

ELECTION MODIFICATIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Craig A. Frank

LONG TITLE

General Description:

This bill modifies Title 20A, Election Code.

Highlighted Provisions:

This bill:

- ▶ amends the deadline for filing certain declarations of candidacy, nomination petitions, and certificate of nomination from 5 p.m. to the close of normal office hours;
- ▶ defines "date of the election";
- ▶ requires the consent of the Senate for the governor to fill a vacancy in the office of lieutenant governor;
- ▶ amends the voter registration form to clarify that only a Utah Driver License or Utah Identification Card Number may be used on the form;
- ▶ allows a county clerk to transfer voter registration forms that have been superceded to the Division of Archives and Records Service;
- ▶ allows a voter to present valid voter identification to either the county clerk or to an election officer who is administering the election, if the voter presented unsatisfactory voter identification to a poll worker when voting;
- ▶ amends the provisions for being "legally entitled to vote" by amending the time period from "five business days" to the close of normal office hours on Monday for a voter to present valid voter identification to the county clerk after the election if the voter presented unsatisfactory voter identification to a poll worker when voting;
- ▶ amends the period for the board of municipal canvassers to meet after the election

30 to canvass the returns for a municipal primary election from between three and seven days to
31 between seven and 14 days after the election;

32 ▶ clarifies that a local district or school district must contract with, rather than
33 designate, the county clerk, municipal clerk, or both, to serve as the election officer
34 to administer a bond election for those portions of the local political subdivision in
35 which no other election, other than a voted leeway or bond election, is being held;

36 ▶ clarifies the definition of "legislative office candidate," "filing entity," and
37 "reporting entity"; and

38 ▶ makes technical amendments.

39 **Monies Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **17B-1-306**, as last amended by Laws of Utah 2009, Chapters 23, 24, and 388

46 **20A-1-102**, as last amended by Laws of Utah 2009, Chapter 45

47 **20A-1-504**, as last amended by Laws of Utah 1996, Chapter 79

48 **20A-1-508**, as last amended by Laws of Utah 2006, Chapter 39

49 **20A-1-509.1**, as last amended by Laws of Utah 2009, Chapter 119

50 **20A-2-104**, as last amended by Laws of Utah 2009, Chapter 45

51 **20A-3-104**, as last amended by Laws of Utah 2009, Chapter 45

52 **20A-3-104.5**, as last amended by Laws of Utah 2009, Chapter 45

53 **20A-3-305**, as last amended by Laws of Utah 2006, Chapter 264

54 **20A-4-107**, as last amended by Laws of Utah 2009, Chapters 45 and 202

55 **20A-4-301**, as last amended by Laws of Utah 2008, Chapter 329

56 **20A-5-400.5**, as last amended by Laws of Utah 2008, Chapter 80

57 **20A-9-203**, as last amended by Laws of Utah 2009, Chapter 388

58 **20A-9-503**, as last amended by Laws of Utah 2009, Chapters 119 and 202

59 **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361

60

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

62 Section 1. Section **17B-1-306** is amended to read:

63 **17B-1-306. Local district board -- Election procedures.**

64 (1) Except as provided in Subsection (11), each elected board member shall be
65 selected as provided in this section.

66 (2) (a) Each election of a local district board member shall be held:

67 (i) at the same time as the municipal general election; and

68 (ii) at polling places designated by the county clerk in consultation with the local
69 district for each county in which the local district is located, which polling places shall
70 coincide with municipal general election polling places whenever feasible.

71 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
72 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
73 polling place per division of the district, designated by the district board.

74 (ii) Each polling place designated by an irrigation district board under Subsection
75 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
76 (2)(a)(ii).

77 (3) (a) The clerk of each local district with a board member position to be filled at the
78 next municipal general election shall provide notice of:

79 (i) each elective position of the local district to be filled at the next municipal general
80 election;

81 (ii) the constitutional and statutory qualifications for each position; and

82 (iii) the dates and times for filing a declaration of candidacy.

83 (b) The notice required under Subsection (3)(a) shall be:

84 (i) posted in at least five public places within the local district at least 10 days before
85 the first day for filing a declaration of candidacy; or

86 (ii) (A) published in a newspaper of general circulation within the local district at least
87 three but no more than 10 days before the first day for filing a declaration of candidacy; and

88 (B) published, in accordance with Section 45-1-101, for 10 days before the first day
89 for filing a declaration of candidacy.

90 (4) (a) To become a candidate for an elective local district board position, the
91 prospective candidate shall file a declaration of candidacy in person with the local district,
92 during office hours and not later than ~~[5 p.m.]~~ the close of normal office hours between July 1
93 and July 15 of any odd-numbered year.

94 (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended
95 until ~~[5 p.m.]~~ the close of normal office hours on the following regular business day.

96 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
97 officer shall:

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

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

102 (ii) If the prospective candidate does not meet the qualification requirements for the
103 office, the filing officer may not accept the declaration of candidacy.

104 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
105 the filing officer shall accept the declaration of candidacy.

106 (d) The declaration of candidacy shall substantially comply with the following form:

107 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
108 _____, City of _____, County of _____, State of Utah,
109 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
110 for the office of board of trustees member for _____ (state the name of
111 the local district); that I am a candidate for that office to be voted upon at the next election,
112 and I hereby request that my name be printed upon the official ballot for that election.

113 (Signed) _____

114 Subscribed and sworn to (or affirmed) before me by _____ on this _____
115 day of _____, ____.

116 (Signed) _____
117 (Clerk or Notary Public)"

118 (e) Each person wishing to become a valid write-in candidate for an elective local
119 district board position is governed by Section 20A-9-601.

120 (f) If at least one person does not file a declaration of candidacy as required by this
121 section, a person shall be appointed to fill that board position by following the procedures and
122 requirements for appointment established in Section 20A-1-512.

123 (g) If only one candidate files a declaration of candidacy and there is no write-in
124 candidate who complies with Section 20A-9-601, the board need not hold an election for that
125 position and may appoint the candidate to the board.

126 (5) (a) A primary election may be held if:

127 (i) the election is authorized by the local district board; and

128 (ii) the number of candidates for a particular local board position or office exceeds
129 twice the number of persons needed to fill that position or office.

130 (b) The primary election shall be conducted:

131 (i) on the same date as the municipal primary election, as provided for in Section
132 20A-1-201.5; and

133 (ii) according to the procedures for municipal primary elections provided under Title
134 20A, Election Code.

135 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
136 candidate names to the clerk of each county in which the local district is located no later than
137 August 20 of the municipal election year.

138 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the
139 local district is located shall coordinate the placement of the name of each candidate for local
140 district office in the nonpartisan section of the municipal general election ballot with the
141 municipal election clerk.

142 (ii) If consolidation of the local district election ballot with the municipal general
143 election ballot is not feasible, the county clerk shall provide for a separate local district
144 election ballot to be administered by poll workers at polling locations designated under
145 Subsection (2).

146 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
147 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

148 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
149 prescribe the form of the ballot for each board member election.

150 (B) Each ballot for an election of an irrigation district board member shall be in a
151 nonpartisan format.

152 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

153 (i) be a registered voter within the district, except for an election of:

154 (A) an irrigation district board of trustees member; or

155 (B) a basic local district board of trustees member who is elected by property owners;

156 and

157 (ii) meet the requirements to vote established by the district.

158 (b) Each voter may vote for as many candidates as there are offices to be filled.

159 (c) The candidates who receive the highest number of votes are elected.

160 (8) Except as otherwise provided by this section, the election of local district board
161 members is governed by Title 20A, Election Code.

162 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
163 beginning at noon on the January 1 after the person's election.

164 (b) A person elected shall be sworn in as soon as practical after January 1.

165 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
166 the county or municipality holding an election under this section for the costs of the election
167 attributable to that local district.

168 (b) Each irrigation district shall bear its own costs of each election it holds under this
169 section.

170 (11) This section does not apply to an improvement district that provides electric or
171 gas service.

172 (12) The provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an
173 election under this section.

174 Section 2. Section **20A-1-102** is amended to read:

175 **20A-1-102. Definitions.**

176 As used in this title:

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

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

181 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
182 upon which a voter records ~~his~~ the voter's votes ~~and~~.

183 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
184 envelopes.

185 (4) "Ballot sheet":

186 (a) means a ballot that:

187 (i) consists of paper or a card where the voter's votes are marked or recorded; and

188 (ii) can be counted using automatic tabulating equipment; and

189 (b) includes punch card ballots~~;~~ and other ballots that are machine-countable.

190 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

191 (a) contain the names of offices and candidates and statements of ballot propositions
192 to be voted on; and ~~which~~

193 (b) are used in conjunction with ballot sheets that do not display that information.

194 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
195 on the ballot for their approval or rejection including:

196 (a) an opinion question specifically authorized by the Legislature;

197 (b) a constitutional amendment;

- 198 (c) an initiative;
- 199 (d) a referendum;
- 200 (e) a bond proposition;
- 201 (f) a judicial retention question; or
- 202 (g) any other ballot question specifically authorized by the Legislature.

203 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
204 20A-4-306 to canvass election returns.

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

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

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

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

214 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots
215 at the canvass.

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

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

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

222 (16) "Counting poll watcher" means a person selected as provided in Section
223 20A-3-201 to witness the counting of ballots.

