number of the names certified by the county clerks that appear on each  
2079 verified signature sheet; and

2080 (ii) declare the petition to be sufficient or insufficient no later than 60 days after the end  
2081 of the legislative session at which the law passed.

2082 (b) If the total number of certified names from each verified signature sheet equals or  
2083 exceeds the number of names required by Section 20A-7-301, the [~~lieutenant governor~~] State  
2084 Elections Commission shall mark upon the front of the petition the word "sufficient."

2085 (c) If the total number of certified names from each verified signature sheet does not equal  
2086 or exceed the number of names required by Section 20A-7-301, the [~~lieutenant governor~~] State  
2087 Elections Commission shall mark upon the front of the petition the word "insufficient."

2088 (d) The [~~lieutenant governor~~] State Elections Commission shall immediately notify any  
2089 one of the sponsors of [~~his~~] its finding.

2090 (3) (a) If the [~~lieutenant governor~~] State Elections Commission refuses to accept and file  
2091 any referendum petition, any voter may apply to the supreme court for an extraordinary writ to  
2092 compel [~~him~~] it to do so within ten days after the refusal.

2093 (b) If the supreme court determines that the referendum petition is legally sufficient, the  
2094 [~~lieutenant governor~~] State Elections Commission shall file it, with a verified copy of the judgment  
2095 attached to it, as of the date on which it was originally offered for filing in [~~his~~] its office.

2096 (c) If the supreme court determines that any petition filed is not legally sufficient, the  
2097 supreme court may enjoin the [~~lieutenant governor~~] State Elections Commission and all other  
2098 officers from certifying or printing the ballot title and numbers of that measure on the official  
2099 ballot for the next election.

2100 Section 60. Section **20A-7-308** is amended to read:

2101 **20A-7-308. Ballot title -- Duties of State Elections Commission and Office of**  
2102 **Legislative Research and General Counsel.**

2103 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the  
2104 people, the [~~lieutenant governor~~] State Elections Commission shall deliver a copy of the petition

2105 and the proposed law to the Office of Legislative Research and General Counsel.

2106 (2) (a) The Office of Legislative Research and General Counsel shall:

2107 (i) entitle each state referendum that has qualified for the ballot "Citizen's State  
2108 Referendum Number \_\_\_" and give it a number;

2109 (ii) prepare an impartial ballot title for the referendum summarizing the contents of the  
2110 measure; and

2111 (iii) return the petition and the ballot title to the [~~lieutenant governor~~] State Elections  
2112 Commission within 15 days after its receipt.

2113 (b) The ballot title may be distinct from the title of the law that is the subject of the  
2114 petition, and shall be not more than 100 words.

2115 (c) The ballot title and the number of the measure as determined by the Office of  
2116 Legislative Research and General Counsel shall be printed on the official ballot.

2117 (3) Immediately after the Office of Legislative Research and General Counsel files a copy  
2118 of the ballot title with the [~~lieutenant governor~~] State Elections Commission, the [~~lieutenant~~  
2119 ~~governor~~] State Elections Commission shall mail a copy of the ballot title to any of the sponsors  
2120 of the petition.

2121 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days of the date the  
2122 [~~lieutenant governor~~] State Elections Commission mails the ballot title, challenge the wording of  
2123 the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme  
2124 Court.

2125 (ii) After receipt of the appeal, the Supreme Court shall direct the [~~lieutenant governor~~]  
2126 State Elections Commission to send notice of the appeal to:

2127 (A) any person or group that has filed an argument for or against the measure that is the  
2128 subject of the challenge; or

2129 (B) any political issues committee established under Section 20A-11-801 that has filed  
2130 written or electronic notice with the [~~lieutenant governor~~] State Elections Commission that  
2131 identifies the name, mailing or email address, and telephone number of the person designated to  
2132 receive notice about any issues relating to the initiative.

2133 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative  
2134 Research and General Counsel is an impartial summary of the contents of the referendum.

2135 (ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs

2136 rebut the presumption by clearly and convincingly establishing that the ballot title is patently false  
2137 or biased.

2138 (c) The Supreme Court shall:

2139 (i) examine the ballot title;

2140 (ii) hear arguments; and

2141 (iii) within five days of its decision, certify to the [~~lieutenant governor~~] State Elections

2142 Commission a ballot title for the measure that meets the requirements of this section.

2143 (d) The [~~lieutenant governor~~] State Elections Commission shall certify the title verified

2144 by the Supreme Court to the county clerks to be printed on the official ballot.

2145 Section 61. Section **20A-7-309** is amended to read:

2146 **20A-7-309. Form of ballot -- Manner of voting.**

2147 (1) The county clerks shall ensure that the number and ballot title verified to them by the

2148 [~~lieutenant governor~~] State Elections Commission are printed upon the official ballot with,

2149 immediately to the right of them, the words "For" and "Against," each word followed by a square

2150 in which the elector may indicate his vote.

2151 (2) Voters desiring to vote in favor of enacting the law proposed by the referendum

2152 petition shall mark the square following the word "For," and those desiring to vote against enacting

2153 the law proposed by the referendum petition shall mark the square following the word "Against."

2154 Section 62. Section **20A-7-310** is amended to read:

2155 **20A-7-310. Return and canvass -- Conflicting measures -- Law effective on**

2156 **proclamation.**

2157 (1) The votes on the law proposed by the referendum petition shall be counted, canvassed,

2158 and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

2159 (2) After the state board of canvassers completes its canvass, the [~~lieutenant governor~~]

2160 State Elections Commission shall certify to the governor the vote for and against the law proposed

2161 by the referendum petition.

2162 (3) (a) The governor shall immediately issue a proclamation that:

2163 (i) gives the total number of votes cast in the state for and against each law proposed by

2164 a referendum petition; and

2165 (ii) declares those laws proposed by a referendum petition that were approved by majority

2166 vote to be in full force and effect as the law of Utah.

2167 (b) When the governor believes that two proposed laws, or that parts of two proposed laws  
2168 approved by the people at the same election are entirely in conflict, he shall proclaim that measure  
2169 to be law that has received the greatest number of affirmative votes, regardless of the difference  
2170 in the majorities which those measures have received.

2171 (4) (a) Within ten days after the governor's proclamation, any qualified voter who signed  
2172 the referendum petition proposing the law that is declared by the governor to be superseded by  
2173 another measure approved at the same election may apply to the Supreme Court to review the  
2174 governor's decision.

2175 (b) The Supreme Court shall:

2176 (i) immediately consider the matter and decide whether or not the proposed laws are in  
2177 conflict; and

2178 (ii) within ten days after the matter is submitted to it for decision, certify its decision to the  
2179 governor.

2180 (5) Within 30 days after his previous proclamation, the governor shall:

2181 (a) proclaim all those measures approved by the people as law that the Supreme Court has  
2182 determined are not in conflict; and

2183 (b) of all those measures approved by the people as law that the Supreme Court has  
2184 determined to be in conflict, proclaim as law the one that received the greatest number of  
2185 affirmative votes, regardless of difference in majorities.

2186 Section 63. Section **20A-7-701** is amended to read:

2187 **20A-7-701. Voter information pamphlet to be prepared.**

2188 (1) The [~~lieutenant governor~~] State Elections Commission shall cause to be printed a voter  
2189 information pamphlet designed to inform the voters of the state of the content, effect, operation,  
2190 fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters  
2191 by the Legislature or by initiative or referendum petition.

2192 (2) The pamphlet shall also include a separate section prepared, analyzed, and submitted  
2193 by the Judicial Council describing the judicial selection and retention process.

2194 (3) The [~~lieutenant governor~~] State Elections Commission shall cause to be printed as  
2195 many voter information pamphlets as needed to comply with the provisions of this chapter.

2196 Section 64. Section **20A-7-702** is amended to read:

2197 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

- 2198 (1) The ~~[lieutenant governor]~~ State Elections Commission shall ensure that all information  
2199 submitted for publication in the voter information pamphlet is:
- 2200 (a) printed and bound in a single pamphlet;
- 2201 (b) printed in clear readable type, no less than ten-point, except that the text of any  
2202 measure may be set forth in eight-point type; and
- 2203 (c) printed on a quality and weight of paper that best serves the voters.
- 2204 (2) The voter information pamphlet shall contain the following items in this order:
- 2205 (a) a cover title page;
- 2206 (b) an introduction to the pamphlet by the ~~[lieutenant governor]~~ State Elections  
2207 Commission;
- 2208 (c) a table of contents;
- 2209 (d) a list of all candidates for constitutional offices;
- 2210 (e) a list of candidates for each legislative district;
- 2211 (f) a 100-word statement of qualifications for each candidate for the office of governor,  
2212 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate  
2213 to the ~~[lieutenant governor's]~~ State Elections Commission's office before July 15 at 5 p.m.;
- 2214 (g) information pertaining to all measures to be submitted to the voters, beginning a new  
2215 page for each measure and containing, in the following order for each measure:
- 2216 (i) a copy of the number and ballot title of the measure;
- 2217 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the  
2218 Legislature or by referendum;
- 2219 (iii) the impartial analysis of the measure prepared by the Office of Legislative Research  
2220 and General Counsel;
- 2221 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the  
2222 measure, the arguments against the measure, and the rebuttal to the arguments against the measure,  
2223 with the name and title of the authors at the end of each argument or rebuttal;
- 2224 (v) for each constitutional amendment, a complete copy of the text of the constitutional  
2225 amendment, with all new language underlined, and all deleted language placed within brackets;  
2226 and
- 2227 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the  
2228 ~~[lieutenant governor]~~ State Elections Commission;

- 2229 (h) a description provided by the Judicial Council of the selection and retention process  
2230 for judges, including, in the following order:
- 2231 (i) a description of the judicial selection process;
  - 2232 (ii) a description of the judicial performance evaluation process;
  - 2233 (iii) a description of the judicial retention election process;
  - 2234 (iv) a list of the criteria and minimum standards of judicial performance evaluation;
  - 2235 (v) the names of the judges standing for retention election; and
  - 2236 (vi) for each judge:
    - 2237 (A) the counties in which the judge is subject to retention election;
    - 2238 (B) a short biography of professional qualifications and a recent photograph;
    - 2239 (C) for each standard of performance, a statement identifying whether or not the judge met  
2240 the standard and, if not, the manner in which the judge failed to meet the standard;
    - 2241 (D) a statement identifying the cumulative number of public orders issued by the Utah  
2242 Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term  
2243 and the immediately preceding term, and a statement of the basis for each order that the judge has  
2244 received; and
    - 2245 (E) a statement identifying whether or not the judge was certified by the Judicial Council;
    - 2246 (vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic format,  
2247 the responses for each attorney, jury, and other survey question used by the Judicial Council for  
2248 certification of judges, displayed in 1% increments;
    - 2249 (B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a  
2250 particular judge is too small to provide statistically reliable information in 1% increments, the  
2251 survey results for that judge shall be reported as being above or below 70% and a statement by the  
2252 surveyor explaining why the survey is statistically unreliable shall also be included;
    - 2253 (i) an explanation of ballot marking procedures prepared by the [~~lieutenant governor~~] State  
2254 Elections Commission, indicating the ballot marking procedure used by each county and  
2255 explaining how to mark the ballot for each procedure;
    - 2256 (j) voter registration information, including information on how to obtain an absentee  
2257 ballot;
    - 2258 (k) a list of all county clerks' offices and phone numbers; and
    - 2259 (l) on the back cover page, a printed copy of the following statement signed by the

2260 [~~lieutenant governor~~] chair of the State Elections Commission:

2261 "I, \_\_\_\_\_ (print name), [~~Lieutenant Governor of Utah~~] chair of the State  
2262 Elections Commission, certify that the measures contained in this pamphlet will be submitted to  
2263 the voters of Utah at the election to be held throughout the state on \_\_\_\_ (date of election), and that  
2264 this pamphlet is complete and correct according to law. [~~SEAL~~]

2265 [~~Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this~~] Dated: \_\_\_\_  
2266 day of \_\_\_\_ (month), \_\_\_\_ (year)

2267 (signed) \_\_\_\_\_

2268 [~~Lieutenant Governor~~] Chair, State Elections Commission"

2269 (3) The [~~lieutenant governor~~] State Elections Commission shall:

2270 (a) ensure that one copy of the voter information pamphlet is placed in one issue of every  
2271 newspaper of general circulation in the state not more than 40 nor less than 15 days before the day  
2272 fixed by law for the election;

2273 (b) ensure that a sufficient number of printed voter information pamphlets are available  
2274 for distribution as required by this section;

2275 (c) provide voter information pamphlets to each county clerk for free distribution upon  
2276 request and for placement at polling places; and

2277 (d) ensure that the distribution of the voter information pamphlets is completed 15 days  
2278 before the election.

2279 Section 65. Section **20A-7-703** is amended to read:

2280 **20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

2281 (1) The director of the Office of Legislative Research and General Counsel, after the  
2282 approval of the legislative general counsel as to legal sufficiency, shall:

2283 (a) prepare an impartial analysis of each measure submitted to the voters by the  
2284 Legislature or by initiative or referendum petition; and

2285 (b) submit the impartial analysis to the [~~lieutenant governor~~] State Elections Commission  
2286 no later than August 20 of the year in which the measure will appear on the ballot.

2287 (2) The director shall ensure that the impartial analysis:

2288 (a) is not more than 1,000 words long;

2289 (b) is prepared in clear and concise language that will easily be understood by the average  
2290 voter;

- 2291 (c) avoids the use of technical terms as much as possible;
- 2292 (d) shows the effect of the measure on existing law;
- 2293 (e) identifies any potential conflicts with the United States or Utah Constitutions raised  
2294 by the measure;
- 2295 (f) fairly describes the operation of the measure;
- 2296 (g) identifies the measure's fiscal effects for the first full year of implementation and the  
2297 first year when the last provisions to be implemented are fully effective; and
- 2298 (h) identifies the amount of any increase or decrease in revenue or cost to state or local  
2299 government.

2300 (3) The director shall analyze the measure as it is proposed to be adopted without  
2301 considering any implementing legislation, unless the implementing legislation has been enacted  
2302 and will become effective upon the adoption of the measure by the voters.

2303 (4) (a) In determining the fiscal effects of a measure, the director shall confer with the  
2304 legislative fiscal analyst.

2305 (b) The director shall consider any measure that requires implementing legislation in order  
2306 to take effect to have no financial effect, unless implementing legislation has been enacted that will  
2307 become effective upon adoption of the measure by the voters.

2308 (5) If the director requests the assistance of any state department, agency, or official in  
2309 preparing his analysis, that department, agency, or official shall assist the director.

2310 Section 66. Section **20A-7-704** is amended to read:

2311 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests for**  
2312 **argument -- Ballot arguments.**

2313 (1) (a) (i) (A) By August 10 of the regular general election year, the sponsors of any  
2314 initiative petition that has been declared sufficient by the [~~lieutenant governor~~] State Elections  
2315 Commission may deliver to the [~~lieutenant governor~~] State Elections Commission an argument  
2316 for the adoption of the measure.

2317 (B) If two or more sponsors wish to submit arguments for the measure, the [~~lieutenant~~  
2318 ~~governor~~] State Elections Commission shall designate one of them to submit the argument for his  
2319 side of the measure.

2320 (ii) (A) Any member of the Legislature may request permission to submit an argument  
2321 against the adoption of the measure.

2322 (B) If two or more legislators wish to submit an argument against the measure, the  
2323 presiding officers of the Senate and House of Representatives shall jointly designate one of them  
2324 to submit the argument to the [~~lieutenant governor~~] State Elections Commission.

2325 (b) The sponsors and the legislators submitting arguments shall ensure that each argument:

2326 (i) does not exceed 500 words in length; and

2327 (ii) is delivered by August 10.

2328 (2) (a) (i) If an argument for or against a measure to be submitted to the voters by initiative  
2329 petition has not been filed within the time required by Subsection (1), any voter may request the  
2330 [~~lieutenant governor~~] State Elections Commission for permission to prepare an argument for the  
2331 side on which no argument has been prepared.

2332 (ii) If two or more voters request permission to submit arguments on the same side of a  
2333 measure, the [~~lieutenant governor~~] State Elections Commission shall designate one of the voters  
2334 to write the argument.

2335 (b) Any argument prepared under this subsection shall be submitted to the [~~lieutenant~~  
2336 ~~governor~~] State Elections Commission by August 20.

2337 (3) The [~~lieutenant governor~~] State Elections Commission may not accept a ballot  
2338 argument submitted under this section unless it is accompanied by:

2339 (a) the name and address of the person submitting it, if it is submitted by an individual  
2340 voter; or

2341 (b) the name and address of the organization and the names and addresses of at least two  
2342 of its principal officers, if it is submitted on behalf of an organization.

2343 (4) (a) Except as provided in Subsection (4)(c), the authors may not amend or change the  
2344 arguments after they are submitted to the [~~lieutenant governor~~] State Elections Commission.

2345 (b) Except as provided in Subsection (4)(c), the [~~lieutenant governor~~] State Elections  
2346 Commission may not alter the arguments in any way.

2347 (c) The [~~lieutenant governor~~] State Elections Commission and the authors of an argument  
2348 may jointly modify an argument after it is submitted if:

2349 (i) they jointly agree that changes to the argument must be made to correct spelling or  
2350 grammatical errors; and

2351 (ii) the argument has not yet been submitted for typesetting.

2352 Section 67. Section **20A-7-705** is amended to read:

2353           **20A-7-705. Measures to be submitted to voters and referendum measures --**

2354 **Preparation of argument of adoption.**

2355           (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act of  
2356 the Legislature is referred to the voters by referendum petition, the presiding officer of the house  
2357 of origin of the measure shall appoint the sponsor of the measure or act and one member of either  
2358 house who voted with the majority to pass the act or submit the measure to draft an argument for  
2359 the adoption of the measure.

2360           (b) (i) The argument may not exceed 500 words in length.

2361           (ii) If the sponsor of the measure or act desires separate arguments to be written in favor  
2362 by each person appointed, separate arguments may be written but the combined length of the two  
2363 arguments may not exceed 500 words.

2364           (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum  
2365 petition was not adopted unanimously by the Legislature, the presiding officer of each house shall,  
2366 at the same time as appointments to an argument in its favor are made, appoint one member who  
2367 voted against the measure or act from their house to write an argument against the measure or act.

2368           (b) (i) The argument may not exceed 500 words.

2369           (ii) If those members appointed to write an argument against the measure or act desire  
2370 separate arguments to be written in opposition to the measure or act by each person appointed,  
2371 separate arguments may be written, but the combined length of the two arguments may not exceed  
2372 500 words.

2373           (3) (a) The legislators appointed by the presiding officer of the Senate or House of  
2374 Representatives to submit arguments shall submit them to the [~~lieutenant governor~~] State Elections  
2375 Commission not later than June 1.

2376           (b) Except as provided in Subsection (3)(d), the authors may not amend or change the  
2377 arguments after they are submitted to the [~~lieutenant governor~~] State Elections Commission.

2378           (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] State Elections  
2379 Commission may not alter the arguments in any way.

2380           (d) The [~~lieutenant governor~~] State Elections Commission and the authors of an argument  
2381 may jointly modify an argument after it is submitted if:

2382           (i) they jointly agree that changes to the argument must be made to correct spelling or  
2383 grammatical errors; and

2384 (ii) the argument has not yet been submitted for typesetting.

2385 (4) (a) If an argument for or an argument against a measure submitted to the voters by the  
2386 Legislature or by referendum petition has not been filed by a member of the Legislature within the  
2387 time required by this section, any voter may request the presiding officer of the house in which the  
2388 measure originated for permission to prepare and file an argument for the side on which no  
2389 argument has been prepared by a member of the Legislature.

2390 (b) (i) The presiding officer of the house of origin shall grant permission unless two or  
2391 more voters request permission to submit arguments on the same side of a measure.

2392 (ii) If two or more voters request permission to submit arguments on the same side of a  
2393 measure, the presiding officer shall designate one of the voters to write the argument.

2394 (c) Any argument prepared under this Subsection (4)(c) shall be submitted to the  
2395 [~~lieutenant governor~~] State Elections Commission not later than June 15.

2396 (d) The [~~lieutenant governor~~] State Elections Commission may not accept a ballot  
2397 argument submitted under this section unless it is accompanied by:

2398 (i) the name and address of the person submitting it, if it is submitted by an individual  
2399 voter; or

2400 (ii) the name and address of the organization and the names and addresses of at least two  
2401 of its principal officers, if it is submitted on behalf of an organization.

2402 (e) Except as provided in Subsection (4)(g), the authors may not amend or change the  
2403 arguments after they are submitted to the [~~lieutenant governor~~] State Elections Commission.

2404 (f) Except as provided in Subsection (4)(g), the [~~lieutenant governor~~] State Elections  
2405 Commission may not alter the arguments in any way.

2406 (g) The [~~lieutenant governor~~] State Elections Commission and the authors of an argument  
2407 may jointly modify an argument after it is submitted if:

2408 (i) they jointly agree that changes to the argument must be made to correct spelling or  
2409 grammatical errors; and

2410 (ii) the argument has not yet been submitted for typesetting.

2411 Section 68. Section **20A-7-706** is amended to read:

2412 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**  
2413 **arguments.**

2414 (1) When the [~~lieutenant governor~~] State Elections Commission has received the

2415 arguments for and against a measure to be submitted to the voters, the [~~lieutenant governor~~] State  
2416 Elections Commission shall immediately send copies of the arguments in favor of the measure to  
2417 the authors of the arguments against and copies of the arguments against to the authors of the  
2418 arguments in favor.

2419 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.

2420 (3) (a) The rebuttal arguments must be filed with the [~~lieutenant governor~~] State Elections  
2421 Commission:

2422 (i) for constitutional amendments and referendum petitions, not later than June 30; and

2423 (ii) for initiatives, not later than August 30.

