

**POLITICAL PROCEDURES AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Travis M. Seegmiller

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

**General Description:**

This bill amends political procedures provisions in the Election Code and in code provisions relating to local government entities.

**Highlighted Provisions:**

This bill:

- ▶ modifies and standardizes notice requirements relating to incorporation or dissolution of a municipality, annexation and other municipal boundary changes, and elections;
- ▶ modifies and clarifies deadlines in the Election Code;
- ▶ modifies procedures, and clarifies length limitations, for arguments for or against a ballot proposition;
- ▶ requires at least two poll workers to perform certain tasks relating to the handling and delivery of ballots;
- ▶ clarifies residency requirements for a local school board candidate;
- ▶ removes the intent language from the Election Code; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29           None

30 **Utah Code Sections Affected:**

31 AMENDS:

32           **10-2-406**, as last amended by Laws of Utah 2009, Chapters 218 and 388

33           **10-2-407**, as last amended by Laws of Utah 2015, Chapter 352

34           **10-2-413**, as last amended by Laws of Utah 2015, Chapter 352

35           **10-2-415**, as last amended by Laws of Utah 2015, Chapter 352

36           **10-2-418**, as last amended by Laws of Utah 2017, Chapter 367

37           **10-2-419**, as last amended by Laws of Utah 2018, Chapter 401

38           **10-2-501**, as last amended by Laws of Utah 2016, Chapter 406

39           **10-2-502.5**, as last amended by Laws of Utah 2016, Chapter 406

40           **10-2-607**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5

41           **10-2-703**, as last amended by Laws of Utah 2009, Chapter 388

42           **10-2-708**, as last amended by Laws of Utah 2009, Chapter 388

43           **10-2a-207**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
44 amended by Laws of Utah 2015, Chapter 352

45           **10-2a-210**, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered  
46 and amended by Laws of Utah 2015, Chapter 352

47           **10-2a-213**, as renumbered and amended by Laws of Utah 2015, Chapter 352

48           **10-2a-214**, as last amended by Laws of Utah 2017, Chapter 91

49           **10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and  
50 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination  
51 Clause, Laws of Utah 2015, Chapter 352

52           **10-2a-303**, as last amended by Laws of Utah 2017, Chapter 452

53           **10-2a-304**, as last amended by Laws of Utah 2017, Chapter 452

54           **10-2a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 352 and  
55 repealed and reenacted by Laws of Utah 2015, Chapter 111

56           **10-2a-305.1**, as last amended by Laws of Utah 2018, Chapter 11

57           **10-2a-305.2**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by  
58 Coordination Clause, Laws of Utah 2015, Chapter 352

- 59           **10-7-19**, as last amended by Laws of Utah 2009, Chapter 388
- 60           **11-14-202**, as last amended by Laws of Utah 2018, Chapter 415 and last amended by
- 61 Coordination Clause, Laws of Utah 2018, Chapter 403
- 62           **17B-1-303**, as last amended by Laws of Utah 2017, Chapter 112
- 63           **17B-1-306**, as last amended by Laws of Utah 2018, Chapter 11
- 64           **17B-1-1001**, as last amended by Laws of Utah 2018, Chapter 11
- 65           **17B-1-1003**, as last amended by Laws of Utah 2018, Chapter 11
- 66           **17B-2a-705**, as last amended by Laws of Utah 2013, Chapter 415
- 67           **17D-3-305**, as last amended by Laws of Utah 2009, Chapter 388
- 68           **20A-1-206**, as last amended by Laws of Utah 2012, Chapter 97
- 69           **20A-1-503**, as last amended by Laws of Utah 2011, Chapters 327 and 340
- 70           **20A-1-508**, as last amended by Laws of Utah 2018, Chapters 68 and 199
- 71           **20A-1-509.1**, as last amended by Laws of Utah 2011, Chapters 297 and 327
- 72           **20A-1-509.2**, as last amended by Laws of Utah 2013, Chapter 237
- 73           **20A-1-511**, as last amended by Laws of Utah 2017, Chapter 61
- 74           **20A-1-513**, as enacted by Laws of Utah 2011, Chapter 42
- 75           **20A-2-202**, as last amended by Laws of Utah 2018, Chapter 206
- 76           **20A-2-204**, as last amended by Laws of Utah 2018, Chapter 206
- 77           **20A-2-205**, as last amended by Laws of Utah 2018, Chapter 206
- 78           **20A-2-301**, as last amended by Laws of Utah 2011, Chapter 335
- 79           **20A-2-306**, as last amended by Laws of Utah 2018, Chapters 206 and 270
- 80           **20A-3-302**, as last amended by Laws of Utah 2018, Chapter 206 and last amended by
- 81 Coordination Clause, Laws of Utah 2018, Chapter 464
- 82           **20A-3-304**, as last amended by Laws of Utah 2018, Chapter 206
- 82a **H→ 20A-3-305, as last amended by Laws of Utah 2017, Chapters 235 and 327 ←H**
- 83           **20A-3-306**, as last amended by Laws of Utah 2018, Chapter 206
- 84           **20A-3-306.5**, as last amended by Laws of Utah 2013, Chapter 219
- 85           **20A-3-604**, as last amended by Laws of Utah 2018, Chapter 195 and last amended by
- 86 Coordination Clause, Laws of Utah 2018, Chapter 403
- 87           **20A-4-104**, as last amended by Laws of Utah 2018, Chapter 274
- 88           **20A-4-107**, as last amended by Laws of Utah 2018, Chapters 80, 206, and 281
- 89           **20A-4-201**, as last amended by Laws of Utah 2011, Chapter 297

- 90            **20A-4-202**, as last amended by Laws of Utah 2018, Chapter 274
- 91            **20A-4-304**, as last amended by Laws of Utah 2018, Chapter 187
- 92            **20A-4-401**, as last amended by Laws of Utah 2018, Chapter 187
- 93            **20A-5-101**, as last amended by Laws of Utah 2018, Chapter 80 and last amended by
- 94    Coordination Clause, Laws of Utah 2018, Chapter 403
- 95            **20A-5-405**, as last amended by Laws of Utah 2009, Chapter 388
- 96            **20A-5-604**, as last amended by Laws of Utah 2007, Chapter 75
- 97            **20A-5-605**, as last amended by Laws of Utah 2007, Chapter 75
- 98            **20A-6-106**, as last amended by Laws of Utah 2011, Chapter 327
- 99            **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 100          **20A-7-202.5**, as last amended by Laws of Utah 2017, Chapter 291
- 101          **20A-7-204.1**, as last amended by Laws of Utah 2017, Chapter 291
- 102          **20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17
- 103          **20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231
- 104          **20A-7-302**, as last amended by Laws of Utah 1995, Chapter 153
- 105          **20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17
- 106          **20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17
- 107          **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291
- 108          **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72
- 109          **20A-7-601**, as last amended by Laws of Utah 2016, Chapter 365
- 110          **20A-7-606**, as last amended by Laws of Utah 2016, Chapter 365
- 111          **20A-7-613**, as last amended by Laws of Utah 2016, Chapters 350, 365, and 367
- 112          **20A-7-704**, as last amended by Laws of Utah 2017, Chapter 147
- 113          **20A-7-705**, as last amended by Laws of Utah 2017, Chapter 147
- 114          **20A-7-706**, as last amended by Laws of Utah 2012, Chapter 334
- 115          **20A-7-801**, as last amended by Laws of Utah 2013, Chapters 182, 219 and last
- 116    amended by Coordination Clause, Laws of Utah 2013, Chapter 182
- 117          **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91
- 118          **20A-8-106**, as last amended by Laws of Utah 1996, Chapter 213
- 119          **20A-8-401**, as last amended by Laws of Utah 2013, Chapter 170
- 120          **20A-8-402**, as last amended by Laws of Utah 2011, Chapters 35 and 396

- 121            **20A-8-402.5**, as enacted by Laws of Utah 2018, Chapter 80
- 122            **20A-8-404**, as last amended by Laws of Utah 2011, Chapter 117
- 123            **20A-9-202**, as last amended by Laws of Utah 2018, Chapter 11
- 124            **20A-9-203**, as last amended by Laws of Utah 2018, Chapters 11 and 365
- 125            **20A-9-404**, as last amended by Laws of Utah 2018, Chapters 187 and 274
- 126            **20A-9-407**, as last amended by Laws of Utah 2018, Chapters 11 and 19
- 127            **20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11
- 128            **20A-9-504**, as last amended by Laws of Utah 2018, Chapter 11
- 129            **20A-9-601**, as last amended by Laws of Utah 2018, Chapters 11 and 80
- 130            **20A-11-105**, as enacted by Laws of Utah 2015, Chapter 435
- 131            **20A-11-601**, as last amended by Laws of Utah 2018, Chapter 83
- 132            **20A-11-801**, as last amended by Laws of Utah 2018, Chapter 83
- 133            **20A-12-305**, as last amended by Laws of Utah 2011, Chapter 396
- 134            **20A-13-301**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 135            **20A-14-202**, as last amended by Laws of Utah 2016, Chapter 144
- 136            **20A-15-103**, as enacted by Laws of Utah 1995, Chapter 1
- 137            **20A-16-403**, as enacted by Laws of Utah 2011, Chapter 327
- 138            **62A-5-202.5**, as last amended by Laws of Utah 2018, Chapter 401
- 139            **63A-5-204**, as last amended by Laws of Utah 2018, Chapter 401
- 140            **63I-2-210**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 6
- 141            **63I-2-220**, as last amended by Laws of Utah 2018, Chapters 187 and 458

142 RENUMBERS AND AMENDS:

143            **20A-1-104**, (Renumbered from 20A-1-401, as last amended by Laws of Utah 2011,  
144 Chapter 297)



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

147            Section 1. Section **10-2-406** is amended to read:

148            **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

149            (1) After receipt of the notice of certification from the city recorder or town clerk under  
150 Subsection **10-2-405(2)(c)(i)**, the municipal legislative body shall publish notice:

151            [~~(a) (i) publish a notice:~~]

152 ~~[(A)]~~ (a) (i) at least once a week for three successive weeks, beginning no later than 10  
153 days after ~~[receipt of]~~ the day on which the municipal legislative body receives the notice of  
154 certification, in a newspaper of general circulation within:

155 ~~[(F)]~~ (A) the area proposed for annexation; and

156 ~~[(H)]~~ (B) the unincorporated area within 1/2 mile of the area proposed for annexation;

157 [and]

158 ~~[(B) in accordance with Section 45-1-101, for three weeks, beginning no later than 10~~  
159 ~~days after receipt of the notice of certification; and]~~

160 ~~[(ii) in accordance with Subsection (1)(a)(i)(A), if there is no newspaper of general~~  
161 ~~circulation within those areas, post written notices in conspicuous places within those areas~~  
162 ~~that are most likely to give notice to residents within those areas; and]~~

163 ~~[(b) within 20 days of receipt of the notice of certification under Subsection~~

164 ~~10-2-405(2)(c)(i), mail written notice to each affected entity.]~~

165 (ii) if there is no newspaper of general circulation in the combined area described in  
166 Subsections (1)(a)(i)(A) and (B), no later than 10 days after the day on which the municipal  
167 legislative body receives the notice of certification, by posting one notice, and at least one  
168 additional notice per 2,000 population within the combined area, in places within the combined  
169 area that are most likely to give notice to the residents within, and the owners of real property  
170 located within, the combined area; or

171 (iii) no later than 10 days after the day on which the municipal legislative body  
172 receives the notice of certification, by mailing the notice to each residence within, and to each  
173 owner of real property located within, the combined area described in Subsections (1)(a)(i)(A)  
174 and (B);

175 (b) in accordance with Section 45-1-101, for three weeks, beginning no later than 10  
176 days after the day on which the municipal legislative body receives the notice of certification;

177 (c) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks,  
178 beginning no later than 10 days after the day on which the municipal legislative body receives  
179 the notice of certification;

180 (d) within 20 days after the day on which the municipal legislative body receives the  
181 notice of certification, by mailing written notice to each affected entity; and

182 (e) if the municipality has a website, on the municipality's website for the period of

183 time described in Subsection (1)(c).

