

1                                   **CITIZEN POLITICAL PROCESS AMENDMENTS**

2                                                           2019 GENERAL SESSION

3                                                           STATE OF UTAH

4                                   **Chief Sponsor: Norman K. Thurston**

5                                   Senate Sponsor: Curtis S. Bramble

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends initiative and referendum provisions and nomination petition  
10 provisions.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ modifies signature sheets for initiative and referendum petitions;
- 14           ▶ modifies the required contents of, and the deadline for submitting, a statement  
15 requesting removal of a signature on an initiative or referendum petition;
- 16           ▶ requires initiative and referendum signature packets to be submitted, and the  
17 signatures certified, on an ongoing basis during the signature-gathering process;
- 18           ▶ requires a county clerk to post the names of initiative and referendum petition  
19 signers on the county's website;
- 20           ▶ modifies appeal provisions for an initiative or referendum petition that is declared  
21 insufficient;
- 22           ▶ makes it a crime to knowingly place or verify a false signature date on an initiative  
23 or referendum signature packet;
- 24           ▶ makes it a crime for a person to pay or accept payment in exchange for a person  
25 signing a referendum petition or removing a person's signature from a referendum  
26 petition;
- 27           ▶ modifies the deadline for a filing officer to verify candidate nomination signatures;



28 and

29       ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       None

34 **Utah Code Sections Affected:**

35 AMENDS:

36       **20A-1-609**, as last amended by Laws of Utah 2018, Chapter 19

37       **20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291

38       **20A-7-203**, as last amended by Laws of Utah 2017, Chapter 291

39       **20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17

40       **20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231

41       **20A-7-207**, as last amended by Laws of Utah 2011, Chapter 17

42       **20A-7-213**, as last amended by Laws of Utah 2013, Chapter 253

43       **20A-7-303**, as last amended by Laws of Utah 2014, Chapter 329

44       **20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17

45       **20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17

46       **20A-7-307**, as last amended by Laws of Utah 2011, Chapter 17

47       **20A-7-312**, as last amended by Laws of Utah 2013, Chapter 253

48       **20A-9-403**, as last amended by Laws of Utah 2018, Chapter 80

49       **20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11

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

52       Section 1. Section **20A-1-609** is amended to read:

53       **20A-1-609. Omnibus penalties.**

54       (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of  
55 this title is guilty of a class B misdemeanor.

56       (b) Subsection (1)(a) does not apply to a provision of this title for which another  
57 penalty is expressly stated.

58       (c) An individual is not guilty of a crime for, by signing a petition for an initiative or

59 referendum, falsely making the statement described in Subsection 20A-7-203(2)(e)(ii),  
60 20A-7-303(2)(h)(ii), 20A-7-503(2)(e), or 20A-7-603(2)(h).

61 (2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual  
62 convicted of any offense under this title may not:

63 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate  
64 for any office during the election cycle in which the violation occurred;

65 (b) take or hold the office to which the individual was elected; and

66 (c) receive the emoluments of the office to which the individual was elected.

67 (3) (a) Any individual convicted of any offense under this title forfeits the right to vote  
68 at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or  
69 20A-2-101.5.

70 (b) Any person may challenge the right to vote of a person described in Subsection

71 (3)(a) by following the procedures and requirements of Section 20A-3-202.

72 Section 2. Section 20A-7-101 is amended to read:

73 **20A-7-101. Definitions.**

74 As used in this chapter:

75 (1) "Budget officer" means:

76 (a) for a county, the person designated as budget officer in Section 17-19a-203;

77 (b) for a city, the person designated as budget officer in Subsection 10-6-106(5);

78 (c) for a town, the town council; or

79 (d) for a metro township, the person described in Subsection (1)(a) for the county in  
80 which the metro township is located.

81 (2) "Certified" means that the county clerk has acknowledged a signature as being the  
82 signature of a registered voter.

83 (3) "Circulation" means the process of submitting an initiative or referendum petition  
84 to legal voters for their signature.

85 (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,  
86 city, or town that is holding an election on a ballot proposition.

87 (5) "Final fiscal impact statement" means a financial statement prepared after voters  
88 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or  
89 20A-7-502.5(2).

- 90 (6) "Initial fiscal impact estimate" means:
- 91 (a) a financial statement prepared under Section 20A-7-202.5 after the filing of an
- 92 application for an initiative petition; or
- 93 (b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5
- 94 for an initiative or referendum petition.
- 95 (7) "Initiative" means a new law proposed for adoption by the public as provided in
- 96 this chapter.
- 97 (8) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
- 98 law, and the signature sheets, all of which have been bound together as a unit.
- 99 (9) "Legal signatures" means the number of signatures of legal voters that:
- 100 (a) meet the numerical requirements of this chapter; and
- 101 (b) have been certified and verified as provided in this chapter.
- 102 (10) "Legal voter" means a person who:
- 103 (a) is registered to vote; or
- 104 (b) becomes registered to vote before the county clerk certifies the signatures on an
- 105 initiative or referendum petition.
- 106 (11) "Local attorney" means the county attorney, city attorney, or town attorney in
- 107 whose jurisdiction a local initiative or referendum petition is circulated.
- 108 (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose
- 109 jurisdiction a local initiative or referendum petition is circulated.
- 110 (13) (a) "Local law" includes:
- 111 (i) an ordinance;
- 112 (ii) a resolution;
- 113 (iii) a master plan;
- 114 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or
- 115 (v) other legislative action of a local legislative body.
- 116 (b) "Local law" does not include an individual property zoning decision.
- 117 (14) "Local legislative body" means the legislative body of a county, city, town, or
- 118 metro township.
- 119 (15) "Local obligation law" means a local law passed by the local legislative body
- 120 regarding a bond that was approved by a majority of qualified voters in an election.

121 (16) "Local tax law" means a law, passed by a political subdivision with an annual or  
 122 biannual calendar fiscal year, that increases a tax or imposes a new tax.

123 (17) "Measure" means a proposed constitutional amendment, an initiative, or  
 124 referendum.

125 (18) "Referendum" means a process by which a law passed by the Legislature or by a  
 126 local legislative body is submitted or referred to the voters for their approval or rejection.