2424 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the  
2425 rebuttal arguments after they are submitted to the [~~lieutenant governor~~] State Elections  
2426 Commission.

2427 (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] State Elections  
2428 Commission may not alter the arguments in any way.

2429 (d) The [~~lieutenant governor~~] State Elections Commission and the authors of a rebuttal  
2430 argument may jointly modify a rebuttal argument after it is submitted if:

2431 (i) they jointly agree that changes to the rebuttal argument must be made to correct spelling  
2432 or grammatical errors; and

2433 (ii) the rebuttal argument has not yet been submitted for typesetting.

2434 (4) The [~~lieutenant governor~~] State Elections Commission shall ensure that:

2435 (a) rebuttal arguments are printed in the same manner as the direct arguments; and

2436 (b) each rebuttal argument follows immediately after the direct argument which it seeks  
2437 to rebut.

2438 Section 69. Section **20A-8-103** is amended to read:

2439 **20A-8-103. Petition procedures.**

2440 (1) As used in this section, the proposed name or emblem of a registered political party  
2441 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a  
2442 difference between the proposed name or emblem and any name or emblem currently being used  
2443 by another registered political party.

2444 (2) To become a registered political party, an organization of registered voters that is not  
2445 a continuing political party shall:

2446 (a) circulate a petition seeking registered political party status beginning no earlier than  
2447 the date of the statewide canvass held after the last regular general election and ending no later  
2448 than the February 15 of the year in which the next regular general election will be held; and

2449 (b) file a petition with the [~~lieutenant governor~~] State Elections Commission that is signed  
2450 by at least 2,000 registered voters on or before February 15 of the year in which a regular general  
2451 election will be held.

2452 (3) The petition shall:

2453 (a) state that the signers are or desire to become members of the designated party or group;

2454 (b) state the name, which may not exceed four words, and identify the emblem of the party  
2455 or group;

2456 (c) state the process that the organization will follow to organize and adopt a constitution  
2457 and bylaws; and

2458 (d) be signed by a filing officer, who agrees to receive communications on behalf of the  
2459 organization.

2460 (4) The [~~lieutenant governor~~] State Elections Commission shall:

2461 (a) determine whether or not the required number of voters appears on the petition;

2462 (b) review the proposed name and emblem to determine if they are "distinguishable" from  
2463 the names and emblems of other registered political parties; and

2464 (c) certify [~~his~~] its findings to the filing officer of the group within 30 days of the filing  
2465 of the petition.

2466 (5) (a) If the [~~lieutenant governor~~] State Elections Commission determines that the petition  
2467 meets the requirements of this section, and that the proposed name and emblem are  
2468 distinguishable, [~~he~~] it shall authorize the filing officer to organize the prospective political party.

2469 (b) If the [~~lieutenant governor~~] State Elections Commission finds that the name, emblem,  
2470 or both are not distinguishable from the names and emblems of other registered political parties,  
2471 the [~~lieutenant governor~~] State Elections Commission shall notify the filing officer that he has  
2472 seven days to submit a new name or emblem to the [~~lieutenant governor~~] State Elections  
2473 Commission.

2474 (6) A registered political party may not change its name or emblem during the regular  
2475 general election cycle.

2476 Section 70. Section **20A-8-106** is amended to read:

2477 **20A-8-106. Organization as a political party -- Certification procedures.**

2478 (1) On or before March 1 of the regular general election year, the prospective political  
2479 party's officers or governing board shall file the names of the party officers or governing board  
2480 with the ~~[lieutenant governor]~~ State Elections Commission.

2481 (2) After reviewing the information and determining that all proper procedures have been  
2482 completed, the ~~[lieutenant governor]~~ State Elections Commission shall:

2483 (a) issue a certificate naming the organization as a registered political party in Utah and  
2484 designating its official name; and

2485 (b) inform each county clerk that the organization is a registered political party in Utah.

2486 (3) All election officers and state officials shall consider the organization to be and shall  
2487 treat the organization as a registered political party.

2488 (4) The newly registered political party shall comply with all the provisions of Utah law  
2489 governing political parties.

2490 (5) (a) If the newly registered political party does not hold a national party convention, the  
2491 governing board of the political party may designate the names of the party's candidates for the  
2492 offices of President and Vice President of the United States and the names of the party's  
2493 presidential electors to the ~~[lieutenant governor]~~ State Elections Commission by August 15.

2494 (b) If the party chooses to designate names, the governing board shall certify those names.

2495 Section 71. Section **20A-8-401** is amended to read:

2496 **20A-8-401. Registered political parties -- Bylaws.**

2497 (1) (a) Each registered state political party shall file a copy of its constitution and bylaws  
2498 with the ~~[lieutenant governor]~~ State Elections Commission by January 1, 1995.

2499 (b) Each new or unregistered state political party that seeks to become a registered political  
2500 party under the authority of this chapter shall file a copy of its proposed constitution and bylaws  
2501 at the time it files its registration information.

2502 (c) Each registered state political party shall file revised copies of its constitution or bylaws  
2503 with the ~~[lieutenant governor]~~ State Elections Commission within 15 days after the constitution  
2504 or bylaws are adopted or amended.

2505 (2) Each state political party, each new political party seeking registration, and each  
2506 unregistered political party seeking registration shall ensure that its constitution or bylaws contain:

2507 (a) provisions establishing party organization, structure, membership, and governance that

2508 include:

2509 (i) a description of the position, selection process, qualifications, duties, and terms of each  
2510 party officer and committees defined by constitution and bylaws;

2511 (ii) a provision requiring a designated party officer to serve as liaison with the [~~lieutenant~~  
2512 ~~governor~~] State Elections Commission on all matters relating to the political party's relationship  
2513 with the state;

2514 (iii) a description of the requirements for participation in party processes;

2515 (iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions,  
2516 or other conclaves; and

2517 (v) a mechanism for making the names of delegates, candidates, and elected party officers  
2518 available to the public shortly after they are selected;

2519 (b) a procedure for selecting party officers that allows active participation by party  
2520 members;

2521 (c) a procedure for selecting party candidates at the federal, state, and county levels that  
2522 allows active participation by party members;

2523 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the electoral  
2524 college for the party's candidates for president and vice president of the United States; and

2525 (ii) a procedure for filling vacancies in the office of presidential elector because of death,  
2526 refusal to act, failure to attend, ineligibility, or any other cause;

2527 (e) a provision requiring the governor and lieutenant governor to run as a joint ticket;

2528 (f) a procedure for replacing party candidates who die, become disabled, or are disqualified  
2529 before a primary or regular general election;

2530 (g) provisions governing the deposit and expenditure of party funds, and governing the  
2531 accounting for, reporting, and audit of party financial transactions;

2532 (h) provisions governing access to party records;

2533 (i) a procedure for amending the constitution or bylaws that allows active participation by  
2534 party members or their representatives; and

2535 (j) a process for resolving grievances against the political party.

2536 Section 72. Section **20A-8-402** is amended to read:

2537 **20A-8-402. Political party officers -- Submission of names of officers to the State**  
2538 **Elections Commission.**

2539 (1) Each state political party shall:

2540 (a) designate a party officer to act as liaison with the [~~lieutenant governor's~~] State Elections  
2541 Commission's office; and

2542 (b) within seven days of any change in the party liaison, submit the name of the new  
2543 liaison to the [~~lieutenant governor~~] State Elections Commission.

2544 (2) Each state political party and each county political party shall:

2545 (a) submit the names of its officers to the [~~lieutenant governor~~] State Elections  
2546 Commission within seven days after the officers are selected; and

2547 (b) within seven days of any change in party officers, submit the names of the new officers  
2548 to the [~~lieutenant governor~~] State Elections Commission.

2549 Section 73. Section **20A-8-403** is amended to read:

2550 **20A-8-403. Political parties -- Certification.**

2551 When this title requires that a registered political party certify information to the [~~lieutenant~~  
2552 ~~governor~~] State Elections Commission, the registered political party has met that requirement if  
2553 the information is signed by the registered political party's designated liaison or the registered  
2554 political party's chair.

2555 Section 74. Section **20A-9-101** is amended to read:

2556 **20A-9-101. Definitions.**

2557 As used in this chapter:

2558 (1) (a) "Candidates for elective office" means persons selected by a registered political  
2559 party as party candidates to run in a regular general election.

2560 (b) "Candidates for elective office" does not mean candidates for:

2561 (i) justice or judge of court of record or not of record;

2562 (ii) presidential elector;

2563 (iii) any political party offices; and

2564 (iv) municipal or special district offices.

2565 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
2566 attorney general, state auditor, and state treasurer.

2567 (3) (a) "County office" means an elective office where the office holder is selected by  
2568 voters entirely within one county.

2569 (b) "County office" does not mean:

- 2570 (i) the office of justice or judge of any court of record or not of record;
- 2571 (ii) the office of presidential elector;
- 2572 (iii) any political party offices;
- 2573 (iv) any municipal or special district offices; and
- 2574 (v) the office of United States Senator and United States Representative.
- 2575 (4) "Federal office" means an elective office for United States Senator and United States
- 2576 Representative.
- 2577 (5) "Filing officer" means:
- 2578 (a) the [~~lieutenant governor~~] State Elections Commission, for:
- 2579 (i) offices whose political division contains territory in two or more counties;
- 2580 (ii) the office of United States Senator and United States Representative; and
- 2581 (iii) all constitutional offices;
- 2582 (b) the county clerk, for county offices and local school district offices;
- 2583 (c) the city or town clerk, for municipal offices; and
- 2584 (d) the special district clerk, for special district offices.
- 2585 (6) "Local government office" includes county offices, municipal offices, and special
- 2586 district offices and other elective offices selected by the voters from a political division entirely
- 2587 within one county.
- 2588 (7) (a) "Multicounty office" means an elective office where the office holder is selected
- 2589 by the voters from more than one county.
- 2590 (b) "Multicounty office" does not mean:
- 2591 (i) a county office;
- 2592 (ii) a federal office;
- 2593 (iii) the office of justice or judge of any court of record or not of record;
- 2594 (iv) the office of presidential elector;
- 2595 (v) any political party offices; and
- 2596 (vi) any municipal or special district offices.
- 2597 (8) "Municipal office" means an elective office in a municipality.
- 2598 (9) (a) "Political division" means a geographic unit from which an office holder is elected
- 2599 and that an office holder represents.
- 2600 (b) "Political division" includes a county, a city, a town, a special district, a school district,

2601 a legislative district, and a county prosecution district.

2602 (10) "Special district office" means an elected office in a special district.

2603 Section 75. Section **20A-9-201** is amended to read:

2604 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
2605 **more than one political party prohibited with exceptions -- General filing and form**  
2606 **requirements.**

2607 (1) Before filing a declaration of candidacy for election to any office, a person shall:

2608 (a) be a United States citizen; and

2609 (b) meet the legal requirements of that office.

2610 (2) (a) Except as provided in Subsection (2)(b), a person may not:

2611 (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah  
2612 during any election year; or

2613 (ii) appear on the ballot as the candidate of more than one political party.

2614 (b) A person may file a declaration of candidacy for, or be a candidate for, President or  
2615 Vice President of the United States and another office, if the person resigns the person's candidacy  
2616 for the other office after the person is officially nominated for President or Vice President of the  
2617 United States.

2618 (3) If the final date established for filing a declaration of candidacy is a Saturday or  
2619 Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

2620 (4) (a) (i) Except for presidential candidates, before the filing officer may accept any  
2621 declaration of candidacy, the filing officer shall:

2622 (A) read to the prospective candidate the constitutional and statutory qualification  
2623 requirements for the office that the candidate is seeking; and

2624 (B) require the candidate to state whether or not the candidate meets those requirements.

2625 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
2626 county clerk shall ensure that the person filing that declaration of candidacy is:

2627 (A) a United States citizen;

2628 (B) an attorney licensed to practice law in Utah who is an active member in good standing  
2629 of the Utah State Bar;

2630 (C) a registered voter in the county in which he is seeking office; and

2631 (D) a current resident of the county in which he is seeking office and either has been a

2632 resident of that county for at least one year or was appointed and is currently serving as county  
2633 attorney and became a resident of the county within 30 days after appointment to the office.

2634 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
2635 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
2636 candidacy is:

2637 (A) a United States citizen;

2638 (B) an attorney licensed to practice law in Utah who is an active member in good standing  
2639 of the Utah State Bar;

2640 (C) a registered voter in the prosecution district in which he is seeking office; and

2641 (D) a current resident of the prosecution district in which he is seeking office and either  
2642 will have been a resident of that prosecution district for at least one year as of the date of the  
2643 election or was appointed and is currently serving as district attorney and became a resident of the  
2644 prosecution district within 30 days after receiving appointment to the office.

2645 (b) If the prospective candidate states that he does not meet the qualification requirements  
2646 for the office, the filing officer may not accept the prospective candidate's declaration of candidacy.

2647 (c) If the candidate states that he meets the requirements of candidacy, the filing officer  
2648 shall:

2649 (i) accept the candidate's declaration of candidacy; and

2650 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
2651 declaration of candidacy to the chair of the county or state political party of which the candidate  
2652 is a member.

2653 (5) Except for presidential candidates, the form of the declaration of candidacy shall be  
2654 substantially as follows:

2655 "State of Utah, County of \_\_\_\_

2656 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_  
2657 as a candidate for the \_\_\_\_ party. I do solemnly swear that: I can qualify to hold that office, both  
2658 legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,  
2659 Utah, Zip Code \_\_\_\_ Phone No. \_\_\_\_; I will not knowingly violate any law governing campaigns  
2660 and elections; and I will qualify for the office if elected to it. The mailing address that I designate  
2661 for receiving official election notices is \_\_\_\_\_.

2662 \_\_\_\_\_

2663 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

2664 \_\_\_\_\_  
2665 Notary Public (or other officer qualified to administer oath.)"

2666 (6) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:

2667 (i) \$25 for candidates for the local school district board; and

2668 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding  
2669 the office, but not less than \$5, for all other federal, state, and county offices.

2670 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any  
2671 candidate:

2672 (i) who is disqualified; or

2673 (ii) who the filing officer determines has filed improperly.

2674 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received from  
2675 candidates.

2676 (ii) The [~~lieutenant governor~~] State Elections Commission shall:

2677 (A) apportion to and pay to the county treasurers of the various counties all fees received  
2678 for filing of nomination certificates or acceptances; and

2679 (B) ensure that each county receives that proportion of the total amount paid to the  
2680 [~~lieutenant governor~~] State Elections Commission from the congressional district that the total vote  
2681 of that county for all candidates for representative in Congress bears to the total vote of all counties  
2682 within the congressional district for all candidates for representative in Congress.

2683 (d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy  
2684 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of  
2685 impecuniosity filed with the filing officer.

2686 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
2687 substantially the following form:

2688 "Affidavit of Impecuniosity

2689 Individual Name \_\_\_\_\_Address\_\_\_\_\_

2690 Phone Number \_\_\_\_\_

2691 I, \_\_\_\_\_(name), do solemnly [swear] [affirm] that, owing to my poverty,  
2692 I am unable to pay the filing fee required by law.

2693 Date \_\_\_\_\_ Signature\_\_\_\_\_

2694 Affiant

2695 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

2696

2697 \_\_\_\_\_ (signature)

2698 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

2699 (7) Any person who fails to file a declaration of candidacy or certificate of nomination  
2700 within the time provided in this chapter is ineligible for nomination to office.

2701 Section 76. Section **20A-9-202** is amended to read:

2702 **20A-9-202. Declarations of candidacy for regular general elections -- Requirements**  
2703 **for candidates.**

2704 (1) (a) Each person seeking to become a candidate for elective office for any county office  
2705 that is to be filled at the next regular general election shall:

2706 (i) file a declaration of candidacy in person with the county clerk between the March 7 and  
2707 before 5 p.m. on the March 17 before the next regular general election; and

2708 (ii) pay the filing fee.

2709 (b) Each person intending to become a candidate for any legislative office or multicounty  
2710 office that is to be filled at the next regular general election shall:

2711 (i) file a declaration of candidacy in person with either the [~~lieutenant governor~~] State  
2712 Elections Commission or the county clerk in the candidate's county of residence between the  
2713 March 7 and before 5 p.m. on the March 17 before the next regular general election; and

2714 (ii) pay the filing fee.

2715 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for  
2716 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
2717 candidacy to the [~~lieutenant governor~~] State Elections Commission within one working day after  
2718 it is filed.

2719 (ii) Each day during the filing period, each county clerk shall notify the [~~lieutenant~~  
2720 ~~governor~~] State Elections Commission electronically or by telephone of legislative candidates who  
2721 have filed in their office.

2722 (d) Each person seeking to become a candidate for elective office for any federal office or  
2723 constitutional office that is to be filled at the next regular general election shall:

2724 (i) file a declaration of candidacy in person with the [~~lieutenant governor~~] State Elections

2725 Commission between the March 7 and before 5 p.m. on the March 17 before the next regular  
2726 general election; and

2727 (ii) pay the filing fee.

2728 (e) Each person seeking the office of lieutenant governor, the office of district attorney,  
2729 or the office of President or Vice President of the United States shall comply with the specific  
2730 declaration of candidacy requirements established by this section.

2731 (2) (a) Each person intending to become a candidate for the office of district attorney  
2732 within a multicounty prosecution district that is to be filled at the next regular general election  
2733 shall:

2734 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
2735 creating the prosecution district between the March 7 and before 5 p.m. on the March 17 before  
2736 the next regular general election; and

2737 (ii) pay the filing fee.

2738 (b) The designated clerk shall provide to the county clerk of each county in the prosecution  
2739 district a certified copy of each declaration of candidacy filed for the office of district attorney.

2740 (3) (a) Within five working days of nomination, each lieutenant governor candidate shall:

2741 (i) file a declaration of candidacy with the [~~lieutenant governor~~] State Elections  
2742 Commission; and

2743 (ii) pay the filing fee.

2744 (b) (i) Any candidate for lieutenant governor who fails to file within five working days is  
2745 disqualified.

2746 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace  
2747 the disqualified candidate.

2748 (4) Each registered political party shall:

2749 (a) certify the names of its candidates for President and Vice President of the United States  
2750 to the [~~lieutenant governor~~] State Elections Commission by August 30; or

2751 (b) provide written authorization for the [~~lieutenant governor~~] State Elections Commission  
2752 to accept the certification of candidates for President and Vice President of the United States from  
2753 the national office of the registered political party.

2754 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
2755 objection is filed with the clerk or [~~lieutenant governor~~] State Elections Commission within five

2756 days after the last day for filing.

2757 (b) If an objection is made, the clerk or [~~lieutenant governor~~] State Elections Commission  
2758 shall:

2759 (i) mail or personally deliver notice of the objection to the affected candidate immediately;  
2760 and

2761 (ii) decide any objection within 48 hours after it is filed.

2762 (c) If the clerk or [~~lieutenant governor~~] State Elections Commission sustains the objection,  
2763 the candidate may cure the problem by amending the declaration or petition within three days after  
2764 the objection is sustained or by filing a new declaration within three days after the objection is  
2765 sustained.

2766 (d) (i) The clerk's or [~~lieutenant governor's~~] State Elections Commission's decision upon  
2767 objections to form is final.

2768 (ii) The clerk's or [~~lieutenant governor's~~] State Elections Commission's decision upon  
2769 substantive matters is reviewable by a district court if prompt application is made to the court.

2770 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of  
2771 its discretion, agrees to review the lower court decision.

2772 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing  
2773 a written affidavit with the clerk.

2774 Section 77. Section **20A-9-202.5** is amended to read:

2775 **20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.**

2776 (1) As used in this section:

2777 (a) "Presidential candidate" means a person seeking nomination for President of the United  
2778 States from a Utah registered political party.

2779 (b) "Utah registered political party" means a political party that has complied with the  
2780 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a  
2781 political party officially recognized by the state.

2782 (2) Each presidential candidate, or the candidate's designated agent, shall file a declaration  
2783 of candidacy with the [~~lieutenant governor~~] State Elections Commission as provided in Section  
2784 20A-9-803.

2785 Section 78. Section **20A-9-203** is amended to read:

2786 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

2787 (1) (a) A person may become a candidate for any municipal office if the person is a  
2788 registered voter and:

2789 (i) the person has resided within the municipality in which that person seeks to hold  
2790 elective office for the 12 consecutive months immediately before the date of the election; or

2791 (ii) if the territory in which the person resides was annexed into the municipality, the  
2792 person has resided within the annexed territory or the municipality for 12 months.

2793 (b) In addition to the requirements of Subsection (1)(a), candidates for a municipal council  
2794 position under the council-mayor or council-manager alternative forms of municipal government  
2795 shall, if elected from districts, be residents of the council district from which they are elected.

2796 (2) (a) Each person seeking to become a candidate for a municipal office shall file a  
2797 declaration of candidacy in person with the city recorder or town clerk during office hours and not  
2798 later than 5 p.m. between July 15 and August 15 of any odd-numbered year and pay the filing fee,  
2799 if one is required by municipal ordinance.

2800 (b) Any resident of a municipality may nominate a candidate for a municipal office by  
2801 filing a nomination petition with the city recorder or town clerk during office hours but not later  
2802 than 5 p.m. between July 15 and August 15 of any odd-numbered year and pay the filing fee, if  
2803 one is required by municipal ordinance.

2804 (c) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m.  
2805 on the following Monday.

2806 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination  
2807 petition, the filing officer shall:

2808 (i) read to the prospective candidate or person filing the petition the constitutional and  
2809 statutory qualification requirements for the office that the candidate is seeking; and

2810 (ii) require the candidate or person filing the petition to state whether or not the candidate  
2811 meets those requirements.

2812 (b) If the prospective candidate does not meet the qualification requirements for the office,  
2813 the filing officer may not accept the declaration of candidacy or nomination petition.