224 (17) "Counting room" means a suitable and convenient private place or room,
225 immediately adjoining the place where the election is being held, for use by the poll workers

226 and counting judges to count ballots during election day.

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

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

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

231 (21) "Date of the election" or "election day" or "day of the election":

232 (a) means the day that is specified in the calendar year as the day that the election
233 occurs; and

234 (b) does not include:

235 (i) deadlines established for absentee voting; or

236 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
237 Voting.

238 [~~(21)~~] (22) "Election" means a regular general election, a municipal general election, a
239 statewide special election, a local special election, a regular primary election, a municipal
240 primary election, and a local district election.

241 [~~(22)~~] (23) "Election Assistance Commission" means the commission established by
242 Public Law 107-252, the Help America Vote Act of 2002.

243 [~~(23)~~] (24) "Election cycle" means the period beginning on the first day persons are
244 eligible to file declarations of candidacy and ending when the canvass is completed.

245 [~~(24)~~] (25) "Election judge" means a poll worker that is assigned to:

246 (a) preside over other poll workers at a polling place;

247 (b) act as the presiding election judge; or

248 (c) serve as a canvassing judge, counting judge, or receiving judge.

249 [~~(25)~~] (26) "Election officer" means:

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

251 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
252 as provided in Section 20A-5-400.5;

253 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as

254 provided in Section 20A-5-400.5;

255 (d) the local district clerk or chief executive officer for certain ballots and elections as
256 provided in Section 20A-5-400.5; and

257 (e) the business administrator or superintendent of a school district for certain ballots
258 or elections as provided in Section 20A-5-400.5.

259 [~~(26)~~] (27) "Election official" means any election officer, election judge, or poll
260 worker.

261 [~~(27)~~] (28) "Election results" means, for bond elections, the count of those votes cast
262 for and against the bond proposition plus any or all of the election returns that the board of
263 canvassers may request.

264 [~~(28)~~] (29) "Election returns" includes the pollbook, all affidavits of registration, the
265 military and overseas absentee voter registration and voting certificates, one of the tally sheets,
266 any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
267 spoiled ballots, the ballot disposition form, and the total votes cast form.

268 [~~(29)~~] (30) "Electronic ballot" means a ballot that is recorded using a direct electronic
269 voting device or other voting device that records and stores ballot information by electronic
270 means.

271 [~~(30)~~] (31) (a) "Electronic voting device" means a voting device that uses electronic
272 ballots.

273 (b) "Electronic voting device" includes a direct recording electronic voting device.

274 [~~(31)~~] (32) "Inactive voter" means a registered voter who has:

275 (a) been sent the notice required by Section 20A-2-306; and [~~who has~~]

276 (b) failed to respond to that notice.

277 [~~(32)~~] (33) "Inspecting poll watcher" means a person selected as provided in this title
278 to witness the receipt and safe deposit of voted and counted ballots.

279 [~~(33)~~] (34) "Judicial office" means the office filled by any judicial officer.

280 [~~(34)~~] (35) "Judicial officer" means any justice or judge of a court of record or any
281 county court judge.

282 ~~[(35)]~~ (36) "Local district" means a local government entity under Title 17B, Limited
283 Purpose Local Government Entities - Local Districts, and includes a special service district
284 under Title 17D, Chapter 1, Special Service District Act.

285 ~~[(36)]~~ (37) "Local district officers" means those local district officers that are required
286 by law to be elected.

287 ~~[(37)]~~ (38) "Local election" means a regular municipal election, a local special
288 election, a local district election, and a bond election.

289 ~~[(38)]~~ (39) "Local political subdivision" means a county, a municipality, a local
290 district, or a local school district.

291 ~~[(39)]~~ (40) "Local special election" means a special election called by the governing
292 body of a local political subdivision in which all registered voters of the local political
293 subdivision may vote.

294 ~~[(40)]~~ (41) "Municipal executive" means:

295 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
296 ~~[and]~~ or

297 (b) the mayor in the council-manager form of government defined in Subsection
298 10-3b-103(6).

299 ~~[(41)]~~ (42) "Municipal general election" means the election held in municipalities and
300 local districts on the first Tuesday after the first Monday in November of each odd-numbered
301 year for the purposes established in Section 20A-1-202.

302 ~~[(42)]~~ (43) "Municipal legislative body" means the council of the city or town in any
303 form of municipal government.

304 ~~[(43)]~~ (44) "Municipal officers" means those municipal officers that are required by
305 law to be elected.

306 ~~[(44)]~~ (45) "Municipal primary election" means an election held to nominate
307 candidates for municipal office.

308 ~~[(45)]~~ (46) "Official ballot" means the ballots distributed by the election officer to the
309 poll workers to be given to voters to record their votes.

310 [~~(46)~~] (47) "Official endorsement" means:

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

312 (i) the ballot as an official ballot;

313 (ii) the date of the election; and

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

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

316 (i) the poll worker's initials; and

317 (ii) the ballot number.

318 [~~(47)~~] (48) "Official register" means the official record furnished to election officials
319 by the election officer that contains the information required by Section 20A-5-401.

320 [~~(48)~~] (49) "Paper ballot" means a paper that contains:

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

323 (b) spaces for the voter to record [~~his~~] the voter's vote for each office and for or against
324 each ballot proposition.

325 [~~(49)~~] (50) "Political party" means an organization of registered voters that has
326 qualified to participate in an election by meeting the requirements of [~~Title 20A,~~] Chapter 8,
327 Political Party Formation and Procedures.

328 [~~(50)~~] (51) (a) "Poll worker" means a person assigned by an election official to assist
329 with an election, voting, or counting votes.

330 (b) "Poll worker" includes election judges.

331 (c) "Poll worker" does not include a watcher.

332 [~~(51)~~] (52) "Pollbook" means a record of the names of voters in the order that they
333 appear to cast votes.

334 [~~(52)~~] (53) "Polling place" means the building where voting is conducted.

335 [~~(53)~~] (54) "Position" means a square, circle, rectangle, or other geometric shape on a
336 ballot in which the voter marks [~~his~~] the voter's choice.

337 [~~(54)~~] (55) "Provisional ballot" means a ballot voted provisionally by a person:

338 (a) whose name is not listed on the official register at the polling place;

339 (b) whose legal right to vote is challenged as provided in this title; or

340 (c) whose identity was not sufficiently established by a poll worker.

341 ~~[(55)]~~ (56) "Provisional ballot envelope" means an envelope printed in the form
342 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
343 information to verify a person's legal right to vote.

344 ~~[(56)]~~ (57) "Primary convention" means the political party conventions at which
345 nominees for the regular primary election are selected.

346 ~~[(57)]~~ (58) "Protective counter" means a separate counter, which cannot be reset, that;

347 (a) is built into a voting machine; and

348 (b) records the total number of movements of the operating lever.

349 ~~[(58)]~~ (59) "Qualify" or "qualified" means to take the oath of office and begin
350 performing the duties of the position for which the person was elected.

351 ~~[(59)]~~ (60) "Receiving judge" means the poll worker that checks the voter's name in
352 the official register, provides the voter with a ballot, and removes the ballot stub from the
353 ballot after the voter has voted.

354 ~~[(60)]~~ (61) "Registration form" means a book voter registration form and a by-mail
355 voter registration form.

356 ~~[(61)]~~ (62) "Regular ballot" means a ballot that is not a provisional ballot.

357 ~~[(62)]~~ (63) "Regular general election" means the election held throughout the state on
358 the first Tuesday after the first Monday in November of each even-numbered year for the
359 purposes established in Section 20A-1-201.

360 ~~[(63)]~~ (64) "Regular primary election" means the election on the fourth Tuesday of
361 June of each even-numbered year, ~~[at which]~~ to nominate candidates of political parties and
362 nonpolitical groups ~~[are voted for nomination]~~ to advance to the regular general election.

363 ~~[(64)]~~ (65) "Resident" means a person who resides within a specific voting precinct in
364 Utah.

365 ~~[(65)]~~ (66) "Sample ballot" means a mock ballot similar in form to the official ballot

366 printed and distributed as provided in Section 20A-5-405.

367 ~~[(66)]~~ (67) "Scratch vote" means to mark or punch the straight party ticket and then
368 mark or punch the ballot for one or more candidates who are members of different political
369 parties.

370 ~~[(67)]~~ (68) "Secrecy envelope" means the envelope given to a voter along with the
371 ballot into which the voter places the ballot after ~~[he]~~ the voter has voted it in order to preserve
372 the secrecy of the voter's vote.

373 ~~[(68)]~~ (69) "Special election" means an election held as authorized by Section
374 20A-1-204.

375 ~~[(69)]~~ (70) "Spoiled ballot" means each ballot that:

- 376 (a) is spoiled by the voter;
377 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
378 (c) lacks the official endorsement.

379 ~~[(70)]~~ (71) "Statewide special election" means a special election called by the
380 governor or the Legislature in which all registered voters in Utah may vote.

381 ~~[(71)]~~ (72) "Stub" means the detachable part of each ballot.

382 ~~[(72)]~~ (73) "Substitute ballots" means replacement ballots provided by an election
383 officer to the poll workers when the official ballots are lost or stolen.

384 ~~[(73)]~~ (74) "Ticket" means each list of candidates for each political party or for each
385 group of petitioners.