184 (2) [(a)] The notice [~~under Subsections (1)(a) and (b)~~] described in Subsection (1)  
185 shall:

186 [(i)] (a) state that a petition has been filed with the municipality proposing the  
187 annexation of an area to the municipality;

188 [(ii)] (b) state the date of the municipal legislative body's receipt of the notice of  
189 certification under Subsection 10-2-405(2)(c)(i);

190 [(iii)] (c) describe the area proposed for annexation in the annexation petition;

191 [(iv)] (d) state that the complete annexation petition is available for inspection and  
192 copying at the office of the city recorder or town clerk;

193 [(v)] (e) state in conspicuous and plain terms that the municipality may grant the  
194 petition and annex the area described in the petition unless, within the time required under  
195 Subsection 10-2-407(2)(a)(i)[(A)], a written protest to the annexation petition is filed with the  
196 commission and a copy of the protest delivered to the city recorder or town clerk of the  
197 proposed annexing municipality;

198 [(vi)] (f) state the address of the commission or, if a commission has not yet been  
199 created in the county, the county clerk, where a protest to the annexation petition may be filed;

200 [(vii)] (g) state that the area proposed for annexation to the municipality will also  
201 automatically be annexed to a local district providing fire protection, paramedic, and  
202 emergency services or a local district providing law enforcement service, as the case may be, as  
203 provided in Section 17B-1-416, if:

204 [(A)] (i) the proposed annexing municipality is entirely within the boundaries of a local  
205 district:

206 [(B)] (A) that provides fire protection, paramedic, and emergency services or law  
207 enforcement service, respectively; and

208 [(B)] (B) in the creation of which an election was not required because of Subsection  
209 17B-1-214(3)(c); and

210 [(B)] (ii) the area proposed to be annexed to the municipality is not already within the  
211 boundaries of the local district; and

212 [(viii)] (h) state that the area proposed for annexation to the municipality will be  
213 automatically withdrawn from a local district providing fire protection, paramedic, and

214 emergency services or a local district providing law enforcement service, as the case may be, as  
215 provided in Subsection 17B-1-502(2), if:

216 ~~[(A)]~~ (i) the petition proposes the annexation of an area that is within the boundaries of  
217 a local district:

218 ~~[(H)]~~ (A) that provides fire protection, paramedic, and emergency services or law  
219 enforcement service, respectively; and

220 ~~[(H)]~~ (B) in the creation of which an election was not required because of Subsection  
221 17B-1-214(3)(c); and

222 ~~[(B)]~~ (ii) the proposed annexing municipality is not within the boundaries of the local  
223 district.

224 ~~[(b)]~~ (3) (a) The statement required by Subsection (2)~~[(a)(v)]~~(e) shall state the deadline  
225 for filing a written protest in terms of the actual date rather than by reference to the statutory  
226 citation.

227 ~~[(c)]~~ (b) In addition to the requirements under Subsection (2)~~[(a)]~~, a notice under  
228 Subsection (1)~~[(a)]~~ for a proposed annexation of an area within a county of the first class shall  
229 include a statement that a protest to the annexation petition may be filed with the commission  
230 by property owners if it contains the signatures of the owners of private real property that:

231 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
232 annexation;

233 (ii) covers at least 25% of the private land area located in the unincorporated area  
234 within 1/2 mile of the area proposed for annexation; and

235 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
236 area within 1/2 mile of the area proposed for annexation.

237 Section 2. Section 10-2-407 is amended to read:

238 **10-2-407. Protest to annexation petition -- Planning advisory area planning**  
239 **commission recommendation -- Petition requirements -- Disposition of petition if no**  
240 **protest filed.**

241 (1) A protest to an annexation petition under Section 10-2-403 may be filed by:

242 (a) the legislative body or governing board of an affected entity;

243 (b) the owner of rural real property as defined in Section 17B-2a-1107; or

244 (c) for a proposed annexation of an area within a county of the first class, the owners of



245 private real property that:

246 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
247 annexation;

248 (ii) covers at least 25% of the private land area located in the unincorporated area  
249 within 1/2 mile of the area proposed for annexation; and

250 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
251 area within 1/2 mile of the area proposed for annexation.

252 (2) ~~(a)~~ Each protest under Subsection (1) shall:

253 ~~(i)~~ (a) be filed:

254 ~~(A)~~ (i) no later than 30 days after the municipal legislative body's receipt of the notice  
255 of certification under Subsection 10-2-405(2)(c)(i); and

256 ~~(B)~~ ~~(i)~~ (ii) (A) in a county that has already created a commission under Section  
257 10-2-409, with the commission; or

258 ~~(H)~~ (B) in a county that has not yet created a commission under Section 10-2-409,  
259 with the clerk of the county in which the area proposed for annexation is located;

260 ~~(ii)~~ (b) state each reason for the protest of the annexation petition and, if the area  
261 proposed to be annexed is located in a specified county, justification for the protest under the  
262 standards established in this chapter;

263 ~~(iii)~~ (c) if the area proposed to be annexed is located in a specified county, contain  
264 other information that the commission by rule requires or that the party filing the protest  
265 considers pertinent; and

266 ~~(iv)~~ (d) contain the name and address of a contact person who is to receive notices  
267 sent by the commission with respect to the protest proceedings.

268 ~~(b)~~ (3) The party filing a protest under this section shall on the same date deliver or  
269 mail a copy of the protest to the city recorder or town clerk of the proposed annexing  
270 municipality.

271 ~~(e)~~ (4) Each clerk who receives a protest under Subsection (2)(a)~~(i)(B)(H)~~(ii)(B)  
272 shall:

273 ~~(i)~~ (a) immediately notify the county legislative body of the protest; and

274 ~~(ii)~~ (b) deliver the protest to the boundary commission within five days after:

275 ~~(A)~~ (i) receipt of the protest, if the boundary commission has previously been created;

276 or

277 ~~[(B)]~~ (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the  
278 boundary commission has not previously been created.

279 ~~[(3)(a)(i)]~~ (5) (a) If a protest is filed under this section:

280 ~~[(A)]~~ (i) the municipal legislative body may, at its next regular meeting after expiration  
281 of the deadline under Subsection (2)(a)(i)~~[(A)]~~, deny the annexation petition; or

282 ~~[(B)]~~ (ii) if the municipal legislative body does not deny the annexation petition under  
283 Subsection ~~[(3)(a)(i)(A)]~~ (5)(a)(i), the municipal legislative body may take no further action on  
284 the annexation petition until after receipt of the commission's notice of its decision on the  
285 protest under Section 10-2-416.

286 ~~[(i)]~~ (b) If a municipal legislative body denies an annexation petition under Subsection  
287 ~~[(3)(a)(i)(A)]~~ (5)(a)(i), the municipal legislative body shall, within five days after the denial,  
288 send notice of the denial in writing to:

289 ~~[(A)]~~ (i) the contact sponsor of the annexation petition;

290 ~~[(B)]~~ (ii) the commission; and

291 ~~[(C)]~~ (iii) each entity that filed a protest.

292 ~~[(b)(i)]~~ (6) If no timely protest is filed under this section, the municipal legislative  
293 body may, subject to Subsection ~~[(3)(b)(i)]~~ (7), approve the petition.

294 ~~[(i)]~~ (7) Before approving an annexation petition under Subsection ~~[(3)(b)(i)]~~ (6), the  
295 municipal legislative body shall~~[(A) hold a public hearing; and (B) at least seven days before~~  
296 ~~the public hearing under Subsection (3)(b)(i)(A): (i) (Aa)]~~ hold a public hearing and publish  
297 notice of the public hearing:

298 (a) (i) at least seven days before the day of the public hearing in a newspaper of general  
299 circulation within the municipality and the area proposed for annexation; [or]

300 ~~[(Bb)]~~ (ii) if there is no newspaper of general circulation in ~~[those areas, post-written~~  
301 ~~notices of the hearing in conspicuous places within those areas that are most likely to give~~  
302 ~~notice to residents within those areas; and]~~ the combined area described in Subsection (7)(a)(i),  
303 at least seven days before the day of the public hearing, by posting one notice, and at least one  
304 additional notice per 2,000 population within the combined area, in places within the combined  
305 area that are most likely to give notice to the residents within, and the owners of real property  
306 located within, the combined area; or

307 (iii) at least 10 days before the day of the public hearing by mailing the notice to each  
 308 residence within, and to each owner of real property located within, the combined area  
 309 described in Subsection (7)(a)(i);

310 ~~[(H)]~~ (b) [publish notice of the hearing] on the Utah Public Notice Website created in  
 311 Section 63F-1-701[-], for seven days before the day of the public hearing;

312 (c) in accordance with Section 45-1-101, for seven days before the day of the public  
 313 hearing; and

314 (d) if the municipality has a website, on the municipality's website for seven days  
 315 before the day of the public hearing.

316 Section 3. Section **10-2-413** is amended to read:

317 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
 318 **study.**

319 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
 320 a proposed annexing municipality denies an annexation petition under Subsection

321 10-2-407[(3)(a)(i)(A)](5)(a)(i) and except as provided in Subsection (1)(b), the commission  
 322 shall choose and engage a feasibility consultant within 45 days of:

323 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had  
 324 been created before the filing of the protest; or

325 (ii) the commission's creation, if the commission is created after the filing of a protest.

326 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility  
 327 study with respect to a petition that proposes the annexation of an area that:

328 (i) is undeveloped; and

329 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private  
 330 real property within the municipality.

331 (2) The commission shall require the feasibility consultant to:

332 (a) complete a feasibility study on the proposed annexation and submit written results  
 333 of the study to the commission no later than 75 days after the feasibility consultant is engaged  
 334 to conduct the study;

335 (b) submit with the full written results of the feasibility study a summary of the results  
 336 no longer than a page in length; and

337 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility

338 study results and respond to questions at that hearing.

339 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

340 (i) the population and population density within the area proposed for annexation, the  
341 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries  
342 within 1/2 mile of the area proposed for annexation, that municipality;

343 (ii) the geography, geology, and topography of and natural boundaries within the area  
344 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a  
345 municipality with boundaries within 1/2 mile of the area proposed for annexation, that  
346 municipality;

347 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated  
348 island or unincorporated peninsula;

349 (iv) whether the proposed annexation will hinder or prevent a future and more logical  
350 and beneficial annexation or a future logical and beneficial incorporation;

351 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,  
352 other municipalities, local districts, special service districts, school districts, and other  
353 governmental entities;

354 (vi) current and five-year projections of demographics and economic base in the area  
355 proposed for annexation and surrounding unincorporated area, including household size and  
356 income, commercial and industrial development, and public facilities;

357 (vii) projected growth in the area proposed for annexation and the surrounding  
358 unincorporated area during the next five years;

359 (viii) the present and five-year projections of the cost of governmental services in the  
360 area proposed for annexation;

361 (ix) the present and five-year projected revenue to the proposed annexing municipality  
362 from the area proposed for annexation;

363 (x) the projected impact the annexation will have over the following five years on the  
364 amount of taxes that property owners within the area proposed for annexation, the proposed  
365 annexing municipality, and the remaining unincorporated county will pay;

366 (xi) past expansion in terms of population and construction in the area proposed for  
367 annexation and the surrounding unincorporated area;

368 (xii) the extension during the past 10 years of the boundaries of each other municipality

369 near the area proposed for annexation, the willingness of the other municipality to annex the  
370 area proposed for annexation, and the probability that another municipality would annex some  
371 or all of the area proposed for annexation during the next five years if the annexation did not  
372 occur;

373 (xiii) the history, culture, and social aspects of the area proposed for annexation and  
374 surrounding area;

375 (xiv) the method of providing and the entity that has provided municipal-type services  
376 in the past to the area proposed for incorporation and the feasibility of municipal-type services  
377 being provided by the proposed annexing municipality; and

378 (xv) the effect on each school district whose boundaries include part or all of the area  
379 proposed for annexation or the proposed annexing municipality.

380 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad  
381 valorem property tax rates on residential property within the area proposed for annexation at  
382 the same level that residential property within the proposed annexing municipality would be  
383 without the annexation.

384 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that  
385 the level and quality of governmental services that will be provided to the area proposed for  
386 annexation in the future is essentially comparable to the level and quality of governmental  
387 services being provided within the proposed annexing municipality at the time of the feasibility  
388 study.

389 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth  
390 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant  
391 in conducting the feasibility study depending upon:

392 (i) the size of the area proposed for annexation;

393 (ii) the size of the proposed annexing municipality;

394 (iii) the extent to which the area proposed for annexation is developed;

395 (iv) the degree to which the area proposed for annexation is expected to develop and  
396 the type of development expected; and

397 (v) the number and type of protests filed against the proposed annexation.

398 (b) Notwithstanding Subsection (4)(a), the commission may not modify the  
399 requirement that the feasibility consultant provide a full and complete analysis of the items

400 listed in Subsections (3)(a)(viii), (ix), and (xv).

401 (5) If the results of the feasibility study do not meet the requirements of Subsection  
 402 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make  
 403 recommendations as to how the boundaries of the area proposed for annexation may be altered  
 404 so that the requirements of Subsection 10-2-416(3) may be met.

405 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and  
 406 expenses shall be shared equally by the proposed annexing municipality and each entity or  
 407 group under Subsection 10-2-407(1) that files a protest.

408 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property  
 409 owners under Subsection 10-2-407(1)(c), the county in which the area proposed for annexation  
 410 shall pay the owners' share of the feasibility consultant's fees and expenses.

411 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners  
 412 file a protest, the county and the proposed annexing municipality shall equally share the  
 413 property owners' share of the feasibility consultant's fees and expenses.

414 Section 4. Section 10-2-415 is amended to read:

415 **10-2-415. Public hearing -- Notice.**

416 (1) (a) [(†)] If the results of the feasibility study or supplemental feasibility study meet  
 417 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area  
 418 located in a county of the first class, the commission shall hold a public hearing within 30 days  
 419 [of receipt of] after the day on which the commission receives the feasibility study or  
 420 supplemental feasibility study results.