2814 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
2815 filing officer shall accept the declaration of candidacy or nomination petition.

2816 (4) The declaration of candidacy shall substantially comply with the following form:

2817 "I, (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_,

2818 County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a  
2819 registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I request that  
2820 my name be printed upon the applicable official ballots. (Signed) \_\_\_\_\_

2821 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this  
2822 \_\_\_\_\_(month\day\year).

2823 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)"

2824 (5) (a) Any registered voter may be nominated for municipal office by submitting a  
2825 petition signed by:

- 2826 (i) 25 residents of the municipality who are at least 18 years old; or
- 2827 (ii) 20% of the residents of the municipality who are at least 18 years old.

2828 (b) (i) The petition shall substantially conform to the following form:

2829 "NOMINATION PETITION

2830 The undersigned residents of (name of municipality) being 18 years old or older nominate  
2831 (name of nominee) to the office of \_\_\_\_\_ for the (two or four-year term, whichever is applicable)."

2832 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
2833 persons signing the petition and their addresses and telephone numbers.

2834 (c) If the declaration of candidacy or nomination petition fails to state whether the  
2835 nomination is for the two or four-year term, the clerk shall consider the nomination to be for the  
2836 four-year term.

2837 (d) (i) The clerk shall verify with the county clerk that all candidates are registered voters.

2838 (ii) Any candidate who is not registered to vote is disqualified and the clerk may not print  
2839 the candidate's name on the ballot.

2840 (6) Immediately after expiration of the period for filing a declaration of candidacy, the  
2841 clerk shall:

2842 (a) cause the names of the candidates as they will appear on the ballot to be published in  
2843 at least two successive publications of a newspaper with general circulation in the municipality;  
2844 and

2845 (b) notify the [~~lieutenant governor~~] State Elections Commission of the names of the  
2846 candidates as they will appear on the ballot.

2847 (7) (a) A declaration of candidacy or nomination petition filed under this section is valid  
2848 unless a written objection is filed with the clerk within five days after the last day for filing.

2849 (b) If an objection is made, the clerk shall:

2850 (i) mail or personally deliver notice of the objection to the affected candidate immediately;

2851 and

2852 (ii) decide any objection within 48 hours after it is filed.

2853 (c) If the clerk sustains the objection, the candidate may correct the problem by amending

2854 the declaration or petition within three days after the objection is sustained or by filing a new

2855 declaration within three days after the objection is sustained.

2856 (d) (i) The clerk's decision upon objections to form is final.

2857 (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt  
2858 application is made to the district court.

2859 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of  
2860 its discretion, agrees to review the lower court decision.

2861 (8) Any person who filed a declaration of candidacy and was nominated, and any person  
2862 who was nominated by a nomination petition, may, any time up to 23 days before the election,  
2863 withdraw the nomination by filing a written affidavit with the clerk.

2864 Section 79. Section **20A-9-402** is amended to read:

2865 **20A-9-402. General requirements for all primary elections.**

2866 (1) Except as provided in Subsection (2), the [~~lieutenant governor~~] State Elections  
2867 Commission, county clerks, and election judges shall follow the procedures and requirements of  
2868 this title in administering primary elections.

2869 (2) If there is any conflict between any provision of this part and any other sections in Title  
2870 20A, this part takes precedence.

2871 Section 80. Section **20A-9-403** is amended to read:

2872 **20A-9-403. Regular primary elections.**

2873 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular  
2874 primary election day.

2875 (b) Each registered political party that chooses to use the primary election process to  
2876 nominate some or all of its candidates shall comply with the requirements of this section.

2877 (2) (a) As a condition for using the state's election system, each registered political party  
2878 that wishes to participate in the primary election shall:

2879 (i) declare their intent to participate in the primary election;

2880 (ii) identify one or more registered political parties whose members may vote for the  
2881 registered political party's candidates and whether or not persons identified as unaffiliated with a  
2882 political party may vote for the registered political party's candidates; and

2883 (iii) certify that information to the [~~lieutenant governor~~] State Elections Commission no  
2884 later than 5 p.m. on March 1 of each even-numbered year.

2885 (b) As a condition for using the state's election system, each registered political party that  
2886 wishes to participate in the primary election shall:

2887 (i) certify the name and office of all of the registered political party's candidates to the  
2888 [~~lieutenant governor~~] State Elections Commission no later than 5 p.m. on May 13 of each  
2889 even-numbered year; and

2890 (ii) certify the name and office of each of its county candidates to the county clerks by 5  
2891 p.m. on May 13 of each even-numbered year.

2892 (c) By 5 p.m. on May 16 of each even-numbered year, the [~~lieutenant governor~~] State  
2893 Elections Commission shall send the county clerks a certified list of the names of all statewide or  
2894 multicounty candidates that must be printed on the primary ballot.

2895 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does not  
2896 wish to participate in the primary election, it shall submit the names of its county candidates to the  
2897 county clerks and the names of all of its candidates to the [~~lieutenant governor~~] State Elections  
2898 Commission by 5 p.m. on May 30 of each even-numbered year.

2899 (ii) A registered political party's candidates for President and Vice-President of the United  
2900 States shall be certified to the [~~lieutenant governor~~] State Elections Commission as provided in  
2901 Subsection 20A-9-202(4).

2902 (e) Each political party shall certify the names of its presidential and vice-presidential  
2903 candidates and presidential electors to the [~~lieutenant governor's~~] office of the State Elections  
2904 Commission by August 30 of each presidential election year.

2905 (3) The county clerk shall:

2906 (a) review the declarations of candidacy filed by candidates for local boards of education  
2907 to determine if more than two candidates have filed for the same seat;

2908 (b) place the names of all candidates who have filed a declaration of candidacy for a local  
2909 board of education seat on the nonpartisan section of the ballot if more than two candidates have  
2910 filed for the same seat; and

2911 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

2912 (4) After the county clerk receives the certified list from a registered political party, the  
2913 county clerk shall post or publish a primary election notice in substantially the following form:

2914 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_, \_\_\_\_ (year),  
2915 to nominate party candidates for the parties and nonpartisan offices listed on the primary ballot.  
2916 The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue  
2917 open until 8 p.m. of the same day. Attest: county clerk".

2918 (5) (a) Candidates receiving the highest number of votes cast for each office at the regular  
2919 primary election are nominated by their party or nonpartisan group for that office.

2920 (b) If two or more candidates are to be elected to the office at the regular general election,  
2921 those party candidates equal in number to positions to be filled who receive the highest number  
2922 of votes at the regular primary election are the nominees of their party for those positions.

2923 (6) (a) When a tie vote occurs in any primary election for any national, state, or other office  
2924 that represents more than one county, the governor, lieutenant governor, and attorney general shall,  
2925 at a public meeting called by the governor and in the presence of the candidates involved, select  
2926 the nominee by lot cast in whatever manner the governor determines.

2927 (b) When a tie vote occurs in any primary election for any county office, the district court  
2928 judges of the district in which the county is located shall, at a public meeting called by the judges  
2929 and in the presence of the candidates involved, select the nominee by lot cast in whatever manner  
2930 the judges determine.

2931 (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary  
2932 election provided for by this section, and all expenses necessarily incurred in the preparation for  
2933 or the conduct of that primary election shall be paid out of the treasury of the county or state, in  
2934 the same manner as for the regular general elections.

2935 Section 81. Section **20A-9-503** is amended to read:

2936 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

2937 (1) After the certificate of nomination has been certified, executed, and acknowledged by  
2938 the county clerk, the candidate shall:

2939 (a) between March 7 and March 17 of the year in which the regular general election will  
2940 be held, file the petition in person with:

2941 (i) the [~~lieutenant governor~~] State Elections Commission, if the office the candidate seeks

2942 is a constitutional office or a federal office; or

2943 (ii) the county clerk, if the office the candidate seeks is a county office; and

2944 (iii) pay the filing fee; or

2945 (b) not later than the sixth Tuesday before the primary election date, file the petition in

2946 person with:

2947 (i) the municipal clerk, if the candidate seeks an office in a city or town;

2948 (ii) the special district clerk, if the candidate seeks an office in a special district; and

2949 (iii) pay the filing fee.

2950 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall read

2951 the constitutional and statutory requirements for candidacy to the candidate.

2952 (b) If the candidate states that he does not meet the requirements, the filing officer may not

2953 accept the petition.

2954 (3) Persons filing a certificate of nomination for President of the United States under this

2955 section shall pay a filing fee of \$500.

2956 Section 82. Section **20A-9-601** is amended to read:

2957 **20A-9-601. Qualifying as a write-in candidate.**

2958 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of

2959 candidacy with the appropriate filing officer not later than 14 days before the regular general

2960 election or municipal general election in which the person intends to be a write-in candidate.

2961 (b) (i) The filing officer shall:

2962 (A) read to the candidate the constitutional and statutory requirements for the office; and

2963 (B) ask the candidate whether or not the candidate meets the requirements.

2964 (ii) If the candidate cannot meet the requirements of office, the filing officer may not

2965 accept the write-in candidate's declaration of candidacy.

2966 (2) A write-in candidate in towns need not prequalify with the filing officer.

2967 (3) By November 1 of each regular general election year, the [~~lieutenant governor~~] State

2968 Elections Commission shall certify to each county clerk the names of all write-in candidates who

2969 filed their declaration of candidacy with the [~~lieutenant governor~~] State Elections Commission.

2970 Section 83. Section **20A-9-701** is amended to read:

2971 **20A-9-701. Certification of party candidates to county clerks.**

2972 By September 1 of each regular general election year, the [~~lieutenant governor~~] State

2973 Elections Commission shall certify to each county clerk the names of each candidate, including  
2974 candidates for president and vice president, certified by each registered political party as that  
2975 party's nominees for offices to be voted upon at the regular general election in that county clerk's  
2976 county.

2977 Section 84. Section **20A-9-802** is amended to read:

2978 **20A-9-802. Western States Presidential Primary established -- Other ballot issues**  
2979 **prohibited.**

2980 (1) (a) There is established a Western States Presidential Primary election to be held the  
2981 first Friday after the first Monday in March in the year in which a presidential election will be held.

2982 (b) Except as otherwise specifically provided in this chapter, county clerks shall administer  
2983 the Western States Presidential Primary according to the provisions of Title 20A, Election Code,  
2984 including:

2985 (i) Title 20A, Chapter 1, General Provisions;

2986 (ii) Title 20A, Chapter 2, Voter Registration;

2987 (iii) Title 20A, Chapter 3, Voting;

2988 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

2989 (v) Title 20A, Chapter 5, Election Administration; and

2990 (vi) Title 20A, Chapter 6, Ballot Form.

2991 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western  
2992 States Presidential Primary contains only the names of candidates for President of the United  
2993 States who have qualified as provided in this part.

2994 (ii) The county clerks may not present any other items to the voters to be voted upon at this  
2995 election.

2996 (2) Registered political parties, and candidates for President of the United States who are  
2997 affiliated with a registered political party, may participate in the Western States Presidential  
2998 Primary established by this part.

2999 (3) As a condition for using the state's election system, each registered political party  
3000 wishing to participate in Utah's Western States Presidential Primary shall:

3001 (a) declare their intent to participate in the Western States Presidential Primary;

3002 (b) identify one or more registered political parties whose members may vote for the  
3003 registered political party's candidates and whether or not persons identified as unaffiliated with a

3004 political party may vote for the registered political party's candidates; and

3005 (c) certify that information to the [~~lieutenant governor~~] State Elections Commission no  
3006 later than 5 p.m. on the June 30 of the year before the year in which the presidential primary will  
3007 be held.

3008 Section 85. Section **20A-9-803** is amended to read:

3009 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

3010 (1) (a) Candidates for President of the United States who are affiliated with a registered  
3011 political party in Utah that has elected to participate in Utah's Western States Presidential Primary  
3012 and who wish to participate in the primary shall:

3013 (i) except as provided in Subsection (1)(b), file a declaration of candidacy, in person or  
3014 via a designated agent, with the [~~lieutenant governor~~] State Elections Commission between July  
3015 1 of the year before the primary election will be held and 5 p.m. on January 15 of the year in  
3016 which the primary election will be held;

3017 (ii) identify the registered political party whose nomination the candidate is seeking;

3018 (iii) provide a letter from the registered political party certifying that the candidate may  
3019 participate as a candidate for that party in that party's presidential primary election; and

3020 (iv) pay the filing fee of \$500.

3021 (b) If January 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m.  
3022 on the following Monday.

3023 (2) The [~~lieutenant governor~~] State Elections Commission shall develop a declaration of  
3024 candidacy form for presidential candidates participating in the primary.

3025 Section 86. Section **20A-9-805** is amended to read:

3026 **20A-9-805. Closed primary -- Determining party affiliation -- Changing party**  
3027 **affiliation.**

3028 (1) If a registered political party has restricted voting for its presidential candidates as  
3029 authorized by Subsection 20A-9-802(3)(b), the [~~lieutenant governor~~] State Elections Commission  
3030 shall direct the county clerks and other election officials to allow only those voters meeting the  
3031 registered political party's criteria to vote for that party's presidential candidates.

3032 (2) (a) For each person who registers to vote on or after May 3, 1999, the county clerk  
3033 shall:

3034 (i) record the party affiliation designated by the voter on the voter registration form as the

3035 voter's party affiliation; or

3036 (ii) if no political party affiliation is designated by the voter on the voter registration form,  
3037 record the voter's party affiliation as "unaffiliated."

3038 (b) Any registered voter may designate or change the voter's political party affiliation by  
3039 complying with the procedures and requirements of Section 20A-2-107 or Section 20A-9-808.

3040 Section 87. Section **20A-9-806** is amended to read:

3041 **20A-9-806. Ballots.**

3042 (1) The [~~lieutenant governor~~] State Elections Commission, together with county clerks,  
3043 suppliers of election materials, and representatives of registered political parties, shall:

3044 (a) develop paper ballots, ballot labels, and ballot cards to be used in Utah's Western States  
3045 Presidential Primary;

3046 (b) ensure that the paper ballots, ballot labels, and ballot cards comply generally with the  
3047 requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots; and

3048 (c) provide voting booths, election records and supplies, and ballot boxes for each voting  
3049 precinct as required by Section 20A-5-403.

3050 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter  
3051 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the [~~lieutenant governor~~]  
3052 State Elections Commission, together with county clerks, suppliers of election materials, and  
3053 representatives of registered political parties shall ensure that the paper ballots, ballot labels, ballot  
3054 cards, and voting booths, election records and supplies, and ballot boxes:

3055 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

3056 (ii) simplify the task of election judges, particularly in determining a voter's party  
3057 affiliation;

3058 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

3059 (iv) protect against fraud.

3060 (b) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~] State  
3061 Elections Commission, county clerks, suppliers of election materials, and representatives of  
3062 registered political parties shall:

3063 (i) mark, prepunch, or otherwise identify ballot cards as being for a particular registered  
3064 political party; and

3065 (ii) instruct persons counting the ballots to count only those votes for candidates from the

3066 registered political party whose ballot the voter received.

3067 (c) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~] State  
3068 Elections Commission, county clerks, suppliers of election materials, and representatives of  
3069 registered political parties may:

3070 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different  
3071 colored ballot cards for each registered political party;

3072 (ii) place ballot labels for each registered political party in different voting booths and  
3073 direct voters to the particular voting booth for the political party whose ballot they are voting; or

3074 (iii) consider other means of accomplishing the objectives outlined in Subsection (2)(a).

3075 Section 88. Section **20A-9-809** is amended to read:

3076 **20A-9-809. Counting votes -- Canvass -- Certification of results.**

3077 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and  
3078 retained, returns canvassed, and recounts and election contests conducted as provided in Title 20A,  
3079 Chapter 4, Election Returns and Election Contests.

3080 (2) After the canvass is complete and the report prepared, the [~~lieutenant governor~~] State  
3081 Elections Commission shall transmit a copy of the report to each registered political party that  
3082 participated in Utah's Western States Presidential Primary.

3083 Section 89. Section **20A-10-201** is amended to read:

3084 **20A-10-201. Term limits -- State officers.**

3085 (1) (a) A state executive officer may not seek reelection or be elected to an office if, by the  
3086 end of the state officer's current term, the state officer will have served, or but for resignation  
3087 would have served, 12 or more consecutive years.

3088 (b) The [~~lieutenant governor~~] State Elections Commission may not certify the name of any  
3089 state officer for placement on the ballot if, by the end of the state officer's current term, the state  
3090 officer will have served, or but for resignation would have served, 12 or more consecutive years.

3091 (c) A county clerk may not allow the name of any state officer to be printed on a ballot if,  
3092 by the end of the state officer's current term, the state officer will have served, or but for  
3093 resignation would have served, 12 or more consecutive years.

3094 (d) The state board of canvassers may not declare any state officer "elected" if, by the end  
3095 of the state officer's current term, the state officer will have served, or but for resignation would  
3096 have served, 12 or more consecutive years.

3097 (2) (a) A state representative may not seek reelection or be elected to an office if, by the  
3098 end of the state representative's current term, the state representative will have served, or but for  
3099 resignation would have served, 12 or more consecutive years.

3100 (b) The [~~lieutenant governor~~] State Elections Commission may not certify the name of any  
3101 state representative for placement on the ballot if, by the end of the state representative's current  
3102 term, the state representative will have served, or but for resignation would have served, 12 or  
3103 more consecutive years.

3104 (c) A county clerk may not allow the name of any state representative to be printed on a  
3105 ballot if, by the end of the state representative's current term, the state representative will have  
3106 served, or but for resignation would have served, 12 or more consecutive years.

3107 (d) The state board of canvassers may not declare any state representative "elected" if, by  
3108 the end of the state representative's current term, the state representative will have served, or but  
3109 for resignation would have served, 12 or more consecutive years.

3110 (3) (a) A state senator may not seek reelection or be elected to an office if, by the end of  
3111 the state senator's current term, the state senator will have served, or but for resignation would have  
3112 served, 12 or more consecutive years.

3113 (b) The [~~lieutenant governor~~] State Elections Commission may not certify the name of any  
3114 state senator for placement on the ballot if, by the end of the state senator's current term, the state  
3115 senator will have served, or but for resignation would have served, 12 or more consecutive years.

3116 (c) A county clerk may not allow the name of any state senator to be printed on a ballot  
3117 if, by the end of the state senator's current term, the state senator will have served, or but for  
3118 resignation would have served, 12 or more consecutive years.

3119 (d) The state board of canvassers may not declare any state senator "elected" if, by the end  
3120 of the state senator's current term, the state senator will have served, or but for resignation would  
3121 have served, 12 or more consecutive years.

3122 (4) For purposes of calculating the term limits established by this section, no person may  
3123 count the time a state officer, state representative, or state senator served in a particular office  
3124 before January 1, 1995.

3125 Section 90. Section **20A-10-301** is amended to read:

3126 **20A-10-301. Term limits -- Federal officers.**

3127 (1) (a) A congressional representative may not seek reelection or be elected to an office

3128 if, by the end of the congressional representative's current term, the congressional representative  
3129 will have served, or but for resignation would have served, 12 or more consecutive years.

3130 (b) The [~~lieutenant governor~~] State Elections Commission may not certify the name of any  
3131 congressional representative for placement on the ballot if, by the end of the congressional  
3132 representative's current term, the congressional representative will have served, or but for  
3133 resignation would have served, 12 or more consecutive years.

3134 (c) A county clerk may not allow the name of any congressional representative to be  
3135 printed on a ballot if, by the end of the congressional representative's current term, the  
3136 congressional representative will have served, or but for resignation would have served, 12 or more  
3137 consecutive years.

3138 (d) The state board of canvassers may not declare any congressional representative  
3139 "elected" if, by the end of the congressional representative's current term, the congressional  
3140 representative will have served, or but for resignation would have served, 12 or more consecutive  
3141 years.

3142 (2) (a) A United States senator may not seek reelection or be elected to an office if, by the  
3143 end of the United States senator's current term, the United States senator will have served, or but  
3144 for resignation would have served, 12 or more consecutive years.

3145 (b) The [~~lieutenant governor~~] State Elections Commission may not certify the name of any  
3146 United States senator for placement on the ballot if, by the end of the United States senator's  
3147 current term, the United States senator will have served, or but for resignation would have served,  
3148 12 or more consecutive years.

3149 (c) A county clerk may not allow the name of any United States senator to be printed on  
3150 a ballot if, by the end of the United States senator's current term, the United States senator will  
3151 have served, or but for resignation would have served, 12 or more consecutive years.

3152 (d) The state board of canvassers may not declare any United States senator "elected" if,  
3153 by the end of the United States senator's current term, the United States senator will have served,  
3154 or but for resignation would have served, 12 or more consecutive years.

3155 (3) For purposes of calculating the term limits established by this section, no person may  
3156 count the time a congressional representative or United States senator served in a particular office  
3157 before January 1, 1995.

3158 Section 91. Section **20A-11-101** is amended to read:

3159           **20A-11-101. Definitions.**

3160           As used in this chapter:

3161           (1) "Address" means the number and street where an individual resides or where a  
3162 reporting entity has its principal office.3163           (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
3164 amendments, and any other ballot propositions submitted to the voters that are authorized by the  
3165 Utah Code Annotated 1953.

3166           (3) "Candidate" means any person who:

3167           (a) files a declaration of candidacy for a public office; or

3168           (b) receives contributions, makes expenditures, or gives consent for any other person to  
3169 receive contributions or make expenditures to bring about the person's nomination or election to  
3170 a public office.

3171           (4) "Chief election officer" means:

3172           (a) the ~~lieutenant governor~~ executive director of the State Elections Commission for state  
3173 office candidates, legislative office candidates, officeholders, political parties, political action  
3174 committees, corporations, political issues committees, and state school board candidates; and

3175           (b) the county clerk for local school board candidates.

