

Representative Norman K. Thurston proposes the following substitute bill:

CITIZEN POLITICAL PROCESS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies signature sheets for initiative and referendum petitions;
- ▶ modifies the required contents of, and the deadline for submitting, a statement requesting removal of a signature on an initiative or referendum petition;
- ▶ requires initiative and referendum signature packets to be submitted, and the signatures certified, on an ongoing basis during the signature-gathering process;
- ▶ requires a county clerk to post the names of initiative and referendum petition signers on the county's website;
- ▶ modifies appeal provisions for an initiative or referendum petition that is declared insufficient;
- ▶ makes it a crime to knowingly place or verify a false signature date on an initiative or referendum signature packet;
- ▶ makes it a crime for a person to pay or accept payment in exchange for a person 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-7-206.3**, as last amended by Laws of Utah 2011, Chapter 17

42 **20A-7-207**, as last amended by Laws of Utah 2011, Chapter 17

43 **20A-7-213**, as last amended by Laws of Utah 2013, Chapter 253

44 **20A-7-303**, as last amended by Laws of Utah 2014, Chapter 329

45 **20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17

46 **20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17

47 **20A-7-307**, as last amended by Laws of Utah 2011, Chapter 17

48 **20A-7-312**, as last amended by Laws of Utah 2013, Chapter 253

49 **20A-9-403**, as last amended by Laws of Utah 2018, Chapter 80

50 **20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11

51

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

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

54 **20A-1-609. Omnibus penalties.**

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

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

59 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or
60 referendum, falsely making the statement described in Subsection 20A-7-203(2)(e)(ii),
61 20A-7-303(2)(h)(ii), 20A-7-503(2)(e), or 20A-7-603(2)(h).

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

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

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

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

68 (3) (a) Any individual convicted of any offense under this title forfeits the right to vote
69 at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or
70 20A-2-101.5.

71 (b) Any person may challenge the right to vote of a person described in Subsection
72 (3)(a) by following the procedures and requirements of Section 20A-3-202.

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

74 **20A-7-101. Definitions.**

75 As used in this chapter:

76 (1) "Budget officer" means:

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

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

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

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

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

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

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

88 (5) "Final fiscal impact statement" means a financial statement prepared after voters
89 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
90 20A-7-502.5(2).

91 (6) "Initial fiscal impact estimate" means:

92 (a) a financial statement prepared under Section 20A-7-202.5 after the filing of an
93 application for an initiative petition; or

94 (b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5
95 for an initiative or referendum petition.

96 (7) "Initiative" means a new law proposed for adoption by the public as provided in
97 this chapter.

98 (8) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
99 law, and the signature sheets, all of which have been bound together as a unit.

100 (9) "Legal signatures" means the number of signatures of legal voters that:

101 (a) meet the numerical requirements of this chapter; and

102 (b) have been certified and verified as provided in this chapter.

103 (10) "Legal voter" means a person who:

104 (a) is registered to vote; or

105 (b) becomes registered to vote before the county clerk certifies the signatures on an
106 initiative or referendum petition.

107 (11) "Local attorney" means the county attorney, city attorney, or town attorney in
108 whose jurisdiction a local initiative or referendum petition is circulated.

109 (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose
110 jurisdiction a local initiative or referendum petition is circulated.

111 (13) (a) "Local law" includes:

112 (i) an ordinance;

113 (ii) a resolution;

114 (iii) a master plan;

115 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or

116 (v) other legislative action of a local legislative body.

117 (b) "Local law" does not include an individual property zoning decision.

118 (14) "Local legislative body" means the legislative body of a county, city, town, or

119 metro township.

120 (15) "Local obligation law" means a local law passed by the local legislative body
121 regarding a bond that was approved by a majority of qualified voters in an election.