386 ~~[(74)]~~ (75) "Transfer case" means the sealed box used to transport voted ballots to the
387 counting center.

388 ~~[(75)]~~ (76) "Vacancy" means the absence of a person to serve in any position created
389 by statute, whether that absence occurs because of death, disability, disqualification,
390 resignation, or other cause.

391 ~~[(76)]~~ (77) "Valid voter identification" means:

- 392 (a) a form of identification that bears the name and photograph of the voter which may
393 include:

- 394 (i) a currently valid Utah driver license;
- 395 (ii) a currently valid identification card that is issued by:
- 396 (A) the state; or
- 397 (B) a branch, department, or agency of the United States;
- 398 (iii) a currently valid Utah permit to carry a concealed weapon; or
- 399 (iv) a currently valid United States passport; [~~or~~]
- 400 [~~(v)~~] (b) a valid tribal identification card, whether or not the card includes a
- 401 photograph of the voter; or
- 402 [~~(b)~~] (c) two forms of identification that bear the name of the voter and provide
- 403 evidence that the voter resides in the voting precinct, which may include:
- 404 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 405 election;
- 406 (ii) a bank or other financial account statement, or a legible copy thereof;
- 407 (iii) a certified birth certificate;
- 408 (iv) a valid Social Security card;
- 409 (v) a check issued by the state or the federal government or a legible copy thereof;
- 410 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 411 (vii) a currently valid Utah hunting or fishing license;
- 412 (viii) a currently valid United States military identification card;
- 413 (ix) certified naturalization documentation;
- 414 (x) a currently valid license issued by an authorized agency of the United States;
- 415 (xi) a certified copy of court records showing the voter's adoption or name change;
- 416 (xii) a Bureau of Indian Affairs card;
- 417 (xiii) a tribal treaty card;
- 418 (xiv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 419 (xv) a currently valid identification card issued by:
- 420 (A) a local government within the state;
- 421 (B) an employer for an employee; or

422 (C) a college, university, technical school, or professional school located within the
423 state;

424 (xvi) a current Utah vehicle registration; or

425 (xvii) a form of identification listed in Subsection [~~(76)~~] (77)(a) that does not contain
426 a photograph, but establishes the name of the voter and provides evidence that the voter
427 resides in the voting precinct, if at least one other form of identification listed in [~~Subsection~~
428 ~~(76)(b)~~] Subsections (77)(c)(i) through [(xv)] (xvi) is also presented.

429 [~~(77)~~] (78) "Valid write-in candidate" means a candidate who has qualified as a
430 write-in candidate by following the procedures and requirements of this title.

431 [~~(78)~~] (79) "Voter" means a person who:

432 (a) meets the requirements for voting in an election[;];

433 (b) meets the requirements of election registration[;];

434 (c) is registered to vote[;]; and

435 (d) is listed in the official register book.

436 [~~(79)~~] (80) "Voter registration deadline" means the registration deadline provided in
437 Section 20A-2-102.5.

438 [~~(80)~~] (81) "Voting area" means the area within six feet of the voting booths, voting
439 machines, and ballot box.

440 [~~(81)~~] (82) "Voting booth" means:

441 (a) the space or compartment within a polling place that is provided for the
442 preparation of ballots, including the voting machine enclosure or curtain; or

443 (b) a voting device that is free standing.

444 [~~(82)~~] (83) "Voting device" means:

445 (a) an apparatus in which ballot sheets are used in connection with a punch device for
446 piercing the ballots by the voter;

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

448 (c) an electronic voting device or other device used to make selections and cast a
449 ballot electronically, or any component thereof;

450 (d) an automated voting system under Section 20A-5-302; or

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

453 ~~[(83)]~~ (84) "Voting machine" means a machine designed for the sole purpose of
454 recording and tabulating votes cast by voters at an election.

455 ~~[(84)]~~ (85) "Voting poll watcher" means a person appointed as provided in this title to
456 witness the distribution of ballots and the voting process.

457 ~~[(85)]~~ (86) "Voting precinct" means the smallest voting unit established as provided
458 by law within which qualified voters vote at one polling place.

459 ~~[(86)]~~ (87) "Watcher" means a voting poll watcher, a counting poll watcher, an
460 inspecting poll watcher, and a testing watcher.

461 ~~[(87)]~~ (88) "Western States Presidential Primary" means the election established in
462 Title 20A, Chapter 9, Part 8.

463 ~~[(88)]~~ (89) "Write-in ballot" means a ballot containing any write-in votes.

464 ~~[(89)]~~ (90) "Write-in vote" means a vote cast for a person whose name is not printed
465 on the ballot according to the procedures established in this title.

466 Section 3. Section **20A-1-504** is amended to read:

467 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
468 **state auditor, and lieutenant governor.**

469 (1) (a) When a vacancy occurs for any reason in the office of attorney general, state
470 treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general
471 election.

472 (b) The governor shall fill the vacancy until the next regular general election by
473 appointing a person who meets the qualifications for the office from three persons nominated
474 by the state central committee of the same political party as the prior officeholder.

475 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the
476 consent of the Senate, appoint a person to hold the office until the next regular general election
477 at which the governor stands for election.

478 Section 4. Section **20A-1-508** is amended to read:

479 **20A-1-508. Midterm vacancies in county elected offices.**

480 (1) As used in this section:

481 (a) "County offices" includes the county executive, members of the county legislative
482 body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county
483 recorder, the county surveyor, and the county assessor.

484 (b) "County offices" does not mean the offices of president and vice president of the
485 United States, United States senators and representatives, members of the Utah Legislature,
486 state constitutional officers, county attorneys, district attorneys, and judges.

487 (2) (a) Until a replacement is selected as provided in this section and has qualified, the
488 county legislative body shall appoint an interim replacement to fill the vacant office by
489 following the procedures and requirements of this Subsection (2).

490 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
491 of the vacancy to the county central committee of the same political party of the prior office
492 holder and invite that committee to submit the names of three nominees to fill the vacancy.

493 (ii) That county central committee shall, within 30 days, submit the names of three
494 nominees for the interim replacement to the county legislative body.

495 (iii) The county legislative body shall, within 45 days after the vacancy occurs,
496 appoint one of those nominees to serve out the unexpired term.

497 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
498 vacancy within 45 days, the county clerk shall send to the governor a letter that:

499 (A) informs the governor that the county legislative body has failed to appoint a
500 replacement within the statutory time period; and

501 (B) contains the list of nominees submitted by the party central committee.

502 (ii) The governor shall appoint an interim replacement from that list of nominees to fill
503 the vacancy within 30 days after receipt of the letter.

504 (d) A person appointed as interim replacement under this Subsection (2) shall hold
505 office until their successor is elected and has qualified.

506 (3) (a) The requirements of this Subsection (3) apply to all county offices that become
507 vacant if:

508 (i) the vacant office has an unexpired term of two years or more; and

509 (ii) the vacancy occurs after the election at which the person was elected but before
510 April 10 of the next even-numbered year.

511 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk
512 shall notify the public and each registered political party that the vacancy exists.

513 (ii) All persons intending to become candidates for the vacant office shall:

514 (A) file a declaration of candidacy according to the procedures and requirements of
515 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

516 (B) if nominated as a party candidate or qualified as an independent or write-in
517 candidate under Chapter 8, Political Party Formation and Procedures, run in the regular
518 general election.

519 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
520 vacant if:

521 (i) the vacant office has an unexpired term of two years or more; and

522 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 50
523 days before the regular primary election.

524 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
525 shall notify the public and each registered political party that:

526 (A) the vacancy exists; and

527 (B) identifies the date and time by which a person interested in becoming a candidate
528 must file a declaration of candidacy.

529 (ii) All persons intending to become candidates for the vacant offices shall, within five
530 days after the date that the notice is made, ending at ~~[5 p.m.]~~ the close of normal office hours
531 on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9,
532 Part 2, Candidate Qualifications and Declarations of Candidacy.

533 (iii) The county central committee of each party shall:

534 (A) select a candidate or candidates from among those qualified candidates who have
535 filed declarations of candidacy; and

536 (B) certify the name of the candidate or candidates to the county clerk at least 35 days
537 before the regular primary election.

538 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
539 vacant:

540 (i) if the vacant office has an unexpired term of two years or more; and

541 (ii) when 50 days or less remain before the regular primary election but more than 50
542 days remain before the regular general election.

543 (b) When the conditions established in Subsection (5)(a) are met, the county central
544 committees of each political party registered under this title that wishes to submit a candidate
545 for the office shall summarily certify the name of one candidate to the county clerk for
546 placement on the regular general election ballot.

547 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
548 vacant:

549 (i) if the vacant office has an unexpired term of less than two years; or

550 (ii) if the vacant office has an unexpired term of two years or more but 50 days or less
551 remain before the next regular general election.

552 (b) (i) When the conditions established in Subsection (6)(a) are met, the county
553 legislative body shall give notice of the vacancy to the county central committee of the same
554 political party as the prior office holder and invite that committee to submit the names of three
555 nominees to fill the vacancy.

556 (ii) That county central committee shall, within 30 days, submit the names of three
557 nominees to fill the vacancy to the county legislative body.

558 (iii) The county legislative body shall, within 45 days after the vacancy occurs,
559 appoint one of those nominees to serve out the unexpired term.