3176           (5) "Continuing political party" means an organization of voters that participated in the last  
3177 regular general election and polled a total vote equal to 2% or more of the total votes cast for all  
3178 candidates for the United States House of Representatives.

3179           (6) (a) "Contribution" means any of the following when done for political purposes:

3180           (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value  
3181 given to the filing entity;3182           (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
3183 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything  
3184 of value to the filing entity;

3185           (iii) any transfer of funds from another reporting entity or a corporation to the filing entity;

3186           (iv) compensation paid by any person or reporting entity other than the filing entity for  
3187 personal services provided without charge to the filing entity;3188           (v) remuneration from any organization or its directly affiliated organization that has a  
3189 registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature

3190 is in session;

3191 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of the  
3192 state, including school districts, for the period the Legislature is in session; and

3193 (vii) goods or services provided to or for the benefit of the filing entity at less than fair  
3194 market value.

3195 (b) "Contribution" does not include:

3196 (i) services provided without compensation by individuals volunteering a portion or all of  
3197 their time on behalf of the filing entity; or

3198 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
3199 business.

3200 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
3201 organization that is registered as a corporation or is authorized to do business in a state and makes  
3202 any expenditure from corporate funds for:

3203 (i) political purposes; or

3204 (ii) the purpose of influencing the approval or the defeat of any ballot proposition.

3205 (b) "Corporation" does not mean:

3206 (i) a business organization's political action committee or political issues committee; or

3207 (ii) a business entity organized as a partnership or a sole proprietorship.

3208 (8) "Detailed listing" means:

3209 (a) for each contribution or public service assistance:

3210 (i) the name and address of the individual or source making the contribution or public  
3211 service assistance;

3212 (ii) the amount or value of the contribution or public service assistance; and

3213 (iii) the date the contribution or public service assistance was made; and

3214 (b) for each expenditure:

3215 (i) the amount of the expenditure;

3216 (ii) the person or entity to whom it was disbursed;

3217 (iii) the specific purpose, item, or service acquired by the expenditure; and

3218 (iv) the date the expenditure was made.

3219 (9) "Election" means each:

3220 (a) regular general election;

- 3221 (b) regular primary election; and  
3222 (c) special election at which candidates are eliminated and selected.
- 3223 (10) (a) "Expenditure" means:  
3224 (i) any disbursement from contributions, receipts, or from the separate bank account  
3225 required by this chapter;  
3226 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or  
3227 anything of value made for political purposes;  
3228 (iii) an express, legally enforceable contract, promise, or agreement to make any purchase,  
3229 payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for  
3230 political purposes;  
3231 (iv) compensation paid by a corporation or filing entity for personal services rendered by  
3232 a person without charge to a reporting entity;  
3233 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
3234 committee; or  
3235 (vi) goods or services provided by the filing entity to or for the benefit of another reporting  
3236 entity for political purposes at less than fair market value.
- 3237 (b) "Expenditure" does not include:  
3238 (i) services provided without compensation by individuals volunteering a portion or all of  
3239 their time on behalf of a reporting entity;  
3240 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
3241 business; or  
3242 (iii) anything listed in Subsection (5)(a) that is given by a corporation or reporting entity  
3243 to candidates for office or officeholders in states other than Utah.
- 3244 (11) "Filing entity" means the reporting entity that is filing a report required by this  
3245 chapter.
- 3246 (12) "Financial statement" includes any summary report, interim report, or other statement  
3247 disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this  
3248 chapter.
- 3249 (13) "Governing board" means the individual or group of individuals that determine the  
3250 candidates and committees that will receive expenditures from a political action committee.
- 3251 (14) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,

3252 Incorporation, by which a geographical area becomes legally recognized as a city or town.

3253 (15) "Incorporation election" means the election authorized by Section 10-2-111.

3254 (16) "Incorporation petition" means a petition authorized by Section 10-2-109.

3255 (17) "Individual" means a natural person.

3256 (18) "Interim report" means a report identifying the contributions received and  
3257 expenditures made since the last report.

3258 (19) "Legislative office" means the office of state senator, state representative, speaker of  
3259 the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of  
3260 any party caucus in either house of the Legislature.

3261 (20) "Legislative office candidate" means a person who:

3262 (a) files a declaration of candidacy for the office of state senator or state representative;

3263 (b) declares himself to be a candidate for, or actively campaigns for, the position of  
3264 speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant  
3265 whip of any party caucus in either house of the Legislature; and

3266 (c) receives contributions, makes expenditures, or gives consent for any other person to  
3267 receive contributions or make expenditures to bring about the person's nomination or election to  
3268 a legislative office.

3269 (21) "Newly registered political party" means an organization of voters that has complied  
3270 with the petition and organizing procedures of this chapter to become a registered political party.

3271 (22) "Officeholder" means a person who holds a public office.

3272 (23) "Party committee" means any committee organized by or authorized by the governing  
3273 board of a registered political party.

3274 (24) "Person" means both natural and legal persons, including individuals, business  
3275 organizations, personal campaign committees, party committees, political action committees,  
3276 political issues committees, labor unions, and labor organizations.

3277 (25) "Personal campaign committee" means the committee appointed by a candidate to act  
3278 for the candidate as provided in this chapter.

3279 (26) (a) "Political action committee" means an entity, or any group of individuals or  
3280 entities within or outside this state, that solicits or receives contributions from any other person,  
3281 group, or entity or makes expenditures for political purposes. A group or entity may not divide or  
3282 separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting

3283 requirements of this chapter, and substance shall prevail over form in determining the scope or size  
3284 of a political action committee.

3285 (b) "Political action committee" includes groups affiliated with a registered political party  
3286 but not authorized or organized by the governing board of the registered political party that receive  
3287 contributions or makes expenditures for political purposes.

3288 (c) "Political action committee" does not mean:

3289 (i) a party committee;

3290 (ii) any entity that provides goods or services to a candidate or committee in the regular  
3291 course of its business at the same price that would be provided to the general public;

3292 (iii) an individual;

3293 (iv) individuals who are related and who make contributions from a joint checking  
3294 account;

3295 (v) a corporation; or

3296 (vi) a personal campaign committee.

3297 (27) "Political convention" means a county or state political convention held by a  
3298 registered political party to select candidates.

3299 (28) (a) "Political issues committee" means an entity, or any group of individuals or  
3300 entities within or outside this state, that solicits or receives donations from any other person, group,  
3301 or entity or makes disbursements to influence, or to intend to influence, directly or indirectly, any  
3302 person to:

3303 (i) assist in placing a statewide ballot proposition on the ballot, assist in keeping a  
3304 statewide ballot proposition off the ballot, or refrain from voting or vote for or vote against any  
3305 statewide ballot proposition; or

3306 (ii) sign or refuse to sign an incorporation petition or refrain from voting, vote for, or vote  
3307 against any proposed incorporation in an incorporation election.

3308 (b) "Political issues committee" does not mean:

3309 (i) a registered political party or a party committee;

3310 (ii) any entity that provides goods or services to an individual or committee in the regular  
3311 course of its business at the same price that would be provided to the general public;

3312 (iii) an individual;

3313 (iv) individuals who are related and who make contributions from a joint checking

3314 account; or

3315 (v) a corporation, except a corporation whose apparent purpose is to act as a political  
3316 issues committee.

3317 (29) (a) "Political issues contribution" means any of the following:

3318 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
3319 anything of value given to a political issues committee;

3320 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
3321 issues donation to influence the approval or defeat of any ballot proposition;

3322 (iii) any transfer of funds received by a political issues committee from a reporting entity;

3323 (iv) compensation paid by another reporting entity for personal services rendered without  
3324 charge to a political issues committee; and

3325 (v) goods or services provided to or for the benefit of a political issues committee at less  
3326 than fair market value.

3327 (b) "Political issues contribution" does not include:

3328 (i) services provided without compensation by individuals volunteering a portion or all of  
3329 their time on behalf of a political issues committee; or

3330 (ii) money lent to a political issues committee by a financial institution in the ordinary  
3331 course of business.

3332 (30) (a) "Political issues expenditure" means any of the following:

3333 (i) any payment from political issues contributions made for the purpose of influencing the  
3334 approval or the defeat of a statewide ballot proposition;

3335 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
3336 the purpose of influencing the approval or the defeat of a statewide ballot proposition;

3337 (iii) an express, legally enforceable contract, promise, or agreement to make any political  
3338 issues expenditure;

3339 (iv) compensation paid by a reporting entity for personal services rendered by a person  
3340 without charge to a political issues committee; or

3341 (v) goods or services provided to or for the benefit of another reporting entity at less than  
3342 fair market value.

3343 (b) "Political issues expenditure" does not include:

3344 (i) services provided without compensation by individuals volunteering a portion or all of

3345 their time on behalf of a political issues committee; or

3346 (ii) money lent to a political issues committee by a financial institution in the ordinary  
3347 course of business.

3348 (31) "Political purposes" means an act done with the intent or in a way to influence or tend  
3349 to influence, directly or indirectly, any person to refrain from voting or to vote for or against any  
3350 candidate for public office at any caucus, political convention, primary, or election.

3351 (32) "Primary election" means any regular primary election held under the election laws.

3352 (33) "Public office" means the office of governor, lieutenant governor, state auditor, state  
3353 treasurer, attorney general, state or local school board member, state senator, state representative,  
3354 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
3355 assistant whip of any party caucus in either house of the Legislature.

3356 (34) (a) "Public service assistance" means the following when given or provided to an  
3357 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
3358 communicate with the officeholder's constituents:

3359 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
3360 money or anything of value to an officeholder; or

3361 (ii) goods or services provided at less than fair market value to or for the benefit of the  
3362 officeholder.

3363 (b) "Public service assistance" does not include:

3364 (i) anything provided by the state;

3365 (ii) services provided without compensation by individuals volunteering a portion or all  
3366 of their time on behalf of an officeholder;

3367 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
3368 business;

3369 (iv) news coverage or any publication by the news media; or

3370 (v) any article, story, or other coverage as part of any regular publication of any  
3371 organization unless substantially all the publication is devoted to information about the  
3372 officeholder.

3373 (35) "Publicly identified class of individuals" means a group of 50 or more individuals  
3374 sharing a common occupation, interest, or association that contribute to a political action  
3375 committee or political issues committee and whose names can be obtained by contacting the

3376 political action committee or political issues committee upon whose financial report they are listed.

3377 (36) "Receipts" means contributions and public service assistance.

3378 (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist  
3379 Disclosure and Regulation Act.

3380 (38) "Registered political action committee" means any political action committee that is  
3381 required by this chapter to file a statement of organization with the [~~lieutenant governor's~~] State  
3382 Elections Commission's office.

3383 (39) "Registered political issues committee" means any political issues committee that is  
3384 required by this chapter to file a statement of organization with the [~~lieutenant governor's~~] State  
3385 Elections Commission's office.

3386 (40) "Registered political party" means an organization of voters that:

3387 (a) participated in the last regular general election and polled a total vote equal to 2% or  
3388 more of the total votes cast for all candidates for the United States House of Representatives for  
3389 any of its candidates for any office; or

3390 (b) has complied with the petition and organizing procedures of this chapter.

3391 (41) "Report" means a verified financial statement.

3392 (42) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
3393 an officeholder, and a party committee, a political action committee, and a political issues  
3394 committee.

3395 (43) "School board office" means the office of state school board or local school board.

3396 (44) (a) "Source" means the person or entity that is the legal owner of the tangible or  
3397 intangible asset that comprises the contribution.

3398 (b) "Source" means, for political action committees and corporations, the political action  
3399 committee and the corporation as entities, not the contributors to the political action committee or  
3400 the owners or shareholders of the corporation.

3401 (45) "State office" means the offices of governor, lieutenant governor, attorney general,  
3402 state auditor, and state treasurer.

3403 (46) "State office candidate" means a person who:

3404 (a) files a declaration of candidacy for a state office; or

3405 (b) receives contributions, makes expenditures, or gives consent for any other person to  
3406 receive contributions or make expenditures to bring about the person's nomination or election to

3407 a state office.

3408 (47) "Summary report" means the year end report containing the summary of a reporting  
3409 entity's contributions and expenditures.

3410 (48) "Supervisory board" means the individual or group of individuals that allocate  
3411 expenditures from a political issues committee.

3412 Section 92. Section **20A-11-103** is amended to read:

3413 **20A-11-103. Reports -- Form of submission.**

3414 (1) (a) (i) Ten days before a report from a state office candidate, legislative office  
3415 candidate, state school board candidate, political party, political action committee, political issues  
3416 committee, or judge is due under this chapter, the [~~lieutenant governor~~] State Elections  
3417 Commission shall inform those candidates, judges, and entities by postal mail or, if requested by  
3418 the candidate, judge, party, or committee, by electronic mail:

3419 (A) that the report is due; and

3420 (B) the date that the report is due.

3421 (ii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing,  
3422 ten days before the interim reports for candidates or judges are due, the [~~lieutenant governor~~] State  
3423 Elections Commission shall inform the candidate or judge that if the report is not received in the  
3424 [~~lieutenant governor's~~] State Elections Commission's office by 5 p.m. on the date that it is due,  
3425 voters will be informed that the candidate or judge has been disqualified and any votes cast for the  
3426 candidate or judge will not be counted.

3427 (iii) In addition to the information required by Subsection (1)(a)(i) and in the same  
3428 mailing, ten days before the interim reports or verified financial statements for entities that are due  
3429 September 15 and before the regular general election are due, and ten days before summary reports  
3430 or January 5 financial statements are due, the [~~lieutenant governor~~] State Elections Commission  
3431 shall inform the entity, candidate, judge, or officeholder that if the report is not received in the  
3432 [~~lieutenant governor's~~] State Elections Commission's office by the date that it is due, the entity,  
3433 candidate, judge, or officeholder may be guilty of a class B misdemeanor for failing to file the  
3434 report or statement.

3435 (b) Ten days before a report from a local school board candidate is due under this chapter,  
3436 the county clerk shall inform the candidate by postal mail or, if requested, by electronic mail:

3437 (i) that the report is due;

3438 (ii) the date that the report is due; and  
3439 (iii) if the report is not received in the county clerk's office by 5 p.m. on the date that it is  
3440 due, voters will be informed that the candidate has been disqualified and any votes cast for the  
3441 candidate will not be counted.

3442 (2) Persons or entities submitting reports required by this chapter may submit them:  
3443 (a) on paper, printed, typed, or legibly handwritten or hand printed;  
3444 (b) on a computer disk according to specifications established by the chief election officer  
3445 that protect against fraudulent filings and secure the accuracy of the information contained on the  
3446 computer disk;  
3447 (c) via fax; or  
3448 (d) via electronic mail according to specifications established by the chief election officer.

3449 (3) A report is considered filed if:  
3450 (a) it is received in the chief election officer's office no later than ~~[5:00]~~ 5 p.m. on the date  
3451 that it is due;  
3452 (b) it is received in the chief election officer's office with a postmark three days or more  
3453 before the date that the report was due; or  
3454 (c) the candidate, judge, or entity has proof that the report was mailed, with appropriate  
3455 postage and addressing, three days before the report was due.

3456 Section 93. Section **20A-11-201** is amended to read:  
3457 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

3458 (1) (a) Each state office candidate or the candidate's personal campaign committee shall  
3459 deposit each contribution and public service assistance received in one or more separate campaign  
3460 accounts in a financial institution.  
3461 (b) The state office candidate or the candidate's personal campaign committee may use the  
3462 monies in those accounts only for political purposes.

3463 (2) A state office candidate or the candidate's personal campaign committee may not  
3464 deposit or mingle any contributions received into a personal or business account.

3465 (3) If a person who is no longer a state office candidate chooses not to expend the monies  
3466 remaining in his campaign account, the person shall continue to file the year-end summary report  
3467 required by Section 20A-11-203 until the statement of dissolution and final summary report  
3468 required by Section 20A-11-205 are filed with the ~~[lieutenant governor]~~ State Elections

3469 Commission.

3470 Section 94. Section **20A-11-202** is amended to read:

3471 **20A-11-202. State office candidate -- Personal campaign committee required.**

3472 (1) (a) (i) Each state office candidate shall select no more than one personal campaign  
3473 committee, consisting of one or more persons, to receive contributions, make expenditures, and  
3474 file reports connected with the candidate's campaign.

3475 (ii) A state office candidate may serve as his own campaign committee.

3476 (b) Except for expenses made by a registered political party to benefit a party's candidates  
3477 generally, a state office candidate or other person acting in concert with or with the knowledge of  
3478 the state office candidate may not receive any contributions or make any expenditures on behalf  
3479 of a state office candidate other than through a personal campaign committee established under  
3480 this section.

3481 (2) (a) The state office candidate shall file a written statement signed by the candidate or  
3482 authorized member of the candidate's personal campaign committee with the [~~lieutenant governor~~]  
3483 State Elections Commission that:

3484 (i) informs the [~~lieutenant governor~~] State Elections Commission that the state office  
3485 candidate's personal campaign committee has been selected; and

3486 (ii) provides the name and address of each member and the secretary of the committee.

3487 (b) A state office candidate or the candidate's personal campaign committee may not make  
3488 any expenditures on behalf of the candidate until the statement has been filed.

3489 (c) A state office candidate may revoke the selection of any member of the campaign  
3490 committee by:

3491 (i) revoking that person's appointment or election in writing;

3492 (ii) personally serving the written revocation on the member whose selection is revoked;

3493 and

3494 (iii) filing a copy of the written revocation with the [~~lieutenant governor~~] State Elections  
3495 Commission.

3496 (d) (i) The state office candidate may select a replacement to fill any vacancy on the  
3497 campaign committee.

3498 (ii) The state office candidate shall file that replacement's name and address with the  
3499 [~~lieutenant governor~~] State Elections Commission.

3500 (3) A member of a state office candidate's personal campaign committee may not make  
3501 an expenditure of more than \$1,000 unless the state office candidate or the secretary of the  
3502 personal campaign committee authorizes the expenditure in writing.

3503 (4) A state office candidate or the candidate's personal campaign committee may not make  
3504 any expenditures prohibited by law.

3505 Section 95. Section **20A-11-204** is amended to read:

3506 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**  
3507 **reports.**

3508 (1) Each state office candidate shall file an interim report at the following times in any year  
3509 in which the candidate has filed a declaration of candidacy for a public office:

3510 (a) seven days before any political convention if more than one individual in the  
3511 candidate's same party has filed a declaration of candidacy for the particular public office that the  
3512 candidate seeks;

3513 (b) seven days before the regular primary election date;

3514 (c) September 15; and

3515 (d) seven days before the regular general election date.

3516 (2) Each interim report shall include the following information:

3517 (a) the net balance of the last summary report, if any;

3518 (b) a single figure equal to the total amount of receipts reported on all prior interim reports,  
3519 if any, during the calendar year in which the interim report is due;

3520 (c) a single figure equal to the total amount of expenditures reported on all prior interim  
3521 reports, if any, filed during the calendar year in which the interim report is due;

3522 (d) a detailed listing of each contribution and public service assistance received since the  
3523 last summary report that has not been reported in detail on a prior interim report;

3524 (e) for each nonmonetary contribution, the fair market value of the contribution;

3525 (f) a detailed listing of each expenditure made since the last summary report that has not  
3526 been reported in detail on a prior interim report;

3527 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

3528 (h) a net balance for the year consisting of the net balance from the last summary report,  
3529 if any, plus all receipts since the last summary report minus all expenditures since the last summary  
3530 report; and

3531 (i) a summary page in the form required by the [~~lieutenant governor~~] State Elections  
3532 Commission that identifies:

3533 (i) beginning balance;

3534 (ii) total contributions during the period since the last statement;

3535 (iii) total contributions to date;

3536 (iv) total expenditures during the period since the last statement; and

3537 (v) total expenditures to date.

3538 (3) (a) For all individual contributions or public service assistance of \$50 or less, a single  
3539 aggregate figure may be reported without separate detailed listings.

3540 (b) Two or more contributions from the same source that have an aggregate total of more  
3541 than \$50 may not be reported in the aggregate, but shall be reported separately.

3542 (4) In preparing each interim report, all receipts and expenditures shall be reported as of  
3543 five days before the required filing date of the report.

3544 (5) State office candidates reporting under this section need only report contributions  
3545 received and expenditures made after April 29, 1991.

3546 Section 96. Section **20A-11-205** is amended to read:

3547 **20A-11-205. State office candidate -- Financial reporting requirements --**  
3548 **Termination of duty to report.**

3549 (1) Each state office candidate and the candidate's personal campaign committee is active  
3550 and subject to interim reporting requirements until the candidate withdraws or is eliminated in a  
3551 convention or primary.

3552 (2) Each state office candidate and the candidate's personal campaign committee is active  
3553 and subject to year-end summary reporting requirements until the candidate has filed a statement  
3554 of dissolution with the [~~lieutenant governor~~] State Elections Commission stating that:

3555 (a) the state office candidate or the personal campaign committee is no longer receiving  
3556 contributions and is no longer making expenditures;

3557 (b) the ending balance on the last summary report filed is zero and the balance in the  
3558 separate bank account required in Section 20A-11-201 is zero; and

3559 (c) a final summary report in the form required by Section 20A-11-203 showing a zero  
3560 balance is attached to the statement of dissolution.

3561 (3) A statement of dissolution and a final summary report may be filed at any time.

3562 (4) Each state office candidate and the candidate's personal campaign committee shall  
3563 continue to file the year-end summary report required by Section 20A-11-203 until the statement  
3564 of dissolution and final summary report required by this section are filed with the [~~lieutenant~~  
3565 ~~governor~~] State Elections Commission.