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

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

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

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

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

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

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

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

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

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

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

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

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

146 **20A-7-203. Form of initiative petition and signature sheets.**

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

149 "INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

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

153 Each signer says:

154 I have personally signed this petition;

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

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

158 NOTICE TO SIGNERS:

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

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

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

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

169 (2) Each signature sheet shall:

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

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

173 (c) contain the title of the initiative printed below the horizontal line, in at least
174 14-point, bold type;

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

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

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

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

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

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

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

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

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

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

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

195 (ii) the second row shall be .15 inch high and contain the following statement printed
196 or typed in not less than [eight] 12-point type:

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

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

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

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

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

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

210 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
211 other than the individual's own name, or to knowingly sign the individual's name more than

212 once for the same measure, or to sign an initiative petition when the individual knows that the
213 individual is not a registered voter and knows that the individual does not intend to become
214 registered to vote before the certification of the petition names by the county clerk.";

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

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

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

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

227 "Verification

228 State of Utah, County of _____

229 I, _____, of _____, hereby state, under penalty of perjury, that:

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

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

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

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

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

243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273

(Name) (Residence Address) (Date)"

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

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

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

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

(2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each signature sheet was signed:

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

(ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet~~[-];~~ and

(iii) is informed that each signer is required to read and understand the law proposed by the initiative.

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

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

(i) for an initiative packet received by the county clerk before December 1:

(A) 30 days after the day on which the voter signs the signature removal statement; or

(B) 90 days after the day on which the county clerk posts the voter's name under

Subsection **20A-7-206(2)(e)**; or

(ii) for an initiative packet received by the county clerk on or after December 1:

(A) 30 days after the day on which the voter signs the signature removal statement; or

(B) 45 days after the day on which the county clerk posts the voter's name under

Subsection **20A-7-206(3)(e)**;

(b) (i) The statement shall include:

~~[(†)]~~ (A) the name of the voter;

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

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

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

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

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

279 (ii) To increase the likelihood of the voter's signature being identified and removed, the

280 statement may include the voter's birth date or age.

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

282 ~~[(d) In order for the signature to be removed, the statement must be received by the~~

283 ~~county clerk before May 15.]~~

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

285 ~~[(i) with the initiative petition packets delivered to the lieutenant governor; or]~~

286 ~~[(ii) in a supplemental delivery to the lieutenant governor for a statement submitted~~

287 ~~after the county clerk delivered the initiative packets.]~~

288 ~~[(f)]~~ (d) A person may only remove a signature from an initiative petition in

289 accordance with this Subsection (3).

290 (e) A county clerk shall analyze a signature, for purposes of removing a signature from

291 an initiative petition, in accordance with Section [20A-7-206.3](#).

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

293 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**

294 **county clerks -- Transfer to lieutenant governor.**

295 (1) (a) In order to qualify an initiative petition for placement on the regular general

296 election ballot, the sponsors shall deliver ~~[each]~~ a signed and verified initiative packet to the

297 county clerk of the county in which the packet was circulated on or before the ~~[sooner]~~ earlier

298 of:

299 (i) 30 days after the day on which the first individual signs the initiative packet;

300 ~~[(i)]~~ (ii) 316 days after the day on which the application for the initiative petition is

301 filed; or

302 ~~[(ii)]~~ (iii) the ~~[April]~~ February 15 immediately before the next regular general election

303 immediately after the application is filed under Section [20A-7-202](#).

304 (b) A sponsor may not submit an initiative packet after the deadline ~~[established]~~

305 described in [this] Subsection (1)(a).

306 (2) ~~[(a) No later than May 1 before the regular general election,]~~ For an initiative
 307 packet received by the county clerk before December 1, the county clerk shall, within 30 days
 308 after the day on which the county clerk receives the packet:

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

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

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

315 ~~[(3) No later than May 15 before the regular general election, the county clerk shall:]~~

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

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

319 (c) post the name and voter identification number of each registered voter certified
 320 under Subsection (2)(b) in a conspicuous location on the county's website for at least 90 days;
 321 and

322 ~~[(c)]~~ (d) deliver [all of] the verified initiative [packets] packet to the lieutenant
 323 governor.

324 ~~[(4) Upon receipt of an initiative packet under Subsection (3) and any statement~~
 325 ~~submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the~~
 326 ~~initiative petition a voter's signature if the voter has requested the removal in accordance with~~
 327 ~~Subsection 20A-7-205(3).]~~

328 (3) For an initiative packet received by the county clerk on or after December 1, the
 329 county clerk shall, within 21 days after the day on which the county clerk receives the packet:

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

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

333 (c) post the name and precinct of each registered voter certified under Subsection (2)(b)
 334 in a conspicuous location on the county's website for at least 45 days; and

335 (d) deliver the verified initiative packet to the lieutenant governor.