421 [(†)] (b) At the public hearing [~~under~~] described in Subsection (1)(a)[(†)], the  
 422 commission shall:

423 [(A)] (i) require the feasibility consultant to present the results of the feasibility study  
 424 and, if applicable, the supplemental feasibility study;

425 [(B)] (ii) allow those present to ask questions of the feasibility consultant regarding the  
 426 study results; and

427 [(C)] (iii) allow those present to speak to the issue of annexation.

428 [(iii)-(A)] (2) The commission shall[:(†)] publish notice of [~~each hearing under~~] the  
 429 public hearing described in Subsection (1)(a)[(†)]:

430 [(Aa)] (a) (i) at least once a week for two successive weeks before the public hearing in

431 a newspaper of general circulation within the area proposed for annexation, the surrounding 1/2  
 432 mile of unincorporated area, and the proposed annexing municipality; ~~[and]~~

433 (ii) if there is no newspaper of general circulation within the combined area described  
 434 in Subsection (2)(a)(i), at least two weeks before the day of the public hearing, by posting one  
 435 notice, and at least one additional notice per 2,000 population within the combined area, in  
 436 places within the combined area that are most likely to give notice of the public hearing to the  
 437 residents within, and the owners of real property located within, the combined area; or

438 (iii) by mailing notice to each residence within, and to each residence within, and to  
 439 each owner of real property located within, the combined area described in Subsection (2)(a)(i);

440 ~~[(Bb)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for two  
 441 weeks; ~~and~~ before the day of the public hearing;

442 (c) in accordance with Section 45-1-101, for two weeks before the day of the public  
 443 hearing;

444 ~~[(H) send]~~ (d) by sending written notice of the public hearing to the municipal  
 445 legislative body of the proposed annexing municipality, the contact sponsor on the annexation  
 446 petition, each entity that filed a protest, and, if a protest was filed under Subsection  
 447 10-2-407(1)(c), the contact person; ~~and~~

448 (e) if the municipality has a website, on the municipality's website for two weeks  
 449 before the day of the public hearing.

450 ~~[(B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of~~  
 451 ~~general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the~~  
 452 ~~commission shall give the notice required under that subsection by posting notices, at least~~  
 453 ~~seven days before the hearing, in conspicuous places within those areas that are most likely to~~  
 454 ~~give notice of the hearing to the residents of those areas.]~~

455 ~~[(C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility~~  
 456 ~~study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study~~  
 457 ~~is available for inspection and copying at the office of the commission.]~~

458 (3) The notice described in Subsection (2) shall:

459 (a) be entitled, "notice of annexation hearing";

460 (b) state the name of the annexing municipality;

461 (c) describe the area proposed for annexation; and

462 (d) specify the following sources where an individual may obtain a copy of the  
 463 feasibility study conducted in relation to the proposed annexation:

464 (i) if the municipality has a website, the municipality's website;

465 (ii) a municipality's physical address; and

466 (iii) a mailing address and telephone number.

467 ~~[(b)(i)]~~ (4) Within 30 days after the time under Subsection [10-2-407\(2\)](#) for filing a  
 468 protest has expired with respect to a proposed annexation of an area located in a specified  
 469 county, the boundary commission shall hold a hearing on all protests that were filed with  
 470 respect to the proposed annexation.

471 ~~[(ii)(A)]~~ (5) At least 14 days before the date of ~~[each hearing under]~~ a hearing  
 472 described in Subsection ~~[(1)(b)(i)]~~(4), the commission chair shall ~~[cause]~~ publish notice of the  
 473 hearing ~~[to be published]~~:

474 (a) (i) in a newspaper of general circulation within the area proposed for annexation[.];

475 (ii) if there is no newspaper of general circulation within the area proposed for  
 476 annexation, by posting one notice, and at least one additional notice per 2,000 population  
 477 within the area in places within the area that are most likely to give notice of the hearing to the  
 478 residents within, and the owners of real property located within, the area; or

479 (iii) mailing notice to each resident within, and each owner of real property located  
 480 within, the area proposed for annexation;

481 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for 14 days before  
 482 the day of the hearing;

483 (c) in accordance with Section [45-1-101](#), for 14 days before the day of the hearing; and

484 (d) on the county's website for two weeks before the day of the public hearing.

485 ~~[(B)]~~ (6) Each notice ~~[under]~~ described in Subsection ~~[(1)(b)(ii)(A)]~~ (5) shall~~[-(F)]~~ state  
 486 the date, time, and place of the hearing;

487 ~~[(H)]~~ (a) briefly summarize the nature of the protest; and

488 ~~[(HH)]~~ (b) state that a copy of the protest is on file at the commission's office.

489 ~~[(iii)]~~ (7) The commission may continue a hearing under Subsection ~~[(1)(b)(i)]~~ (4)  
 490 from time to time, but no continued hearing may be held later than 60 days after the original  
 491 hearing date.

492 ~~[(iv)]~~ (8) In considering protests, the commission shall consider whether the proposed



493 annexation:

494 ~~[(A)]~~ (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
495 annexation policy plan of the proposed annexing municipality;

496 ~~[(B)]~~ (b) conflicts with the annexation policy plan of another municipality; and

497 ~~[(C)]~~ (c) if the proposed annexation includes urban development, will have an adverse  
498 tax consequence on the remaining unincorporated area of the county.

499 ~~[(2)]~~ (9) (a) The commission shall record each hearing under this section by electronic  
500 means.

501 (b) A transcription of the recording under Subsection ~~[(2)]~~ (9)(a), the feasibility study,  
502 if applicable, information received at the hearing, and the written decision of the commission  
503 shall constitute the record of the hearing.

504 Section 5. Section 10-2-418 is amended to read:

505 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
506 **Hearing.**

507 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in  
508 accordance with this section of an area located within a county of the first class,  
509 "municipal-type services" does not include a service provided by a municipality pursuant to a  
510 contract that the municipality has with another political subdivision as "political subdivision" is  
511 defined in Section 17B-1-102.

512 (2) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
513 unincorporated area under this section without an annexation petition if:

514 (a) (i) the area to be annexed consists of one or more unincorporated islands within or  
515 unincorporated peninsulas contiguous to the municipality;

516 (ii) the majority of each island or peninsula consists of residential or commercial  
517 development;

518 (iii) the area proposed for annexation requires the delivery of municipal-type services;  
519 and

520 (iv) the municipality has provided most or all of the municipal-type services to the area  
521 for more than one year;

522 (b) (i) the area to be annexed consists of one or more unincorporated islands within or  
523 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800

524 residents; and

525 (ii) the municipality has provided one or more municipal-type services to the area for at  
526 least one year;

527 (c) (i) the area consists of:

528 (A) an unincorporated island within or an unincorporated peninsula contiguous to the  
529 municipality; and

530 (B) for an area outside of the county of the first class proposed for annexation, no more  
531 than 50 acres; and

532 (ii) the county in which the area is located, subject to Subsection (4)(b), and the  
533 municipality agree that the area should be included within the municipality; or

534 (d) (i) the area to be annexed consists only of one or more unincorporated islands in a  
535 county of the second class;

536 (ii) the area to be annexed is located in the expansion area of a municipality; and

537 (iii) the county legislative body in which the municipality is located provides notice to  
538 each property owner within the area to be annexed that:

539 (A) the county legislative body will hold a public hearing, no less than 15 days after the  
540 day on which the county legislative body provides the notice; and

541 (B) after the public hearing the county legislative body may make a recommendation of  
542 annexation to the municipality whose expansion area includes the area to be annexed.

543 (3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
544 portion of an unincorporated island or unincorporated peninsula under this section, leaving  
545 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

546 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body  
547 determines that not annexing the entire unincorporated island or unincorporated peninsula is in  
548 the municipality's best interest; and

549 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),  
550 the entire island of unincorporated area, of which a portion is being annexed, complies with the  
551 requirement of Subsection (2)(b)(i) relating to the number of residents.

552 (4) (a) This Subsection (4) applies only to an annexation within a county of the first  
553 class.

554 (b) A county of the first class shall agree to an annexation if the majority of private

555 property owners within the area to be annexed give written consent to the annexation, in  
 556 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

557 (c) For purposes of Subsection (4)(b), the majority of private property owners is  
 558 property owners who own:

559 (i) the majority of the total private land area within the area proposed for annexation;  
 560 and

561 (ii) private real property equal to at least one half the value of private real property  
 562 within the area proposed for annexation.

563 (d) A property owner consenting to annexation shall indicate the property owner's  
 564 consent on a form which includes language in substantially the following form:

565 "Notice: If this written consent is used to proceed with an annexation of your property  
 566 in accordance with Utah Code Section 10-2-418, no public election is required by law to  
 567 approve the annexation. If you sign this consent and later decide you do not want to support  
 568 the annexation of your property, you may withdraw your signature by submitting a signed,  
 569 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you  
 570 choose to withdraw your signature, you must do so no later than the close of the public hearing  
 571 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d)."

572 (e) A private property owner may withdraw the property owner's signature indicating  
 573 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the  
 574 close of the public hearing held in accordance with Subsection (5)(~~(d)~~)(b).

575 (5) The legislative body of each municipality intending to annex an area under this  
 576 section shall:

577 (a) adopt a resolution indicating the municipal legislative body's intent to annex the  
 578 area, describing the area proposed to be annexed; and

579 [~~(b) publish notice:~~]

580 [(i)-(A)] (b) hold a public hearing on the proposed annexation no earlier than 30 days  
 581 after the adoption of the resolution described in Subsection (5)(a).

582 (6) A legislative body described in Subsection (5) shall publish notice of a public  
 583 hearing described in Subsection (5)(b):

584 (a) (i) at least once a week for three successive weeks before the public hearing in a  
 585 newspaper of general circulation within the municipality and the area proposed for annexation;

586 [~~or~~]

587 [~~(B)~~] (ii) if there is no newspaper of general circulation in the [~~areas~~] combined area  
 588 described in Subsection [~~(5)(b)(i)(A), post~~] (6)(a)(i), at least three weeks before the day of the  
 589 public hearing, by posting one notice, and at least one additional notice per [~~1,000~~] 2,000  
 590 population in the combined area, in places within [~~those areas~~] the combined area that are most  
 591 likely to give notice to the residents [~~of those areas, and~~] within, and the owners of real  
 592 property located within, the combined area; or

593 (iii) at least three weeks before the day of the public hearing, by mailing notice to each  
 594 residence within, and each owner of real property located within, the combined area described  
 595 in Subsection (6)(a)(i);

596 [~~(f)~~] (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three  
 597 weeks before the day of the public hearing;

598 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the public  
 599 hearing;

600 [~~(e) send~~] (d) by sending written notice to:

601 (i) the board of each local district and special service district whose boundaries  
 602 contain some or all of the area proposed for annexation; and

603 (ii) the legislative body of the county in which the area proposed for annexation is  
 604 located; and

605 (e) if the municipality has a website, on the municipality's website for three weeks  
 606 before the day of the public hearing.

607 [~~(d) hold a public hearing on the proposed annexation no earlier than 30 days after the~~  
 608 ~~adoption of the resolution under Subsection (5)(a).]~~

609 [~~(6)~~] (7) The legislative body of the annexing municipality shall ensure that:

610 (a) each notice [~~under Subsections (5)(b) and (e)~~] described in Subsection (6):

611 (i) states that the municipal legislative body has adopted a resolution indicating its  
 612 intent to annex the area proposed for annexation;

613 (ii) states the date, time, and place of the public hearing [~~under Subsection (5)(d)~~]  
 614 described in Subsection (5)(b);

615 (iii) describes the area proposed for annexation; and

616 (iv) except for an annexation that meets the property owner consent requirements of

617 Subsection ~~[(7)]~~ (8)(b) or the recommendation of annexation requirements of Subsection ~~[(7)]~~  
 618 (8)(c), states in conspicuous and plain terms that the municipal legislative body will annex the  
 619 area unless, at or before the public hearing ~~[under Subsection (5)(d)]~~ described in Subsection  
 620 (5)(b), written protests to the annexation are filed by the owners of private real property that:

621 (A) is located within the area proposed for annexation;

622 (B) covers a majority of the total private land area within the entire area proposed for  
 623 annexation; and

624 (C) is equal in value to at least 1/2 the value of all private real property within the  
 625 entire area proposed for annexation; and

626 (b) the first publication of the notice ~~[required under Subsection (5)(b)(i)]~~ described in  
 627 Subsection (6)(a) occurs within 14 days ~~[of]~~ after the day on which the municipal legislative  
 628 ~~[body's adoption of]~~ body adopts a resolution under Subsection (5)(a).

629 ~~[(7)]~~ (8) (a) Except as provided in Subsections ~~[(7)]~~ (8)(b)(i) and ~~[(7)]~~ (8)(c)(i), upon  
 630 conclusion of the public hearing ~~[under Subsection (5)(d)]~~ described in Subsection (5)(b), the  
 631 municipal legislative body may adopt an ordinance approving the annexation of the area  
 632 proposed for annexation under this section unless, at or before the hearing, written protests to  
 633 the annexation have been filed with the recorder or clerk of the municipality by the owners of  
 634 private real property that:

635 (i) is located within the area proposed for annexation;

636 (ii) covers a majority of the total private land area within the entire area proposed for  
 637 annexation; and

638 (iii) is equal in value to at least 1/2 the value of all private real property within the  
 639 entire area proposed for annexation.