3566 Section 97. Section **20A-11-206** is amended to read:

3567 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

3568 (1) (a) If a state office candidate fails to file an interim report due before the regular  
3569 primary election, September 15, or before the regular general election, the [~~lieutenant governor~~  
3570 State Elections Commission] shall, after making a reasonable attempt to discover if the report was  
3571 timely mailed, inform the county clerk and other appropriate election officials who:

3572 (i) shall, if practicable, remove the name of the candidate by blacking out the candidate's  
3573 name before the ballots are delivered to voters; or

3574 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform the  
3575 voters by any practicable method that the candidate has been disqualified and that votes cast for  
3576 the candidate will not be counted; and

3577 (iii) may not count any votes for that candidate.

3578 (b) Any state office candidate who fails to file timely a financial statement required by this  
3579 part is disqualified and the vacancy on the ballot may be filled as provided in Section 20A-1-501.

3580 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not  
3581 disqualified if:

3582 (i) the candidate files the reports required by this section;

3583 (ii) those reports are completed, detailing accurately and completely the information  
3584 required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

3585 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the  
3586 next scheduled report.

3587 (2) (a) Within 30 days after a deadline for the filing of a summary report, the [~~lieutenant~~  
3588 ~~governor~~] State Elections Commission shall review each filed summary report to ensure that:

3589 (i) each state office candidate that is required to file a summary report has filed one; and

3590 (ii) each summary report contains the information required by this part.

3591 (b) If it appears that any state office candidate has failed to file the summary report

3592 required by law, if it appears that a filed summary report does not conform to the law, or if the

3593 [~~lieutenant governor~~] State Elections Commission has received a written complaint alleging a  
3594 violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] State Elections  
3595 Commission shall, within five days of discovery of a violation or receipt of a written complaint,  
3596 notify the state office candidate of the violation or written complaint and direct the state office  
3597 candidate to file a summary report correcting the problem.

3598 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary report  
3599 within 14 days after receiving notice from the [~~lieutenant governor~~] State Elections Commission  
3600 under this section.

3601 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B  
3602 misdemeanor.

3603 (iii) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
3604 Subsection (2)(c)(i) to the attorney general.

3605 Section 98. Section **20A-11-301** is amended to read:

3606 **20A-11-301. Legislative office candidate -- Campaign requirements.**

3607 (1) Each legislative office candidate shall deposit each contribution and public service  
3608 assistance received in one or more separate accounts in a financial institution that are dedicated  
3609 only to that purpose.

3610 (2) A legislative office candidate may not deposit or mingle any contributions or public  
3611 service assistance received into a personal or business account.

3612 (3) A legislative office candidate may not make any political expenditures prohibited by  
3613 law.

3614 (4) If a person who is no longer a legislative candidate chooses not to expend the monies  
3615 remaining in his campaign account, the person shall continue to file the year-end summary report  
3616 required by Section 20A-11-302 until the statement of dissolution and final summary report  
3617 required by Section 20A-11-304 are filed with the [~~lieutenant governor~~] State Elections  
3618 Commission.

3619 Section 99. Section **20A-11-303** is amended to read:

3620 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**  
3621 **Interim reports.**

3622 (1) Each legislative office candidate shall file an interim report at the following times in  
3623 any year in which the candidate has filed a declaration of candidacy for a public office:

3624 (a) seven days before any political convention if more than one individual in the  
3625 candidate's same party has filed a declaration of candidacy for the particular public office that the  
3626 candidate seeks;

3627 (b) seven days before the regular primary election date, if the candidate is on the ballot in  
3628 the primary election;

3629 (c) September 15, unless the candidate is unopposed; and

3630 (d) seven days before the regular general election date.

3631 (2) Each interim report shall include the following information:

3632 (a) the net balance of the last summary report, if any;

3633 (b) a single figure equal to the total amount of receipts reported on all prior interim reports,  
3634 if any, during the calendar year in which the interim report is due;

3635 (c) a single figure equal to the total amount of expenditures reported on all prior interim  
3636 reports, if any, filed during the calendar year in which the interim report is due;

3637 (d) a detailed listing of each contribution and public service assistance received since the  
3638 last summary report that has not been reported in detail on a prior interim report;

3639 (e) for each nonmonetary contribution, the fair market value of the contribution;

3640 (f) a detailed listing of each expenditure made since the last summary report that has not  
3641 been reported in detail on a prior interim report;

3642 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

3643 (h) a net balance for the year consisting of the net balance from the last summary report,  
3644 if any, plus all receipts since the last summary report minus all expenditures since the last summary  
3645 report; and

3646 (i) a summary page in the form required by the [~~lieutenant governor~~] State Elections  
3647 Commission that identifies:

3648 (i) beginning balance;

3649 (ii) total contributions during the period since the last statement;

3650 (iii) total contributions to date;

3651 (iv) total expenditures during the period since the last statement; and

3652 (v) total expenditures to date.

3653 (3) (a) For all individual contributions or public service assistance of \$50 or less, a single  
3654 aggregate figure may be reported without separate detailed listings.

3655 (b) Two or more contributions from the same source that have an aggregate total of more  
3656 than \$50 may not be reported in the aggregate, but shall be reported separately.

3657 (4) In preparing each interim report, all receipts and expenditures shall be reported as of  
3658 five days before the required filing date of the report.

3659 (5) Legislative office candidates reporting under this section need only report contributions  
3660 received and expenditures made after April 29, 1991.

3661 Section 100. Section **20A-11-304** is amended to read:

3662 **20A-11-304. Legislative office candidate -- Financial reporting requirements --**  
3663 **Termination of duty to report.**

3664 (1) Each legislative candidate is subject to interim reporting requirements until the  
3665 candidate withdraws or is eliminated in a convention or primary.

3666 (2) Each legislative office candidate is subject to year-end summary reporting requirements  
3667 until the candidate has filed a statement of dissolution with the [~~lieutenant governor~~] State  
3668 Elections Commission stating that:

3669 (a) the legislative office candidate is no longer receiving contributions and is no longer  
3670 making expenditures;

3671 (b) the ending balance on the last summary report filed is zero and the balance in the  
3672 separate bank account required in Section 20A-11-301 is zero; and

3673 (c) a final summary report in the form required by Section 20A-11-302 showing a zero  
3674 balance is attached to the statement of dissolution.

3675 (3) A statement of dissolution and a final summary report may be filed at any time.

3676 (4) Each legislative office candidate shall continue to file the year-end summary report  
3677 required by Section 20A-11-302 until the statement of dissolution and final summary report  
3678 required by this section are filed with the [~~lieutenant governor~~] State Elections Commission.

3679 Section 101. Section **20A-11-305** is amended to read:

3680 **20A-11-305. Legislative office candidate -- Failure to file report -- Name not printed**  
3681 **on ballot -- Filling vacancy.**

3682 (1) (a) If a legislative office candidate fails to file an interim report due before the regular  
3683 primary election, September 15, or before the regular general election, the [~~lieutenant governor~~]  
3684 State Elections Commission shall, after making a reasonable attempt to discover if the report was  
3685 timely mailed, inform the county clerk and other appropriate election officials who:

3686 (i) shall, if practicable, remove the name of the candidate by blacking out the candidate's  
3687 name before the ballots are delivered to voters; or

3688 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform the  
3689 voters by any practicable method that the candidate has been disqualified and that votes cast for  
3690 the candidate will not be counted; and

3691 (iii) may not count any votes for that candidate.

3692 (b) Any legislative office candidate who fails to file timely a financial statement required  
3693 by this part is disqualified and the vacancy on the ballot may be filled as provided in Section  
3694 20A-1-501.

3695 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not  
3696 disqualified if:

3697 (i) the candidate files the reports required by this section;

3698 (ii) those reports are completed, detailing accurately and completely the information  
3699 required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

3700 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the  
3701 next scheduled report.

3702 (2) (a) Within 30 days after a deadline for the filing of a summary report, the [~~lieutenant~~  
3703 ~~governor~~] State Elections Commission shall review each filed summary report to ensure that:

3704 (i) each legislative office candidate that is required to file a summary report has filed one;  
3705 and

3706 (ii) each summary report contains the information required by this part.

3707 (b) If it appears that any legislative office candidate has failed to file the summary report  
3708 required by law, if it appears that a filed summary report does not conform to the law, or if the  
3709 [~~lieutenant governor~~] State Elections Commission has received a written complaint alleging a  
3710 violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] State Elections  
3711 Commission shall, within five days of discovery of a violation or receipt of a written complaint,  
3712 notify the legislative office candidate of the violation or written complaint and direct the legislative  
3713 office candidate to file a summary report correcting the problem.

3714 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a summary  
3715 report within 14 days after receiving notice from the [~~lieutenant governor~~] State Elections  
3716 Commission under this section.

3717 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a class  
3718 B misdemeanor.

3719 (iii) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
3720 Subsection (2)(c)(i) to the attorney general.

3721 Section 102. Section **20A-11-402** is amended to read:

3722 **20A-11-402. Officeholder financial reporting requirements -- Termination of duty**  
3723 **to report.**

3724 (1) An officeholder is active and subject to reporting requirements until the officeholder  
3725 has filed a statement of dissolution with the [~~lieutenant governor~~] State Elections Commission  
3726 stating that:

3727 (a) the officeholder is no longer receiving contributions or public service assistance and  
3728 is no longer making expenditures;

3729 (b) the ending balance on the last summary report filed is zero and the balance in the  
3730 separate bank account required by Sections 20A-11-201 and 20A-11-301 is zero; and

3731 (c) a final summary report in the form required by Section 20A-11-401 showing a zero  
3732 balance is attached to the statement of dissolution.

3733 (2) A statement of dissolution and a final summary report may be filed at any time.

3734 (3) Each officeholder shall continue to file the year-end summary report required by  
3735 Section 20A-11-401 until the statement of dissolution and final summary report required by this  
3736 section are filed with the [~~lieutenant governor~~] State Elections Commission.

3737 Section 103. Section **20A-11-403** is amended to read:

3738 **20A-11-403. Failure to file -- Penalties.**

3739 (1) Within 30 days after a deadline for the filing of a summary report, the [~~lieutenant~~  
3740 ~~governor~~] State Elections Commission shall review each filed summary report to ensure that:

3741 (a) each officeholder that is required to file a summary report has filed one; and

3742 (b) each summary report contains the information required by this part.

3743 (2) If it appears that any officeholder has failed to file the summary report required by law,  
3744 if it appears that a filed summary report does not conform to the law, or if the [~~lieutenant governor~~]  
3745 State Elections Commission has received a written complaint alleging a violation of the law or the  
3746 falsity of any summary report, the [~~lieutenant governor~~] State Elections Commission shall, within  
3747 five days of discovery of a violation or receipt of a written complaint, notify the officeholder of

3748 the violation or written complaint and direct the officeholder to file a summary report correcting  
3749 the problem.

3750 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report within  
3751 14 days after receiving notice from the [~~lieutenant governor~~] State Elections Commission under  
3752 this section.

3753 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.

3754 (c) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
3755 Subsection (3)(a) to the attorney general.

3756 Section 104. Section **20A-11-507** is amended to read:

3757 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

3758 (1) Each party committee shall file an interim report at the following times in any year in  
3759 which there is a regular general election:

3760 (a) September 15; and

3761 (b) seven days before the general election.

3762 (2) Each interim report shall include the following information:

3763 (a) the net balance of the last summary report, if any;

3764 (b) a single figure equal to the total amount of receipts reported on all prior interim reports,  
3765 if any, during the calendar year in which the interim report is due;

3766 (c) a single figure equal to the total amount of expenditures reported on all prior interim  
3767 reports, if any, filed during the calendar year in which the interim report is due;

3768 (d) a detailed listing of each contribution and public service assistance received since the  
3769 last summary report that has not been reported in detail on a prior interim report;

3770 (e) for each nonmonetary contribution, the fair market value of the contribution;

3771 (f) a detailed listing of each expenditure made since the last summary report that has not  
3772 been reported in detail on a prior interim report;

3773 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

3774 (h) a net balance for the year consisting of the net balance from the last summary report,  
3775 if any, plus all receipts since the last summary report minus all expenditures since the last summary  
3776 report; and

3777 (i) a summary page in the form required by the [~~lieutenant governor~~] State Elections  
3778 Commission that identifies:

- 3779 (i) beginning balance;  
3780 (ii) total contributions during the period since the last statement;  
3781 (iii) total contributions to date;  
3782 (iv) total expenditures during the period since the last statement; and  
3783 (v) total expenditures to date.

3784 (3) (a) For all individual contributions or public service assistance of \$50 or less, a single  
3785 aggregate figure may be reported without separate detailed listings.

3786 (b) Two or more contributions from the same source that have an aggregate total of more  
3787 than \$50 may not be reported in the aggregate, but shall be reported separately.

3788 (4) In preparing each interim report, all receipts and expenditures shall be reported as of  
3789 three days before the required filing date of the report.

3790 Section 105. Section **20A-11-508** is amended to read:

3791 **20A-11-508. Political party reporting requirements -- Criminal penalties.**

3792 (1) (a) Each registered political party that fails to file the interim reports due September  
3793 15 or before the regular general session is guilty of a class B misdemeanor.

3794 (b) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
3795 Subsection (1)(a) to the attorney general.

3796 (2) Within 30 days after a deadline for the filing of a summary report required by this part,  
3797 the [~~lieutenant governor~~] State Elections Commission shall review each filed report to ensure that:

3798 (a) each political party that is required to file a report has filed one; and

3799 (b) each report contains the information required by this part.

3800 (3) If it appears that any political party has failed to file a report required by law, if it  
3801 appears that a filed report does not conform to the law, or if the [~~lieutenant governor~~] State  
3802 Elections Commission has received a written complaint alleging a violation of the law or the  
3803 falsity of any report, the [~~lieutenant governor~~] State Elections Commission shall, within five days  
3804 of discovery of a violation or receipt of a written complaint, notify the political party of the  
3805 violation or written complaint and direct the political party to file a summary report correcting the  
3806 problem.

3807 (4) (a) It is unlawful for any political party to fail to file or amend a summary report within  
3808 14 days after receiving notice from the [~~lieutenant governor~~] State Elections Commission under  
3809 this section.

3810 (b) Each political party who violates Subsection (4)(a) is guilty of a class B misdemeanor.

3811 (c) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
3812 Subsection (4)(a) to the attorney general.

3813 Section 106. Section **20A-11-601** is amended to read:

3814 **20A-11-601. Political action committees -- Registration.**

3815 (1) Each political action committee shall file a statement of organization with the  
3816 [~~lieutenant governor's~~] State Elections Commission's office no later than seven days after:

3817 (a) receiving contributions totaling at least \$750 in any calendar year; or

3818 (b) distributing expenditures for political purposes totaling at least \$750 in any calendar  
3819 year.

3820 (2) The statement of organization shall include:

3821 (a) the name and address of the political action committee;

3822 (b) the name, address, occupation, and title of each officer;

3823 (c) the name and address of the organization, individual corporation, association, unit of  
3824 government, or union that the political action committee represents, if any;

3825 (d) the name and address of all affiliated or connected organizations and their relationships  
3826 to the political action committee;

3827 (e) the name, address, business address, occupation, and phone number of the committee's  
3828 treasurer or chief financial officer; and

3829 (f) the name, address, and occupation of each member of the governing board, if any.

3830 (3) (a) Any registered political action committee that intends to permanently cease  
3831 operations shall file a notice of dissolution with the [~~lieutenant governor's~~] State Elections  
3832 Commission's office.

3833 (b) Any notice of dissolution filed by a political action committee does not exempt that  
3834 political action committee from complying with the financial reporting requirements of this  
3835 chapter.

3836 Section 107. Section **20A-11-602** is amended to read:

3837 **20A-11-602. Political action committees -- Financial reporting.**

3838 (1) (a) Each registered political action committee that has received contributions or made  
3839 expenditures that total at least \$750 during a calendar year shall file a verified financial statement  
3840 with the [~~lieutenant governor's~~] State Elections Commission's office on:

- 3841 (i) January 5, reporting contributions and expenditures as of December 31 of the previous  
3842 year;
- 3843 (ii) September 15; and  
3844 (iii) seven days before the regular general election.
- 3845 (b) The registered political action committee shall report:
- 3846 (i) a detailed listing of all contributions received and expenditures made since the last  
3847 statement; and
- 3848 (ii) for financial statements filed on September 15 and before the general election, all  
3849 contributions and expenditures as of three days before the required filing date of the financial  
3850 statement.
- 3851 (c) The registered political action committee need not file a statement under this section  
3852 if it received no contributions and made no expenditures during the reporting period.
- 3853 (2) (a) The verified financial statement shall include:
- 3854 (i) the name, address, and occupation of any individual that makes a contribution to the  
3855 reporting political action committee, and the amount of the contribution;
- 3856 (ii) the identification of any publicly identified class of individuals that makes a  
3857 contribution to the reporting political action committee, and the amount of the contribution;
- 3858 (iii) the name and address of any political action committee, group, or entity that makes  
3859 a contribution to the reporting political action committee, and the amount of the contribution;
- 3860 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 3861 (v) the name and address of each reporting entity that received an expenditure from the  
3862 reporting political action committee, and the amount of each expenditure;
- 3863 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 3864 (vii) the total amount of contributions received and expenditures disbursed by the reporting  
3865 political action committee;
- 3866 (viii) a paragraph signed by the political action committee's treasurer or chief financial  
3867 officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and
- 3868 (ix) a summary page in the form required by the [~~lieutenant governor~~] State Elections  
3869 Commission that identifies:
- 3870 (A) beginning balance;
- 3871 (B) total contributions during the period since the last statement;

3872 (C) total contributions to date;

3873 (D) total expenditures during the period since the last statement; and

3874 (E) total expenditures to date.

3875 (b) (i) Contributions received by a political action committee that have a value of \$50 or  
3876 less need not be reported individually, but shall be listed on the report as an aggregate total.

3877 (ii) Two or more contributions from the same source that have an aggregate total of more  
3878 than \$50 may not be reported in the aggregate, but shall be reported separately.

3879 Section 108. Section **20A-11-603** is amended to read:

3880 **20A-11-603. Criminal penalties.**

3881 (1) (a) Each political action committee that fails to file the statement due September 15  
3882 or before the regular general session is guilty of a class B misdemeanor.

3883 (b) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
3884 Subsection (1)(a) to the attorney general.

3885 (2) Within 30 days after a deadline for the filing of the January 5 statement required by this  
3886 part, the [~~lieutenant governor~~] State Elections Commission shall review each filed statement to  
3887 ensure that:

3888 (a) each political action committee that is required to file a statement has filed one; and

3889 (b) each statement contains the information required by this part.

3890 (3) If it appears that any political action committee has failed to file the January 5  
3891 statement, if it appears that a filed statement does not conform to the law, or if the [~~lieutenant~~  
3892 ~~governor~~] State Elections Commission has received a written complaint alleging a violation of the  
3893 law or the falsity of any statement, the [~~lieutenant governor~~] State Elections Commission shall,  
3894 within five days of discovery of a violation or receipt of a written complaint, notify the political  
3895 action committee of the violation or written complaint and direct the political action committee  
3896 to file a statement correcting the problem.

3897 (4) (a) It is unlawful for any political action committee to fail to file or amend a statement  
3898 within 14 days after receiving notice from the [~~lieutenant governor~~] State Elections Commission  
3899 under this section.

3900 (b) Each political action committee who violates Subsection (4)(a) is guilty of a class B  
3901 misdemeanor.

3902 (c) The [~~lieutenant governor~~] State Elections Commission shall report all violations of

3903 Subsection (4)(a) to the attorney general.

3904 Section 109. Section **20A-11-701** is amended to read:

3905 **20A-11-701. Campaign financial reporting of candidate campaign contributions by**  
3906 **corporations -- Filing requirements -- Statement contents.**

3907 (1) (a) Each corporation that has made expenditures for political purposes that total at least  
3908 \$750 during a calendar year shall file a verified financial statement with the [~~lieutenant governor's~~]  
3909 State Elections Commission's office on:

3910 (i) January 5, reporting expenditures as of December 31 of the previous year;

3911 (ii) September 15; and

3912 (iii) seven days before the regular general election.

3913 (b) The corporation shall report:

3914 (i) a detailed listing of all expenditures made since the last statement; and

3915 (ii) for financial statements filed on September 15 and before the general election, all  
3916 expenditures as of three days before the required filing date of the financial statement.

3917 (c) The corporation need not file a statement under this section if it made no expenditures  
3918 during the reporting period.

3919 (2) That statement shall include:

3920 (a) the name and address of each reporting entity that received an expenditure from the  
3921 corporation, and the amount of each expenditure;

3922 (b) the total amount of expenditures disbursed by the corporation; and

3923 (c) a paragraph signed by the corporation's or the political action committee's treasurer or  
3924 chief financial officer verifying the accuracy of the financial report.

3925 Section 110. Section **20A-11-702** is amended to read:

3926 **20A-11-702. Campaign financial reporting of political issues expenditures by**  
3927 **corporations -- Financial reporting.**

3928 (1) (a) Each corporation that has made political issues expenditures on current or proposed  
3929 ballot issues that total at least \$750 during a calendar year shall file a verified financial statement  
3930 with the [~~lieutenant governor's~~] State Elections Commission's office on:

3931 (i) January 5, reporting expenditures as of December 31 of the previous year;

3932 (ii) September 15; and

3933 (iii) seven days before the regular general election.

3934 (b) The corporation shall report:

3935 (i) a detailed listing of all expenditures made since the last statement; and

3936 (ii) for financial statements filed on September 15 and before the primary and general  
3937 elections, expenditures as of three days before the required filing date of the financial statement.

3938 (c) The corporation need not file a statement under this section if it made no expenditures  
3939 during the reporting period.

3940 (2) That statement shall include:

3941 (a) the name and address of each individual, entity, or group of individuals or entities that  
3942 received a political issues expenditure of more than \$50 from the corporation, and the amount of  
3943 each political issues expenditure;

3944 (b) the total amount of political issues expenditures disbursed by the corporation; and

3945 (c) a paragraph signed by the corporation's treasurer or chief financial officer verifying the  
3946 accuracy of the verified financial statement.