336 (4) Within seven days after timely receipt of a statement described in Subsection
337 20A-7-205(3), the county clerk shall:

338 (a) remove the voter's signature from the posting described in Subsection (2)(e) or
339 (3)(e); and

340 (b) (i) remove the voter's signature from the signature packet totals; and
341 (ii) inform the lieutenant governor of the removal.

342 (5) The county clerk may not certify a signature under Subsection (2) or (3):

343 (a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or

344 (b) that does not have a date of signature next to the signature.

345 ~~[(5)]~~ (6) In order to qualify an initiative petition for submission to the Legislature, the
346 sponsors shall deliver each signed and verified initiative packet to the county clerk of the
347 county in which the packet was circulated by the November 15 before the next annual general
348 session of the Legislature immediately after the application is filed under Section 20A-7-202.

349 ~~[(6) (a) No later than December 1 before the annual general session of the Legislature,~~
350 ~~the county clerk shall:]~~

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

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

355 ~~[(b)]~~ (7) The county clerk may not certify a signature under Subsection ~~[(7)]~~ (8) on an
356 initiative packet that is not verified in accordance with Section 20A-7-205.

357 ~~[(7)]~~ (8) No later than December 15 before the annual general session of the
358 Legislature, the county clerk shall, for an initiative described in Subsection (6):

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

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

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

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

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

367 Section 6. Section **20A-7-206.3** is amended to read:

368 **20A-7-206.3. Verification of petition signatures.**

369 (1) [~~(a) For the purposes of~~] As used in this section[, "~~substantially~~]:

370 (a) "Substantially similar name" means:

371 (i) the given name and surname shown on the petition, or both, contain only minor
372 spelling differences when compared to the given name and surname shown on the official
373 register;

374 (ii) the surname shown on the petition exactly matches the surname shown on the
375 official register, and the given names differ only because one of the given names shown is a
376 commonly used abbreviation or variation of the other;

377 (iii) the surname shown on the petition exactly matches the surname shown on the
378 official register, and the given names differ only because one of the given names shown is
379 accompanied by a first or middle initial or a middle name which is not shown on the other
380 record; or

381 (iv) the surname shown on the petition exactly matches the surname shown on the
382 official register, and the given names differ only because one of the given names shown is an
383 alphabetically corresponding initial that has been provided in the place of a given name shown
384 on the other record.

385 (b) [~~For the purposes of this section, "substantially~~] "Substantially similar name" does
386 not [~~mean~~] include a name having an initial or a middle name shown on the petition that does
387 not match a different initial or middle name shown on the official register.

388 (2) The county clerk shall use the following procedures in determining whether [~~or not~~]
389 a signer is a registered voter:

390 (a) [~~When~~] if a signer's name and address shown on the petition exactly match a name
391 and address shown on the official register and the signer's signature appears substantially
392 similar to the signature on the statewide voter registration database, the county clerk shall
393 declare the signature valid[-];

394 (b) [~~When~~] if there is no exact match of an address and a name, the county clerk shall
395 declare the signature valid if:

396 (i) the address on the petition matches the address of [~~a person~~] an individual on the
397 official register with a substantially similar name; and

398 (ii) the signer's signature appears substantially similar to the signature on the statewide
399 voter registration database of the ~~[person]~~ individual described in Subsection (2)(b)(i)~~[-];~~;

400 (c) ~~[When]~~ if there is no match of an address and a substantially similar name, the
401 county clerk shall declare the signature valid if:

402 (i) the birth date or age on the petition matches the birth date or age of ~~[a person]~~ an
403 individual on the official register with a substantially similar name; and

404 (ii) the signer's signature appears substantially similar to the signature on the statewide
405 voter registration database of the ~~[person]~~ individual described in Subsection (2)(c)(i)~~[-];~~ and

406 (d) ~~[If]~~ if a signature is not declared valid under Subsection (2)(a), ~~[(2)]~~(b), or ~~[(2)]~~(c),
407 the county clerk shall declare the signature to be invalid.