560 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy within
561 45 days, the county clerk shall send to the governor a letter that:

562 (A) informs the governor that the county legislative body has failed to appoint a
563 person to fill the vacancy within the statutory time period; and

564 (B) contains the list of nominees submitted by the party central committee.

565 (ii) The governor shall appoint a person to fill the vacancy from that list of nominees
566 to fill the vacancy within 30 days after receipt of the letter.

567 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office
568 until their successor is elected and has qualified.

569 (7) Except as otherwise provided by law, the county legislative body may appoint
570 replacements to fill all vacancies that occur in those offices filled by appointment of the
571 county legislative body.

572 (8) Nothing in this section prevents or prohibits independent candidates from filing a
573 declaration of candidacy for the office within the same time limits.

574 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a
575 county office shall serve for the remainder of the unexpired term of the person who created the
576 vacancy and until a successor is elected and qualified.

577 (b) Nothing in this section may be construed to contradict or alter the provisions of
578 Section 17-16-6.

579 Section 5. Section **20A-1-509.1** is amended to read:

580 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
581 **or more attorneys.**

582 (1) When a vacancy occurs in the office of county or district attorney in a county or
583 district having 15 or more attorneys who are licensed active members in good standing with
584 the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

585 (2) (a) The requirements of this Subsection (2) apply when the office of county
586 attorney or district attorney becomes vacant and:

587 (i) the vacant office has an unexpired term of two years or more; and

588 (ii) the vacancy occurs before the third Friday in March of the even-numbered year.

589 (b) When the conditions established in Subsection (2)(a) are met, the county clerk

590 shall notify the public and each registered political party that the vacancy exists.

591 (c) All persons intending to become candidates for the vacant office shall:

592 (i) file a declaration of candidacy according to the procedures and requirements of
593 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

594 (ii) if nominated as a party candidate or qualified as an independent or write-in
595 candidate under Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures,
596 run in the regular general election; and

597 (iii) if elected, complete the unexpired term of the person who created the vacancy.

598 (d) If the vacancy occurs after the second Friday in March and before the third Friday
599 in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be
600 extended until seven days after the county clerk gives notice under Subsection (2)(b), but no
601 later than the fourth Friday in March.

602 (3) (a) The requirements of this Subsection (3) apply when the office of county
603 attorney or district attorney becomes vacant and:

604 (i) the vacant office has an unexpired term of two years or more; and

605 (ii) the vacancy occurs after the third Friday in March of the even-numbered year but
606 more than 50 days before the regular primary election.

607 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
608 shall:

609 (i) notify the public and each registered political party that the vacancy exists; and

610 (ii) identify the date and time by which a person interested in becoming a candidate
611 must file a declaration of candidacy.

612 (c) All persons intending to become candidates for the vacant office shall:

613 (i) within five days after the date that the notice is made, ending at [~~5 p.m.~~] at the
614 close of normal office hours on the fifth day, file a declaration of candidacy for the vacant
615 office as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Nominating
616 Procedures; and

617 (ii) if elected, complete the unexpired term of the person who created the vacancy.

618 (d) The county central committee of each party shall:
619 (i) select a candidate or candidates from among those qualified candidates who have
620 filed declarations of candidacy; and
621 (ii) certify the name of the candidate or candidates to the county clerk at least 35 days
622 before the regular primary election.

623 (4) (a) The requirements of this Subsection (4) apply when the office of county
624 attorney or district attorney becomes vacant and:
625 (i) the vacant office has an unexpired term of two years or more; and
626 (ii) 50 days or less remain before the regular primary election but more than 50 days
627 remain before the regular general election.

628 (b) When the conditions established in Subsection (4)(a) are met, the county central
629 committees of each registered political party that wish to submit a candidate for the office
630 shall summarily certify the name of one candidate to the county clerk for placement on the
631 regular general election ballot.

632 (c) The candidate elected shall complete the unexpired term of the person who created
633 the vacancy.

634 (5) (a) The requirements of this Subsection (5) apply when the office of county
635 attorney or district attorney becomes vacant and:
636 (i) the vacant office has an unexpired term of less than two years; or
637 (ii) the vacant office has an unexpired term of two years or more but 50 days or less
638 remain before the next regular general election.

639 (b) When the conditions established in Subsection (5)(a) are met, the county
640 legislative body shall give notice of the vacancy to the county central committee of the same
641 political party of the prior officeholder and invite that committee to submit the names of three
642 nominees to fill the vacancy.

643 (c) That county central committee shall, within 30 days of receiving notice from the
644 county legislative body, submit to the county legislative body the names of three nominees to
645 fill the vacancy.

646 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
647 one of those nominees to serve out the unexpired term.

648 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
649 days, the county clerk shall send to the governor a letter that:

650 (i) informs the governor that the county legislative body has failed to appoint a person
651 to fill the vacancy within the statutory time period; and

652 (ii) contains the list of nominees submitted by the party central committee.

653 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
654 within 30 days after receipt of the letter.

655 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the
656 unexpired term of the person who created the vacancy.

657 (6) Nothing in this section prevents or prohibits independent candidates from filing a
658 declaration of candidacy for the office within the required time limits.

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

660 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

663 -----

664 UTAH ELECTION REGISTRATION FORM

665 Are you a citizen of the United States of America? Yes No

666 Will you be 18 years old on or before election day? Yes No

667 If you checked "no" to either of the above two questions, do not complete this form.

668 Name of Voter

669 _____

670 First Middle Last

671 Utah Driver License or Utah Identification Card Number _____

672 [~~State of issuance of Driver License or Identification Card~~]

673 Date of Birth _____

674 Street Address of Principal Place of Residence

675 _____

676 —

677 City County State Zip Code

678 Telephone Number (optional) _____

679 Last four digits of Social Security Number _____

680 Last former address at which I was registered to vote (if

681 known)_____

682 _____

683 —

684 City County State Zip Code

685 Political Party

686 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by

687 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a

688 checkbox)

689 Unaffiliated (no political party preference) Other (Please

690 specify)_____

691 I do swear (or affirm), subject to penalty of law for false statements, that the

692 information contained in this form is true, and that I am a citizen of the United States and a

693 resident of the state of Utah, residing at the above address. I will be at least 18 years old and

694 will have resided in Utah for 30 days immediately before the next election. I am not a

695 convicted felon currently incarcerated for commission of a felony.

696 Signed and sworn

697 _____

698 Voter's Signature

699 _____(month/day/year).

700 CITIZENSHIP AFFIDAVIT

701 Name:

702 Name at birth, if different:

703 Place of birth:

704 Date of birth:

705 Date and place of naturalization (if applicable):

706 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
707 citizen and that to the best of my knowledge and belief the information above is true and
708 correct.

709 _____

710 Signature of Applicant

711 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
712 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
713 up to one year in jail and a fine of up to \$2,500.

714 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
715 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
716 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
717 PHOTOGRAPH; OR
718 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
719 CURRENT ADDRESS.

720 FOR OFFICIAL USE ONLY

721 Type of I.D. _____

722 Voting Precinct _____

723 Voting I.D. Number _____

724 -----

725 (2) ~~[The]~~ (a) Except as provided under Subsection (2)(b), the county clerk shall retain
726 a copy of each voter registration form in a permanent countywide alphabetical file, which may
727 be electronic or some other recognized system.

728 (b) The county clerk may transfer a superceded voter registration form to the Division
729 of Archives and Records Service created under Section 63A-12-101.

- 730 (3) (a) Each county clerk shall retain lists of currently registered voters.
- 731 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 732 (c) If there are any discrepancies between the two lists, the county clerk's list is the
733 official list.
- 734 (d) The lieutenant governor and the county clerks may charge the fees established
735 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of
736 the list of registered voters.
- 737 (4) When political parties not listed on the voter registration form qualify as registered
738 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
739 lieutenant governor shall inform the county clerks about the name of the new political party
740 and direct the county clerks to ensure that the voter registration form is modified to include
741 that political party.
- 742 (5) Upon receipt of a voter registration form from an applicant, the county clerk or the
743 clerk's designee shall:
- 744 (a) review each voter registration form for completeness and accuracy; and
- 745 (b) if the county clerk believes, based upon a review of the form, that a person may be
746 seeking to register to vote who is not legally entitled to register to vote, refer the form to the
747 county attorney for investigation and possible prosecution.
- 748 Section 7. Section **20A-3-104** is amended to read:
- 749 **20A-3-104. Manner of voting.**
- 750 (1) (a) Any registered voter desiring to vote shall give [~~his~~] the voter's name, and, if
751 requested, [~~his~~] the voter's residence, to one of the poll workers.
- 752 (b) The voter shall present valid voter identification to one of the poll workers.
- 753 (c) If the poll worker is not satisfied that the voter has presented valid voter
754 identification, the poll worker shall:
- 755 (i) indicate on the official register that the voter was not properly identified;
- 756 (ii) issue the voter a provisional ballot;
- 757 (iii) notify the voter that the voter will have [~~five days~~] until the close of normal office

758 hours on Monday after the day of the election to present valid voter identification;

759 (A) to the county clerk at the county clerk's office; [~~and~~] or

760 (B) to an election officer who is administering the election; and

761 (iv) follow the procedures and requirements of Section 20A-3-105.5.