3947 Section 111. Section **20A-11-703** is amended to read:

3948 **20A-11-703. Criminal penalties.**

3949 (1) Within 30 days after a deadline for the filing of any statement required by this part, the  
3950 ~~[lieutenant governor]~~ State Elections Commission shall review each filed statement to ensure that:

3951 (a) each corporation that is required to file a statement has filed one; and

3952 (b) each statement contains the information required by this part.

3953 (2) If it appears that any corporation has failed to file any statement, if it appears that a  
3954 filed statement does not conform to the law, or if the ~~[lieutenant governor]~~ State Elections  
3955 Commission has received a written complaint alleging a violation of the law or the falsity of any  
3956 statement, the ~~[lieutenant governor]~~ State Elections Commission shall, within five days of  
3957 discovery of a violation or receipt of a written complaint, notify the corporation of the violation  
3958 or written complaint and direct the corporation to file a statement correcting the problem.

3959 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within 14 days  
3960 after receiving notice from the ~~[lieutenant governor]~~ State Elections Commission under this  
3961 section.

3962 (b) Each corporation who violates Subsection (3)(a) is guilty of a class B misdemeanor.

3963 (c) The ~~[lieutenant governor]~~ State Elections Commission shall report all violations of this  
3964 Subsection (3)(a) to the attorney general.

3965 Section 112. Section **20A-11-801** is amended to read:

3966 **20A-11-801. Political issues committees -- Registration.**

3967 (1) Each political issues committee shall file a statement of organization with the  
3968 [~~lieutenant governor's~~] State Elections Commission's office no later than seven days after receiving  
3969 political issues contributions totaling at least \$750 or disbursing political issues expenditures  
3970 totaling at least \$50 in any calendar year.

3971 (2) The statement of organization shall include:

3972 (a) the name and address of the political issues committee;

3973 (b) the name, address, occupation, and title of each officer;

3974 (c) the name and address of the organization, individual, corporation, association, unit of  
3975 government, or union that the political issues committee represents, if any;

3976 (d) the name and address of all affiliated or connected organizations and their relationships  
3977 to the political issues committee;

3978 (e) the name, address, business address, occupation, and phone number of the committee's  
3979 treasurer or chief financial officer;

3980 (f) the name, address, and occupation of each member of the supervisory board, if any; and

3981 (g) the ballot proposition whose outcome they wish to affect, and whether they support or  
3982 oppose it.

3983 (3) (a) Any registered political issues committee that intends to permanently cease  
3984 operations during a calendar year shall file a notice of dissolution with the [~~lieutenant governor's~~]  
3985 State Elections Commission's office.

3986 (b) Any notice of dissolution filed by a political issues committee does not exempt that  
3987 political issues committee from complying with the financial reporting requirements of this  
3988 chapter.

3989 Section 113. Section **20A-11-802** is amended to read:

3990 **20A-11-802. Political issues committees -- Financial reporting.**

3991 (1) (a) Each registered political issues committee that has received political issues  
3992 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least \$50  
3993 during a calendar year on current or proposed statewide ballot propositions, to influence an  
3994 incorporation petition or an incorporation election, or on initiative petitions to be submitted to the  
3995 Legislature, shall file a verified financial statement with the [~~lieutenant governor's~~] State Elections

3996 Commission's office:

3997 (i) on January 5, reporting contributions and expenditures as of December 31 of the  
3998 previous year;

3999 (ii) seven days before the date of an incorporation election, if the political issues  
4000 committee has received donations or made disbursements to affect an incorporation;

4001 (iii) on September 15; and

4002 (iv) seven days before the regular general election.

4003 (b) The political issues committee shall report:

4004 (i) a detailed listing of all contributions received and expenditures made since the last  
4005 statement; and

4006 (ii) for financial statements filed on September 15 and before the general election, all  
4007 contributions and expenditures as of three days before the required filing date of the financial  
4008 statement.

4009 (c) The political issues committee need not file a statement under this section if it received  
4010 no contributions and made no expenditures during the reporting period.

4011 (2) (a) That statement shall include:

4012 (i) the name, address, and occupation of any individual that makes a political issues  
4013 contribution to the reporting political issues committee, and the amount of the political issues  
4014 contribution;

4015 (ii) the identification of any publicly identified class of individuals that makes a political  
4016 issues contribution to the reporting political issues committee, and the amount of the political  
4017 issues contribution;

4018 (iii) the name and address of any political issues committee, group, or entity that makes  
4019 a political issues contribution to the reporting political issues committee, and the amount of the  
4020 political issues contribution;

4021 (iv) the name and address of each reporting entity that makes a political issues contribution  
4022 to the reporting political issues committee, and the amount of the political issues contribution;

4023 (v) for each nonmonetary contribution, the fair market value of the contribution;

4024 (vi) the name and address of each individual, entity, or group of individuals or entities that  
4025 received a political issues expenditure of more than \$50 from the reporting political issues  
4026 committee, and the amount of each political issues expenditure;

- 4027 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 4028 (viii) the total amount of political issues contributions received and political issues  
4029 expenditures disbursed by the reporting political issues committee;
- 4030 (ix) a paragraph signed by the political issues committee's treasurer or chief financial  
4031 officer verifying that, to the best of the signer's knowledge, the financial statement is accurate; and
- 4032 (x) a summary page in the form required by the [~~lieutenant governor~~] State Elections  
4033 Commission that identifies:
- 4034 (A) beginning balance;
- 4035 (B) total contributions during the period since the last statement;
- 4036 (C) total contributions to date;
- 4037 (D) total expenditures during the period since the last statement; and
- 4038 (E) total expenditures to date.
- 4039 (b) (i) Political issues contributions received by a political issues committee that have a  
4040 value of \$50 or less need not be reported individually, but shall be listed on the report as an  
4041 aggregate total.
- 4042 (ii) Two or more political issues contributions from the same source that have an aggregate  
4043 total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 4044 Section 114. Section **20A-11-803** is amended to read:
- 4045 **20A-11-803. Criminal penalties.**
- 4046 (1) (a) Each political issues committee that fails to file the statement due September 15  
4047 or before the regular general session is guilty of a class B misdemeanor.
- 4048 (b) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
4049 Subsection (1) to the attorney general.
- 4050 (2) Within 30 days after a deadline for the filing of the January 5 statement, the [~~lieutenant~~  
4051 ~~governor~~] State Elections Commission shall review each filed statement to ensure that:
- 4052 (a) each political issues committee that is required to file a statement has filed one; and
- 4053 (b) each statement contains the information required by this part.
- 4054 (3) If it appears that any political issues committee has failed to file the January 5  
4055 statement, if it appears that a filed statement does not conform to the law, or if the [~~lieutenant~~  
4056 ~~governor~~] State Elections Commission has received a written complaint alleging a violation of the  
4057 law or the falsity of any statement, the [~~lieutenant governor~~] State Elections Commission shall,

4058 within five days of discovery of a violation or receipt of a written complaint, notify the political  
4059 issues committee of the violation or written complaint and direct the political issues committee to  
4060 file a statement correcting the problem.

4061 (4) (a) It is unlawful for any political issues committee to fail to file or amend a statement  
4062 within 14 days after receiving notice from the [~~lieutenant governor~~] State Elections Commission  
4063 under this section.

4064 (b) Each political issues committee who violates Subsection (4)(a) is guilty of a class B  
4065 misdemeanor.

4066 (c) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
4067 Subsection (4)(a) to the attorney general.

4068 Section 115. Section **20A-11-1004** is amended to read:

4069 **20A-11-1004. Summary of financial reports of political action committees and**  
4070 **corporations.**

4071 (1) The [~~lieutenant governor's~~] State Elections Commission's office shall prepare a  
4072 summary of each financial report submitted by each corporation, political action committee, and  
4073 political issues committee.

4074 (2) Each summary shall include the following information:

4075 (a) for each candidate:

4076 (i) the name of each political action committee and corporation that made expenditures to  
4077 the candidate; and

4078 (ii) the aggregate total of expenditures made by each political action committee and  
4079 corporation to the candidate;

4080 (b) for each political action committee:

4081 (i) the name of each individual or organization listed on the financial report that made  
4082 contributions to the political action committee and the aggregate total of contributions made by  
4083 each individual or organization listed on the financial report to the political action committee; and

4084 (ii) the name of each candidate, personal campaign committee, and political action  
4085 committee that received expenditures from a political action committee and the aggregate total of  
4086 expenditures made to each candidate, personal campaign committee, and political action  
4087 committee;

4088 (c) for each corporation:

4089 (i) the name of each candidate, personal campaign committee, and political action  
4090 committee that received expenditures from the corporation, and the aggregate total of expenditures  
4091 made by the corporation to each candidate, personal campaign committee, and political action  
4092 committee; and

4093 (ii) the name of each individual, entity, or group of individuals or entities that received  
4094 disbursements from the corporation, and the aggregate total of disbursements made by the  
4095 corporation to each individual, entity, or group of individuals or entities;

4096 (d) for each political issues committee:

4097 (i) the name of each individual or organization listed on the financial report that made  
4098 political issues contributions to the political issues committee and the aggregate total of political  
4099 issues contributions made by each individual or organization listed on the financial report to the  
4100 political issues committee; and

4101 (ii) the name of each individual, entity, or group of individuals or entities that received  
4102 political issues expenditures from a political issues committee and the aggregate total of political  
4103 issues expenditures made to each individual, entity, or group of individuals or entities.

4104 Section 116. Section **20A-11-1301** is amended to read:

4105 **20A-11-1301. School board office candidate -- Campaign requirements.**

4106 (1) Each school board office candidate shall deposit each contribution and public service  
4107 assistance received in one or more separate accounts in a financial institution that are dedicated  
4108 only to that purpose.

4109 (2) A school board office candidate may not deposit or mingle any contributions or public  
4110 service assistance received into a personal or business account.

4111 (3) A school board office candidate may not make any political expenditures prohibited  
4112 by law.

4113 (4) If a person who is no longer a school board candidate chooses not to expend the monies  
4114 remaining in his campaign account, the person shall continue to file the year-end summary report  
4115 required by Section 20A-11-1302 until the statement of dissolution and final summary report  
4116 required by Section 20A-11-1304 are filed with:

4117 (a) the ~~[lieutenant governor]~~ State Elections Commission, in the case of a state school  
4118 board candidate; and

4119 (b) the county clerk, in the case of a local school board candidate.

4120 Section 117. Section **20A-11-1303** is amended to read:

4121 **20A-11-1303. School board office candidate -- Financial reporting requirements --**

4122 **Interim reports.**

4123 (1) Each school board office candidate shall file an interim report at the following times  
4124 in any year in which the candidate has filed a declaration of candidacy for a public office:

4125 (a) seven days before the regular primary election date, if the candidate is on the ballot in  
4126 the primary election;

4127 (b) September 15, unless the candidate is unopposed; and

4128 (c) seven days before the regular general election date.

4129 (2) Each interim report shall include the following information:

4130 (a) the net balance of the last summary report, if any;

4131 (b) a single figure equal to the total amount of receipts reported on all prior interim reports,  
4132 if any, during the calendar year in which the interim report is due;

4133 (c) a single figure equal to the total amount of expenditures reported on all prior interim  
4134 reports, if any, filed during the calendar year in which the interim report is due;

4135 (d) a detailed listing of each contribution and public service assistance received since the  
4136 last summary report that has not been reported in detail on a prior interim report;

4137 (e) for each nonmonetary contribution, the fair market value of the contribution;

4138 (f) a detailed listing of each expenditure made since the last summary report that has not  
4139 been reported in detail on a prior interim report;

4140 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

4141 (h) a net balance for the year consisting of the net balance from the last summary report,  
4142 if any, plus all receipts since the last summary report minus all expenditures since the last summary  
4143 report; and

4144 (i) a summary page in the form required by the [~~lieutenant governor~~] State Elections  
4145 Commission that identifies:

4146 (i) beginning balance;

4147 (ii) total contributions during the period since the last statement;

4148 (iii) total contributions to date;

4149 (iv) total expenditures during the period since the last statement; and

4150 (v) total expenditures to date.

4151 (3) (a) For all individual contributions or public service assistance of \$50 or less, a single  
4152 aggregate figure may be reported without separate detailed listings.

4153 (b) Two or more contributions from the same source that have an aggregate total of more  
4154 than \$50 may not be reported in the aggregate, but shall be reported separately.

4155 (4) In preparing each interim report, all receipts and expenditures shall be reported as of  
4156 three days before the required filing date of the report.

4157 (5) School board office candidates reporting under this section need only report  
4158 contributions received and expenditures made after May 5, 1997.

4159 Section 118. Section **20A-11-1304** is amended to read:

4160 **20A-11-1304. School board office candidate -- Financial reporting requirements --**  
4161 **Termination of duty to report.**

4162 (1) Each school board candidate is subject to interim reporting requirements until the  
4163 candidate withdraws or is eliminated in a primary.

4164 (2) Each school board office candidate is subject to year-end summary reporting  
4165 requirements until the candidate has filed a statement of dissolution with the [~~lieutenant governor~~]  
4166 State Elections Commission stating that:

4167 (a) the school board office candidate is no longer receiving contributions and is no longer  
4168 making expenditures;

4169 (b) the ending balance on the last summary report filed is zero and the balance in the  
4170 separate bank account required in Section 20A-11-1301 is zero; and

4171 (c) a final summary report in the form required by Section 20A-11-1302 showing a zero  
4172 balance is attached to the statement of dissolution.

4173 (3) A statement of dissolution and a final summary report may be filed at any time.

4174 (4) Each school board office candidate shall continue to file the year-end summary report  
4175 required by Section 20A-11-1302 until the statement of dissolution and final summary report  
4176 required by this section are filed.

4177 Section 119. Section **20A-11-1305** is amended to read:

4178 **20A-11-1305. School board office candidate -- Failure to file statement -- Name not**  
4179 **printed on ballot -- Filling vacancy.**

4180 (1) (a) If a school board office candidate fails to file an interim report due before the  
4181 regular primary election, September 15, and before the regular general election, the chief election

4182 officer shall, after making a reasonable attempt to discover if the report was timely mailed, inform  
4183 the county clerk and other appropriate election officials who:

4184 (i) shall, if practicable, remove the name of the candidate by blacking out the candidate's  
4185 name before the ballots are delivered to voters; or

4186 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform the  
4187 voters by any practicable method that the candidate has been disqualified and that votes cast for  
4188 candidate will not be counted; and

4189 (iii) may not count any votes for that candidate.

4190 (b) Any school board office candidate who fails to file timely a financial statement  
4191 required by this part is disqualified and the vacancy on the ballot may be filled as provided in  
4192 Section 20A-1-501.

4193 (c) Notwithstanding [~~Subsection~~] Subsections (1)(a) and (1)(b), a school board office  
4194 candidate is not disqualified if the candidate, in good faith:

4195 (i) files the reports required by this section on time even if an error or inaccuracy in the  
4196 report requires the school board office candidate to file an amended report after the deadline; and

4197 (ii) the error is corrected in an amended report or in the next scheduled report.

4198 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate  
4199 for state school board, the [~~lieutenant governor~~] State Elections Commission shall review each  
4200 filed summary report to ensure that:

4201 (i) each state school board candidate that is required to file a summary report has filed one;  
4202 and

4203 (ii) each summary report contains the information required by this part.

4204 (b) If it appears that any state school board candidate has failed to file the summary report  
4205 required by law, if it appears that a filed summary report does not conform to the law, or if the  
4206 [~~lieutenant governor~~] State Elections Commission has received a written complaint alleging a  
4207 violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] State Elections  
4208 Commission shall, within five days of discovery of a violation or receipt of a written complaint,  
4209 notify the state school board candidate of the violation or written complaint and direct the state  
4210 school board candidate to file a summary report correcting the problem.

4211 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a summary  
4212 report within 14 days after receiving notice from the [~~lieutenant governor~~] State Elections

4213 Commission under this section.

4214 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a class  
4215 B misdemeanor.

4216 (iii) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
4217 Subsection (2)(c)(i) to the attorney general.

4218 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county clerk  
4219 shall review each filed summary report to ensure that:

4220 (i) each local school board candidate that is required to file a summary report has filed one;  
4221 and

4222 (ii) each summary report contains the information required by this part.

4223 (b) If it appears that any local school board candidate has failed to file the summary report  
4224 required by law, if it appears that a filed summary report does not conform to the law, or if the  
4225 county clerk has received a written complaint alleging a violation of the law or the falsity of any  
4226 summary report, the county clerk shall, within five days of discovery of a violation or receipt of  
4227 a written complaint, notify the local school board candidate of the violation or written complaint  
4228 and direct the local school board candidate to file a summary report correcting the problem.

4229 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a summary  
4230 report within 14 days after receiving notice from the county clerk under this section.

4231 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a class  
4232 B misdemeanor.

4233 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or  
4234 county attorney.

4235 Section 120. Section **20A-12-201** is amended to read:

4236 **20A-12-201. Judicial appointees -- Retention elections.**

4237 (1) (a) Each appointee to a court of record is subject to an unopposed retention election  
4238 at the first general election held more than three years after the judge or justice was appointed.

4239 (b) After the first retention election:

4240 (i) each Supreme Court justice shall be on the regular general election ballot for an  
4241 unopposed retention election every tenth year; and

4242 (ii) each judge of other courts of record shall be on the regular general election ballot for  
4243 an unopposed retention election every sixth year.

4244 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the  
4245 year the justice or judge is subject to a retention election:

4246 (i) file a declaration of candidacy as if a candidate for multi-county office in accordance  
4247 with Section 20A-9-202; and

4248 (ii) pay a filing fee of \$50.

4249 (b) Each county justice judge who wishes to retain office shall, in the year the justice or  
4250 judge is subject to a retention election:

4251 (i) file a declaration of candidacy as if a candidate for county office in accordance with  
4252 Section 20A-9-202; and

4253 (ii) pay a filing fee of \$25.

4254 (3) (a) The [~~lieutenant governor~~] State Elections Commission shall, by September 1 of  
4255 each regular general election year:

4256 (i) transmit a certified list containing the names of the justices of the Supreme Court and  
4257 judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

4258 (ii) transmit a certified list containing the names of judges of other courts declaring their  
4259 candidacy to the county clerk of each county in the geographic division in which the judge filing  
4260 the declaration holds office.

4261 (b) Each county clerk shall place the names of justices and judges standing for retention  
4262 election in the nonpartisan section of the ballot.

4263 (4) At the general election, the ballots shall contain, as to each justice or judge of any court  
4264 to be voted on in the county, the following question:

4265 "Shall \_\_\_\_\_(name of justice or judge) be retained in the  
4266 office of \_\_\_\_\_?" (name of office, such as "Justice of the Supreme  
4267 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the Third  
4268 Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "County  
4269 Justice Court Judge of (name of county) County")

4270 Yes ()

4271 No ()."

4272 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge is  
4273 retained for the term of office provided by law.

4274 (b) If the justice or judge does not receive more yes votes than no votes, the justice or

4275 judge is not retained, and a vacancy exists in the office on the first Monday in January after the  
4276 regular general election.

4277 (6) A justice or judge not retained is ineligible for appointment to the office for which the  
4278 justice or judge was defeated until after the expiration of that term of office.

4279 Section 121. Section **20A-12-302** is amended to read:

4280 **20A-12-302. Campaign committee required.**

4281 (1) (a) When permitted to do so by the Code of Judicial Conduct promulgated by the Utah  
4282 Supreme Court, and if the judge chooses to solicit contributions or make expenditures to promote  
4283 his retention, the judge may establish no more than one retention election personal campaign  
4284 committee, consisting of one or more persons, to receive contributions, make expenditures, and  
4285 shall file reports connected with the judge's retention election campaign.

4286 (b) A judge or person acting in concert with or with the knowledge of the judge may not  
4287 receive any contributions or make any expenditures other than through the personal campaign  
4288 committee established under this section.

4289 (2) (a) The judge shall file with the [~~lieutenant governor~~] State Elections Commission a  
4290 signed written statement containing the name and address of each member and the secretary of the  
4291 judge's personal campaign committee.

4292 (b) The judge may change the membership of the personal campaign committee at any  
4293 time by filing with the [~~lieutenant governor~~] State Elections Commission a signed statement  
4294 containing the name and address of any additional members and identifying any members that have  
4295 been removed from the committee.

4296 (c) The judge or the judge's personal campaign committee may not make any expenditures  
4297 on behalf of the judge until the statement has been filed.

4298 (3) (a) The judge's personal campaign committee may not make an expenditure of more  
4299 than \$1,000 unless the judge or the secretary of the personal campaign committee authorizes the  
4300 expenditure in writing.

4301 (b) A judge or the judge's personal campaign committee may not make any expenditures  
4302 prohibited by law.

4303 (4) A judge's personal campaign committee is dissolved on the date that the summary  
4304 report required by Section 20A-12-304 is filed.

4305 Section 122. Section **20A-12-304** is amended to read:

4306           **20A-12-304. Judicial retention election candidates -- Financial reporting**  
4307 **requirements -- Year-end summary report.**

4308           (1) The judge's personal campaign committee shall file a summary report with the  
4309 [~~lieutenant governor~~] State Elections Commission by January 5 of the year after the regular general  
4310 election year.

4311           (2) (a) Each summary report shall include the following information as of December 31  
4312 of the last regular general election year:

4313           (i) a single figure equal to the total amount of contributions reported on the interim report;

4314           (ii) a single figure equal to the total amount of expenditures reported on the interim report;

4315           (iii) a detailed listing of each contribution received since the last summary report that has  
4316 not been reported in detail on the interim report;

4317           (iv) for each nonmonetary contribution, the fair market value of the contribution;

4318           (v) a detailed listing of each expenditure made since the last summary report that has not  
4319 been reported in detail on the interim report;

4320           (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

4321           (vii) the net balance for the year, consisting of all contributions minus all expenditures.