640 (b) (i) Notwithstanding Subsection ~~[(7)]~~ (8)(a), upon conclusion of the public hearing  
 641 ~~[under Subsection (5)(d)]~~ described in Subsection (5)(b), a municipality may adopt an  
 642 ordinance approving the annexation of the area proposed for annexation under this section  
 643 without allowing or considering protests under Subsection ~~[(7)]~~ (8)(a) if the owners of at least  
 644 75% of the total private land area within the entire area proposed for annexation, representing  
 645 at least 75% of the value of the private real property within the entire area proposed for  
 646 annexation, have consented in writing to the annexation.

647 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an

648 ordinance adopted under Subsection [(7)] (8)(b)(i), the area annexed is conclusively presumed  
649 to be validly annexed.

650 (c) (i) Notwithstanding Subsection [(7)] (8)(a), upon conclusion of the public hearing  
651 [~~under Subsection (5)(d)~~] described in Subsection (5)(b), a municipality may adopt an  
652 ordinance approving the annexation of an area that the county legislative body proposes for  
653 annexation under this section without allowing or considering protests under Subsection [(7)]  
654 (8)(a) if the county legislative body has formally recommended annexation to the annexing  
655 municipality and has made a formal finding that:

656 (A) the area to be annexed can be more efficiently served by the municipality than by  
657 the county;

658 (B) the area to be annexed is not likely to be naturally annexed by the municipality in  
659 the future as the result of urban development;

660 (C) annexation of the area is likely to facilitate the consolidation of overlapping  
661 functions of local government; and

662 (D) annexation of the area is likely to result in an equitable distribution of community  
663 resources and obligations.

664 (ii) The county legislative body may base the finding required in Subsection [(7)]  
665 (8)(c)(i)(B) on:

666 (A) existing development in the area;

667 (B) natural or other conditions that may limit the future development of the area; or

668 (C) other factors that the county legislative body considers relevant.

669 (iii) A county legislative body may make the recommendation for annexation required  
670 in Subsection [(7)] (8)(c)(i) for only a portion of an unincorporated island if, as a result of  
671 information provided at the public hearing, the county legislative body makes a formal finding  
672 that it would be equitable to leave a portion of the island unincorporated.

673 (iv) If a county legislative body has made a recommendation of annexation under  
674 Subsection [(7)] (8)(c)(i):

675 (A) the relevant municipality is not required to proceed with the recommended  
676 annexation; and

677 (B) if the relevant municipality proceeds with annexation, the municipality shall annex  
678 the entire area that the county legislative body recommended for annexation.

679 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an  
 680 ordinance adopted under Subsection ~~[(7)]~~ (8)(c)(i), the area annexed is conclusively presumed  
 681 to be validly annexed.

682 ~~[(8)]~~ (9) (a) Except as provided in Subsections ~~[(7)]~~ (8)(b)(i) and ~~[(7)]~~ (8)(c)(i), if  
 683 protests are timely filed that comply with Subsection ~~[(7)]~~ (8)(a), the municipal legislative body  
 684 may not adopt an ordinance approving the annexation of the area proposed for annexation, and  
 685 the annexation proceedings under this section shall be considered terminated.

686 (b) Subsection ~~[(8)]~~ (9)(a) does not prohibit the municipal legislative body from  
 687 excluding from a proposed annexation under Subsection (2)(b) the property within an  
 688 unincorporated island regarding which protests have been filed and proceeding under  
 689 Subsection (3) to annex some or all of the remaining portion of the unincorporated island.

690 Section 6. Section 10-2-419 is amended to read:

691 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

692 (1) The legislative bodies of two or more municipalities having common boundaries  
 693 may adjust their common boundaries as provided in this section.

694 (2) The legislative body of each municipality intending to adjust a boundary that is  
 695 common with another municipality shall:

696 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a  
 697 common boundary; and

698 (b) hold a public hearing on the proposed adjustment no less than 60 days after the  
 699 adoption of the resolution under Subsection (2)(a)[;].

700 ~~[(c)]~~ (3) A legislative body described in Subsection (2) shall publish notice of a public  
 701 hearing described in Subsection (2)(b):

702 ~~[(i)-(A)]~~ (a) (i) at least once a week for three successive weeks before the public  
 703 hearing in a newspaper of general circulation within the municipality; ~~or~~

704 ~~[(B)]~~ (ii) if there is no newspaper of general circulation within the municipality, ~~post~~  
 705 at least three weeks before the day of the public hearing, by posting one notice, and at least one  
 706 additional notice per [1,000] 2,000 population of the municipality, in places within the  
 707 municipality that are most likely to give notice to residents of the municipality; ~~and~~ or

708 (iii) at least three weeks before the day of the public hearing, by mailing notice to each  
 709 residence in the municipality;

710 ~~[(f)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for three  
711 weeks~~;~~ and before the day of the public hearing;

712 (c) in accordance with Section 45-1-101, for three weeks before the day of the public  
713 hearing;

714 (d) if the proposed boundary adjustment may cause any part of real property owned by  
715 the state to be within the geographic boundary of a different local governmental entity than  
716 before the adjustment, ~~[provide]~~ by providing written notice, at least 50 days before the day of  
717 the public hearing ~~[described in Subsection (2)(b)]~~, to:

718 (i) the title holder of any state-owned real property described in this Subsection ~~[(2)]~~  
719 (3)(d); and

720 (ii) the Utah State Developmental Center Board, created under Section 62A-5-202, if  
721 any state-owned real property described in this Subsection ~~[(2)]~~ (3)(d) is associated with the  
722 Utah State Developmental Center~~[-];~~ and

723 (e) if the municipality has a website, on the municipality's website for three weeks  
724 before the day of the public hearing.

725 ~~[(3)]~~ (4) The notice ~~[required under Subsections (2)(c) and (d)]~~ described in Subsection  
726 (3) shall:

727 (a) state that the municipal legislative body has adopted a resolution indicating the  
728 municipal legislative body's intent to adjust a boundary that the municipality has in common  
729 with another municipality;

730 (b) describe the area proposed to be adjusted;

731 (c) state the date, time, and place of the public hearing ~~[required under]~~ described in  
732 Subsection (2)(b);

733 (d) state in conspicuous and plain terms that the municipal legislative body will adjust  
734 the boundaries unless, at or before the public hearing ~~[under]~~ described in Subsection (2)(b), a  
735 written protest to the adjustment is filed by:

736 (i) an owner of private real property that:

737 (A) is located within the area proposed for adjustment;

738 (B) covers at least 25% of the total private land area within the area proposed for  
739 adjustment; and

740 (C) is equal in value to at least 15% of the value of all private real property within the



741 area proposed for adjustment; or

742 (ii) a title holder of state-owned real property described in Subsection ~~[(2)]~~ (3)(d);

743 (e) state that the area that is the subject of the boundary adjustment will, because of the  
744 boundary adjustment, be automatically annexed to a local district providing fire protection,  
745 paramedic, and emergency services or a local district providing law enforcement service, as the  
746 case may be, as provided in Section 17B-1-416, if:

747 (i) the municipality to which the area is being added because of the boundary  
748 adjustment is entirely within the boundaries of a local district:

749 (A) that provides fire protection, paramedic, and emergency services or law  
750 enforcement service, respectively; and

751 (B) in the creation of which an election was not required because of Subsection  
752 17B-1-214(3)(c); and

753 (ii) the municipality from which the area is being taken because of the boundary  
754 adjustment is not within the boundaries of the local district; and

755 (f) state that the area proposed for annexation to the municipality will be automatically  
756 withdrawn from a local district providing fire protection, paramedic, and emergency services,  
757 as provided in Subsection 17B-1-502(2), if:

758 (i) the municipality to which the area is being added because of the boundary  
759 adjustment is not within the boundaries of a local district:

760 (A) that provides fire protection, paramedic, and emergency services; and

761 (B) in the creation of which an election was not required because of Subsection  
762 17B-1-214(3)(c); and

763 (ii) the municipality from which the area is being taken because of the boundary  
764 adjustment is entirely within the boundaries of the local district.

765 ~~[(4)]~~ (5) The first publication of the notice ~~[required under Subsection (2)(c)(i)(A)]~~  
766 described in Subsection (3)(a)(i) shall be within 14 days ~~[of]~~ after the day on which the  
767 municipal legislative ~~[body's adoption of]~~ body adopts a resolution under Subsection (2)(a).

768 ~~[(5)]~~ (6) Upon conclusion of the public hearing ~~[under]~~ described in Subsection (2)(b),  
769 the municipal legislative body may adopt an ordinance approving the adjustment of the  
770 common boundary unless, at or before the hearing ~~[under]~~ described in Subsection (2)(b), a  
771 written protest to the adjustment is filed with the city recorder or town clerk by a person

772 described in Subsection ~~[(2)]~~ (3)(d)(i) or (ii).

773 ~~[(6)]~~ (7) The municipal legislative body shall comply with the requirements of Section  
774 10-2-425 as if the boundary adjustment were an annexation.

775 ~~[(7)]~~ (8) (a) An ordinance adopted under Subsection ~~[(5)]~~ (6) becomes effective when  
776 each municipality involved in the boundary adjustment has adopted an ordinance under  
777 Subsection ~~[(5)]~~ (6).

778 (b) The effective date of a boundary adjustment under this section is governed by  
779 Section 10-2-425.

780 Section 7. Section 10-2-501 is amended to read:

781 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**  
782 **Requirements upon filing request.**

783 (1) As used in this part "petitioner" means:

784 (a) one or more persons who:

785 (i) own title to real property within the area proposed for disconnection; and

786 (ii) sign a request for disconnection proposing to disconnect the area proposed for  
787 disconnection from the municipality; or

788 (b) the mayor of the municipality within which the area proposed for disconnection is  
789 located who signs a request for disconnection proposing to disconnect the area proposed for  
790 disconnection from the municipality.

791 (2) (a) A petitioner proposing to disconnect an area within and lying on the borders of a  
792 municipality shall file with that municipality's legislative body a request for disconnection.

793 (b) Each request for disconnection shall:

794 (i) contain the names, addresses, and signatures of the owners of more than 50% of any  
795 private real property in the area proposed for disconnection;

796 (ii) give the reasons for the proposed disconnection;

797 (iii) include a map or plat of the territory proposed for disconnection; and

798 (iv) designate between one and five persons with authority to act on the petitioner's  
799 behalf in the proceedings.

800 (3) Upon filing the request for disconnection, the petitioner shall~~[-(a) cause]~~ publish  
801 notice of the request ~~[to be published]~~:

802 (a) (i) once a week for three consecutive weeks before the public hearing described in

803 Section [10-2-502.5](#) in a newspaper of general circulation within the municipality; ~~[and]~~  
 804 ~~[(ii) in accordance with Section [45-1-101](#) for three weeks;]~~  
 805 (ii) if there is no newspaper of general circulation in the municipality, at least three  
 806 weeks before the day of the public hearing described in Section [10-2-502.5](#), by posting one  
 807 notice, and at least one additional notice per 2,000 population of the municipality, in places  
 808 within the municipality that are most likely to give notice to the residents within, and the  
 809 owners of real property located within, the municipality, including the residents who live in the  
 810 area proposed for disconnection; or  
 811 (iii) at least three weeks before the day of the public hearing described in Section  
 812 [10-2-502.5](#), by mailing notice to each residence within, and each owner of real property located  
 813 within, the municipality;  
 814 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
 815 before the day of the public hearing described in Section [10-2-502.5](#);  
 816 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the public  
 817 hearing described in Section [10-2-502.5](#);  
 818 ~~[(b)]~~ (d) [cause notice of the request to be mailed] by mailing notice to each owner of  
 819 real property located within the area proposed to be disconnected; ~~[and]~~  
 820 ~~[(c) deliver]~~ (e) by delivering a copy of the request to the legislative body of the  
 821 county in which the area proposed for disconnection is located[-]; and  
 822 (f) if the municipality has a website, on the municipality's website for three weeks  
 823 before the day of the public hearing.

824 Section 8. Section [10-2-502.5](#) is amended to read:

825 **[10-2-502.5. Hearing on request for disconnection -- Determination by municipal](#)**  
 826 **[legislative body -- Petition in district court.](#)**

827 (1) ~~[Within]~~ No sooner than seven calendar days after, and no later than 30 calendar  
 828 days after [the last publication of], the last day on which the petitioner publishes the notice  
 829 required under Subsection [10-2-501](#)(3)(a), the legislative body of the municipality in which the  
 830 area proposed for disconnection is located shall hold a public hearing.