408 (3) The county clerk shall use the following procedures in determining whether to
409 remove a signature from a petition after receiving a timely, valid statement requesting removal
410 of the signature:

411 (a) if a signer's name and address shown on the statement and the petition exactly
412 match a name and address shown on the official register and the signer's signature on both the
413 statement and the petition appears substantially similar to the signature on the statewide voter
414 registration database, the county clerk shall remove the signature from the petition;

415 (b) if there is no exact match of an address and a name, the county clerk shall remove
416 the signature from the petition if:

417 (i) the address on the statement and the petition matches the address of an individual
418 on the official register with a substantially similar name; and

419 (ii) the signer's signature on both the statement and the petition appears substantially
420 similar to the signature on the statewide voter registration database of the individual described
421 in Subsection (3)(b)(i);

422 (c) if there is no match of an address and a substantially similar name, the county clerk
423 shall remove the signature from the petition if:

424 (i) the birth date or age on the statement and petition match the birth date or age of an
425 individual on the official register with a substantially similar name; and

426 (ii) the signer's signature on both the statement and the petition appears substantially
427 similar to the signature on the statewide voter registration database of the individual described
428 in Subsection (3)(c)(i); and

429 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the
 430 county clerk may not remove the signature from the petition.

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

432 **20A-7-207. Evaluation by the lieutenant governor.**

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

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

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

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

444 [~~(i)~~] (b) The lieutenant governor shall declare the petition to be sufficient or
 445 insufficient [~~by June 1~~] on or before April 30 before the regular general election described in
 446 Subsection **20A-7-201(2)(b)**.

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

451 [~~(c)~~] (d) If the total number of names [~~counted~~] certified under this Subsection
 452 (2)[~~(a)(i)~~] does not equal or exceed the number of names required [~~by~~] under Section
 453 **20A-7-201** or a requirement of this part is not met, the lieutenant governor shall mark upon the
 454 front of the petition the word "insufficient."

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

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

459 (4) (a) If the lieutenant governor refuses to accept and file [~~any~~] an initiative petition

460 that a sponsor believes is legally sufficient, any voter may, ~~[by June]~~ not later than May 15,
461 apply to the ~~[supreme]~~ appropriate court for an extraordinary writ to compel the lieutenant
462 governor to ~~[do so]~~ accept and file the initiative petition.

463 ~~[(b) The supreme court shall:]~~

464 ~~[(i) determine whether or not the initiative petition is legally sufficient, and]~~

465 ~~[(ii) certify its findings to the lieutenant governor.]~~

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

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

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

475 Section 8. Section **20A-7-213** is amended to read:

476 **20A-7-213. Misconduct of electors and officers -- Penalty.**

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

478 (a) sign any name other than the person's own to ~~[any]~~ an initiative petition or a
479 statement described in Subsection 20A-7-205(3);

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

482 (c) knowingly indicate on an initiative packet that a person who signed the packet
483 signed the packet on a date other than the date that the person signed the packet;

484 ~~[(e)]~~ (d) sign an initiative knowing the person is not a legal voter; or

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

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

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

489 (b) the signature date next to the person's name on the initiative packet is not the date
490 that the person signed the packet;

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

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

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

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

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

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

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

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

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

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

502 Section 9. Section **20A-7-303** is amended to read:

503 **20A-7-303. Form of referendum petition and signature sheets.**

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

506 "REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

507 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.

508 ____, entitled (title of act, and, if the petition is against less than the whole act, set forth here

509 the part or parts on which the referendum is sought), passed by the ____ Session of the

510 Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection

511 at a regular general election or a statewide special election;

512 Each signer says:

513 I have personally signed this petition;

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

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

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

519 (2) Each signature sheet shall:

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

521 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above

522 that line blank for the purpose of binding;

523 (c) contain the title of the referendum printed below the horizontal line, in at least
524 14-point, bold type;

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

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

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

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

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

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

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

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

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

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

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

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

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

552 (i) the top of the first row, for the purpose of entering the information described in

553 Subsection (2)(g), shall be .5 inch high;

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

556 (ii) the second row shall be .15 inch high and contain the following statement printed
557 or typed in not less than ~~[eight-point, single-leaded]~~ 12-point type:

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

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

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

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

569 "Verification

570 State of Utah, County of ____

571 I, _____, of _____, hereby state, under penalty of perjury, that:

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

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

576 I believe that each individual has printed and signed ~~[his]~~ the individual's name and
577 written ~~[his]~~ the individual's post office address and residence correctly, that each signer has
578 read and understands the law that the referendum seeks to overturn, and that each signer is
579 registered to vote in Utah or intends to become registered to vote before the certification of the
580 petition names by the county clerk.