762 (d) If the person's right to vote is challenged as provided in Section 20A-3-202, the
763 poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

764 (2) (a) The poll worker in charge of the official register shall check the official register
765 to determine whether or not [~~the voter~~] a person is registered to vote.

766 (b) If the voter's name is not found on the official register, the poll worker shall follow
767 the procedures and requirements of Section 20A-3-105.5.

768 (3) If the poll worker determines that the voter is registered and:

769 (a) if the ballot is a paper ballot or a ballot sheet:

770 (i) the poll worker in charge of the official register shall:

771 (A) write the ballot number opposite the name of the voter in the official register; and

772 (B) direct the voter to sign [~~his~~] the voter's name in the election column in the official
773 register;

774 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;

775 and

776 (iii) the poll worker having charge of the ballots shall:

777 (A) endorse [~~his~~] the poll worker's initials on the stub;

778 (B) check the name of the voter on the pollbook list with the number of the stub;

779 (C) hand the voter a ballot; and

780 (D) allow the voter to enter the voting booth; or

781 (b) if the ballot is an electronic ballot:

782 (i) the poll worker in charge of the official register shall direct the voter to sign the
783 voter's name in the official register;

784 (ii) another poll worker shall list the voter's name in the pollbook; and

785 (iii) the poll worker having charge of the ballots shall:

786 (A) provide the voter access to the electronic ballot; and

787 (B) allow the voter to vote the electronic ballot.

788 (4) Whenever the election officer is required to furnish more than one kind of official
789 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
790 voter the kind of ballot that the voter is qualified to vote.

791 Section 8. Section **20A-3-104.5** is amended to read:

792 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**
793 **Primary.**

794 (1) (a) Any registered voter desiring to vote at the regular primary election or Utah's
795 Western States Presidential Primary shall give [~~his~~] the voter's name, the name of the
796 registered political party whose ballot the voter wishes to vote, and, if requested, [~~his~~] the
797 voter's residence, to one of the poll workers.

798 (b) The voter shall present valid voter identification to one of the poll workers.

799 (c) (i) The poll worker shall follow the procedures and requirements of Section
800 20A-3-105.5 if:

801 (A) the poll worker is not satisfied that the voter presented valid voter identification;

802 or

803 (B) the voter's right to vote is challenged under Section 20A-3-202.

804 (ii) The poll worker shall notify a voter casting a provisional ballot under Section
805 20A-3-105.5 because of failure to present valid voter identification that the voter has [~~five~~
806 ~~days~~] until the close of normal office hours on Monday after the day of the election to:

807 (A) present valid voter identification to the county clerk at the county clerk's office[-];

808 or

809 (B) an election officer who is administering the election.

810 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official
811 register shall check the official register to determine:

812 (A) whether or not the [~~voter~~] person is registered to vote; and

813 (B) whether or not the voter's party affiliation designation in the official register

814 allows the voter to vote the ballot that the voter requested.

815 (ii) If the official register does not affirmatively identify the voter as being affiliated
816 with a registered political party or if the official register identifies the voter as being
817 "unaffiliated," the voter shall be considered to be "unaffiliated."

818 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
819 the official register, the poll worker shall follow the procedures and requirements of Section
820 20A-3-105.5.

821 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall
822 attempt to contact the county clerk's office to request oral verification of the voter's
823 registration.

824 (B) If oral verification is received from the county clerk's office, the poll worker shall:

825 (I) record the verification on the official register;

826 (II) determine the voter's party affiliation and the ballot that the voter is qualified to
827 vote; and

828 (III) perform the other administrative steps required by Subsection (3).

829 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
830 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
831 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot
832 or ballots that the voter's party affiliation does allow the voter to vote.

833 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
834 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
835 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
836 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
837 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote,
838 or remain "unaffiliated."

839 (B) If the voter wishes to vote another registered political party ballot that the
840 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
841 (3).

842 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
843 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the
844 voter may not vote.

845 (iii) For the primary elections held in 2004, 2006, and 2008 only:

846 (A) If the voter is listed in the official register as "unaffiliated," or if the official
847 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a
848 registered political party, the poll worker shall ask the voter if the voter wishes to affiliate with
849 a registered political party, or remain "unaffiliated."

850 (B) If the voter wishes to affiliate with the registered political party whose ballot the
851 voter requested, the poll worker shall direct the voter to complete the change of party
852 affiliation form and proceed as required by Subsection (3).

853 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered
854 political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall
855 proceed as required by Subsection (3).

856 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
857 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the
858 voter may not vote.

859 (3) If the poll worker determines that the voter is registered and eligible, under
860 Subsection (2), to vote the ballot that the voter requested and:

861 (a) if the ballot is a paper ballot or a ballot sheet:

862 (i) the poll worker in charge of the official register shall:

863 (A) write the ballot number and the name of the registered political party whose ballot
864 the voter voted opposite the name of the voter in the official register; and

865 (B) direct the voter to sign [~~his~~] the voter's name in the election column in the official
866 register;

867 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;

868 and

869 (iii) the poll worker having charge of the ballots shall:

- 870 (A) endorse [~~his~~] the voter's initials on the stub;
- 871 (B) check the name of the voter on the pollbook list with the number of the stub;
- 872 (C) hand the voter the ballot for the registered political party that the voter requested
- 873 and for which the voter is authorized to vote; and
- 874 (D) allow the voter to enter the voting booth; or
- 875 (b) if the ballot is an electronic ballot:
- 876 (i) the poll worker in charge of the official register shall direct the voter to sign [~~his~~]
- 877 the voter's name in the official register;
- 878 (ii) another poll worker shall list the voter's name in the pollbook; and
- 879 (iii) the poll worker having charge of the ballots shall:
- 880 (A) provide the voter access to the electronic ballot for the registered political party
- 881 that the voter requested and for which the voter is authorized to vote; and
- 882 (B) allow the voter to vote the electronic ballot.

883 (4) Whenever the election officer is required to furnish more than one kind of official
884 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
885 voter the kind of ballot that the voter is qualified to vote.

886 Section 9. Section **20A-3-305** is amended to read:

887 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**

888 **Affidavit.**

889 (1) Upon timely receipt of an absentee voter application properly filled out and signed,
890 or as soon after receipt of the application as the official absentee ballots for the voting precinct
891 in which the applicant resides have been printed, the election officer shall either:

- 892 (a) give the applicant an official absentee ballot and envelope to vote in the office; or
- 893 (b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
- 894 envelope printed as required in Subsection (2).

895 (2) The election officer shall ensure that:

- 896 (a) the name, official title, and post office address of the election officer is printed on
- 897 the front of the envelope; and

898 (b) a printed affidavit in substantially the following form is printed on the back of the
899 envelope:

900 "County of _____ State of _____

901 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
902 in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election.
903 I am not a convicted felon currently incarcerated for commission of a felony.

904 _____
905 Signature of Absentee Voter"

906 (3) If the election officer determines that the absentee voter is required to show valid
907 voter identification [~~as indicated in the official register~~], the election officer shall:

- 908 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;
- 909 (b) instruct the voter to include a copy of the voter's valid voter identification with the
910 return ballot;
- 911 (c) provide the voter clear instructions on how to vote a provisional ballot; and
- 912 (d) comply with the requirements of Subsection (2).

913 Section 10. Section **20A-4-107** is amended to read:

914 **20A-4-107. Review and disposition of provisional ballot envelopes.**

915 (1) As used in this section, a voter is "legally entitled to vote" if:

- 916 (a) the voter:
 - 917 (i) is registered to vote in the state;
 - 918 (ii) resides within the voting precinct where the voter seeks to vote; and
 - 919 (iii) provided valid voter identification to the poll worker as indicated by a notation in
920 the official register;

921 (b) the voter:

- 922 (i) is registered to vote in the state;
- 923 (ii) (A) provided valid voter identification to the poll worker as indicated by a notation
924 in the official register; or

925 (B) either failed to provide valid voter identification or the documents provided as

926 valid voter identification were inadequate and the poll worker recorded that fact in the official
927 register but the county clerk verifies the voter's identity and residence through some other
928 means; and

929 (iii) did not vote in the voter's precinct of residence, but the ballot that the voter voted
930 is identical to the ballot voted in the voter's precinct of residence; or

931 (c) the voter:

932 (i) is registered to vote in the state;

933 (ii) either failed to provide valid voter identification or the documents provided as
934 valid voter identification were inadequate and the poll worker recorded that fact in the official
935 register; and

936 (iii) (A) the county clerk verifies the voter's identity and residence through some other
937 means as reliable as photo identification; or

938 (B) the voter provides valid voter identification to the county clerk [~~within five~~
939 business days] or an election officer who is administering the election by the close of normal
940 office hours on Monday after the date of the election.

941 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
942 the affirmation on the face of each provisional ballot envelope and determine if the person
943 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
944 voted.

945 (b) If the election officer determines that the person is not a registered voter or is not
946 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
947 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court
948 to produce or count it.

949 (c) If the election officer determines that the person is a registered voter and is legally
950 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
951 the provisional ballot envelope and place the ballot with the absentee ballots to be counted
952 with those ballots at the canvass.

953 (d) The election officer may not count, or allow to be counted a provisional ballot

954 unless the voter's identity and residence is established by a preponderance of the evidence.

955 (3) If the election officer determines that the person is a registered voter, the election
956 officer shall ensure that the voter registration records are updated to reflect the information
957 provided on the provisional ballot envelope.