831 (2) ~~[At least seven calendar days before the hearing date, the]~~ The municipal legislative  
 832 body shall provide notice of the public hearing:

833 (a) at least seven days before the hearing date, in writing to the petitioner and to the

834 legislative body of the county in which the area proposed for disconnection is located; ~~[and]~~  
835 ~~[(b) by publishing a notice:]~~

836 ~~[(i)-(A)]~~ (b) (i) at least seven days before the hearing date, by publishing notice in a  
837 newspaper of general circulation within the municipality; ~~[or]~~

838 ~~[(B)]~~ (ii) if there is no newspaper [as described in Subsection (2)(b)(i)(A), then by  
839 posting notice of the hearing in at least three public places] of general circulation within the  
840 municipality, at least seven days before the hearing date, by posting one notice, and at least one  
841 additional notice per 2,000 population of the municipality, in places within the municipality  
842 that are most likely to give notice to residents within, and the owners of real property located  
843 within, the municipality; ~~[and]~~ or

844 (iii) at least 10 days before the hearing date, by mailing notice to each residence within,  
845 and each owner of real property located within, the municipality;

846 ~~[(ii)]~~ (c) on the Utah Public Notice Website created in Section 63F-1-701[-], for seven  
847 days before the hearing date;

848 (d) in accordance with Section 45-1-101, for seven days before the hearing date; and

849 (e) if the municipality has a website, on the municipality's website for seven days  
850 before the hearing date.

851 (3) In the public hearing, any person may speak and submit documents regarding the  
852 disconnection proposal.

853 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

854 (a) determine whether to grant the request for disconnection; and

855 (b) if the municipality determines to grant the request, adopt an ordinance approving  
856 disconnection of the area from the municipality.

857 (5) (a) A petition against the municipality challenging the municipal legislative body's  
858 determination under Subsection (4) may be filed in district court by:

859 (i) the petitioner; or

860 (ii) the county in which the area proposed for disconnection is located.

861 (b) Each petition under Subsection (5)(a) shall include a copy of the request for  
862 disconnection.

863 Section 9. Section 10-2-607 is amended to read:

864 **10-2-607. Notice of election.**

865 If the county legislative bodies find that the resolution or petition for consolidation and  
 866 their attachments substantially conform with the requirements of this part, ~~[they shall give]~~ the  
 867 county legislative bodies shall publish notice of the election for consolidation to the ~~[electors]~~  
 868 voters of each municipality ~~[which]~~ that would become part of the consolidated municipality  
 869 ~~[by publication]:~~

870 (1) (a) in a newspaper ~~[having a]~~ of general circulation within the boundaries of ~~[each]~~  
 871 the municipality ~~[to be consolidated]~~ at least once a week for four consecutive weeks ~~[prior to]~~  
 872 before the election; [on the question of consolidation; and]

873 ~~[(2) in accordance with Section 45-1-101 for four weeks.]~~

874 (b) if there is no newspaper of general circulation in the municipality, at least four  
 875 weeks before the day of the election, by posting one notice, and at least one additional notice  
 876 per 2,000 population of the municipality, in places within the municipality that are most likely  
 877 to give notice to the voters in the municipality; or

878 (c) at least four weeks before the day of the election, by mailing notice to each  
 879 registered voter in the municipality;

880 (2) on the Utah Public Notice Website created in Section 63F-1-701, for at least four  
 881 weeks before the day of the election;

882 (3) in accordance with Section 45-1-101, for at least four weeks before the day of the  
 883 election; and

884 (4) if the municipality has a website, on the municipality's website for at least four  
 885 weeks before the day of the election.

886 Section 10. Section **10-2-703** is amended to read:

887 **10-2-703. Publication of notice of election.**

888 (1) Immediately after setting the date for the election, the court shall order for  
 889 publication notice of the:

890 (a) petition; and

891 (b) date the election is to be held to determine the question of dissolution.

892 (2) The notice described in Subsection (1) shall be published:

893 (a) (i) for at least once a week for a period of ~~[one month]~~ four weeks before the  
 894 election in a newspaper ~~[having]~~ of general circulation in the municipality; ~~[or]~~

895 ~~[(ii) if there is not a newspaper as described in Subsection (2)(a), by posting in at least~~

896 ~~three public places in the municipality; and]~~

897 (ii) if there is no newspaper of general circulation in the municipality, at least four  
 898 weeks before the day of the election, by posting one notice, and at least one additional notice  
 899 per 2,000 population of the municipality, in places within the municipality that are most likely  
 900 to give notice to the voters in the municipality; or

901 (iii) at least one month before the day of the election, by mailing notice to each  
 902 registered voter in the municipality;

903 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks  
 904 before the day of the election;

905 ~~[(b)]~~ (c) in accordance with Section 45-1-101 [for one month.], for four weeks before  
 906 the day of the election; and

907 (d) if the municipality has a website, on the municipality's website for four weeks  
 908 before the day of the election.

909 Section 11. Section **10-2-708** is amended to read:

910 **10-2-708. Notice of disincorporation -- Publication and filing.**

911 When a municipality has been dissolved, the clerk of the court shall ~~[cause a notice~~  
 912 ~~thereof to be published]~~ publish notice of the dissolution:

913 (1) (a) in a newspaper [having a] of general circulation in the county in which the  
 914 municipality is located at least once a week for four consecutive weeks; [and]

915 (b) if there is no newspaper of general circulation in the county in which the  
 916 municipality is located, by posting one notice, and at least one additional notice per 2,000  
 917 population of the county in places within the county that are most likely to give notice to the  
 918 residents within, and the owners of real property located within, the county, including the  
 919 residents and owners within the municipality that is dissolved; or

920 (c) by mailing notice to each residence within, and each owner of real property located  
 921 within, the county;

922 (2) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks;

923 ~~[(2)]~~ (3) in accordance with Section 45-1-101, for four weeks[-]; and

924 (4) on the county's website for four weeks.

925 Section 12. Section **10-2a-207** is amended to read:

926 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

927 (1) If the results of the feasibility study or supplemental feasibility study meet the  
 928 requirements of Subsection [10-2a-208\(3\)](#), the lieutenant governor shall, after receipt of the  
 929 results of the feasibility study or supplemental feasibility study, schedule at least two public  
 930 hearings to be held:

931 (a) within the following 60 days after receipt of the results;

932 (b) at least seven days apart;

933 (c) in geographically diverse locations within the proposed city; and

934 (d) for the purpose of allowing:

935 (i) the feasibility consultant to present the results of the study; and

936 (ii) the public to become informed about the feasibility study results and to ask

937 questions about those results of the feasibility consultant.

938 (2) At a public hearing described in Subsection (1), the lieutenant governor shall:

939 (a) provide a map or plat of the boundary of the proposed city;

940 (b) provide a copy of the feasibility study for public review; and

941 (c) allow the public to express its views about the proposed incorporation, including its  
 942 view about the proposed boundary.

943 (3) ~~[(a)-(i)]~~ The lieutenant governor shall publish notice of the public hearings required  
 944 under Subsection (1):

945 ~~[(A)]~~ (a) (i) at least once a week for three successive weeks before the first public  
 946 hearing in a newspaper of general circulation within the proposed city; ~~[and]~~

947 (ii) if there is no newspaper of general circulation in the proposed city, at least three  
 948 weeks before the day of the first public hearing, by posting one notice, and at least one  
 949 additional notice per 2,000 population of the proposed city, in places within the proposed city  
 950 that are most likely to give notice to the residents within, and the owners of real property  
 951 located within, the proposed city; or

952 (iii) at least three weeks before the first public hearing, by mailing notice to each  
 953 residence within, and each owner of real property located within, the proposed city;

954 ~~[(B)]~~ (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three  
 955 weeks~~[-]~~ before the day of the first public hearing;

956 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the first  
 957 public hearing; and

958 (d) on the lieutenant governor's website for three weeks before the day of the first  
 959 public hearing.

960 ~~[(ii)]~~ (4) The last publication of notice required under Subsection (3)(a)(i)~~[(A)]~~ shall be  
 961 at least three days before the first public hearing required under Subsection (1).

962 ~~[(b)(i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation~~  
 963 ~~within the proposed city, the lieutenant governor shall post at least one notice of the hearings~~  
 964 ~~per 1,000 population in conspicuous places within the proposed city that are most likely to give~~  
 965 ~~notice of the hearings to the residents of the proposed city.]~~

966 ~~[(ii) The lieutenant governor shall post the notices under Subsection (3)(b)(i) at least~~  
 967 ~~seven days before the first hearing under Subsection (1).]~~

968 ~~[(c) The notice under Subsections (3)(a) and (b)]~~

969 (5) (a) Except as provided in Subsection (5)(c), the notice described in Subsection (3)  
 970 shall include the feasibility study summary under Subsection 10-2a-205(3)(b) and shall indicate  
 971 that a full copy of the study is available for inspection and copying at the Office of the  
 972 Lieutenant Governor.

973 ~~[(d)]~~ (b) The lieutenant governor shall post a copy of the feasibility study on the  
 974 lieutenant governor's website and make a copy available for public review at the Office of the  
 975 Lieutenant Governor.

976 (c) Instead of publishing the feasibility summary under Subsection (5)(a), the  
 977 lieutenant governor may publish a statement that specifies the following sources where a  
 978 resident within, or the owner of real property located within, the proposed city, may view or  
 979 obtain a copy of the feasibility study:

980 (i) the lieutenant governor's website;

981 (ii) the physical address of the Office of the Lieutenant Governor; and

982 (iii) a mailing address and telephone number.

983 Section 13. Section **10-2a-210** is amended to read:

984 **10-2a-210. Incorporation election.**

985 (1) (a) Upon receipt of a certified petition under Subsection 10-2a-209(1)(b)(i) or a  
 986 certified modified petition under Subsection 10-2a-209(3), the lieutenant governor shall:

987 (i) determine and set an election date for the incorporation election that is:

988 (A) on a regular general election date under Section 20A-1-201 or on a local special



989 election date under Section [20A-1-203](#); and

990 (B) at least 65 days after the day that the lieutenant governor receives the certified  
991 petition; and

992 (ii) direct the county legislative body of the county in which the incorporation is  
993 proposed to hold the election on the date determined by the lieutenant governor in accordance  
994 with Subsection (1)(a)(i).

995 (b) The county shall hold the election as directed by the lieutenant governor in  
996 accordance with Subsection (1)(a)(ii).

997 (c) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),  
998 within the boundaries of the proposed city, the person may not vote on the proposed  
999 incorporation.

1000 (2) ~~(a)~~ The county clerk shall publish notice of the election:

1001 (a) (i) in a newspaper of general circulation within the area proposed to be incorporated  
1002 at least once a week for three successive weeks~~[-and]~~ before the election;

1003 (ii) if there is no newspaper of general circulation in the area proposed to be  
1004 incorporated, at least three weeks before the day of the election, by posting one notice, and at  
1005 least one additional notice per 2,000 population of the area proposed to be incorporated, in  
1006 places within the area proposed to be incorporated that are most likely to give notice to the  
1007 voters within the area proposed to be incorporated; or

1008 (iii) at least three weeks before the day of the election, by mailing notice to each  
1009 registered voter in the area proposed to be incorporated;

1010 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks  
1011 before the day of the election;

1012 ~~(c)~~ (c) in accordance with Section [45-1-101](#), for three weeks~~[-]~~ before the day of the  
1013 election; and

1014 (d) on the county's website for three weeks before the day of the election.

1015 ~~(b)~~ (3) (a) The notice required by Subsection (2)~~(a)~~ shall contain:

1016 (i) a statement of the contents of the petition;

1017 (ii) a description of the area proposed to be incorporated as a city;

1018 (iii) a statement of the date and time of the election and the location of polling places;

1019 and

1020 (iv) except as provided in Subsection (3)(c), the feasibility study summary under  
 1021 Subsection 10-2a-205(3)(b) and a statement that a full copy of the study is available for  
 1022 inspection and copying at the Office of the Lieutenant Governor.

1023 ~~[(c)]~~ (b) The last publication of notice required under Subsection (2)(a)(i) shall occur at  
 1024 least one day but no more than seven days before the day of the election.

1025 ~~[(d)(i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
 1026 circulation within the proposed city, the county clerk shall post at least one notice of the  
 1027 election per 1,000 population in conspicuous places within the proposed city that are most  
 1028 likely to give notice of the election to the voters of the proposed city.]~~

1029 ~~[(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days  
 1030 before the election under Subsection (1).]~~

1031 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the  
 1032 notice may include a statement that specifies the following sources where a registered voter in  
 1033 area proposed to be incorporated may view or obtain a copy the feasibility study:

1034 (i) the lieutenant governor's website;

1035 (ii) the physical address of the Office of the Lieutenant Governor; and

1036 (iii) a mailing address and telephone number.

1037 ~~[(3)]~~ (4) If a majority of those casting votes within the area boundaries of the proposed  
 1038 city vote to incorporate as a city, the area shall incorporate.

1039 Section 14. Section 10-2a-213 is amended to read:

1040 **10-2a-213. Determination of number of council members -- Determination of**  
 1041 **election districts -- Hearings and notice.**

1042 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
 1043 the canvass of the election under Section 10-2a-210:

1044 (a) if the voters at the incorporation election choose the council-mayor form of  
 1045 government, determine the number of council members that will constitute the council of the  
 1046 future city;

1047 (b) if the voters at the incorporation election vote to elect council members by district,  
 1048 determine the number of council members to be elected by district and draw the boundaries of  
 1049 those districts, which shall be substantially equal in population;

1050 (c) determine the initial terms of the mayor and members of the city council so that:

1051 (i) the mayor and approximately half the members of the city council are elected to  
 1052 serve an initial term, of no less than one year, that allows their successors to serve a full  
 1053 four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

1054 (ii) the remaining members of the city council are elected to serve an initial term, of no  
 1055 less than one year, that allows their successors to serve a full four-year term that coincides with  
 1056 the schedule established in Subsection 10-3-205(2); and

1057 (d) submit in writing to the county legislative body the results of the sponsors'  
 1058 determinations under Subsections (1)(a), (b), and (c).