4322           (b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported  
4323 without a separate detailed listing.

4324           (ii) Two or more contributions from the same source for a total of more than \$50 may not  
4325 be reported in the aggregate, but shall be reported in the detailed listing.

4326           (3) The summary report shall contain a statement signed by the judge certifying that, to  
4327 the best of the judge's knowledge, all contributions and all expenditures have been reported as of  
4328 December 31 of the last regular general election year and that there are no financial obligations  
4329 outstanding except as set forth in the report.

4330           Section 123. Section **20A-12-305** is amended to read:

4331           **20A-12-305. Judicial retention election candidates -- Financial reporting**  
4332 **requirements -- Interim report.**

4333           (1) The judge's personal campaign committee shall file an interim report with the  
4334 [~~lieutenant governor~~] State Elections Commission no later than 5 p.m. on the date seven days  
4335 before the regular general election date.

4336           (2) Each interim report shall include the following information:

4337 (a) a detailed listing of each contribution received since the last summary report;  
4338 (b) for each nonmonetary contribution, the fair market value of the contribution;  
4339 (c) a detailed listing of each expenditure made since the last summary report;  
4340 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and  
4341 (e) a net balance for the year consisting of all contributions since the last summary report  
4342 minus all expenditures since the last summary report.

4343 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be  
4344 reported without separate detailed listings.

4345 (b) Two or more contributions from the same source that have an aggregate total of more  
4346 than \$50 may not be reported in the aggregate, but shall be reported separately.

4347 (4) In preparing each interim report, all contributions and expenditures shall be reported  
4348 as of five days before the required filing date of the report.

4349 Section 124. Section **20A-12-306** is amended to read:

4350 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

4351 (1) (a) If a judge's personal campaign committee fails to file the interim report due before  
4352 the regular general election, the [~~lieutenant governor~~] State Elections Commission shall, after  
4353 making a reasonable attempt to discover if the report was timely mailed, inform the county clerk  
4354 and other appropriate election officials who:

4355 (i) shall, if practicable, remove the name of the judge by blacking out the judge's name  
4356 before the ballots are delivered to voters; or

4357 (ii) shall, if removing the judge's name from the ballot is not practicable, inform the voters  
4358 by any practicable method that the judge has been disqualified and that votes cast for the judge will  
4359 not be counted; and

4360 (iii) may not count any votes for that judge.

4361 (b) Any judge who fails to file timely a financial statement required by this part is  
4362 disqualified.

4363 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:

4364 (i) the candidate files the reports required by this section;

4365 (ii) those reports are completed, detailing accurately and completely the information  
4366 required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

4367 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the

4368 next scheduled report.

4369 (2) (a) Within 30 days after a deadline for the filing of a summary report, the [~~lieutenant~~  
4370 ~~governor~~] State Elections Commission shall review each filed summary report to ensure that:

4371 (i) each judge that is required to file a summary report has filed one; and

4372 (ii) each summary report contains the information required by this part.

4373 (b) If it appears that any judge has failed to file the summary report required by law, if it  
4374 appears that a filed summary report does not conform to the law, or if the [~~lieutenant governor~~]  
4375 State Elections Commission has received a written complaint alleging a violation of the law or the  
4376 falsity of any summary report, the [~~lieutenant governor~~] State Elections Commission shall, within  
4377 five days of discovery of a violation or receipt of a written complaint, notify the judge of the  
4378 violation or written complaint and direct the judge to file a summary report correcting the problem.

4379 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14 days  
4380 after receiving notice from the [~~lieutenant governor~~] State Elections Commission under this  
4381 section.

4382 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

4383 (iii) The [~~lieutenant governor~~] State Elections Commission shall report all violations of  
4384 Subsection (2)(c)(i) to the attorney general.

4385 Section 125. Section **20A-13-102** is amended to read:

4386 **20A-13-102. Official maps of Congressional districts.**

4387 (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature, and  
4388 any other relevant materials, with the [~~lieutenant governor's~~] State Elections Commission's office.

4389 (b) The legal boundaries of Utah's Congressional districts are contained in the official  
4390 maps on file with the [~~lieutenant governor's~~] State Elections Commission's office.

4391 (2) When questions of interpretation of Congressional district boundaries arise, the official  
4392 maps on file in the [~~lieutenant governor's~~] State Elections Commission's office shall serve as the  
4393 indication of the legislative intent in drawing the Congressional district boundaries.

4394 (3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county  
4395 from the [~~lieutenant governor's~~] State Elections Commission's office.

4396 (b) Each county clerk shall establish voting precincts and polling places within each  
4397 Congressional district according to the procedures and requirements of Section 20A-5-303.

4398 (4) Maps identifying the boundaries for Congressional districts may be viewed on the

4399 Internet at the [~~lieutenant governor's~~] State Elections Commission's website.

4400 Section 126. Section **20A-13-301** is amended to read:

4401 **20A-13-301. Presidential elections -- Effect of vote.**

4402 (1) (a) Each registered political party shall choose persons to act as presidential electors  
4403 and to fill vacancies in the office of presidential electors for their party's candidates for President  
4404 and Vice President according to the procedures established in their bylaws.

4405 (b) The person designated as liaison with the [~~lieutenant governor's~~] State Elections  
4406 Commission's office shall transmit to the [~~lieutenant governor~~] State Elections Commission the  
4407 names and addresses of the persons selected by the political party as the party's presidential  
4408 electors.

4409 (2) The highest number of votes cast for a political party's president and vice president  
4410 candidates elects the presidential electors selected by that political party.

4411 Section 127. Section **20A-13-302** is amended to read:

4412 **20A-13-302. Certificate of election.**

4413 (1) The [~~lieutenant governor~~] State Elections Commission shall transmit certificates of  
4414 election to each of the electors selected by the political party whose candidates for president and  
4415 vice president received the highest number of votes in Utah.

4416 (2) Presidential electors may not receive compensation for their services.

4417 Section 128. Section **20A-13-304** is amended to read:

4418 **20A-13-304. Meeting to ballot -- Casting ballot for person not nominated by elector's**  
4419 **party.**

4420 (1) The electors shall meet at the office of the [~~lieutenant governor at the state capitol~~]  
4421 State Elections Commission at noon of the first Wednesday of the January after their election, or  
4422 at noon of any other day designated by the Congress of the United States of America.

4423 (2) After convening, the electors shall perform their duties in conformity with the United  
4424 States Constitution and laws.

4425 (3) Any elector who casts an electoral ballot for a person not nominated by the party of  
4426 which he is an elector, except in the cases of death or felony conviction of a candidate, is  
4427 considered to have resigned from the office of elector, his vote may not be recorded, and the  
4428 remaining electors shall appoint another person to fill the vacancy.

4429 Section 129. Section **20A-14-102** is amended to read:

4430 **20A-14-102. Official maps of state board districts.**

4431 (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature with  
4432 the [~~lieutenant governor's~~] State Elections Commission's office.

4433 (b) The legal boundaries of State Board of Education districts are contained in the official  
4434 maps on file with the [~~lieutenant governor's~~] State Elections Commission's office.

4435 (2) When questions of interpretation of state board district boundaries arise, the official  
4436 maps on file in the [~~lieutenant governor's~~] State Elections Commission's office shall serve as the  
4437 indication of the legislative intent in drawing the state board district boundaries.

4438 (3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county  
4439 from the [~~lieutenant governor's~~] State Elections Commission's office.

4440 (b) Each county clerk shall establish voting precincts and polling places within each state  
4441 board district according to the procedures and requirements of Section 20A-5-303.

4442 (4) Maps identifying the boundaries for state board districts may be viewed on the Internet  
4443 at the [~~lieutenant governor's~~] State Elections Commission's website.

4444 Section 130. Section **20A-14-104** is amended to read:

4445 **20A-14-104. Becoming a candidate for membership on the State Board of Education**  
4446 **-- Nominating committees -- Membership -- Procedure -- Duties.**

4447 (1) (a) Persons interested in becoming a candidate for the State Board of Education shall  
4448 file a declaration of candidacy according to the procedures and requirements of Sections  
4449 20A-9-201 and 20A-9-202.

4450 (b) By June 1 of the year in which a State Board of Education member's term expires, the  
4451 [~~lieutenant governor~~] State Elections Commission shall submit the name of each person who has  
4452 filed a declaration of candidacy for the State Board of Education to the nominating committee for  
4453 the State Board of Education district in which that candidate resides.

4454 (2) By May 1 of the year in which a State Board of Education member's term expires, the  
4455 governor shall:

4456 (a) appoint a nominating committee consisting of seven members, each to serve a one-year  
4457 term, for the state board district that member represents;

4458 (b) ensure that each member of the nominating committee resides within the state board  
4459 district; and

4460 (c) ensure that:

- 4461 (i) one member of the nominating committee serves on a local school board within the  
4462 state board district;
- 4463 (ii) one member of the nominating committee is employed as a school district or public  
4464 school administrator;
- 4465 (iii) one member of the nominating committee is employed as a public school teacher;
- 4466 (iv) one member of the nominating committee belongs to a parent association that provides  
4467 direct and ongoing support to public schools within the district; and
- 4468 (v) three members of the nominating committee represent economic interests and the  
4469 public at large; and
- 4470 (d) designate one member to serve as chair for the committee.
- 4471 (3) (a) The chair, or another member of the committee designated by the chair, shall  
4472 schedule and convene all committee meetings.
- 4473 (b) Any formal action by the committee requires the approval of at least four committee  
4474 members.
- 4475 (c) Members of the nominating committee shall serve without compensation, but they may  
4476 be reimbursed for expenses incurred in the performance of their official duties as established by  
4477 the Division of Finance.
- 4478 (4) Each nominating committee shall:
- 4479 (a) prepare a list of candidates for membership on the State Board of Education from its  
4480 district;
- 4481 (b) submit a list of up to five but no fewer than three candidates for the state board position  
4482 to the governor by August 1; and
- 4483 (c) ensure that the list includes appropriate background information on each candidate.
- 4484 Section 131. Section **20A-14-105** is amended to read:
- 4485 **20A-14-105. Becoming a candidate for membership on the State Board of Education**  
4486 **-- Selection of candidates by the governor -- Ballot placement.**
- 4487 (1) By September 1 of each regular general election year, the governor shall:
- 4488 (a) for each state board district subject to election in that year, select two candidates for  
4489 the State Board of Education from the lists submitted by the state board district nominating  
4490 committees; and
- 4491 (b) certify the names of the two candidates from each school board district to the

4492 [~~lieutenant governor~~] State Elections Commission.

4493 (2) If the governor fails to select two candidates for a state board district by September 1,  
4494 the nominating committee from that district shall:

4495 (a) select the two candidates; and

4496 (b) notify the [~~lieutenant governor~~] State Elections Commission of its selections by  
4497 September 15.

4498 (3) The [~~lieutenant governor~~] State Elections Commission shall:

4499 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

4500 (b) certify the names and order of the names to the county clerks for placement on the  
4501 nonpartisan section of the ballot.

4502 Section 132. Section **20A-15-103** is amended to read:

4503 **20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures.**

4504 (1) Candidates for the office of delegate to the ratification convention shall be citizens,  
4505 residents of Utah, and at least 21 years old.

4506 (2) Persons wishing to be delegates to the ratification convention shall:

4507 (a) circulate a nominating petition meeting the requirements of this section; and

4508 (b) obtain the signature of at least 100 registered voters.

4509 (3) (a) A single nominating petition may nominate any number of candidates up to 21, the  
4510 total number of delegates to be elected.

4511 (b) Nominating petitions may not contain anything identifying a candidate's party or  
4512 political affiliation.

4513 (c) Each nominating petition shall contain a written statement signed by each nominee,  
4514 indicating either that the candidate will:

4515 (i) vote for ratification of the proposed amendment; or

4516 (ii) vote against ratification of the proposed amendment.

4517 (d) A nominating petition containing the names of more than one nominee may not contain  
4518 the name of any nominee whose stated position in the nominating petition is inconsistent with that  
4519 of any other nominee listed in the petition.

4520 (4) (a) Candidates shall file their nominating petitions with the [~~lieutenant governor~~] State  
4521 Elections Commission at least 40 days before the proclaimed date of the election.

4522 (b) Within ten days after the last day for filing the petitions, the [~~lieutenant governor~~] State

4523 Elections Commission shall:

4524 (i) declare nominated the 21 nominees in favor of ratification and the 21 nominees against  
4525 ratification whose nominating petitions have been signed by the largest number of registered  
4526 voters;

4527 (ii) decide any ties by lot drawn by the [~~lieutenant governor~~] State Elections Commission;  
4528 and

4529 (iii) certify the nominated candidates of each group to the county clerk of each county  
4530 within the state.

4531 Section 133. Section **20A-15-201** is amended to read:

4532 **20A-15-201. Convening -- Vacancies -- Election of officers -- Journal of proceedings.**

4533 (1) The delegates to the convention shall convene at the state capitol at noon on the 28th  
4534 day after their election to pass upon the question of whether or not the proposed amendment shall  
4535 be ratified.

4536 (2) (a) If, at the time the convention convenes, there is a vacancy in the convention, the  
4537 delegates from the group from which the delegate creating the vacancy was elected shall, by  
4538 majority vote, appoint a person to fill the vacancy.

4539 (b) If the convention contains no other delegates from the group from which the delegate  
4540 creating the vacancy was elected, the governor shall appoint a person to fill the vacancy.

4541 (3) The convention may:

4542 (a) elect a president, secretary, and other officers; and

4543 (b) adopt its own rules.

4544 (4) The convention shall:

4545 (a) keep a journal of its proceedings;

4546 (b) record in the journal the vote of each delegate on the question of ratification of the  
4547 proposed amendment; and

4548 (c) file the journal with the [~~lieutenant governor~~] State Elections Commission after the  
4549 convention adjourns.

4550 (5) (a) Delegates to the ratification convention shall:

4551 (i) serve without pay;

4552 (ii) receive a per diem of \$4 per day while the convention is in session; and

4553 (iii) receive mileage at the rate of ten cents per mile for the distance necessarily traveled

4554 in going to and returning from the place of meeting by the most usual route.

4555 (b) The [~~lieutenant governor~~] State Elections Commission shall pay the per diem and  
4556 mileage, together with the necessary expenses of the convention for printing and stenographic  
4557 services, from the state treasury.

4558 Section 134. Section **20A-15-202** is amended to read:

4559 **20A-15-202. Certificate of ratification.**

4560 (1) If the convention agrees, by vote of a majority of the total number of delegates, to ratify  
4561 the proposed amendment, the president and secretary of the convention shall:

4562 (a) prepare and sign a certificate to that effect; and

4563 (b) transmit it to the [~~lieutenant governor~~] State Elections Commission.

4564 (2) Upon receipt of a ratification certificate, the [~~lieutenant governor~~] State Elections  
4565 Commission shall transmit the certificate [~~under the great seal of the state~~] to the Secretary of State  
4566 of the United States.

4567 Section 135. Section **36-1-103** is amended to read:

4568 **36-1-103. Official maps of Senate districts.**

4569 (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature, and  
4570 any other relevant data, with the [~~lieutenant governor's~~] State Elections Commission's office.

4571 (b) The legal boundaries of Senate districts are contained in the official maps on file with  
4572 the [~~lieutenant governor's~~] State Elections Commission's office.

4573 (2) When questions of interpretation of Senate district boundaries arise, the official maps  
4574 on file in the [~~lieutenant governor's~~] State Elections Commission's office shall serve as the  
4575 indication of the legislative intent in drawing the Senate district boundaries.

4576 (3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county  
4577 from the [~~lieutenant governor's~~] State Elections Commission's office.

4578 (b) Each county clerk shall establish voting precincts and polling places within each Senate  
4579 district according to the procedures and requirements of Section 20A-5-303.

4580 (4) Maps identifying the boundaries for Senate districts may be viewed on the Internet at  
4581 the [~~lieutenant governor's~~] State Elections Commission's website.

4582 Section 136. Section **36-1-105** is amended to read:

4583 **36-1-105. Uncertain boundaries -- How resolved.**

4584 (1) As used in this section, "affected party" means:

4585 (a) a senator whose Utah State Senate district boundary is uncertain because the identifying  
4586 feature used to establish the district boundary has been removed, modified, or is unable to be  
4587 identified or who is uncertain about whether or not he or another person resides in a particular  
4588 Senate district;

4589 (b) a candidate for senator whose Senate district boundary is uncertain because the  
4590 identifying feature used to establish the district boundary has been removed, modified, or is unable  
4591 to be identified or who is uncertain about whether or not he or another person resides in a  
4592 particular Senate district; or

4593 (c) a person who is uncertain about which Senate district contains the person's residence  
4594 because the identifying feature used to establish the district boundary has been removed, modified,  
4595 or is unable to be identified.

4596 (2) (a) An affected party may file a written request petitioning the [~~lieutenant governor~~]  
4597 State Elections Commission to determine:

- 4598 (i) the precise location of the Senate district boundary;  
4599 (ii) the number of the Senate district in which a person resides; or  
4600 (iii) both Subsections (2)(a)(i) and (ii).

4601 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant~~  
4602 ~~governor~~] State Elections Commission shall review the official maps and obtain and review other  
4603 relevant data such as census block and tract descriptions, aerial photographs, aerial maps, or other  
4604 data about the area.

4605 (c) Within five days of receipt of the request, the [~~lieutenant governor~~] State Elections  
4606 Commission shall review the maps, obtain and review any relevant data, and make a  
4607 determination.

4608 (d) When the [~~lieutenant governor~~] State Elections Commission determines the location  
4609 of the Senate district boundary, the [~~lieutenant governor~~] State Elections Commission shall:

- 4610 (i) prepare a certification identifying the appropriate boundary and attaching a map, if  
4611 necessary; and  
4612 (ii) send a copy of the certification to the affected party and the county clerk of the affected  
4613 county.

4614 (e) If the [~~lieutenant governor~~] State Elections Commission determines the number of the  
4615 Senate district in which a particular person resides, the [~~lieutenant governor~~] State Elections

4616 Commission shall send a letter identifying that district by number to:

4617 (i) the person;

4618 (ii) the affected party who filed the petition, if different than the person whose Senate  
4619 district number was identified; and

4620 (iii) the county clerk of the affected county.

4621 Section 137. Section **36-1-202** is amended to read:

4622 **36-1-202. Official maps of House districts.**

4623 (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature, and  
4624 any other relevant materials, with the [~~lieutenant governor's~~] State Elections Commission's office.

4625 (b) The legal boundaries of House districts are contained in the official maps on file with  
4626 the [~~lieutenant governor's~~] State Elections Commission's office.

4627 (2) When questions of interpretation of House district boundaries arise, the official maps  
4628 on file in the [~~lieutenant governor's~~] State Elections Commission's office shall serve as the  
4629 indication of the legislative intent in drawing the House district boundaries.

4630 (3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county  
4631 from the [~~lieutenant governor's~~] State Elections Commission's office.

4632 (b) Each county clerk shall establish voting precincts and polling places within each House  
4633 district according to the procedures and requirements of Section 20A-5-303.

4634 (4) Maps identifying the boundaries for House districts may be viewed on the Internet at  
4635 the [~~lieutenant governor's~~] State Elections Commission's website.

4636 Section 138. Section **36-1-203** is amended to read:

4637 **36-1-203. Omissions from maps -- How resolved.**

4638 (1) If any area of the state is omitted from a Utah House of Representatives district in the  
4639 maps enacted by the Legislature, the county clerk of the affected county, upon discovery of the  
4640 omission, shall attach the area to the appropriate House district according to the requirements of  
4641 Subsections (2) and (3).

4642 (2) If the area is surrounded by a House district, the area shall be attached to that district.

4643 (3) If the area is contiguous to two districts, the area shall be attached to the district that  
4644 has the least population, as determined by the official census population figures and maps of the  
4645 Bureau of the Census of the United States Department of Commerce developed in connection with  
4646 the taking of the 2000 national decennial census.

4647 (4) Any attachment made under Subsection (1) shall be certified in writing and filed with  
4648 the [~~lieutenant governor~~] State Elections Commission.

4649 Section 139. Section **36-1-204** is amended to read:

4650 **36-1-204. Uncertain boundaries -- How resolved.**

4651 (1) As used in this section, "affected party" means:

4652 (a) a representative whose Utah House of Representatives district boundary is uncertain  
4653 because the identifying feature used to establish the district boundary has been removed, modified,  
4654 or is unable to be identified or who is uncertain about whether or not he or another person resides  
4655 in a particular House district;

4656 (b) a candidate for representative whose House district boundary is uncertain because the  
4657 identifying feature used to establish the district boundary has been removed, modified, or is unable  
4658 to be identified or who is uncertain about whether or not he or another person resides in a  
4659 particular House district; or

4660 (c) a person who is uncertain about which House district contains the person's residence  
4661 because the identifying feature used to establish the district boundary has been removed, modified,  
4662 or is unable to be identified.

4663 (2) (a) An affected party may file a written request petitioning the [~~lieutenant governor~~]  
4664 State Elections Commission to determine:

- 4665 (i) the precise location of the House district boundary;  
4666 (ii) the number of the House district in which a person resides; or  
4667 (iii) both Subsections (2)(a)(i) and (ii).

4668 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant~~  
4669 ~~governor~~] State Elections Commission shall review the official maps and obtain and review other  
4670 relevant data such as census block and tract descriptions, aerial photographs, aerial maps, or other  
4671 data about the area.

4672 (c) Within five days of receipt of the request, the [~~lieutenant governor~~] State Elections  
4673 Commission shall review the maps, obtain and review any relevant data, and make a  
4674 determination.