127 (19) "Referendum packet" means a copy of the referendum petition, a copy of the law  
 128 being submitted or referred to the voters for their approval or rejection, and the signature  
 129 sheets, all of which have been bound together as a unit.

130 (20) (a) "Signature" means a holographic signature.

131 (b) "Signature" does not mean an electronic signature.

132 (21) "Signature sheets" means sheets in the form required by this chapter that are used  
 133 to collect signatures in support of an initiative or referendum.

134 (22) "Sponsors" means the legal voters who support the initiative or referendum and  
 135 who sign the application for petition copies.

136 [~~(23) "Sufficient" means that the signatures submitted in support of an initiative or  
 137 referendum petition have been certified and verified as required by this chapter.~~]

138 [~~(24)~~ (23) "Tax percentage difference" means the difference between the tax rate  
 139 proposed by an initiative or an initiative petition and the current tax rate.

140 [~~(25)~~ (24) "Tax percentage increase" means a number calculated by dividing the tax  
 141 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

142 [~~(26)~~ (25) "Verified" means acknowledged by the person circulating the petition as  
 143 required in Sections [20A-7-205](#) and [20A-7-305](#).

144 Section 3. Section **20A-7-203** is amended to read:

145 **20A-7-203. Form of initiative petition and signature sheets.**

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

148 "INITIATIVE PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

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

152 Each signer says:  
 153 I have personally signed this petition;  
 154 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
 155 certification of the petition names by the county clerk; and  
 156 My residence and post office address are written correctly after my name.

157 NOTICE TO SIGNERS:

158 Public hearings to discuss this petition were held at: (list dates and locations of public  
 159 hearings.)"

160 (b) If the initiative petition proposes a tax increase, the following statement shall  
 161 appear, in at least 14-point, bold type, immediately following the information described in  
 162 Subsection (1)(a):

163 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
 164 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
 165 percent increase in the current tax rate."

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

168 (2) Each signature sheet shall:

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

170 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
 171 that line blank for the purpose of binding;

172 (c) contain the title of the initiative printed below the horizontal line, in at least  
 173 14-point, bold type;

174 (d) be vertically divided into columns as follows:

175 (i) the edge of the first column shall appear [at] .5 inch from the extreme left of the  
 176 sheet, be [~~five-eighths~~] .25 inch wide, and be headed, together with the second column, "For  
 177 Office Use Only[;]" [and be subdivided with a light vertical line down the middle with the left  
 178 subdivision entitled "Registered" and the right subdivision left untitled];

179 (ii) the second column shall be .25 inch wide;

180 [(~~ii~~)] (iii) the [~~next~~] third column shall be [~~2-1/2~~] 2.5 inches wide, headed "Registered  
 181 Voter's Printed Name (must be legible to be counted)";

182 [(~~iii~~)] (iv) the [~~next~~] fourth column shall be [~~2-1/2~~] 2.5 inches wide, headed "Signature

183 of Registered Voter";

184 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

185 ~~[(iv)]~~ (vi) the [next] sixth column shall be [one inch] three inches wide, headed ["Birth  
186 ~~Date or Age (Optional)"] "Street Address, City, Zip Code"; and~~

187 ~~[(v)]~~ (vii) the [final] seventh column shall be [4-3/8 inches] .75 inch wide, headed  
188 ["Street Address, City, Zip Code"] "Birth Date or Age (Optional)";

189 ~~[(e) spanning the sheet horizontally beneath each row on which a registered voter may~~  
190 ~~submit the information described in Subsection (2)(d);]~~

191 (e) be horizontally divided into rows as follows:

192 (i) the top of the first row, for the purpose of entering the information described in  
193 Subsection (2)(d), shall be .5 inch high;

194 (ii) the second row shall be .15 inch high and contain the following statement printed  
195 or typed in not less than eight-point type:

196 "By signing this petition, you are stating that you have read and understand the law  
197 proposed by this petition."; and

198 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the  
199 bottom of the sheet for the information described in Subsection (2)(f); and

200 (f) at the bottom of the sheet, contain in the following order:

201 (i) the title of the initiative, in at least 14-point, bold type;

202 (ii) the initial fiscal impact estimate's summary statement issued by the Governor's  
203 Office of Management and Budget in accordance with Subsection 20A-7-202.5(2)(b),  
204 including any update in accordance with Subsection 20A-7-204.1(4), and the cost estimate for  
205 printing and distributing information related to the initiative petition in accordance with  
206 Subsection 20A-7-202.5(3), in not less than 12-point, bold type;

207 (iii) the word "Warning," followed by the following statement in not less than  
208 eight-point type:

209 "It is a class A misdemeanor for an individual to sign an initiative petition with a name  
210 other than the individual's own name, or to knowingly sign the individual's name more than  
211 once for the same measure, or to sign an initiative petition when the individual knows that the  
212 individual is not a registered voter and knows that the individual does not intend to become  
213 registered to vote before the certification of the petition names by the county clerk.";

214 (iv) the following statement: "Birth date or age information is not required, but it may  
215 be used to verify your identity with voter registration records. If you choose not to provide it,  
216 your signature may not be verified as a valid signature if you change your address before  
217 petition signatures are verified or if the information you provide does not match your voter  
218 registration records."; and

219 (v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet,  
220 horizontally, in not less than 14-point, bold type, the following statement:

221 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
222 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
223 percent increase in the current tax rate."

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

226 "Verification

227 State of Utah, County of \_\_\_\_

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

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

230 All the names that appear in this packet were signed by individuals who professed to be  
231 the individuals whose names appear in it, and each of the individuals signed the individual's  
232 name on it in my presence;

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

237 Each individual who signed the packet wrote the correct date of signature next to the  
238 individual's name.

239 I have not paid or given anything of value to any [person] individual who signed this  
240 petition to encourage that [person] individual to sign it.

241 \_\_\_\_\_  
242 (Name) (Residence Address) (Date)"

243 (4) ~~[The forms prescribed in this section are not mandatory, and, if]~~ If the forms  
244 described in this section are substantially followed, the initiative petitions are sufficient,



245 notwithstanding clerical and merely technical errors.

246 Section 4. Section **20A-7-205** is amended to read:

247 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

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

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

251 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);  
252 and

253 (ii) verifies each signature sheet by completing the verification printed on the last page  
254 of each initiative packet.