1059 (2) ~~(a)~~ Before making a determination under Subsection (1)(a), (b), or (c), the petition  
 1060 sponsors shall hold a public hearing within the future city on the applicable issues under  
 1061 Subsections (1)(a), (b), and (c).

1062 ~~(b)(i)~~ (3) The petition sponsors shall publish notice of the public hearing ~~under~~  
 1063 described in Subsection (2)~~(a)~~:

1064 ~~(A)~~ (a) (i) in a newspaper of general circulation within the future city at least once a  
 1065 week for two successive weeks before the public hearing; ~~and~~

1066 (ii) if there is no newspaper of general circulation in the future city, at least two weeks  
 1067 before the day of the public hearing, by posting one notice, and at least one additional notice  
 1068 per 2,000 population of the future city, in places within the future city that are most likely to  
 1069 give notice to the residents within, and the owners of real property located within, the future  
 1070 city; or

1071 (iii) at least two weeks before the day of the public hearing, by mailing notice to each  
 1072 residence within, and each owner of real property located within, the future city;

1073 ~~(B)~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for two  
 1074 weeks before the day of the public hearing~~[-]~~;

1075 (c) in accordance with Section 45-1-101, for at least two weeks before the day of the  
 1076 public hearing; and

1077 (d) on the county's website for two weeks before the day of the public hearing.

1078 ~~(i)~~ (4) The last publication of notice under Subsection ~~(2)(b)(i)(A)~~ (3)(a)(i) shall be  
 1079 at least three days before the day of the public hearing under Subsection (2)~~(a)~~.

1080 ~~(c)~~ (i) ~~In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general~~  
 1081 ~~circulation within the future city, the petition sponsors shall post at least one notice of the~~

1082 ~~hearing per 1,000 population in conspicuous places within the future city that are most likely to~~  
 1083 ~~give notice of the hearing to the residents of the future city.]~~

1084 ~~[(ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least~~  
 1085 ~~seven days before the hearing under Subsection (2)(a).]~~

1086 Section 15. Section **10-2a-214** is amended to read:

1087 **10-2a-214. Notice of number of commission or council members to be elected and**  
 1088 **of district boundaries -- Declaration of candidacy for city office.**

1089 (1) ~~[(a)]~~ Within 20 days ~~[of]~~ after the day on which the county legislative ~~[body's~~  
 1090 ~~receipt of]~~ body receives the information under Subsection **10-2a-213**(1)(d), the county clerk  
 1091 shall publish, in accordance with Subsection ~~[(1)(b)]~~(2), notice containing:

1092 ~~[(i)]~~ (a) the number of commission or council members to be elected for the new city;

1093 ~~[(ii)]~~ (b) except as provided in Subsection (3), if some or all of the commission or  
 1094 council members are to be elected by district, a description of the boundaries of those districts  
 1095 as designated by the petition sponsors under Subsection **10-2a-213**(1)(b);

1096 ~~[(iii)]~~ (c) information about the deadline for filing a declaration of candidacy for those  
 1097 seeking to become candidates for mayor or city commission or council; and

1098 ~~[(iv)]~~ (d) information about the length of the initial term of each of the city officers, as  
 1099 determined by the petition sponsors under Subsection **10-2a-213**(1)(c).

1100 ~~[(b)]~~ (2) The notice ~~[under]~~ described in Subsection (1)~~[(a)]~~ shall be published:

1101 (a) (i) in a newspaper of general circulation within the future city at least once a week  
 1102 for two successive weeks; ~~[and]~~

1103 (ii) if there is no newspaper of general circulation in the future city, by posting one  
 1104 notice, and at least one additional notice per 2,000 population of the future city, in places  
 1105 within the future city that are most likely to give notice to the residents in the future city; or

1106 (iii) by mailing notice to each residence in the future city;

1107 (b) on the Utah Public Notice Website created in Section **63F-1-701**, for two weeks;

1108 ~~[(ii)]~~ (c) in accordance with Section **45-1-101**, for two weeks[-]; and

1109 (d) on the county's website for two weeks.

1110 ~~[(c)]~~ (i) ~~In accordance with Subsection (1)(b)(i), if there is no newspaper of general~~  
 1111 ~~circulation within the future city, the county clerk shall post at least one notice per 1,000~~  
 1112 ~~population in conspicuous places within the future city that are most likely to give notice to the~~

1113 ~~residents of the future city.]~~

1114 ~~[(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~  
1115 ~~Subsection (1)(a).]~~

1116 ~~[(iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least~~  
1117 ~~seven days before the deadline for filing a declaration of candidacy under Subsection (2).]~~

1118 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the  
1119 notice may include a statement that specifies the following sources where a resident of the  
1120 future city may view or obtain a copy the district:

1121 (a) the county website;

1122 (b) the physical address of the county offices; and

1123 (c) a mailing address and telephone number.

1124 ~~[(2)]~~ (4) Notwithstanding Subsection [20A-9-203](#)(3)(a), each individual seeking to  
1125 become a candidate for mayor or city commission or council of a city incorporating under this  
1126 part shall file a declaration of candidacy with the clerk of the county in which the future city is  
1127 located and in accordance with the deadlines set by the clerk as authorized by Section  
1128 [10-2a-215](#).

1129 Section 16. Section **10-2a-215** is amended to read:

1130 **10-2a-215. Election of officers of new city -- Primary and final election dates --**  
1131 **County clerk duties -- Candidate duties -- Occupation of office.**

1132 (1) For the election of city officers, the county legislative body shall:

1133 (a) unless a primary election is prohibited by Subsection [20A-9-404](#)(2), hold a primary  
1134 election; and

1135 (b) unless the election may be cancelled in accordance with Section [20A-1-206](#), hold a  
1136 final election.

1137 (2) Each election under Subsection (1) shall be:

1138 (a) appropriate to the form of government chosen by the voters at the incorporation  
1139 election;

1140 (b) consistent with the voters' decision about whether to elect commission or council  
1141 members by district and, if applicable, consistent with the boundaries of those districts as  
1142 determined by the petition sponsors; and

1143 (c) consistent with the sponsors' determination of the number of commission or council

1144 members to be elected and the length of their initial term.

1145 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall  
1146 be held at the earliest of the next:

1147 (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section  
1148 20A-1-201;

1149 (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under  
1150 Subsection 20A-1-201.5(1);

1151 (iii) municipal primary election under Section 20A-9-404; or

1152 (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under  
1153 Section 20A-1-202.

1154 (b) The county shall hold the primary election, if necessary, on the next earliest  
1155 election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:

1156 (i) 75 days after the incorporation election under Section 10-2a-210; and

1157 (ii) 65 days after the last day of the candidate filing period.

1158 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election under  
1159 Subsection (1)(b) on one of the following election dates:

1160 (i) regular general election under Section 20A-1-201;

1161 (ii) municipal primary election under Section 20A-9-404;

1162 (iii) regular municipal general election under Section 20A-1-202; or

1163 (iv) regular primary election under Section 20A-1-201.5.

1164 (b) The county shall hold the final election on the earliest of the next election date that  
1165 is listed in Subsection (4)(a)(i), (ii), (iii), or (iv):

1166 (i) that is after a primary election; or

1167 (ii) if there is no primary election, that is at least:

1168 (A) 75 days after the incorporation election under Section 10-2a-210; and

1169 (B) 65 days after the candidate filing period.

1170 (5) ~~(a)-(i)~~ The county clerk shall publish notice of an election under this section:

1171 ~~(A)~~ (a) (i) in accordance with Subsection (6), at least once a week for two successive  
1172 weeks before the election in a newspaper of general circulation within the future city; ~~and~~

1173 (ii) if there is no newspaper of general circulation in the future city, at least two weeks  
1174 before the day of the election, by posting one notice, and at least one additional notice per

1175 2,000 population of the future city, in places within the future city that are most likely to give  
 1176 notice to the voters within the future city; or

1177 (iii) at least two weeks before the day of the election, by mailing notice to each  
 1178 registered voter within the future city;

1179 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks  
 1180 before the day of the election;

1181 ~~[(B)]~~ (c) in accordance with Section 45-1-101, for two weeks~~[-]~~ before the day of the  
 1182 election; and

1183 (d) on the county's website for two weeks before the day of the election.

1184 ~~[(ii)]~~ (6) The later notice under Subsection (5)(a)(i) shall be at least one day but no  
 1185 more than seven days before the day of the election.

1186 ~~[(b)(i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general~~  
 1187 ~~circulation within the future city, the county clerk shall post at least one notice of the election~~  
 1188 ~~per 1,000 population in conspicuous places within the future city that are most likely to give~~  
 1189 ~~notice of the election to the voters.]~~

1190 ~~[(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven~~  
 1191 ~~days before each election under Subsection (1).]~~

1192 ~~[(6)]~~ (7) (a) Until the city is incorporated, the county clerk:

1193 (i) is the election officer for all purposes in an election of officers of the city approved  
 1194 at an incorporation election; and

1195 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions  
 1196 that are not otherwise contrary to law.

1197 (b) The county clerk shall require and determine deadlines for the filing of campaign  
 1198 financial disclosures of city officer candidates in accordance with Section 10-3-208.

1199 (c) The county clerk is responsible to ensure that:

1200 (i) a primary or final election for the officials of a newly incorporated city is held on a  
 1201 date authorized by this section; and

1202 (ii) the ballot for the election includes each office that is required to be included in the  
 1203 election for officers of the newly incorporated city and the term of each office.

1204 ~~[(7)]~~ (8) A person who has filed as a candidate for an office described in this section  
 1205 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and

1206 requirements and deadlines as lawfully set forth by the county clerk.

1207 ~~[(8)]~~ (9) Notwithstanding Section 10-3-201, the officers elected at a final election  
1208 described in Subsection (4)(a) shall take office:

1209 (a) after taking the oath of office; and

1210 (b) at noon on the first Monday following the day on which the election official  
1211 transmits a certificate of nomination or election under the officer's seal to each elected  
1212 candidate in accordance with Subsection 20A-4-304~~[(2)(c)(ii)]~~(4)(b).

1213 Section 17. Section 10-2a-303 is amended to read:

1214 **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

1215 (1) If, in accordance with Section 10-2a-302.5, the lieutenant governor certifies a  
1216 petition for incorporation or an amended petition for incorporation, the lieutenant governor  
1217 shall, after completion of the feasibility study, schedule a public hearing:

1218 (a) that takes place no later than 60 days after the day on which the feasibility study is  
1219 completed; and

1220 (b) to consider, in accordance with Subsection ~~[(3)]~~ (4)(b), the feasibility of  
1221 incorporation for the proposed town.

1222 (2) ~~[(a)]~~ The lieutenant governor shall give notice of the public hearing on the proposed  
1223 incorporation ~~[by]~~:

1224 ~~(a)~~ (i) ~~[(A) publishing notice of the public hearing]~~ at least once a week for two  
1225 consecutive weeks before the public hearing in a newspaper of general circulation within the  
1226 proposed town; ~~[or]~~

1227 ~~[(B)]~~ (ii) if there is no newspaper of general circulation within the proposed town by, at  
1228 least two weeks before the day of the public hearing, posting notice of the public hearing in at  
1229 least five conspicuous public places within the proposed town~~[-and]~~ that are most likely to  
1230 give notice to the residents within, and the owners of real property located within, the proposed  
1231 town; or

1232 (iii) at least two weeks before the day of the public hearing, by mailing notice to each  
1233 residence within, and to each owner of real property located within, the proposed town;

1234 ~~[(ii)]~~ (b) by publishing notice of the public hearing on the Utah Public Notice Website  
1235 created in Section 63F-1-701[-], for two weeks before the day of the public hearing;

1236 (c) in accordance with Section 45-1-101, for two weeks before the day of the public



1237 hearing; and

1238 (d) on the county's website for two weeks before the day of the public hearing.

1239 ~~[(b)]~~ (3) The county in which the incorporation is proposed shall post the notice  
1240 described in Subsection (2)~~[(a)(ii)]~~(b) on the county's website, if the county has a website, for  
1241 at least two consecutive weeks before the day of the public hearing.

1242 ~~[(3)]~~ (4) At the public hearing scheduled in accordance with Subsection (1), the  
1243 lieutenant governor shall:

1244 (a) (i) provide a copy of the feasibility study; and

1245 (ii) present the results of the feasibility study to the public; and

1246 (b) allow the public to:

1247 (i) review the map or plat of the boundary of the proposed town;

1248 (ii) ask questions and become informed about the proposed incorporation; and

1249 (iii) express its views about the proposed incorporation, including their views about the  
1250 boundary of the area proposed to be incorporated.

1251 ~~[(4)]~~ (5) A county under the direction of the lieutenant governor may not hold an  
1252 election on the incorporation of a town in accordance with Section 10-2a-304 if the results of  
1253 the feasibility study show that the five-year projected revenues under Subsection  
1254 10-2a-302.5(11)(d)(iv) exceed the five-year projected costs under Subsection  
1255 10-2a-302.5(11)(d)(iii) by more than 10%.