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

583 I have not paid or given anything of value to any individual who signed this petition to

584 encourage that individual to sign it.

585

586 (Name) (Residence Address) (Date)"

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

590 Section 10. Section **20A-7-305** is amended to read:

591 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

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

593 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each
 594 signature sheet was signed:

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

596 ~~[and]~~

597 (ii) verifies each signature sheet by completing the verification printed on the last page
 598 of each referendum packet~~[-];~~ and

599 (iii) is informed that each signer is required to read and understand the law that the
 600 referendum seeks to overturn.

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

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

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

607 (ii) 45 days after the day on which the county clerk posts the voter's name under

608 Subsection **20A-7-306(3)(c)**.

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

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

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

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

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

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

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

616 (ii) To increase the likelihood of the voter's signature being identified and removed, the
617 statement may include the voter's birth date or age.

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

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

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

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

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

627 [(~~f~~) (e) A person may only remove a signature from a referendum petition in
628 accordance with this Subsection (3).

629 (f) A county clerk shall analyze a signature, for purposes of removing a signature from
630 a referendum petition, in accordance with Section 20A-7-206.3.

631 Section 11. Section 20A-7-306 is amended to read:

632 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
633 **the county clerks -- Transfer to lieutenant governor.**

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

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

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

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

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

644 (i) check the [~~names of all persons completing] name of each individual who completes
645 the verification on the last page of each referendum packet to determine whether [or not those~~

646 ~~persons are Utah residents and are]~~ the individual is a resident of Utah and is at least 18 years
647 old; and

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

650 (b) The county clerk may not certify a signature under Subsection (3);

651 (i) on a referendum packet that is not verified in accordance with Section
652 20A-7-305[-]; or

653 (ii) that does not have a date of signature next to the signature.

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

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

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

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

664 ~~[(c)]~~ (d) deliver ~~[all of]~~ the verified referendum ~~[packets]~~ packet to the lieutenant
665 governor.

666 ~~[(4) Upon receipt of a referendum packet under Subsection (3) and any statement~~
667 ~~submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the~~
668 ~~referendum petition a voter's signature if the voter has requested the removal in accordance~~
669 ~~with Subsection 20A-7-305(3).]~~

670 (4) Within two business days after timely receipt of a statement described in
671 Subsection 20A-7-305(3), the county clerk shall:

672 (a) remove the voter's signature from the posting described in Subsection (3)(c); and

673 (b) inform the lieutenant governor of the removal.

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

676 Section 12. Section **20A-7-307** is amended to read:

677 **20A-7-307. Evaluation by the lieutenant governor.**

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

681 (2) (a) ~~[After all of the referendum packets have been received by the lieutenant~~
682 ~~governor and the lieutenant governor has removed the signatures as required by Section~~
683 ~~20A-7-306, the]~~ The lieutenant governor shall, within 14 days after the day on which the
684 lieutenant governor receives a referendum packet from a county clerk:

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

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

689 (b) The lieutenant governor shall:

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

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

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

700 ~~[(c)]~~ (d) If the total number of names ~~[counted]~~ certified under this Subsection
701 (2)~~[(a)(i)]~~ does not equal or exceed the number of names required ~~[by]~~ under Section
702 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the
703 front of the petition the word "insufficient."

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

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

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

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

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

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

722 Section 13. Section **20A-7-312** is amended to read:

723 **20A-7-312. Misconduct of electors and officers -- Penalty.**

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

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

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

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

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

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

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

734 (a) the person does not meet the residency requirements of Section [20A-2-105](#);

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

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

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

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

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

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

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

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

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

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

748 ~~[(3)]~~ (4) Any person violating this section is guilty of a class A misdemeanor.

749 Section 14. Section **20A-9-403** is amended to read:

750 **20A-9-403. Regular primary elections.**

751 (1) (a) Candidates for elective office that are to be filled at the next regular general
752 election shall be nominated in a regular primary election by direct vote of the people in the
753 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
754 designated as regular primary election day. Nothing in this section shall affect a candidate's
755 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
756 Section [20A-9-501](#) or to participate in a regular general election as a write-in candidate under
757 Section [20A-9-601](#).

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

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

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

769 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,

770 shall:

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

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

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

782 (ii) An organization that is seeking to become a registered political party under Section
783 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
784 political party files the petition described in Section 20A-8-103.