255 (b) A person may not sign the verification printed on the last page of the initiative  
256 packet if the person signed a signature sheet in the initiative packet.

257 (3) (a) A voter who has signed an initiative petition may have the voter's signature  
258 removed from the petition by submitting to the county clerk a statement requesting that the  
259 voter's signature be removed[-] no later than the earlier of:

260 (i) 14 days after the day on which the voter signs the statement; or

261 (ii) 45 days after the day on which the county clerk posts the voter's name under  
262 Subsection [20A-7-206\(3\)\(c\)](#).

263 (b) (i) The statement shall include:

264 ~~[(i)]~~ (A) the name of the voter;

265 ~~[(ii)]~~ (B) the resident address at which the voter is registered to vote;

266 ~~[(iii) the last four digits of the voter's Social Security number;]~~

267 ~~[(iv) the driver license or identification card number; and]~~

268 ~~[(v)]~~ (C) the signature of the voter[-]; and

269 (D) the date of the signature described in Subsection (3)(b)(i)(C).

270 (ii) To increase the likelihood of the voter's signature being identified and removed, the  
271 statement may include:

272 (A) the last four digits of the voter's social security number; and

273 (B) the voter's driver license or identification card number.

274 (c) A voter may not submit a statement by email or other electronic means.

275 (d) In order for the signature to be removed, the county clerk must receive the

276 statement [~~must be received by the county clerk before May 15~~] no later than 45 days after the  
 277 day on which the county clerk posts the voter's name under Subsection 20A-7-206(3)(c).

278 [~~(e) The county clerk shall deliver all statements received under this Subsection (3):~~]  
 279 [~~(i) with the initiative petition packets delivered to the lieutenant governor; or~~]  
 280 [~~(ii) in a supplemental delivery to the lieutenant governor for a statement submitted~~  
 281 ~~after the county clerk delivered the initiative packets.~~]

282 (e) The county clerk shall, within five days after the day on which the county clerk  
 283 receives a statement described in this Subsection (3), deliver the statement to the lieutenant  
 284 governor.

285 (f) A person may only remove a signature from an initiative petition in accordance with  
 286 this Subsection (3).

287 Section 5. Section **20A-7-206** is amended to read:

288 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
 289 **county clerks -- Transfer to lieutenant governor.**

290 (1) (a) In order to qualify an initiative petition for placement on the regular general  
 291 election ballot, the sponsors shall deliver [~~each~~] a signed and verified initiative packet to the  
 292 county clerk of the county in which the packet was circulated on or before the [~~sooner~~] earlier  
 293 of:

294 (i) 14 days after the day on which the first individual signs the initiative packet;  
 295 [~~(i)~~] (ii) 316 days after the day on which the application for the initiative petition is  
 296 filed; or

297 [~~(ii)~~] (iii) the April 15 immediately before the next regular general election  
 298 immediately after the application is filed under Section 20A-7-202.

299 (b) A sponsor may not submit an initiative packet after the deadline [~~established~~]  
 300 described in [this] Subsection (1)(a).

301 (2) (a) No later than [~~May 1 before the regular general election~~] 14 days after the day  
 302 on which the county clerk receives a verified initiative packet, the county clerk shall:

303 (i) check the [~~names of all persons completing~~] name of each individual who completes  
 304 the verification for the initiative packet to determine whether [those persons are residents] the  
 305 individual is a resident of Utah and [~~are~~] is at least 18 years old; and

306 (ii) submit the name of each [~~of those persons~~] individual who is not a Utah resident or

307 who is not at least 18 years old to the attorney general and county attorney.

308 (b) The county clerk may not certify a signature under Subsection (3) on an initiative  
309 packet that is not verified in accordance with Section 20A-7-205.

310 (3) No later than ~~[May 15 before the regular general election]~~ 14 days after the day on  
311 which the county clerk receives a verified initiative packet, the county clerk shall:

312 (a) determine whether each signer is a registered voter according to the requirements of  
313 Section 20A-7-206.3;

314 (b) certify on the petition whether each name is that of a registered voter; ~~[and]~~

315 (c) post the name of each registered voter certified under Subsection (3)(b) in a  
316 conspicuous location on the county's website for at least 45 days; and

317 ~~[(e)]~~ (d) deliver ~~[all of]~~ the verified initiative ~~[packets]~~ packet to the lieutenant  
318 governor.

319 (4) (a) Upon receipt of an initiative packet under Subsection (3) and any statement  
320 timely submitted under Subsection 20A-7-205(3) to remove a signature on that packet, the  
321 lieutenant governor shall:

322 (i) remove from the initiative petition a voter's signature if the voter has requested the  
323 removal in accordance with Subsection 20A-7-205(3)~~[-]~~; and

324 (ii) notify the county clerk that the lieutenant governor has removed the voter's  
325 signature.

326 (b) Within one business day after the day on which the lieutenant governor provides  
327 the notification described in Subsection (4)(a)(ii), the county clerk shall remove the voter's  
328 name from the posting described in Subsection (3)(c).

329 (5) In order to qualify an initiative petition for submission to the Legislature, the  
330 sponsors shall deliver each signed and verified initiative packet to the county clerk of the  
331 county in which the packet was circulated by the November 15 before the next annual general  
332 session of the Legislature immediately after the application is filed under Section 20A-7-202.

333 (6) (a) No later than December 1 before the annual general session of the Legislature,  
334 the county clerk shall, for an initiative described in Subsection (5):

335 (i) check the names of all persons completing the verification for the initiative packet  
336 to determine whether those persons are Utah residents and are at least 18 years old; and

337 (ii) submit the name of each of those persons who is not a Utah resident or who is not

338 at least 18 years old to the attorney general and county attorney.

339 (b) The county clerk may not certify a signature under Subsection (7) on an initiative  
340 packet that is not verified in accordance with Section 20A-7-205.

341 (7) No later than December 15 before the annual general session of the Legislature, the  
342 county clerk shall, for an initiative described in Subsection (5):

343 (a) determine whether each signer is a registered voter according to the requirements of  
344 Section 20A-7-206.3;

345 (b) certify on the petition whether each name is that of a registered voter; and

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

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

349 (8) The sponsor or a sponsor's representative may not retrieve an initiative packet from  
350 a county clerk after the initiative packet is submitted to the county clerk.