1256 Section 18. Section 10-2a-304 is amended to read:

1257 **10-2a-304. Incorporation of a town -- Election to incorporate -- Ballot form.**

1258 (1) (a) Upon the completion of a feasibility study described in Section 10-2a-302.5 and  
1259 the public hearing described in Section 10-2a-303, the lieutenant governor shall schedule an  
1260 incorporation election for the proposed town on:

1261 (i) the date of a regular general election described in Section 20A-1-201 or on the date  
1262 of a local special election described in Section 20A-1-203; and

1263 (ii) a date that is at least 65 days after the day on which the lieutenant governor certifies  
1264 the petition under Section 10-2a-302.5.

1265 (b) The lieutenant governor shall direct the county in which the proposed town is  
1266 located to hold the incorporation election on the date that the lieutenant governor schedules  
1267 under Subsection (1)(a).

1268 (c) The county described in Subsection (1)(b) shall hold the incorporation election as  
1269 directed by the lieutenant governor in accordance with Subsection (1)(b).

1270 (d) An individual may not vote in an incorporation election under this section unless  
1271 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the  
1272 boundaries of the proposed town.

1273 (2) ~~(a)~~ The county clerk shall publish notice of the election:

1274 (a) (i) in accordance with Subsection (4), in a newspaper of general circulation, within  
1275 the area proposed to be incorporated, at least once a week for three successive weeks~~[-and]~~  
1276 before the election;

1277 (ii) if there is no newspaper of general circulation in the proposed area proposed to be  
1278 incorporated, at least three weeks before the day of the election, by posting one notice, and at  
1279 least one additional notice per 250 population of the area proposed to be incorporated, in places  
1280 within the area proposed to be incorporated that are most likely to give notice to the voters in  
1281 the area proposed to be incorporated; or

1282 (iii) at least two weeks before the day of the election, by mailing notice to each  
1283 registered voter in the area proposed to be incorporated;

1284 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks  
1285 before the day of the election;

1286 ~~(ii)~~ (c) in accordance with Section 45-1-101, for three weeks~~[-]~~ before the day of the  
1287 election; and

1288 (d) on the county's website for three weeks before the day of the election.

1289 ~~(b)~~ (3) The notice required by Subsection (2)~~(a)~~ shall contain:

1290 ~~(i)~~ (a) a statement of the contents of the petition;

1291 ~~(ii)~~ (b) a description of the area proposed to be incorporated as a town;

1292 ~~(iii)~~ (c) a statement of the date and time of the election and the location of polling  
1293 places; and

1294 ~~(iv)~~ (d) the lieutenant governor's Internet website address, if applicable, and the  
1295 address of the Office of the Lieutenant Governor where the feasibility study is available for  
1296 review.

1297 ~~(e)~~ (4) The last publication of notice required under Subsection (2)(a)(i) shall occur at  
1298 least one day but no more than seven days before the day of the election.

1299 ~~[(d)(i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general~~  
 1300 ~~circulation within the proposed town, the county clerk shall post at least one notice of the~~  
 1301 ~~election per 100 population in conspicuous places within the proposed town that are most~~  
 1302 ~~likely to give notice of the election to the voters of the proposed town.]~~

1303 ~~[(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days~~  
 1304 ~~before the election under Subsection (1)(a).]~~

1305 ~~[(3)]~~ (5) The ballot at the incorporation election shall pose the incorporation question  
 1306 substantially as follows:

1307 Shall the area described as (insert a description of the proposed town) be incorporated  
 1308 as the town of (insert the proposed name of the proposed town)?

1309 ~~[(4)]~~ (6) The ballot shall provide a space for the voter to answer yes or no to the  
 1310 question in Subsection ~~[(3)]~~ (5).

1311 ~~[(5)]~~ (7) If a majority of those casting votes within the area boundaries of the proposed  
 1312 town vote to incorporate as a town, the area shall incorporate.

1313 Section 19. Section **10-2a-305** is amended to read:

1314 **10-2a-305. Form of government -- Determination of council officer terms --**  
 1315 **Hearings and notice.**

1316 (1) A newly incorporated town shall operate under the five-member council form of  
 1317 government as defined in Section [10-3b-102](#).

1318 (2) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
 1319 the canvass of the election under Section [10-2a-304](#):

1320 (a) determine the initial terms of the mayor and members of the city council so that:

1321 (i) the mayor and approximately half the members of the town council are elected to  
 1322 serve an initial term, of no less than one year, that allows their successors to serve a full  
 1323 four-year term that coincides with the schedule established in Subsection [10-3-205\(1\)](#); and

1324 (ii) the remaining members of the town council are elected to serve an initial term, of  
 1325 no less than one year, that allows their successors to serve a full four-year term that coincides  
 1326 with the schedule established in Subsection [10-3-205\(2\)](#); and

1327 (b) submit in writing to the county legislative body the results of the sponsors'  
 1328 determinations under Subsection (2)(a).

1329 (3) ~~[(a)]~~ Before making a determination under Subsection (2)(a), the petition sponsors

1330 shall hold a public hearing within the future town on the applicable issues under Subsections  
 1331 (2)(a)(i) and (ii).

1332 ~~[(b)(i)]~~ (4)(a) The petition sponsors shall publish notice of the public hearing [~~under~~]  
 1333 described in Subsection (3)~~[(a)]~~:

1334 ~~[(A)]~~ (i) in accordance with Subsection (5), in a newspaper of general circulation  
 1335 within the future town at least once a week for two successive weeks before the [~~day of the~~]  
 1336 public hearing; [and]

1337 (ii) if there is no newspaper of general circulation in the future town, at least two weeks  
 1338 before the day of the public hearing, by posting one notice, and at least one additional notice  
 1339 per 250 population of the future town, in places within the future town that are most likely to  
 1340 give notice to the voters in the future town; or

1341 (iii) at least two weeks before the day of the public hearing, by mailing notice to each  
 1342 registered voter in the future town;

1343 ~~[(B)]~~ (b) by posting notice on the Utah Public Notice Website, created in Section  
 1344 63F-1-701, for two weeks before the day of the public hearing[-];

1345 (c) in accordance with Section 45-1-101, for two weeks before the day of the public  
 1346 hearing; and

1347 (d) on the county's website for two weeks before the day of the public hearing.

1348 ~~[(ii)]~~ (5) The last publication of notice under Subsection ~~[(3)(b)(i)(A)]~~ (4)(a)(i) shall be  
 1349 at least three days before the day of the public hearing [~~under~~] described in Subsection (3)~~[(a)]~~.

1350 ~~[(c)]~~ (i) ~~In accordance with Subsection (3)(b)(i)(A), if there is no newspaper of general~~  
 1351 ~~circulation within the future town, the petition sponsors shall post at least one notice of the~~  
 1352 ~~hearing per 1,000 population in conspicuous places within the future town that are most likely~~  
 1353 ~~to give notice of the hearing to the residents of the future town.]~~

1354 ~~[(ii)]~~ ~~The petition sponsors shall post the notices under Subsection (3)(c)(i) at least~~  
 1355 ~~seven days before the day that the hearing is held under Subsection (3)(a).]~~

1356 Section 20. Section **10-2a-305.1** is amended to read:

1357 **10-2a-305.1. Notice of number of council members to be elected and of district**  
 1358 **boundaries -- Declaration of candidacy for town office -- Occupation of office.**

1359 (1) ~~[(a)]~~ Within 20 days [~~of~~] after the county legislative body's receipt of the  
 1360 information under Subsection **10-2a-305(2)(b)**, the county clerk shall publish, in accordance

1361 with Subsection ~~[(1)(b)]~~ (2), notice containing:

1362        ~~[(1)]~~ (a) information about the deadline for filing a declaration of candidacy for those  
 1363 seeking to become candidates for mayor or town council; and

1364        ~~[(1)]~~ (b) information about the length of the initial term of each of the town officers, as  
 1365 determined by the petition sponsors under Subsection 10-2a-305(2)(a).

1366        ~~[(b) The notice under Subsection (1)(a) shall be published:]~~

1367        (2) The county clerk shall publish the notice described in Subsection (1):

1368        (a) (i) in a newspaper of general circulation within the future town at least once a week  
 1369 for two successive weeks; ~~[and]~~

1370        ~~[(ii) in accordance with Section 45-1-101 for two weeks.]~~

1371        ~~[(c) (i) In accordance with Subsection (1)(b)(i);]~~

1372        (ii) if there is no newspaper of general circulation within the future [city] town, the  
 1373 county clerk shall post one notice, and at least one additional notice per [1,000] 250 population  
 1374 [in conspicuous places] of the future town, in places within the future town that are most likely  
 1375 to give notice to the residents of the future town[-]; or

1376        ~~[(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~  
 1377 ~~Subsection (1)(a);]~~

1378        (iii) by mailing the notice to each residence in the future town;

1379        (b) on the Utah Public Notice Website, created in Section 63F-1-701, for two weeks;

1380        (c) in accordance with Section 45-1-101, for two weeks; and

1381        (d) on the county's website for two weeks.

1382        ~~[(iii)]~~ (3) The petition sponsors shall post the notices ~~[under]~~ described in Subsection  
 1383 ~~[(1)(c)(i)]~~ (2)(a)(ii) or mail the notices described in Subsection (2)(a)(iii) at least seven days  
 1384 before the day of the deadline for filing a declaration of candidacy under Subsection ~~[(2)]~~ (4).

1385        ~~[(2)]~~ (4) Notwithstanding Subsection 20A-9-203(3)(a) and the provisions of  
 1386 Subsection 20A-9-203(3)(b) that require a declaration of candidacy to be filed with the city  
 1387 recorder or town clerk, each individual seeking to become a candidate for mayor or town  
 1388 council of a town incorporating under this part shall, within 45 days after the day of the  
 1389 incorporation election under Section 10-2a-304, file a declaration of candidacy with the clerk  
 1390 of the county in which the future town is located.

1391        Section 21. Section 10-2a-305.2 is amended to read:

1392           **10-2a-305.2. Election of officers of new town -- Primary and final election dates --**  
1393 **County clerk duties -- Candidate duties -- Occupation of office.**

1394           (1) For the election of town officers, the county legislative body shall:

1395           (a) unless a primary election is prohibited by Subsection [20A-9-404\(2\)](#), hold a primary  
1396 election; and

1397           (b) hold a final election unless the election may be cancelled in accordance with  
1398 Section [20A-1-206](#).

1399           (2) Each election under Subsection (1) shall be consistent with the petition sponsors'  
1400 determination of the length of each council member's initial term.

1401           (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall  
1402 be held on one of the following election dates:

1403           (i) notwithstanding Subsection [20A-1-201.5\(2\)](#), regular general election under Section  
1404 [20A-1-201](#);

1405           (ii) notwithstanding Subsection [20A-1-201.5\(2\)](#), regular primary election under  
1406 Subsection [20A-1-201.5\(1\)](#);

1407           (iii) municipal primary election under Section [20A-9-404](#); or

1408           (iv) notwithstanding Subsection [20A-1-201.5\(2\)](#), municipal general election under  
1409 Section [20A-1-202](#).

1410           (b) The county shall hold the primary election, if necessary, at the earliest of the next  
1411 election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:

1412           (i) 75 days after the incorporation election under Section [10-2a-304](#); and

1413           (ii) 65 days after the last day of the candidate filing period.

1414           (4) (a) Subject to Subsection (4)(b), the county shall hold the final election under  
1415 Subsection (1)(b) on one of the following election dates:

1416           (i) regular general election under Section [20A-1-201](#);

1417           (ii) municipal primary election under Section [20A-9-404](#);

1418           (iii) municipal general election under Section [20A-1-202](#); or

1419           (iv) regular primary election under Section [20A-1-201.5](#).

1420           (b) The county shall hold the final election on the next earliest election date listed in  
1421 Subsection (4)(a)(i), (ii), (iii), or (iv):

1422           (i) that is after a primary election; or

- 1423 (ii) if there is no primary election, that is at least:
- 1424 (A) 75 days after the incorporation election under Section [10-2a-210](#); and
- 1425 (B) 65 days after the candidate filing period.
- 1426 (5) ~~[(a)-(i)]~~ The county clerk shall publish notice of an election under this section:
- 1427 ~~[(A)]~~ (a) (i) in accordance with Subsection (6), at least once a week for two successive
- 1428 weeks before the election in a newspaper of general circulation within the future town; [and]
- 1429 (ii) if there is no newspaper of general circulation in the future town, at least two weeks
- 1430 before the day of the election, by posting one notice, and at least one additional notice per 100
- 1431 population of the future town, in places within the future town that are most likely to give
- 1432 notice to the voters in the future town; or
- 1433 (iii) at least two weeks before the day of the election, by mailing notice to each
- 1434 registered voter in the future town;
- 1435 (b) by posting notice on the Utah Public Notice Website, created in Section [63F-1-701](#),
- 1436 for two weeks before the day of the election;
- 1437 ~~[(B)]~~ (c) in accordance with Section [45-1-101](#), for two weeks[:] before the day of the
- 1438 election; and
- 1439 (d) on the county's website for two weeks before the day of the election.
- 1440 ~~[(i)]~~ (6) The later notice under Subsection (5)(a)(i) shall be at least one day but no
- 1441 more than seven days before the day of the election.
- 1442 ~~[(b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general~~
- 1443 ~~circulation within the future town, the county clerk shall post at least one notice of the election~~
- 1444 ~~per 1,000 population in conspicuous places within the future town that are most likely to give~~
- 1445 ~~notice of the election to the voters.]~~
- 1446 ~~[(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven~~
- 1447 ~~days before an election under Subsection (1)(a) or (b).]~~
- 1448 ~~[(6)]~~ (7) (a) Until the town is incorporated, the county clerk:
- 1449 (i) is the election officer for all purposes in an election of officers of the town approved
- 1450 at an incorporation election; and
- 1451 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
- 1452 that are not otherwise contrary to law.
- 1453 (b) The county clerk shall require and determine deadlines for the filing of campaign

1454 financial disclosures of town officer candidates in accordance with Section 10-3-208.