958 (4) If the election officer determines that the person is not a registered voter and the
959 information on the provisional ballot envelope is complete, the election officer shall:

- 960 (a) consider the provisional ballot envelope a voter registration form; and
- 961 (b) register the voter.

962 Section 11. Section **20A-4-301** is amended to read:

963 **20A-4-301. Board of canvassers.**

964 (1) (a) Each county legislative body is the board of county canvassers for:

- 965 (i) the county; and
- 966 (ii) each local district whose election is conducted by the county.

967 (b) The board of county canvassers shall meet to canvass the returns at the usual place
968 of meeting of the county legislative body, at a date and time determined by the county clerk
969 that is no sooner than seven days after the election and no later than 14 days after the election.

970 (c) If one or more of the county legislative body fails to attend the meeting of the
971 board of county canvassers, the remaining members shall replace the absent member by
972 appointing in the order named:

- 973 (i) the county treasurer;
- 974 (ii) the county assessor; or
- 975 (iii) the county sheriff.

976 (d) Attendance of the number of persons equal to a simple majority of the county
977 legislative body, but not less than three persons, shall constitute a quorum for conducting the
978 canvass.

979 (e) The county clerk is the clerk of the board of county canvassers.

980 (2) (a) The mayor and the municipal legislative body are the board of municipal
981 canvassers for the municipality.

982 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
983 place of meeting of the municipal legislative body:

984 (i) for canvassing of returns from a municipal general election, no sooner than seven
985 days after the election and no later than 14 days after the election; or

986 (ii) for canvassing of returns from a municipal primary election, no sooner than [~~three~~]
987 seven days after the election and no later than [~~seven~~] 14 days after the election.

988 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
989 quorum for conducting the canvass.

990 (3) (a) The legislative body of the entity authorizing a bond election is the board of
991 canvassers for each bond election.

992 (b) The board of canvassers for the bond election shall comply with the canvassing
993 procedures and requirements of Section 11-14-207.

994 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
995 bond election shall constitute a quorum for conducting the canvass.

996 Section 12. Section **20A-5-400.5** is amended to read:

997 **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

998 (1) When a voted leeway or bond election is held on the regular general election date
999 or regular primary election date, the county clerk shall serve as the election officer to conduct
1000 and administer that election.

1001 (2) (a) When a voted leeway or bond election is held on the municipal general election
1002 date or any other election date permitted for special elections under Section 20A-1-204, and
1003 the local political subdivision calling the election is entirely within the boundaries of the
1004 unincorporated county, the county clerk shall serve as the election officer to conduct and
1005 administer that election subject to Subsection (3).

1006 (b) When a voted leeway or bond election is held on the municipal general election
1007 date or any other election date permitted for special elections under Section 20A-1-204, and
1008 the local political subdivision calling the election is entirely within the boundaries of a
1009 municipality, the municipal clerk for that municipality shall, except as provided in Subsection

1010 (3), serve as the election officer to conduct and administer that election.

1011 (c) When a voted leeway or bond election is held on the municipal general election
1012 date or any other election date permitted for special elections under Section 20A-1-204, and
1013 the local political subdivision calling the election extends beyond the boundaries of a single
1014 municipality:

1015 (i) except as provided in Subsection (3), the municipal clerk shall serve as the election
1016 officer to conduct and administer the election for those portions of the local political
1017 subdivision where the municipal general election or other election is being held; and

1018 (ii) except as provided in Subsection (3), the county clerk shall serve as the election
1019 officer to conduct and administer the election for the unincorporated county and for those
1020 portions of any municipality where no municipal general election or other election is being
1021 held.

1022 (3) When a voted leeway or bond election is held on a date when no other election,
1023 other than another voted leeway or bond election, is being held in the entire area comprising
1024 the [municipality] local political subdivision calling the voted leeway or bond election:

1025 (a) the clerk or chief executive officer of a local district or the business administrator
1026 or superintendent of the school district, as applicable, shall serve as the election officer to
1027 conduct and administer the bond election for those portions of the [municipality] local
1028 political subdivision in which no other election, other than another voted leeway or bond
1029 election, is being held, unless the local district or school district has [~~designated~~] contracted
1030 with the county clerk, municipal clerk, or both, to serve as the election officer; and

1031 (b) the county clerk, municipal clerk, or both, as determined by the [municipality]
1032 local political subdivision holding the bond election, shall serve as the election officer to
1033 conduct and administer the bond election for those portions of the [municipality] local
1034 political subdivision in which another election, other than another voted leeway or bond
1035 election is being held.

1036 (4) (a) In conducting elections under this section:

1037 (i) the local political subdivision shall provide and pay for election notices; and

1038 (ii) the election officer shall determine polling locations and compile, prepare, and
1039 count the ballots.

1040 (b) The county clerk, the municipal clerk, or both shall:

1041 (i) establish fees for conducting voted leeway and bond elections for local political
1042 subdivisions; and

1043 (ii) bill each local political subdivision for the cost of conducting the voted leeway or
1044 bond election.

1045 (c) (i) The fees and charges assessed by a county clerk or a municipal clerk under this
1046 section may not exceed the actual costs incurred by the county clerk or the municipal clerk.

1047 (ii) The actual costs shall include:

1048 (A) costs of or rental fees associated with the use of election equipment and supplies;
1049 and

1050 (B) reasonable and necessary administrative costs.

1051 (5) An election officer administering and conducting a voted leeway or bond election
1052 is authorized to appoint or employ agents and professional services to assist in conducting and
1053 administering the voted leeway or bond election.

1054 (6) The election officer in a voted leeway or bond election shall conduct its procedures
1055 under the direction of the local political subdivision calling the voted leeway or bond election.

1056 Section 13. Section **20A-9-203** is amended to read:

1057 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1058 (1) (a) (i) A person may become a candidate for any municipal office if:

1059 (A) the person is a registered voter; and

1060 (B) (I) the person has resided within the municipality in which that person seeks to
1061 hold elective office for the 12 consecutive months immediately before the date of the election;
1062 or

1063 (II) if the territory in which the person resides was annexed into the municipality, the
1064 person has resided within the annexed territory or the municipality the 12 consecutive months
1065 immediately before the date of the election.

1066 (ii) For purposes of determining whether a person meets the residency requirement of
1067 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
1068 the election, the municipality shall be considered to have been incorporated 12 months before
1069 the date of the election.

1070 (b) In addition to the requirements of Subsection (1)(a), each candidate for a
1071 municipal council position shall, if elected from a district, be a resident of the council district
1072 from which elected.

1073 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
1074 incompetent person, any person convicted of a felony, or any person convicted of treason or a
1075 crime against the elective franchise may not hold office in this state until the right to hold
1076 elective office is restored under Section 20A-2-101.5.

1077 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
1078 become a candidate for a municipal office shall:

1079 (i) file a declaration of candidacy, in person with the city recorder or town clerk,
1080 during office hours and not later than ~~[5 p.m.]~~ the close of normal office hours, between July 1
1081 and July 15 of any odd numbered year; and

1082 (ii) pay the filing fee, if one is required by municipal ordinance.

1083 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
1084 persons registered to vote in the municipality on the January 1 of the municipal election year.

1085 (ii) A third, fourth, or fifth class city that used the convention system to nominate
1086 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
1087 process contained in this Subsection (2)(b) in the last municipal election or a town that used
1088 the convention system to nominate candidates in the last municipal election as authorized by
1089 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
1090 municipal election may, by ordinance, require, in lieu of the convention system, that
1091 candidates for municipal office file a nominating petition signed by a percentage of registered
1092 voters at the same time that the candidate files a declaration of candidacy.

1093 (iii) The ordinance shall specify the number of signatures that the candidate must

1094 obtain on the nominating petition in order to become a candidate for municipal office under
1095 this Subsection (2), but that number may not exceed 5% of registered voters.

1096 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1097 (i) filing a nomination petition with the city recorder or town clerk during office hours,
1098 but not later than ~~[5 p.m.]~~ the close of normal office hours, between July 1 and July 15 of any
1099 odd-numbered year; and

1100 (ii) paying the filing fee, if one is required by municipal ordinance.

1101 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
1102 petition, the filing officer shall:

1103 (i) read to the prospective candidate or person filing the petition the constitutional and
1104 statutory qualification requirements for the office that the candidate is seeking; and

1105 (ii) require the candidate or person filing the petition to state whether or not the
1106 candidate meets those requirements.

1107 (b) If the prospective candidate does not meet the qualification requirements for the
1108 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1109 (c) If it appears that the prospective candidate meets the requirements of candidacy,
1110 the filing officer shall:

1111 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1112 written on the declaration of candidacy;

1113 (ii) provide the candidate with a copy of the current campaign financial disclosure
1114 laws for the office the candidate is seeking and inform the candidate that failure to comply will
1115 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1116 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1117 Electronic Voter Information Website Program and inform the candidate of the submission
1118 deadline under Subsection 20A-7-801(4)(a);

1119 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1120 described under Section 20A-9-206 and inform the candidate that:

1121 (A) signing the pledge is voluntary; and

1122 (B) signed pledges shall be filed with the filing officer; and

1123 (v) accept the declaration of candidacy or nomination petition.

1124 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1125 officer shall:

1126 (i) accept the candidate's pledge; and

1127 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1128 candidate's pledge to the chair of the county or state political party of which the candidate is a
1129 member.