351 Section 6. Section 20A-7-207 is amended to read:

352 **20A-7-207. Evaluation by the lieutenant governor.**

353 (1) When ~~[each]~~ an initiative packet is received from a county clerk, the lieutenant  
354 governor shall check off from the record the number of ~~[each]~~ the initiative packet ~~[filed]~~  
355 received.

356 (2) (a) ~~[After all of the initiative packets have been received by the lieutenant governor  
357 and the lieutenant governor has removed the signatures as required by Section 20A-7-206, the]  
358 The lieutenant governor shall, within 14 days after the day on which the lieutenant governor  
359 receives an initiative packet from a county clerk:~~

360 (i) count the number of the names certified by the county clerks ~~[that remain]~~ on each  
361 verified signature sheet; and

362 (ii) update on the lieutenant governor's website the number of signatures certified as of  
363 the date of the update.

364 (b) The lieutenant governor shall:

365 (i) within one business day after the day on which the lieutenant governor provides the  
366 notification described in Subsection 20A-7-206(4)(a)(ii), subtract the number of signatures  
367 removed from the number of signatures certified and update the number on the lieutenant  
368 governor's website accordingly; and

369 (ii) declare the petition to be sufficient or insufficient [by] on June 1 before the regular  
370 general election described in Subsection 20A-7-201(2)(b).

371 [(b)] (c) If the total number of names [counted] certified under this Subsection  
372 (2)[(a)(i)] equals or exceeds the number of names required [by] under Section 20A-7-201, and  
373 the requirements of this part are met, the lieutenant governor shall mark upon the front of the  
374 petition the word "sufficient."

375 [(c)] (d) If the total number of names [counted] certified under this Subsection  
376 (2)[(a)(i)] does not equal or exceed the number of names required [by] under Section  
377 20A-7-201 or a requirement of this part is not met, the lieutenant governor shall mark upon the  
378 front of the petition the word "insufficient."

379 [(d)] (e) The lieutenant governor shall immediately notify any one of the sponsors of  
380 the lieutenant governor's finding.

381 (3) [Once] After a petition is declared insufficient, the sponsors may not submit  
382 additional signatures to qualify the petition for the ballot.

383 (4) (a) If the lieutenant governor refuses to accept and file [any] an initiative petition  
384 that a sponsor believes is legally sufficient, any voter may, [by] not later than June 15, apply to  
385 the [supreme] appropriate court for an extraordinary writ to compel the lieutenant governor to  
386 [do so] accept and file the initiative petition.

387 (b) The [supreme] court shall:

388 (i) determine whether [or not] the initiative petition is legally sufficient; and

389 (ii) certify [its] the court's findings to the lieutenant governor.

390 (c) If the [supreme] court certifies that the initiative petition is legally sufficient, the  
391 lieutenant governor shall file [it] the initiative petition, with a verified copy of the judgment  
392 attached to [it] the initiative petition, as of the date on which [it] the initiative petition was  
393 originally offered for filing in the lieutenant governor's office.

394 (d) If the [supreme] court determines that [any] a petition filed is not legally sufficient,  
395 the [supreme] court may enjoin the lieutenant governor and all other officers from certifying or  
396 printing the ballot title and numbers of that measure on the official ballot.

397 (5) A petition determined to be sufficient in accordance with this section is qualified  
398 for the ballot.

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

400           **20A-7-213. Misconduct of electors and officers -- Penalty.**

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

402           (a) sign any name other than the person's own to [~~any~~] an initiative petition or a  
403 statement described in Subsection 20A-7-205(3);404           (b) knowingly sign the person's name more than once for the same measure at one  
405 election;406           (c) knowingly indicate on an initiative packet that a person who signed the packet  
407 signed the packet on a date other than the date that the person signed the packet;408           ~~[(c)]~~ (d) sign an initiative knowing the person is not a legal voter; or409           ~~[(d)]~~ (e) knowingly and willfully violate any provision of this part.410           (2) It is unlawful for any person to sign the verification for an initiative packet knowing  
411 that:

412           (a) the person does not meet the residency requirements of Section 20A-2-105;

413           (b) the signature date next to the person's name on the initiative packet is not the date  
414 that the person signed the packet;415           ~~[(b)]~~ (c) the person has not witnessed the signatures of those persons whose names  
416 appear in the initiative packet; or417           ~~[(c)]~~ (d) one or more persons whose signatures appear in the initiative packet is either:

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

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

420           (3) It is unlawful for any person to:

421           (a) pay a person to sign an initiative petition;

422           (b) pay a person to remove the person's signature from an initiative petition;

423           (c) accept payment to sign an initiative petition; or

424           (d) accept payment to have the person's name removed from an initiative petition.

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

426           Section 8. Section 20A-7-303 is amended to read:

427           **20A-7-303. Form of referendum petition and signature sheets.**428           (1) (a) Each proposed referendum petition shall be printed in substantially the  
429 following form:

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

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

436 Each signer says:

437 I have personally signed this petition;

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

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

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

443 (2) Each signature sheet shall:

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

445 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
446 that line blank for the purpose of binding;

447 (c) contain the title of the referendum printed below the horizontal line, in at least  
448 14-point, bold type;

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

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

453 "It is a class A misdemeanor for [~~anyone~~] an individual to sign [~~any~~] a referendum  
454 petition with any other name than [~~his own~~] the individual's own name, or knowingly to sign  
455 [~~his~~] the individual's name more than once for the same measure, or to sign a referendum  
456 petition when [~~he~~] the individual knows [~~he~~] that the individual is not a registered voter and  
457 knows that [~~he~~] the individual does not intend to become registered to vote before the  
458 certification of the petition names by the county clerk.";

459 (f) contain horizontally ruled lines, three-eighths inch apart under the "Warning"  
460 statement required by this section; and

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

462 (i) the edge of the first column shall appear [at] .5 inch from the extreme left of the  
 463 sheet, be [~~five-eighths~~] .25 inch wide, and be headed, together with the second column, "For  
 464 Office Use Only[;]" [~~and be subdivided with a light vertical line down the middle];~~

465 (ii) the second column shall be .25 inch wide;

466 [~~(ii)~~] (iii) the [~~next~~] third column shall be [~~2-1/2~~] 2.5 inches wide, headed "Registered  
 467 Voter's Printed Name (must be legible to be counted)";