4675 (d) When the [~~lieutenant governor~~] State Elections Commission determines the location  
4676 of the House district boundary, the [~~lieutenant governor~~] State Elections Commission shall:

- 4677 (i) prepare a certification identifying the appropriate boundary and attaching a map, if

4678 necessary; and

4679 (ii) send a copy of the certification to the affected party and the county clerk of the affected  
4680 county.

4681 (e) If the [~~lieutenant governor~~] State Elections Commission determines the number of the  
4682 House district in which a particular person resides, the [~~lieutenant governor~~] State Elections  
4683 Commission shall send a letter identifying that district by number to:

4684 (i) the person;

4685 (ii) the affected party who filed the petition, if different than the person whose House  
4686 district number was identified; and

4687 (iii) the county clerk of the affected county.

4688 Section 140. Section **36-11-103** is amended to read:

4689 **36-11-103. Licensing requirements.**

4690 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the  
4691 [~~lieutenant governor~~] State Elections Commission by completing the form required by this section.

4692 (b) The [~~lieutenant governor~~] State Elections Commission shall issue licenses to qualified  
4693 lobbyists.

4694 (c) The [~~lieutenant governor~~] State Elections Commission shall prepare a Lobbyist License  
4695 Application Form that includes:

4696 (i) a place for the lobbyist's name and business address;

4697 (ii) a place for the name and business address of each principal for whom the lobbyist  
4698 works or is hired as an independent contractor;

4699 (iii) a place for the name and address of the person who paid or will pay the lobbyist's  
4700 registration fee, if the fee is not paid by the lobbyist;

4701 (iv) a place for the lobbyist to disclose any elected or appointed position that the lobbyist  
4702 holds in state or local government, if any;

4703 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist will  
4704 be reimbursed; and

4705 (vi) a certification to be signed by the lobbyist that certifies that the information provided  
4706 in the form is true, accurate, and complete to the best of the lobbyist's knowledge and belief.

4707 (2) Each lobbyist who obtains a license under this section shall update the licensure  
4708 information when the lobbyist accepts employment for lobbying by a new client.

4709 (3) (a) Except as provided in Subsection (4), the [~~lieutenant governor~~] State Elections  
4710 Commission shall grant a lobbying license to an applicant who:

4711 (i) files an application with the [~~lieutenant governor~~] State Elections Commission that  
4712 contains the information required by this section; and

4713 (ii) pays a \$25 filing fee.

4714 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals  
4715 and expires on December 31 of each even-numbered year.

4716 (4) (a) The [~~lieutenant governor~~] State Elections Commission may disapprove an  
4717 application for a lobbying license:

4718 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107, 76-8-108,  
4719 or 76-8-303 within five years before the date of the lobbying license application;

4720 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304 within  
4721 one year before the date of the lobbying license application;

4722 (iii) for the term of any suspension imposed under Section 36-11-401; or

4723 (iv) if, within one year before the date of the lobbying license application, the applicant  
4724 has been found to have willingly and knowingly:

4725 (A) violated Section 36-11-103, 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304,  
4726 36-11-305, or 36-11-403; or

4727 (B) filed a document required by this chapter that the lobbyist knew contained materially  
4728 false information or omitted material information.

4729 (b) An applicant may appeal the disapproval in accordance with the procedures established  
4730 by the [~~lieutenant governor~~] State Elections Commission under this chapter and Title 63, Chapter  
4731 46b, Administrative Procedures Act.

4732 (5) The [~~lieutenant governor~~] State Elections Commission shall deposit license fees in the  
4733 General Fund.

4734 (6) A principal need not obtain a license under this section, but if the principal makes  
4735 expenditures to benefit a public official without using a lobbyist as an agent to confer those  
4736 benefits, the principal shall disclose those expenditures as required by Sections 36-11-201.

4737 (7) Government officers need not obtain a license under this section, but shall disclose any  
4738 expenditures made to benefit public officials as required by Sections 36-11-201.

4739 Section 141. Section **36-11-106** is amended to read:

4740 **36-11-106. Reports are public documents.**

4741 Any person may:

4742 (1) without charge, inspect a license application or financial report filed with the

4743 [~~lieutenant governor~~] State Elections Commission in accordance with this chapter; and

4744 (2) make a copy of a report after paying for the actual costs of the copy.

4745 Section 142. Section **36-11-201** is amended to read:

4746 **36-11-201. Lobbyist, principal, and government officer financial reporting**  
4747 **requirements -- Prohibition for related person to make expenditures.**

4748 (1) (a) (i) Each lobbyist, principal, and government officer shall file an annual financial  
4749 report with the [~~lieutenant governor~~] State Elections Commission on January 10 of each year or  
4750 on the next succeeding business day if January 10 falls on a Saturday, Sunday, or legal holiday.

4751 The report shall be considered timely filed if postmarked on its due date.

4752 (ii) The report shall disclose expenditures made to benefit public officials or members of  
4753 their immediate families as provided in this section.

4754 (iii) If the lobbyist made no expenditures since the last expenditure reported on the last  
4755 report filed, the lobbyist shall file a financial report listing the amount of expenditures as "none."

4756 (b) The January 10 report shall contain:

4757 (i) the total amount of expenditures made to benefit public officials during the last calendar  
4758 year;

4759 (ii) (A) the total travel expenditures that the lobbyist, principal, or government officer  
4760 made to benefit public officials and their immediate families during the last calendar year; and

4761 (B) a travel expenditure statement that:

4762 (I) describes the destination of each trip and its purpose;

4763 (II) identifies the total amount of expenditures made to benefit each public official and  
4764 members of the public official's immediate family for each trip;

4765 (III) names all individuals that took each trip;

4766 (IV) provides the name and address of the organization that sponsored each trip; and

4767 (V) identifies specific expenditures for food, lodging, gifts, and sidetrips;

4768 (iii) for aggregate daily expenditures made to benefit public officials or members of their  
4769 immediate families that are not reportable under Subsection (1)(b):

4770 (A) when the amount does not exceed \$50 per person:

- 4771 (I) the date of the expenditure;
- 4772 (II) the purpose of the expenditure; and
- 4773 (III) the total monetary worth of the benefit conferred on the public officials or members  
4774 of their immediate families;
- 4775 (B) when the amount exceeds \$50 per person:
- 4776 (I) the date, location, and purpose of the event, activity, or expenditure;
- 4777 (II) the name of the public official or member of the public official's immediate family who  
4778 attended the event or activity or received the benefit of the expenditure; and
- 4779 (III) the total monetary worth of the benefit conferred on the public official or member of  
4780 the public official's immediate family;
- 4781 (iv) a list of each public official who was employed by the lobbyist, principal, or  
4782 government officer or who performed work as an independent contractor for the lobbyist,  
4783 principal, or government officer during the last year that details the nature of the employment or  
4784 contract;
- 4785 (v) each bill or resolution by number and short title on behalf of which the lobbyist,  
4786 principal, or government officer made an expenditure to a public official for which a report is  
4787 required by this section, if any;
- 4788 (vi) a description of each executive action on behalf of which the lobbyist, principal, or  
4789 government officer made an expenditure to a public official for which a report is required by this  
4790 section, if any; and
- 4791 (vii) the general purposes, interests, and nature of the organization or organizations that  
4792 the lobbyist, principal, or government officer filing the report represents.
- 4793 (2) A related person may not, while assisting a lobbyist, principal, or government officer  
4794 in lobbying, make an expenditure that benefits a public official or member of the public official's  
4795 immediate family under circumstances which would otherwise fall within the disclosure  
4796 requirements of this chapter if the expenditure was made by the lobbyist, principal, or government  
4797 officer.
- 4798 (3) (a) Each lobbyist, principal, and government officer who makes expenditures totaling  
4799 \$50 or more to benefit public officials or members of their immediate families since the date of  
4800 the last financial report filed shall file a financial report with the [~~lieutenant governor~~] State  
4801 Elections Commission on:

- 4802 (i) the date ten days after the last day of each annual general session;  
4803 (ii) the date seven days before a regular general election; and  
4804 (iii) the date seven days after the end of a special session or veto override session.
- 4805 (b) (i) If any date specified in this Subsection (3) falls on a Saturday, Sunday, or legal  
4806 holiday, the report is due on the next business day or on the next succeeding business day, if the  
4807 due date falls on a Saturday, Sunday, or legal holiday.
- 4808 (ii) The report shall be considered timely filed if it is postmarked on its due date.
- 4809 (c) Each report shall contain a listing of all expenditures made since the last expenditure  
4810 reported on the last report filed in the form specified in Subsection (1)(b).
- 4811 (4) Each financial report filed by a lobbyist shall contain a certification that the  
4812 information provided in the report is true, accurate, and complete to the lobbyist's best knowledge  
4813 and belief.
- 4814 (5) The [~~lieutenant governor~~] State Elections Commission shall:
- 4815 (a) develop preprinted suggested forms for all statements required by this section; and  
4816 (b) make copies of the forms available to each person who requests them.
- 4817 Section 143. Section **36-11-401** is amended to read:
- 4818 **36-11-401. Penalties.**
- 4819 (1) Any person who willfully and knowingly violates Section 36-11-103, 36-11-201,  
4820 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403, is subject to the following  
4821 penalties:
- 4822 (a) an administrative penalty of up to \$1,000 for each violation; and  
4823 (b) for each subsequent violation of that same section within 24 months, either:  
4824 (i) an administrative penalty of up to \$5,000; or  
4825 (ii) suspension of the violator's lobbying license for up to one year, if the person is a  
4826 lobbyist.
- 4827 (2) Any person who willfully and knowingly fails to file a financial report required by this  
4828 chapter, omits material information from a license application form or financial report, or files  
4829 false information on a license application form or financial report, is subject to the following  
4830 penalties:
- 4831 (a) an administrative penalty of up to \$1,000 for each violation; or  
4832 (b) suspension of the violator's lobbying license for up to one year, if the person is a

4833 lobbyist.

4834 (3) Any person who willfully and knowingly fails to file a financial report required by this  
4835 chapter on the date that it is due shall, in addition to the penalties, if any, imposed under  
4836 Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the report is late.

4837 (4) (a) When a lobbyist is convicted of violating Section 76-8-103, 76-8-107, 76-8-108,  
4838 or 76-8-303, the [~~lieutenant governor~~] State Elections Commission shall suspend the lobbyist's  
4839 license for up to five years from the date of the conviction.

4840 (b) When a lobbyist is convicted of violating Section 76-8-104 or 76-8-304, the [~~lieutenant~~  
4841 ~~governor~~] State Elections Commission shall suspend a lobbyist's license for up to one year from  
4842 the date of conviction.

4843 (5) (a) Any person who willfully and knowingly violates Section 36-11-301, 36-11-302,  
4844 or 36-11-303 is guilty of a class B misdemeanor.

4845 (b) The [~~lieutenant governor~~] State Elections Commission shall suspend the lobbyist  
4846 license of any person convicted under any of these sections for up to one year.

4847 (c) The suspension shall be in addition to any administrative penalties imposed by the  
4848 [~~lieutenant governor~~] State Elections Commission under this section.

4849 (d) Any person with evidence of a possible violation of this chapter may submit that  
4850 evidence to the [~~lieutenant governor~~] State Elections Commission for investigation and resolution.

4851 (6) Nothing in this chapter creates a third-party cause of action or appeal rights.  
4852 Section 144. Section **36-11-404** is amended to read:

4853 **36-11-404. State Elections Commission procedures.**

4854 (1) The [~~lieutenant governor~~] State Elections Commission shall make rules that provide:

4855 (a) for the appointment of an administrative law judge to adjudicate alleged violations of  
4856 this section and to impose penalties under this section; and

4857 (b) procedures for license applications, disapprovals, suspensions, revocations, and  
4858 reinstatements that comply with the procedures and requirements of Title 63, Chapter 46b,  
4859 Administrative Procedures Act.

4860 (2) The [~~lieutenant governor~~] State Elections Commission shall develop forms needed for  
4861 the registration and disclosure provisions of this chapter.

4862 Section 145. Section **67-1a-2** is amended to read:

4863 **67-1a-2. Duties enumerated.**

4864 The duties of the lieutenant governor are:

4865 (1) to perform such duties as may be delegated by the governor, including but not limited  
4866 to assignments to serve in any or all of the following capacities:

4867 (a) as the head of any one department, if so qualified, with the advice and consent of the  
4868 Senate, and upon such an appointment, the lieutenant governor shall serve at the pleasure of the  
4869 governor and without additional compensation;

4870 (b) as the chairperson of any cabinet group organized by the governor or authorized by law  
4871 for the purpose of advising the governor or coordinating intergovernmental or interdepartmental  
4872 policies or programs;

4873 (c) as liaison between the governor and the state Legislature to coordinate and facilitate  
4874 the governor's programs and budget requests;

4875 (d) as liaison between the governor and other officials of local, state, federal, and  
4876 international governments or any other political entities to coordinate, facilitate, and protect the  
4877 interests of the state [~~of Utah~~];

4878 (e) as personal advisor to the governor, including advice on policies, programs,  
4879 administrative and personnel matters, and fiscal or budgetary matters; or

4880 (f) as chairperson or member of any temporary or permanent boards, councils,  
4881 commissions, committees, task forces, or other group appointed by the governor;

4882 (2) to serve on all boards and commissions in lieu of the governor, whenever so designated  
4883 by the governor;

4884 [~~(3) to serve as the chief election officer of the state. As the chief election officer, the~~  
4885 ~~lieutenant governor shall not assume the responsibilities assigned to the county clerks, city~~  
4886 ~~recorders, town clerks, or other local election officials by the Legislature, nor become involved~~  
4887 ~~with the procurement of ballots. The county clerks, city recorders, town clerks, or other election~~  
4888 ~~officials shall determine the listing of the political parties on their local ballots. The lieutenant~~  
4889 ~~governor shall perform the following duties:]~~

4890 [~~(a) assist county clerks in unifying the election ballot;]~~

4891 [~~(b) prepare election information for the public and make such information available to~~  
4892 ~~the news media;]~~

4893 [~~(c) receive and answer election questions and maintain an election file on opinions~~  
4894 ~~received from the attorney general;]~~

4895 [~~(d) maintain election returns and statistics;~~]

4896 [~~(e) certify to the governor the names of those persons who have received in any election~~  
4897 ~~the highest number of votes for any office, the incumbent of which is commissioned by the~~  
4898 ~~governor;~~]

4899 [~~(f) perform any other election duties formerly assigned to the secretary of state;~~]

4900 [~~(4)~~] (3) to keep custody of the Great Seal of [~~the state of~~] Utah; to keep a register of, and  
4901 attest, the official acts of the governor; and to affix the Great Seal, with an attestation, to all official  
4902 documents and instruments to which the official signature of the governor is required; and

4903 [~~(5)~~] (4) to furnish on request, to any person paying the established fees [~~therefor~~], a  
4904 certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded  
4905 in the Office of the Lieutenant Governor.

4906 Section 146. Section **78-3-21** is amended to read:

4907 **78-3-21. Judicial Council -- Creation -- Members -- Terms and election --**  
4908 **Responsibilities -- Reports.**

4909 (1) The Judicial Council, established by Article VIII, Section 12, Utah Constitution, shall  
4910 be composed of:

4911 (a) the chief justice of the Supreme Court;

4912 (b) one member elected by the justices of the Supreme Court;

4913 (c) one member elected by the judges of the Court of Appeals;

4914 (d) five members elected by the judges of the district courts;

4915 (e) two members elected by the judges of the juvenile courts;

4916 (f) three members elected by the justice court judges; and

4917 (g) a member or ex officio member of the Board of Commissioners of the Utah State Bar  
4918 who is an active member of the Bar in good standing elected by the Board of Commissioners.

4919 (2) (a) The chief justice of the Supreme Court shall act as presiding officer of the council  
4920 and chief administrative officer for the courts. The chief justice shall vote only in the case of a tie.

4921 (b) All members of the council shall serve for three-year terms. If a council member  
4922 should die, resign, retire, or otherwise fail to complete a term of office, the appropriate constituent  
4923 group shall elect a member to complete the term of office. In courts having more than one  
4924 member, the members shall be elected to staggered terms. The person elected to the Judicial  
4925 Council by the Board of Commissioners shall be a member or ex officio member of the Board of

4926 Commissioners and an active member of the Bar in good standing at the time the person is elected.  
4927 The person may complete a three-year term of office on the Judicial Council even though the  
4928 person ceases to be a member or ex officio member of the Board of Commissioners. The person  
4929 shall be an active member of the Bar in good standing for the entire term of the Judicial Council.

4930 (c) Elections shall be held under rules made by the Judicial Council.

4931 (3) The council is responsible for the development of uniform administrative policy for  
4932 the courts throughout the state. The presiding officer of the Judicial Council is responsible for the  
4933 implementation of the policies developed by the council and for the general management of the  
4934 courts, with the aid of the administrator. The council has authority and responsibility to:

4935 (a) establish and assure compliance with policies for the operation of the courts, including  
4936 uniform rules and forms; and

4937 (b) publish and submit to the governor, the chief justice of the Supreme Court, and the  
4938 Legislature an annual report of the operations of the courts, which shall include financial and  
4939 statistical data and may include suggestions and recommendations for legislation.

4940 (4) (a) The Judicial Council shall make rules establishing:

4941 (i) standards for judicial competence; and

4942 (ii) a formal program for the evaluation of judicial performance containing the elements  
4943 of and meeting the requirements of this Subsection (4).

4944 (b) The Judicial Council shall ensure that the formal judicial performance evaluation  
4945 program has improvement in the performance of individual judges, court commissioners, and the  
4946 judiciary as its goal.

4947 (c) The Judicial Council shall ensure that the formal judicial performance evaluation  
4948 program includes at least all of the following elements:

4949 (i) a requirement that judges complete a certain number of hours of approved judicial  
4950 education each year;

4951 (ii) a requirement that each judge certify that he is:

4952 (A) physically and mentally competent to serve; and

4953 (B) in compliance with the Codes of Judicial Conduct and Judicial Administration; and

4954 (iii) a requirement that the judge receive a satisfactory score on questions identified by the  
4955 Judicial Council as relating to judicial certification on a survey of members of the Bar developed  
4956 by the Judicial Council in conjunction with the American Bar Association.

4957 (d) The Judicial Council shall ensure that the formal judicial performance evaluation  
4958 program considers at least the following criteria:

- 4959 (i) integrity;
- 4960 (ii) knowledge;
- 4961 (iii) understanding of the law;
- 4962 (iv) ability to communicate;
- 4963 (v) punctuality;
- 4964 (vi) preparation;
- 4965 (vii) attentiveness;
- 4966 (viii) dignity;
- 4967 (ix) control over proceedings; and
- 4968 (x) skills as a manager.

4969 (e) (i) The Judicial Council shall provide the judicial performance evaluation information  
4970 and the disciplinary data required by Subsection 20A-7-702(2) to the [~~Lieutenant Governor~~] State  
4971 Elections Commission for publication in the voter information pamphlet.

4972 (ii) Not later than August 1 of the year before the expiration of the term of office of a  
4973 municipal court judge, the Judicial Council shall provide the judicial performance evaluation  
4974 information required by Subsection 20A-7-702(2) to the appointing authority of a municipal justice  
4975 court judge.

4976 (5) The council shall establish standards for the operation of the courts of the state  
4977 including, but not limited to, facilities, court security, support services, and staff levels for judicial  
4978 and support personnel.

4979 (6) The council shall by rule establish the time and manner for destroying court records,  
4980 including computer records, and shall establish retention periods for these records.

4981 (7) (a) Consistent with the requirements of judicial office and security policies, the council  
4982 shall establish procedures to govern the assignment of state vehicles to public officers of the  
4983 judicial branch.

4984 (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and may  
4985 be assigned for unlimited use, within the state only.

4986 (8) (a) The council shall advise judicial officers and employees concerning ethical issues  
4987 and shall establish procedures for issuing informal and formal advisory opinions on these issues.

4988 (b) Compliance with an informal opinion is evidence of good faith compliance with the  
4989 Code of Judicial Conduct.

4990 (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.

4991 (9) (a) The council shall establish written procedures authorizing the presiding officer of  
4992 the council to appoint judges of courts of record by special or general assignment to serve  
4993 temporarily in another level of court in a specific court or generally within that level. The  
4994 appointment shall be for a specific period and shall be reported to the council.

4995 (b) These procedures shall be developed in accordance with Subsection 78-3-24(10)  
4996 regarding temporary appointment of judges.

4997 (10) The Judicial Council may by rule designate municipalities in addition to those  
4998 designated by statute as a location of a trial court of record. There shall be at least one court clerk's  
4999 office open during regular court hours in each county. Any trial court of record may hold court in  
5000 any municipality designated as a location of a court of record. Designations by the Judicial  
5001 Council may not be made between July 1, 1997, and July 1, 1998.

5002 (11) The Judicial Council shall by rule determine whether the administration of a court  
5003 shall be the obligation of the administrative office of the courts or whether the administrative  
5004 office of the courts should contract with local government for court support services.

5005 (12) The Judicial Council may by rule direct that a district court location be administered  
5006 from another court location within the county.

5007 (13) The Judicial Council shall establish and supervise the Office of Guardian Ad Litem  
5008 Director, in accordance with the provisions of Sections 78-3a-911 and 78-3a-912, and assure  
5009 compliance of the guardian ad litem program with state and federal law, regulation, and policy, and  
5010 court rules.

5011 (14) The Judicial Council shall establish and maintain, in cooperation with the Office of  
5012 Recovery Services within the Department of Human Services, the part of the state case registry that  
5013 contains records of each support order established or modified in the state on or after October 1,  
5014 1998, as is necessary to comply with the Social Security Act, 42 U.S.C. Sec. 654a.

5015 Section 147. **Repealer.**

5016 This act repeals:

5017 Section **67-1a-9, County officers -- Report forms -- Records.**

**Legislative Review Note**  
as of **1-28-02 11:13 AM**

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

**Office of Legislative Research and General Counsel**