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

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

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

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

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

798 (c) (i) The lieutenant governor shall determine for each elective office the total number
799 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
800 number of individuals residing in each elective office's political division who have designated a

801 particular registered political party on the individuals' voter registration forms on or before
802 November 15 of each odd-numbered year.

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

805 (d) The filing officer shall:

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

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

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

812 (iv) consider an individual who signs a nomination petition a member of a registered
813 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
814 registered political party as the individual's party membership on the individual's voter
815 registration form; and

816 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
817 petition signatures, or use statistical sampling procedures to verify submitted nomination
818 petition signatures in accordance with rules made under Subsection (3)(f).

819 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
820 lieutenant governor may appear on the regular primary ballot of a registered political party
821 without submitting nomination petitions if the candidate files a declaration of candidacy and
822 complies with Subsection [20A-9-202\(3\)](#).

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

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

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

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

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

831 (g) The county clerk shall:

832 (i) review the declarations of candidacy filed by candidates for local boards of
833 education to determine if more than two candidates have filed for the same seat;
834 (ii) place the names of all candidates who have filed a declaration of candidacy for a
835 local board of education seat on the nonpartisan section of the ballot if more than two
836 candidates have filed for the same seat; and
837 (iii) determine the order of the local board of education candidates' names on the ballot
838 in accordance with Section 20A-6-305.

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

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

845 (ii) a list of unopposed candidates for elective office who have been nominated by a
846 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
847 unopposed candidates from the primary election ballot.

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

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

853 "Notice is given that a primary election will be held Tuesday, June ____,
854 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
855 local school board positions listed on the primary ballot. The polling place for voting precinct
856 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
857 Attest: county clerk."

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

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

862 (b) If two or more candidates, other than presidential candidates, are to be elected to

863 the office at the regular general election, those party candidates equal in number to positions to
864 be filled who receive the highest number of votes at the regular primary election are the
865 nominees of the candidates' party for those positions.

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

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

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

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

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

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

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

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

892 Section 15. Section **20A-9-408** is amended to read:

893 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**

894 **political party.**

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

898 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
899 candidacy for a member of a qualified political party who is nominated by, or who is seeking
900 the nomination of, the qualified political party under this section shall be substantially as
901 described in Section 20A-9-408.5.

902 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
903 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
904 nomination of the qualified political party for an elective office that is to be filled at the next
905 general election shall:

906 (a) within the period beginning on January 1 before the next regular general election
907 and ending on the third Thursday in March of the same year, and before gathering signatures
908 under this section, file with the filing officer on a form approved by the lieutenant governor a
909 notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

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

920 (c) pay the filing fee.

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

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

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

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

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

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

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

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

938 (c) pay the filing fee.

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

945 (6) The lieutenant governor shall ensure that the certification described in Subsection
946 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
947 under this section.

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

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

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

954 (b) collecting signatures, on a form approved by the lieutenant governor, during the
955 period beginning on January 1 of an even-numbered year and ending 14 days before the day on

956 which the qualified political party's convention for the office is held, in the following amounts:

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

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

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

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

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

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

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

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

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

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

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

986 (b) An individual may not gather signatures under this section until after the individual

987 files a notice of intent to gather signatures for candidacy described in this section.

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

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

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

996 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
997 election officer shall, no later than the earlier of 14 days after the day on which the election
998 officer receives the signatures, or one day before the day on which the qualified political party
999 holds the convention to select a nominee for the elective office to which the signature packets
1000 relate:

1001 (i) check the name of each individual who completes the verification for a signature
1002 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1003 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1004 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1005 (iii) determine whether each signer is a registered voter who is qualified to sign the
1006 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
1007 on a petition; and

1008 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1009 signature packet~~;~~ and.

1010 [~~(v)~~] (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a),
1011 the election officer shall, no later than one day before the day on which the qualified political
1012 party holds the convention to select a nominee for the elective office to which the signature
1013 packets relate, notify the qualified political party and the lieutenant governor of the name of
1014 each member of the qualified political party who qualifies as a nominee of the qualified
1015 political party, under this section, for the elective office to which the convention relates.

1016 [~~(e)~~] (f) Upon receipt of a notice of intent to gather signatures for candidacy described
1017 in this section, the lieutenant governor shall post the notice of intent to gather signatures for

1018 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1019 posts a declaration of candidacy.