468 [~~(iii)~~] (iv) the [~~next~~] fourth column shall be [~~2-1/2~~] 2.5 inches wide, headed "Signature  
 469 of Registered Voter";

470 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

471 [~~(iv)~~] (vi) the [~~next~~] sixth column shall be [~~one inch~~] three inches wide, headed ["~~Birth~~  
 472 Date or Age (Optional)"] "Street Address, City, Zip Code"; and

473 [~~(v)~~] (vii) the [~~final~~] seventh column shall be [~~4-3/8 inches~~] .75 inch wide, headed  
 474 ["~~Street Address, City, Zip Code~~";] "Birth Date or Age (Optional)";

475 (h) be horizontally divided into rows as follows:

476 (i) the top of the first row, for the purpose of entering the information described in  
 477 Subsection (2)(g), shall be .5 inch high;

478 [~~(h) spanning the sheet horizontally beneath each row on which a registered voter may~~  
 479 ~~submit the information described in Subsection (2)(g);]~~

480 (ii) the second row shall be .15 inch high and contain the following statement printed  
 481 or typed in not less than eight-point, single-leaded type:

482 "By signing this petition, you are stating that you have read and understand the law this  
 483 petition seeks to overturn."; and

484 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the  
 485 bottom of the sheet for the information described in Subsection (2)(i); and

486 (i) at the bottom of the sheet, contain the following statement: "Birth date or age  
 487 information is not required, but it may be used to verify your identity with voter registration  
 488 records. If you choose not to provide it, your signature may not be verified as a valid signature  
 489 if you change your address before petition signatures are verified or if the information you  
 490 provide does not match your voter registration records."

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



493 "Verification  
494 State of Utah, County of \_\_\_\_\_

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

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

497 All the names that appear in this packet were signed by ~~[persons]~~ individuals who  
498 professed to be the ~~[persons]~~ individuals whose names appear in it, and each of ~~[them]~~ the  
499 individuals signed ~~[his]~~ the individual's name on it in my presence;

500 I believe that each individual has printed and signed ~~[his]~~ the individual's name and  
501 written ~~[his]~~ the individual's post office address and residence correctly, and that each signer is  
502 registered to vote in Utah or intends to become registered to vote before the certification of the  
503 petition names by the county clerk.

504 Each individual who signed the packet wrote the correct date of signature next to the  
505 individual's name.

506 I have not paid or given anything of value to any individual who signed this petition to  
507 encourage that individual to sign it.

508 \_\_\_\_\_

509 (Name) (Residence Address) (Date)"

510 (4) ~~[The forms prescribed in this section are not mandatory, and, if]~~ If the forms  
511 described in this section are substantially followed, the referendum petitions are sufficient,  
512 notwithstanding clerical and merely technical errors.

513 Section 9. Section **20A-7-305** is amended to read:

514 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

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

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

518 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;  
519 and

520 (ii) verifies each signature sheet by completing the verification printed on the last page  
521 of each referendum packet.

522 (b) A person may not sign the verification printed on the last page of the referendum  
523 packet if the person signed a signature sheet in the referendum packet.

524 (3) (a) ~~[(†)]~~ A voter who has signed a referendum petition may have the voter's  
525 signature removed from the petition by submitting to the county clerk a statement requesting  
526 that the voter's signature be removed~~[-]~~ no later than the earlier of:

527 (i) 14 days after the day on which the voter signs the statement; or

528 (ii) 45 days after the day on which the county clerk posts the voter's name under  
529 Subsection 20A-7-306(3)(c).

530 (b) (i) The statement shall include:

531 ~~[(†)]~~ (A) the name of the voter;

532 ~~[(††)]~~ (B) the resident address at which the voter is registered to vote;

533 ~~[(†††) the last four digits of the voter's Social Security number;]~~

534 ~~[(††††) the driver license or identification card number; and]~~

535 ~~[(†††††)]~~ (C) the signature of the voter~~[-]~~; and

536 (D) the date of the signature described in Subsection (3)(b)(i)(C).

537 (ii) To increase the likelihood of the voter's signature being identified and removed, the  
538 statement may include:

539 (A) the last four digits of the voter's social security number; and

540 (B) the voter's driver license or identification card number.

541 (c) A voter may not submit a statement by email or other electronic means.

542 (d) In order for the signature to be removed, the county clerk must receive the  
543 statement [must be received by the county clerk before the day which is 55 days after the end of  
544 the legislative session at which the law passed] no later than 45 days after the day on which the  
545 county clerk posts the voter's name under Subsection 20A-7-306(3)(c).

546 ~~[(e) The county clerk shall deliver all statements received under this Subsection (3):]~~

547 ~~[(i) with the referendum petition packets to the lieutenant governor; or]~~

548 ~~[(ii) in a supplemental delivery to the lieutenant governor for a statement submitted~~  
549 ~~after the county clerk delivered the referendum petition packets.]~~

550 (e) The county clerk shall, within five days after the day on which the county clerk  
551 receives a statement described in this Subsection (3), deliver the statement to the lieutenant  
552 governor.

553 (f) A person may only remove a signature from a referendum petition in accordance  
554 with this Subsection (3).

555 Section 10. Section **20A-7-306** is amended to read:

556 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**  
557 **the county clerks -- Transfer to lieutenant governor.**

558 (1) (a) ~~[No later than 40 days after the end of the legislative session at which the law~~  
559 ~~passed, the]~~ The sponsors shall deliver [each] a signed and verified referendum packet to the  
560 county clerk of the county in which the packet was circulated[;] on or before the earlier of:

561 (i) 14 days after the day on which the first individual signs the referendum packet; or

562 (ii) 40 days after the end of the legislative session at which the law passed.

563 (b) A sponsor may not submit a referendum packet after the deadline ~~[established in~~  
564 ~~this]~~ described in Subsection (1)(a).

565 (2) (a) No later than ~~[55 days after the end of the legislative session at which the law~~  
566 ~~passed]~~ 14 days after the day on which the county clerk receives a verified referendum packet,  
567 the county clerk shall:

568 (i) check the ~~[names of all persons completing]~~ name of each individual who completes  
569 the verification on the last page of each referendum packet to determine whether [or not those  
570 ~~persons are Utah residents and are]~~ the individual is a resident of Utah and is at least 18 years  
571 old; and

572 (ii) submit the name of each ~~[of those persons]~~ individual who is not a Utah resident or  
573 who is not at least 18 years old to the attorney general and county attorney.