1130 (4) The declaration of candidacy shall substantially comply with the following form:

1131 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1132 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1133 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
1134 the legal qualifications required of candidates for this office. I will file all campaign financial
1135 disclosure reports as required by law and I understand that failure to do so will result in my
1136 disqualification as a candidate for this office and removal of my name from the ballot. I
1137 request that my name be printed upon the applicable official ballots. (Signed)

1138 _____

1139 Subscribed and sworn to (or affirmed) before me by ____ on this
1140 _____(month\day\year).

1141 (Signed) _____ (Clerk or other officer qualified to administer oath)"

1142 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
1143 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
1144 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
1145 for municipal office by submitting a petition signed by:

1146 (i) 25 residents of the municipality who are at least 18 years old; or

1147 (ii) 20% of the residents of the municipality who are at least 18 years old.

1148 (b) (i) The petition shall substantially conform to the following form:

1149 "NOMINATION PETITION

1150 The undersigned residents of (name of municipality) being 18 years old or older
1151 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
1152 applicable)."

1153 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1154 persons signing the petition and their addresses and telephone numbers.

1155 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
1156 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
1157 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
1158 signed by the same percentage of registered voters in the municipality as required by the
1159 ordinance passed under authority of Subsection (2)(b).

1160 (b) (i) The petition shall substantially conform to the following form:

1161 "NOMINATION PETITION

1162 The undersigned residents of (name of municipality) being 18 years old or older
1163 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
1164 whichever is applicable)."

1165 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1166 persons signing the petition and their addresses and telephone numbers.

1167 (7) If the declaration of candidacy or nomination petition fails to state whether the
1168 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
1169 the four-year term.

1170 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
1171 voters.

1172 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1173 print the candidate's name on the ballot.

1174 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
1175 clerk shall:

1176 (a) cause the names of the candidates as they will appear on the ballot to be published:

1177 (i) in at least two successive publications of a newspaper with general circulation in

1178 the municipality; and

1179 (ii) as required in Section 45-1-101; and

1180 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1181 the ballot.

1182 (10) A declaration of candidacy or nomination petition filed under this section may
1183 not be amended after the expiration of the period for filing a declaration of candidacy.

1184 (11) (a) A declaration of candidacy or nomination petition filed under this section is
1185 valid unless a written objection is filed with the clerk within five days after the last day for
1186 filing.

1187 (b) If an objection is made, the clerk shall:

1188 (i) mail or personally deliver notice of the objection to the affected candidate
1189 immediately; and

1190 (ii) decide any objection within 48 hours after it is filed.

1191 (c) If the clerk sustains the objection, the candidate may correct the problem by
1192 amending the declaration or petition within three days after the objection is sustained or by
1193 filing a new declaration within three days after the objection is sustained.

1194 (d) (i) The clerk's decision upon objections to form is final.

1195 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1196 prompt application is made to the district court.

1197 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1198 of its discretion, agrees to review the lower court decision.

1199 (12) Any person who filed a declaration of candidacy and was nominated, and any
1200 person who was nominated by a nomination petition, may, any time up to 23 days before the
1201 election, withdraw the nomination by filing a written affidavit with the clerk.

1202 Section 14. Section **20A-9-503** is amended to read:

1203 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1204 (1) After the certificate of nomination has been certified, executed, and acknowledged
1205 by the county clerk, the candidate shall:

1206 (a) between the second Friday in March and [~~5 p.m.~~] the close of normal office hours
1207 on the third Friday in March of the year in which the regular general election will be held, file
1208 the petition in person with:

1209 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
1210 a federal office; or

1211 (ii) the county clerk, if the office the candidate seeks is a county office; and

1212 (iii) pay the filing fee; or

1213 (b) not later than [~~5 p.m.~~] the close of normal office hours on July 15 of any
1214 odd-numbered year, file the petition in person with:

1215 (i) the municipal clerk, if the candidate seeks an office in a city or town;

1216 (ii) the local district clerk, if the candidate seeks an office in a local district; and

1217 (iii) pay the filing fee.

1218 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
1219 read the constitutional and statutory requirements for candidacy to the candidate.

1220 (b) If the candidate states that he does not meet the requirements, the filing officer
1221 may not accept the petition.

1222 (3) (a) Persons filing a certificate of nomination for President of the United States
1223 under this section shall pay a filing fee of \$500.

1224 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
1225 President or Vice President of the United States:

1226 (i) may file the certificate of nomination between the second Friday in March and [~~5~~
1227 ~~p.m.~~] the close of normal office hours on August 15 of the year in which the regular general
1228 election will be held; and

1229 (ii) may use a designated agent to file the certificate of nomination.

1230 Section 15. Section **20A-11-101** is amended to read:

1231 **20A-11-101. Definitions.**

1232 As used in this chapter:

1233 (1) "Address" means the number and street where an individual resides or where a

1234 reporting entity has its principal office.

1235 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1236 amendments, and any other ballot propositions submitted to the voters that are authorized by
1237 the Utah Code Annotated 1953.

1238 (3) "Candidate" means any person who:

1239 (a) files a declaration of candidacy for a public office; or

1240 (b) receives contributions, makes expenditures, or gives consent for any other person
1241 to receive contributions or make expenditures to bring about the person's nomination or
1242 election to a public office.

1243 (4) "Chief election officer" means:

1244 (a) the lieutenant governor for state office candidates, legislative office candidates,
1245 officeholders, political parties, political action committees, corporations, political issues
1246 committees, and state school board candidates; and

1247 (b) the county clerk for local school board candidates.

1248 (5) "Continuing political party" means an organization of voters that participated in
1249 the last regular general election and polled a total vote equal to 2% or more of the total votes
1250 cast for all candidates for the United States House of Representatives.

1251 (6) (a) "Contribution" means any of the following when done for political purposes:

1252 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1253 value given to the filing entity;

1254 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1255 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1256 anything of value to the filing entity;

1257 (iii) any transfer of funds from another reporting entity or a corporation to the filing
1258 entity;

1259 (iv) compensation paid by any person or reporting entity other than the filing entity for
1260 personal services provided without charge to the filing entity;

1261 (v) remuneration from any organization or its directly affiliated organization that has a

1262 registered lobbyist to compensate a legislator for a loss of salary or income while the
1263 Legislature is in session;

1264 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of
1265 the state, including school districts, for the period the Legislature is in session; and

1266 (vii) goods or services provided to or for the benefit of the filing entity at less than fair
1267 market value.

1268 (b) "Contribution" does not include:

1269 (i) services provided without compensation by individuals volunteering a portion or all
1270 of their time on behalf of the filing entity;

1271 (ii) money lent to the filing entity by a financial institution in the ordinary course of
1272 business; or

1273 (iii) goods or services provided for the benefit of a candidate or political party at less
1274 than fair market value that are not authorized by or coordinated with the candidate or political
1275 party.

1276 (7) "Coordinated with" means that goods or services provided for the benefit of a
1277 candidate or political party are provided:

1278 (a) with the candidate's or political party's prior knowledge, if the candidate or
1279 political party does not object;

1280 (b) by agreement with the candidate or political party;

1281 (c) in coordination with the candidate or political party; or

1282 (d) using official logos, slogans, and similar elements belonging to a candidate or
1283 political party.

1284 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1285 organization that is registered as a corporation or is authorized to do business in a state and
1286 makes any expenditure from corporate funds for:

1287 (i) the purpose of expressly advocating for political purposes; or

1288 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
1289 proposition.

- 1290 (b) "Corporation" does not mean:
- 1291 (i) a business organization's political action committee or political issues committee;
- 1292 or
- 1293 (ii) a business entity organized as a partnership or a sole proprietorship.
- 1294 (9) "Detailed listing" means:
- 1295 (a) for each contribution or public service assistance:
- 1296 (i) the name and address of the individual or source making the contribution or public
- 1297 service assistance;
- 1298 (ii) the amount or value of the contribution or public service assistance; and
- 1299 (iii) the date the contribution or public service assistance was made; and
- 1300 (b) for each expenditure:
- 1301 (i) the amount of the expenditure;
- 1302 (ii) the person or entity to whom it was disbursed;
- 1303 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1304 (iv) the date the expenditure was made.
- 1305 (10) "Election" means each:
- 1306 (a) regular general election;
- 1307 (b) regular primary election; and
- 1308 (c) special election at which candidates are eliminated and selected.
- 1309 (11) (a) "Expenditure" means:
- 1310 (i) any disbursement from contributions, receipts, or from the separate bank account
- 1311 required by this chapter;
- 1312 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1313 or anything of value made for political purposes;
- 1314 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1315 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything
- 1316 of value for political purposes;
- 1317 (iv) compensation paid by a corporation or filing entity for personal services rendered

1318 by a person without charge to a reporting entity;

1319 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1320 committee; or

1321 (vi) goods or services provided by the filing entity to or for the benefit of another
1322 reporting entity for political purposes at less than fair market value.

1323 (b) "Expenditure" does not include:

1324 (i) services provided without compensation by individuals volunteering a portion or all
1325 of their time on behalf of a reporting entity;

1326 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1327 business; or

1328 (iii) anything listed in Subsection (11)(a) that is given by a corporation or reporting
1329 entity to candidates for office or officeholders in states other than Utah.