574 (b) The county clerk may not certify a signature under Subsection (3) on a referendum  
575 packet that is not verified in accordance with Section **20A-7-305**.

576 (3) No later than ~~[55 days after the end of the legislative session at which the law~~  
577 ~~passed]~~ 14 days after the day on which the county clerk receives a verified referendum packet,  
578 the county clerk shall:

579 (a) determine whether each signer is a registered voter according to the requirements of  
580 Section **20A-7-306.3**;

581 (b) certify on the referendum petition whether each name is that of a registered voter;  
582 ~~[and]~~

583 (c) post the name of each registered voter certified under Subsection (3)(b) in a  
584 conspicuous location on the county's website for at least 45 days; and

585 ~~[(c)]~~ (d) deliver [all of] the verified referendum [packets] packet to the lieutenant

586 governor.

587 (4) (a) Upon receipt of a referendum packet under Subsection (3) and any statement  
588 timely submitted under Subsection 20A-7-305(3) to remove a signature on that packet, the  
589 lieutenant governor shall:

590 (i) remove from the referendum petition a voter's signature if the voter has requested  
591 the removal in accordance with Subsection 20A-7-305(3)[-]; and

592 (ii) notify the county clerk that the lieutenant governor has removed the voter's  
593 signature.

594 (b) Within one business day after the day on which the lieutenant governor provides  
595 the notification described in Subsection (4)(a)(ii), the county clerk shall remove the voter's  
596 name from the posting described in Subsection (3)(c).

597 (5) The sponsor or a sponsor's representative may not retrieve a referendum packet  
598 from a county clerk after the referendum packet is submitted to the county clerk.

599 Section 11. Section **20A-7-307** is amended to read:

600 **20A-7-307. Evaluation by the lieutenant governor.**

601 (1) When [~~each~~] a referendum packet is received from a county clerk, the lieutenant  
602 governor shall check off from the record the number of [~~each~~] the referendum packet [~~filed~~]  
603 received.

604 (2) (a) [~~After all of the referendum packets have been received by the lieutenant~~  
605 ~~governor and the lieutenant governor has removed the signatures as required by Section~~  
606 ~~20A-7-306, the~~] The lieutenant governor shall, within 14 days after the day on which the  
607 lieutenant governor receives a referendum packet from a county clerk:

608 (i) count the number of the names certified by the county clerks [~~that remain~~] on each  
609 verified signature sheet; and

610 (ii) update on the lieutenant governor's website the number of signatures certified as of  
611 the date of the update.

612 (b) The lieutenant governor shall:

613 (i) within one business day after the day on which the lieutenant governor provides the  
614 notification described in Subsection 20A-7-306(4)(a)(ii), subtract the number of signatures  
615 removed from the number of signatures certified and update the number on the lieutenant  
616 governor's website accordingly; and

617 (ii) declare the petition to be sufficient or insufficient [~~no later than 60~~] 95 days after  
618 the end of the legislative session at which the law passed.

619 [~~(b)~~] (c) If the total number of names [~~counted~~] certified under this Subsection  
620 (2)[~~(a)(i)~~] equals or exceeds the number of names required [~~by~~] under Section 20A-7-301, and  
621 the requirements of this part are met, the lieutenant governor shall mark upon the front of the  
622 petition the word "sufficient."

623 [~~(c)~~] (d) If the total number of names [~~counted~~] certified under this Subsection  
624 (2)[~~(a)(i)~~] does not equal or exceed the number of names required [~~by~~] under Section  
625 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the  
626 front of the petition the word "insufficient."

627 [~~(d)~~] (e) The lieutenant governor shall immediately notify any one of the sponsors of  
628 the lieutenant governor's finding.

629 (f) After a petition is declared insufficient, the sponsors may not submit additional  
630 signatures to qualify the petition for the ballot.

631 (3) (a) If the lieutenant governor refuses to accept and file [~~any~~] a referendum petition,  
632 any voter may, not later than 10 days after the day on which the lieutenant governor declares  
633 the petition insufficient, apply to the [~~supreme~~] appropriate court for an extraordinary writ to  
634 compel the lieutenant governor to [~~do so within 10 days after the refusal.~~] accept and file the  
635 referendum petition.

636 (b) The court shall:

637 (i) determine whether the referendum petition is legally sufficient; and

638 (ii) certify the court's findings to the lieutenant governor.

639 [~~(b)~~] (c) If the [~~supreme~~] court determines that the referendum petition is legally  
640 sufficient, the lieutenant governor shall file [~~it~~] the referendum petition, with a verified copy of  
641 the judgment attached to [~~it~~] the referendum petition, as of the date on which [~~it~~] the  
642 referendum petition was originally offered for filing in the lieutenant governor's office.

643 [~~(c)~~] (d) If the [~~supreme~~] court determines that [~~any~~] a petition filed is not legally  
644 sufficient, the [~~supreme~~] court may enjoin the lieutenant governor and all other officers from  
645 certifying or printing the ballot title and numbers of that measure on the official ballot.

646 (4) A petition determined to be sufficient in accordance with this section is qualified  
647 for the ballot.

648 Section 12. Section **20A-7-312** is amended to read:

649 **20A-7-312. Misconduct of electors and officers -- Penalty.**

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

651 (a) sign any name other than the person's own to [~~any~~] a referendum petition;

652 (b) knowingly sign the person's name more than once for the same measure at one  
653 election;

654 (c) knowingly indicate on a referendum packet that a person who signed the packet  
655 signed the packet on a date other than the date that the person signed the packet;

656 [~~(c)~~] (d) sign a referendum knowing the person is not a legal voter; or

657 [~~(d)~~] (e) knowingly and willfully violate any provision of this part.

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

660 (a) the person does not meet the residency requirements of Section **20A-2-105**;

661 (b) the signature date next to the person's name on the referendum packet is not the  
662 date that the person signed the packet;

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

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

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

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

669 (3) It is unlawful for any person to:

670 (a) pay a person to sign a referendum petition;

671 (b) pay a person to remove the person's signature from a referendum petition;

672 (c) accept payment to sign a referendum petition; or

673 (d) accept payment to have the person's name removed from a referendum petition.

674 [~~(3)~~] (4) Any person violating this section is guilty of a class A misdemeanor.

675 Section 13. Section **20A-9-403** is amended to read:

676 **20A-9-403. Regular primary elections.**

677 (1) (a) Candidates for elective office that are to be filled at the next regular general  
678 election shall be nominated in a regular primary election by direct vote of the people in the

679 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is  
680 designated as regular primary election day. Nothing in this section shall affect a candidate's  
681 ability to qualify for a regular general election's ballot as an unaffiliated candidate under  
682 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under  
683 Section 20A-9-601.

684 (b) Each registered political party that chooses to have the names of the registered  
685 political party's candidates for elective office featured with party affiliation on the ballot at a  
686 regular general election shall comply with the requirements of this section and shall nominate  
687 the registered political party's candidates for elective office in the manner described in this  
688 section.

689 (c) A filing officer may not permit an official ballot at a regular general election to be  
690 produced or used if the ballot denotes affiliation between a registered political party or any  
691 other political group and a candidate for elective office who is not nominated in the manner  
692 prescribed in this section or in Subsection 20A-9-202(4).

693 (d) Unless noted otherwise, the dates in this section refer to those that occur in each  
694 even-numbered year in which a regular general election will be held.

695 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,  
696 shall:

697 (i) either declare the registered political party's intent to participate in the next regular  
698 primary election or declare that the registered political party chooses not to have the names of  
699 the registered political party's candidates for elective office featured on the ballot at the next  
700 regular general election; and

701 (ii) if the registered political party participates in the upcoming regular primary  
702 election, identify one or more registered political parties whose members may vote for the  
703 registered political party's candidates and whether individuals identified as unaffiliated with a  
704 political party may vote for the registered political party's candidates.

705 (b) (i) A registered political party that is a continuing political party shall file the  
706 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
707 November 30 of each odd-numbered year.

708 (ii) An organization that is seeking to become a registered political party under Section  
709 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered

710 political party files the petition described in Section 20A-8-103.

711 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a  
712 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
713 office on the regular primary ballot of the registered political party listed on the declaration of  
714 candidacy only if the individual is certified by the appropriate filing officer as having submitted  
715 a set of nomination petitions that was:

716 (i) circulated and completed in accordance with Section 20A-9-405; and

717 (ii) signed by at least 2% of the registered political party's members who reside in the  
718 political division of the office that the individual seeks.

719 (b) (i) A candidate for elective office shall submit nomination petitions to the  
720 appropriate filing officer for verification and certification no later than 5 p.m. on the final day  
721 in March.

722 (ii) A candidate may supplement the candidate's submissions at any time on or before  
723 the filing deadline.

724 (c) (i) The lieutenant governor shall determine for each elective office the total number  
725 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate  
726 number of individuals residing in each elective office's political division who have designated a  
727 particular registered political party on the individuals' voter registration forms on or before  
728 November 15 of each odd-numbered year.

729 (ii) The lieutenant governor shall publish the determination for each elective office no  
730 later than November 30 of each odd-numbered year.

731 (d) The filing officer shall:

732 (i) verify signatures on nomination petitions in a transparent and orderly manner, no  
733 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

734 (ii) for all qualifying candidates for elective office who submit nomination petitions to  
735 the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the  
736 first Monday after the third Saturday in April;

737 (iii) consider active and inactive voters eligible to sign nomination petitions;

738 (iv) consider an individual who signs a nomination petition a member of a registered  
739 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that  
740 registered political party as the individual's party membership on the individual's voter



741 registration form; and

742 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination  
743 petition signatures, or use statistical sampling procedures to verify submitted nomination  
744 petition signatures in accordance with rules made under Subsection (3)(f).

745 (e) Notwithstanding any other provision in this Subsection (3), a candidate for  
746 lieutenant governor may appear on the regular primary ballot of a registered political party  
747 without submitting nomination petitions if the candidate files a declaration of candidacy and  
748 complies with Subsection 20A-9-202(3).

749 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
750 director of elections, within the Office of the Lieutenant Governor, may make rules that:

751 (i) provide for the use of statistical sampling procedures that:

752 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

753 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
754 submission, using widely recognized statistical sampling techniques; and

755 (ii) provide for the transparent, orderly, and timely submission, verification, and  
756 certification of nomination petition signatures.

757 (g) The county clerk shall:

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

760 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
761 local board of education seat on the nonpartisan section of the ballot if more than two  
762 candidates have filed for the same seat; and

763 (iii) determine the order of the local board of education candidates' names on the ballot  
764 in accordance with Section 20A-6-305.

765 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
766 governor shall provide to the county clerks:

767 (i) a list of the names of all candidates for federal, constitutional, multi-county, single  
768 county, and county offices who have received certifications under Subsection (3), along with  
769 instructions on how those names shall appear on the primary election ballot in accordance with  
770 Section 20A-6-305; and

771 (ii) a list of unopposed candidates for elective office who have been nominated by a

772 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the  
773 unopposed candidates from the primary election ballot.

774 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
775 joint-ticket running mates shall appear jointly on the primary election ballot.

776 (c) After the county clerk receives the certified list from the lieutenant governor under  
777 Subsection (4)(a), the county clerk shall post or publish a primary election notice in  
778 substantially the following form:

779 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
780 \_\_\_\_ (year), to nominate party candidates for the parties and candidates for nonpartisan  
781 local school board positions listed on the primary ballot. The polling place for voting precinct  
782 \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.  
783 Attest: county clerk."

784 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary  
785 election, receives the highest number of votes cast for the office sought by the candidate is:

- 786 (i) nominated for that office by the candidate's registered political party; or
- 787 (ii) for a nonpartisan local school board position, nominated for that office.

788 (b) If two or more candidates, other than presidential candidates, are to be elected to  
789 the office at the regular general election, those party candidates equal in number to positions to  
790 be filled who receive the highest number of votes at the regular primary election are the  
791 nominees of the candidates' party for those positions.