1330 (12) "Filing entity" means the reporting entity that is filing a financial statement
1331 required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1332 (13) "Financial statement" includes any summary report, interim report, verified
1333 financial statement, or other statement disclosing contributions, expenditures, receipts,
1334 donations, or disbursements that is required by this chapter.

1335 (14) "Governing board" means the individual or group of individuals that determine
1336 the candidates and committees that will receive expenditures from a political action
1337 committee.

1338 (15) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
1339 Incorporation, by which a geographical area becomes legally recognized as a city or town.

1340 (16) "Incorporation election" means the election authorized by Section 10-2-111.

1341 (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

1342 (18) "Individual" means a natural person.

1343 (19) "Interim report" means a report identifying the contributions received and
1344 expenditures made since the last report.

1345 (20) "Legislative office" means the office of state senator, state representative, speaker

1346 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
1347 whip of any party caucus in either house of the Legislature.

1348 (21) "Legislative office candidate" means a person who:

1349 (a) files a declaration of candidacy for the office of state senator or state
1350 representative;

1351 (b) declares himself to be a candidate for, or actively campaigns for, the position of
1352 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
1353 assistant whip of any party caucus in either house of the Legislature; [~~and~~] or

1354 (c) receives contributions, makes expenditures, or gives consent for any other person
1355 to receive contributions or make expenditures to bring about the person's nomination or
1356 election to a legislative office.

1357 (22) "Newly registered political party" means an organization of voters that has
1358 complied with the petition and organizing procedures of this chapter to become a registered
1359 political party.

1360 (23) "Officeholder" means a person who holds a public office.

1361 (24) "Party committee" means any committee organized by or authorized by the
1362 governing board of a registered political party.

1363 (25) "Person" means both natural and legal persons, including individuals, business
1364 organizations, personal campaign committees, party committees, political action committees,
1365 political issues committees, labor unions, and labor organizations.

1366 (26) "Personal campaign committee" means the committee appointed by a candidate
1367 to act for the candidate as provided in this chapter.

1368 (27) (a) "Political action committee" means an entity, or any group of individuals or
1369 entities within or outside this state, a major purpose of which is to:

1370 (i) solicit or receive contributions from any other person, group, or entity for political
1371 purposes; or

1372 (ii) make expenditures to expressly advocate for any person to refrain from voting or
1373 to vote for or against any candidate for a municipal or county office.

1374 (b) "Political action committee" includes groups affiliated with a registered political
1375 party but not authorized or organized by the governing board of the registered political party
1376 that receive contributions or makes expenditures for political purposes.

1377 (c) "Political action committee" does not mean:

1378 (i) a party committee;

1379 (ii) any entity that provides goods or services to a candidate or committee in the
1380 regular course of its business at the same price that would be provided to the general public;

1381 (iii) an individual;

1382 (iv) individuals who are related and who make contributions from a joint checking
1383 account;

1384 (v) a corporation, except a corporation a major purpose of which is to act as a political
1385 action committee; or

1386 (vi) a personal campaign committee.

1387 (28) "Political convention" means a county or state political convention held by a
1388 registered political party to select candidates.

1389 (29) (a) "Political issues committee" means an entity, or any group of individuals or
1390 entities within or outside this state, a major purpose of which is to:

1391 (i) solicit or receive donations from any other person, group, or entity to assist in
1392 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot,
1393 or to advocate that a voter refrain from voting or vote for or vote against any ballot
1394 proposition;

1395 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1396 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1397 proposed ballot proposition or an incorporation in an incorporation election; or

1398 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1399 ballot or to assist in keeping a ballot proposition off the ballot.

1400 (b) "Political issues committee" does not mean:

1401 (i) a registered political party or a party committee;

1402 (ii) any entity that provides goods or services to an individual or committee in the
1403 regular course of its business at the same price that would be provided to the general public;

1404 (iii) an individual;

1405 (iv) individuals who are related and who make contributions from a joint checking
1406 account; or

1407 (v) a corporation, except a corporation a major purpose of which is to act as a political
1408 issues committee.

1409 (30) (a) "Political issues contribution" means any of the following:

1410 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money
1411 or anything of value given to a political issues committee;

1412 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1413 issues donation to influence the approval or defeat of any ballot proposition;

1414 (iii) any transfer of funds received by a political issues committee from a reporting
1415 entity;

1416 (iv) compensation paid by another reporting entity for personal services rendered
1417 without charge to a political issues committee; and

1418 (v) goods or services provided to or for the benefit of a political issues committee at
1419 less than fair market value.

1420 (b) "Political issues contribution" does not include:

1421 (i) services provided without compensation by individuals volunteering a portion or all
1422 of their time on behalf of a political issues committee; or

1423 (ii) money lent to a political issues committee by a financial institution in the ordinary
1424 course of business.

1425 (31) (a) "Political issues expenditure" means any of the following:

1426 (i) any payment from political issues contributions made for the purpose of
1427 influencing the approval or the defeat of:

1428 (A) a ballot proposition; or

1429 (B) an incorporation petition or incorporation election;

1430 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made
1431 for the express purpose of influencing the approval or the defeat of:

1432 (A) a ballot proposition; or

1433 (B) an incorporation petition or incorporation election;

1434 (iii) an express, legally enforceable contract, promise, or agreement to make any
1435 political issues expenditure;

1436 (iv) compensation paid by a reporting entity for personal services rendered by a person
1437 without charge to a political issues committee; or

1438 (v) goods or services provided to or for the benefit of another reporting entity at less
1439 than fair market value.

1440 (b) "Political issues expenditure" does not include:

1441 (i) services provided without compensation by individuals volunteering a portion or all
1442 of their time on behalf of a political issues committee; or

1443 (ii) money lent to a political issues committee by a financial institution in the ordinary
1444 course of business.

1445 (32) "Political purposes" means an act done with the intent or in a way to influence or
1446 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1447 against any candidate for public office or municipal or county office at any caucus, political
1448 convention, primary, or election.

1449 (33) "Primary election" means any regular primary election held under the election
1450 laws.

1451 (34) "Public office" means the office of governor, lieutenant governor, state auditor,
1452 state treasurer, attorney general, state or local school board member, state senator, state
1453 representative, speaker of the House of Representatives, president of the Senate, and the
1454 leader, whip, and assistant whip of any party caucus in either house of the Legislature.

1455 (35) (a) "Public service assistance" means the following when given or provided to an
1456 officeholder to defray the costs of functioning in a public office or aid the officeholder to
1457 communicate with the officeholder's constituents:

1458 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
1459 of money or anything of value to an officeholder; or

1460 (ii) goods or services provided at less than fair market value to or for the benefit of the
1461 officeholder.

1462 (b) "Public service assistance" does not include:

1463 (i) anything provided by the state;

1464 (ii) services provided without compensation by individuals volunteering a portion or
1465 all of their time on behalf of an officeholder;

1466 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1467 business;

1468 (iv) news coverage or any publication by the news media; or

1469 (v) any article, story, or other coverage as part of any regular publication of any
1470 organization unless substantially all the publication is devoted to information about the
1471 officeholder.

1472 (36) "Publicly identified class of individuals" means a group of 50 or more individuals
1473 sharing a common occupation, interest, or association that contribute to a political action
1474 committee or political issues committee and whose names can be obtained by contacting the
1475 political action committee or political issues committee upon whose financial report they are
1476 listed.

1477 (37) "Receipts" means contributions and public service assistance.

1478 (38) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
1479 Lobbyist Disclosure and Regulation Act.

1480 (39) "Registered political action committee" means any political action committee that
1481 is required by this chapter to file a statement of organization with the lieutenant governor's
1482 office.

1483 (40) "Registered political issues committee" means any political issues committee that
1484 is required by this chapter to file a statement of organization with the lieutenant governor's
1485 office.

- 1486 (41) "Registered political party" means an organization of voters that:
1487 (a) participated in the last regular general election and polled a total vote equal to 2%
1488 or more of the total votes cast for all candidates for the United States House of Representatives
1489 for any of its candidates for any office; or
1490 (b) has complied with the petition and organizing procedures of this chapter.
- 1491 (42) "Reporting entity" means a candidate, a candidate's personal campaign
1492 committee, an officeholder, a party committee, a political action committee, [~~and~~] a political
1493 issues committee, or a corporation.
- 1494 (43) "School board office" means the office of state school board or local school
1495 board.
- 1496 (44) (a) "Source" means the person or entity that is the legal owner of the tangible or
1497 intangible asset that comprises the contribution.
1498 (b) "Source" means, for political action committees and corporations, the political
1499 action committee and the corporation as entities, not the contributors to the political action
1500 committee or the owners or shareholders of the corporation.
- 1501 (45) "State office" means the offices of governor, lieutenant governor, attorney
1502 general, state auditor, and state treasurer.
- 1503 (46) "State office candidate" means a person who:
1504 (a) files a declaration of candidacy for a state office; or
1505 (b) receives contributions, makes expenditures, or gives consent for any other person
1506 to receive contributions or make expenditures to bring about the person's nomination or
1507 election to a state office.
- 1508 (47) "Summary report" means the year end report containing the summary of a
1509 reporting entity's contributions and expenditures.
- 1510 (48) "Supervisory board" means the individual or group of individuals that allocate
1511 expenditures from a political issues committee.