792 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

793 (A) no individual other than the candidate receives a certification under Subsection (3)  
794 for the regular primary election ballot of the candidate's registered political party for a  
795 particular elective office; or

796 (B) for an office where more than one individual is to be elected or nominated, the  
797 number of candidates who receive certification under Subsection (3) for the regular primary  
798 election of the candidate's registered political party does not exceed the total number of  
799 candidates to be elected or nominated for that office.

800 (ii) A candidate who is unopposed for an elective office in the regular primary election  
801 of a registered political party is nominated by the party for that office without appearing on the  
802 primary election ballot.

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

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

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

815 (8) An individual may not file a declaration of candidacy for a registered political party  
816 of which the individual is not a member, except to the extent that the registered political party  
817 permits otherwise under the registered political party's bylaws.

818 Section 14. Section **20A-9-408** is amended to read:

819 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
820 **political party.**

821 (1) This section describes the requirements for a member of a qualified political party  
822 who is seeking the nomination of the qualified political party for an elective office through the  
823 signature-gathering process described in this section.

824 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of  
825 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
826 the nomination of, the qualified political party under this section shall be substantially as  
827 described in Section [20A-9-408.5](#).

828 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection  
829 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the  
830 nomination of the qualified political party for an elective office that is to be filled at the next  
831 general election shall:

832 (a) within the period beginning on January 1 before the next regular general election  
833 and ending on the third Thursday in March of the same year, and before gathering signatures

834 under this section, file with the filing officer on a form approved by the lieutenant governor a  
835 notice of intent to gather signatures for candidacy that includes:

836 (i) the name of the member who will attempt to become a candidate for a registered  
837 political party under this section;

838 (ii) the name of the registered political party for which the member is seeking  
839 nomination;

840 (iii) the office for which the member is seeking to become a candidate;

841 (iv) the address and telephone number of the member; and

842 (v) other information required by the lieutenant governor;

843 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,  
844 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on  
845 the third Thursday in March before the next regular general election; and

846 (c) pay the filing fee.

847 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
848 party who, under this section, is seeking the nomination of the qualified political party for the  
849 office of district attorney within a multicounty prosecution district that is to be filled at the next  
850 general election shall:

851 (a) on or after January 1 before the next regular general election, and before gathering  
852 signatures under this section, file with the filing officer on a form approved by the lieutenant  
853 governor a notice of intent to gather signatures for candidacy that includes:

854 (i) the name of the member who will attempt to become a candidate for a registered  
855 political party under this section;

856 (ii) the name of the registered political party for which the member is seeking  
857 nomination;

858 (iii) the office for which the member is seeking to become a candidate;

859 (iv) the address and telephone number of the member; and

860 (v) other information required by the lieutenant governor;

861 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,  
862 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on  
863 the third Thursday in March before the next regular general election; and

864 (c) pay the filing fee.

865 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
866 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
867 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
868 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
869 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
870 running mate.

871 (6) The lieutenant governor shall ensure that the certification described in Subsection  
872 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
873 under this section.

874 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
875 is nominated by a qualified political party under this section, designate the qualified political  
876 party that nominated the candidate.

877 (8) A member of a qualified political party may seek the nomination of the qualified  
878 political party for an elective office by:

879 (a) complying with the requirements described in this section; and

880 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
881 period beginning on January 1 of an even-numbered year and ending 14 days before the day on  
882 which the qualified political party's convention for the office is held, in the following amounts:

883 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
884 permitted by the qualified political party to vote for the qualified political party's candidates in  
885 a primary election;

886 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
887 residents of the congressional district and are permitted by the qualified political party to vote  
888 for the qualified political party's candidates in a primary election;

889 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
890 residents of the state Senate district and are permitted by the qualified political party to vote for  
891 the qualified political party's candidates in a primary election;

892 (iv) for a state House district race, 1,000 signatures of registered voters who are  
893 residents of the state House district and are permitted by the qualified political party to vote for  
894 the qualified political party's candidates in a primary election;

895 (v) for a State Board of Education race, the lesser of:

896 (A) 2,000 signatures of registered voters who are residents of the State Board of  
897 Education district and are permitted by the qualified political party to vote for the qualified  
898 political party's candidates in a primary election; or

899 (B) 3% of the registered voters of the qualified political party who are residents of the  
900 applicable State Board of Education district; and

901 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
902 of the area permitted to vote for the county office and are permitted by the qualified political  
903 party to vote for the qualified political party's candidates in a primary election.

904 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
905 for the qualified political party's nomination for an elective office under this section, the  
906 member shall:

907 (i) collect the signatures on a form approved by the lieutenant governor, using the same  
908 circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

909 (ii) submit the signatures to the election officer no later than 14 days before the day on  
910 which the qualified political party holds its convention to select candidates, for the elective  
911 office, for the qualified political party's nomination.

912 (b) An individual may not gather signatures under this section until after the individual  
913 files a notice of intent to gather signatures for candidacy described in this section.

914 (c) An individual who files a notice of intent to gather signatures for candidacy,  
915 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
916 the notice of intent to gather signatures for candidacy:

917 (i) required to comply with the reporting requirements that a candidate for office is  
918 required to comply with; and

919 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
920 apply to a candidate for office in relation to the reporting requirements described in Subsection  
921 (9)(c)(i).

922 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
923 election officer shall, no later than the earlier of 14 days after the day on which the election  
924 officer receives the signatures, or one day before the day on which the qualified political party  
925 holds the convention to select a nominee for the elective office to which the signature packets  
926 relate:

927 (i) check the name of each individual who completes the verification for a signature  
928 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

929 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
930 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

931 (iii) determine whether each signer is a registered voter who is qualified to sign the  
932 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
933 on a petition; and

934 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
935 signature packet[~~;~~and].

936 [~~(v)~~] (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a),  
937 the election officer shall, no later than one day before the day on which the qualified political  
938 party holds the convention to select a nominee for the elective office to which the signature  
939 packets relate, notify the qualified political party and the lieutenant governor of the name of  
940 each member of the qualified political party who qualifies as a nominee of the qualified  
941 political party, under this section, for the elective office to which the convention relates.

942 [~~(e)~~] (f) Upon receipt of a notice of intent to gather signatures for candidacy described  
943 in this section, the lieutenant governor shall post the notice of intent to gather signatures for  
944 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
945 posts a declaration of candidacy.