1455 (c) The county clerk is responsible to ensure that:

1456 (i) a primary or final election for the officials of a newly incorporated town is held on a  
1457 date authorized by this section; and

1458 (ii) the ballot for the election includes each office that is required to be included in the  
1459 election for officers of the newly incorporated town and the term of each office.

1460 ~~[(7)]~~ (8) A person who has filed as a candidate for an office described in this section  
1461 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and  
1462 requirements and deadlines as lawfully set forth by the county clerk.

1463 ~~[(8)]~~ (9) Notwithstanding Section 10-3-201, the officers elected at a final election  
1464 described in Subsection (4)(a) shall take office:

1465 (a) after taking the oath of office; and

1466 (b) at noon on the first Monday following the day on which the election official  
1467 transmits a certificate of nomination or election under the officer's seal to each elected  
1468 candidate in accordance with Subsection 20A-4-304~~[(2)(c)(ii)]~~(4)(b).

1469 Section 22. Section 10-7-19 is amended to read:

1470 **10-7-19. Election to authorize -- Notice -- Ballots.**

1471 (1) ~~[The]~~ Subject to Subsection (2), the board of commissioners or city council of any  
1472 city, or the board of trustees of any incorporated town ~~[is authorized to],~~ may aid and  
1473 encourage the building of railroads by granting to any railroad company, for depot or other  
1474 railroad purposes, real property of ~~[such]~~ the city or incorporated town, not necessary for  
1475 municipal or public purposes, upon ~~[such]~~ the limitations and conditions ~~[as]~~ established by the  
1476 board of commissioners, city council, or board of trustees ~~[may prescribe; provided, however,~~  
1477 ~~that no such grant shall be made to any railroad company unless the question of making it has~~  
1478 ~~been submitted to the qualified electors].~~

1479 (2) A board of commissioners, city council, or board of trustees may not grant real  
1480 property under Subsection (1) unless the grant is approved by the eligible voters of the city or  
1481 town at the next municipal election, or at a special election ~~[to be]~~ called for that purpose by  
1482 the board of commissioners, city council ~~[or town board],~~ or board of trustees.

1483 ~~[(2)]~~ (3) If the question is submitted at a special election, ~~[it]~~ the election shall be held  
1484 as nearly as practicable in conformity with the general election laws of the state.



1485 ~~[(3) Notice of an election described in Subsection (2) shall be given by publication:]~~

1486 (4) The board of commissioners, city council, or board of trustees shall publish notice  
1487 of an election described in Subsections (2) and (3):

1488 (a) (i) in a newspaper ~~[published or having]~~ of general circulation in the city or town  
1489 once a week for four weeks ~~[prior to]~~ before the election; ~~[or]~~

1490 ~~[(ii) if there is not a newspaper as described in Subsection (3)(a)(i), then by posting~~  
1491 ~~notices; and]~~

1492 (ii) if there is no newspaper of general circulation in the city or town, at least four  
1493 weeks before the day of the election, by posting one notice, and at least one additional notice  
1494 per 2,000 population of the city or town, in places within the city or town that are most likely to  
1495 give notice to the voters in the city or town; or

1496 (iii) at least four weeks before the day of the election, by mailing notice to each  
1497 registered voter in the city or town;

1498 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks  
1499 before the day of the election;

1500 ~~[(b)]~~ (c) in accordance with Section [45-1-101](#), for four weeks ~~[prior to]~~ before the day  
1501 of the election[-]; and

1502 (d) if the municipality has a website, on the municipality's website for at least four  
1503 weeks before the day of the election.

1504 ~~[(4)]~~ (5) The board of commissioners, city council ~~[or town board]~~, or board of trustees  
1505 shall cause ballots to be printed and [furnished to the qualified electors] provided to the eligible  
1506 voters, which shall read: "For the proposed grant for depot or other railroad purposes: Yes.  
1507 No."

1508 ~~[(5)]~~ (6) If a majority of the ~~[qualified electors voting thereon shall have voted]~~ votes  
1509 are cast in favor of [such] the grant, the board of commissioners, city council [or town board  
1510 shall then proceed to], or board of trustees shall convey the real property to the railroad  
1511 company.

1512 Section 23. Section **11-14-202** is amended to read:

1513 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

1514 (1) The governing body shall ~~[ensure that]~~ publish notice of the election ~~[is provided]:~~

1515 (a) (i) once per week ~~[during]~~ for three consecutive weeks ~~[by publication]~~ before the

1516 election in a newspaper [having] of general circulation in the local political subdivision, in  
1517 accordance with Section 11-14-316, the first publication occurring not less than 21, nor more  
1518 than 35, days before the day of the election;

1519 ~~[(b) on a website, if available, in accordance with Section 45-1-101 for the three weeks~~  
1520 ~~that immediately precede the election; and]~~

1521 ~~[(c) in a local political subdivision where there is no newspaper of general circulation,~~  
1522 ~~by posting notice of the bond election in at least five public places in the local political~~  
1523 ~~subdivision at least 21 days before the election.]~~

1524 (ii) if there is no newspaper of general circulation in the local political subdivision, at  
1525 least 21 days before the day of the election, by posting one notice, and at least one additional  
1526 notice per 2,000 population of the local political subdivision, in places within the local political  
1527 subdivision that are most likely to give notice to the voters in the local political subdivision; or

1528 (iii) at least three weeks before the day of the election, by mailing notice to each  
1529 registered voter in the local political subdivision;

1530 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks  
1531 before the day of the election;

1532 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;  
1533 and

1534 (d) if the local political subdivision has a website, on the local political subdivision's  
1535 website for at least three weeks before the day of the election.

1536 (2) When the debt service on the bonds to be issued will increase the property tax  
1537 imposed upon the average value of a residence by an amount that is greater than or equal to \$15  
1538 per year, the governing body shall prepare and mail either a voter information pamphlet or a  
1539 notification described in Subsection (8):

1540 (a) at least 15 days, but not more than 45 days, before the bond election;

1541 (b) to each household containing a registered voter who is eligible to vote on the  
1542 bonds; and

1543 (c) that includes the information required by Subsections (4) and (5).

1544 (3) The election officer may change the location of, or establish an additional:

1545 (a) voting precinct polling place, in accordance with Subsection (6);

1546 (b) early voting polling place, in accordance with Subsection 20A-3-603(2); or

- 1547 (c) election day voting center, in accordance with Subsection [20A-3-703](#)(2).
- 1548 (4) The notice described in Subsection (1) and the voter information pamphlet  
1549 described in Subsection (2):
- 1550 (a) shall include, in the following order:
- 1551 (i) the date of the election;
- 1552 (ii) the hours during which the polls will be open;
- 1553 (iii) the address of the Statewide Electronic Voter Information Website and, if  
1554 available, the address of the election officer's website, with a statement indicating that the  
1555 election officer will post on the website the location of each polling place for each voting  
1556 precinct, each early voting polling place, and each election day voting center, including any  
1557 changes to the location of a polling place and the location of an additional polling place;
- 1558 (iv) a phone number that a voter may call to obtain information regarding the location  
1559 of a polling place; and
- 1560 (v) the title and text of the ballot proposition, including the property tax cost of the  
1561 bond described in Subsection [11-14-206](#)(2)(a); and
- 1562 (b) may include the location of each polling place.
- 1563 (5) The voter information pamphlet required by this section shall include:
- 1564 (a) the information required under Subsection (4); and
- 1565 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,  
1566 which may be based on information the governing body determines to be useful, including:
- 1567 (i) expected debt service on the bonds to be issued;
- 1568 (ii) a description of the purpose, remaining principal balance, and maturity date of any  
1569 outstanding general obligation bonds of the issuer;
- 1570 (iii) funds other than property taxes available to pay debt service on general obligation  
1571 bonds;
- 1572 (iv) timing of expenditures of bond proceeds;
- 1573 (v) property values; and
- 1574 (vi) any additional information that the governing body determines may be useful to  
1575 explain the property tax impact of issuance of the bonds.
- 1576 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the  
1577 deadlines described in Subsections (1) and (2):

1578 (i) if necessary, change the location of a voting precinct polling place; or  
1579 (ii) if the election officer determines that the number of voting precinct polling places  
1580 is insufficient due to the number of registered voters who are voting, designate additional  
1581 voting precinct polling places.

1582 (b) Except as provided in Section 20A-1-308, if an election officer changes the  
1583 location of a voting precinct polling place or designates an additional voting precinct polling  
1584 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,  
1585 times, and location of a changed voting precinct polling place or an additional voting precinct  
1586 polling place:

1587 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter  
1588 Information Website;

1589 (ii) by posting the information on the website of the election officer, if available; and

1590 (iii) by posting notice:

1591 (A) of a change in the location of a voting precinct polling place, at the new location  
1592 and, if possible, the old location; and

1593 (B) of an additional voting precinct polling place, at the additional voting precinct  
1594 polling place.

1595 (7) The governing body shall pay the costs associated with the notice required by this  
1596 section.

1597 (8) (a) The governing body may mail a notice printed on a postage prepaid,  
1598 preaddressed return form that a person may use to request delivery of a voter information  
1599 pamphlet by mail.

1600 (b) The notice described in Subsection (8)(a) shall include:

1601 (i) the website upon which the voter information pamphlet is available; and

1602 (ii) the phone number a voter may call to request delivery of a voter information  
1603 pamphlet by mail.

1604 (9) A local school board shall comply with the voter information pamphlet  
1605 requirements described in Section 53G-4-603.

1606 Section 24. Section 17B-1-303 is amended to read:

1607 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**  
1608 **of board member contact information.**

1609 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a  
1610 board of trustees shall begin at noon on the January 1 following the member's election or  
1611 appointment.

1612 (b) The term of each member of the initial board of trustees of a newly created local  
1613 district shall begin:

1614 (i) upon appointment, for an appointed member; and

1615 (ii) upon the member taking the oath of office after the canvass of the election at which  
1616 the member is elected, for an elected member.

1617 (c) The term of each water conservancy district board member appointed by the  
1618 governor as provided in Subsection 17B-2a-1005(2)(c) shall:

1619 (i) begin on the later of the following:

1620 (A) the date on which the Senate consents to the appointment; or

1621 (B) the expiration date of the prior term; and

1622 (ii) end on the February 1 that is approximately four years after the date described in  
1623 Subsection (1)(c)(i)(A) or (B).

1624 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the  
1625 term of each member of a board of trustees shall be four years, except that approximately half  
1626 the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that  
1627 the term of approximately half the board members expires every two years.

1628 (ii) (A) If the terms of members of the initial board of trustees of a newly created local  
1629 district do not begin on January 1 because of application of Subsection (1)(b), the terms of  
1630 those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in  
1631 the terms of their successors complying with:

1632 (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following  
1633 a member's election or appointment; and

1634 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

1635 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or  
1636 subtract more than a year from a member's term.

1637 (b) Each board of trustees member shall serve until a successor is duly elected or  
1638 appointed and qualified, unless the member earlier is removed from office or resigns or  
1639 otherwise leaves office.

1640 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
1641 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed  
1642 successor:

1643 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

1644 (ii) the member may continue to serve until a successor is duly elected or appointed  
1645 and qualified.

1646 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees  
1647 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

1648 (ii) An oath of office may be administered by a judge, county clerk, notary public, or  
1649 the local district clerk.

1650 (b) Each oath of office shall be filed with the clerk of the local district.

1651 (c) The failure of a board of trustees member to take the oath required by Subsection  
1652 (3)(a) does not invalidate any official act of that member.

1653 (4) A board of trustees member is not limited in the number of terms the member may  
1654 serve.

1655 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees  
1656 position shall be filled as provided in Section 20A-1-512.

1657 (6) (a) For purposes of this Subsection (6):

1658 (i) "Appointed official" means a person who:

1659 (A) is appointed as a member of a local district board of trustees by a county or  
1660 municipality entitled to appoint a member to the board; and

1661 (B) holds an elected position with the appointing county or municipality.

1662 (ii) "Appointing entity" means the county or municipality that appointed the appointed  
1663 official to the board of trustees.

1664 (b) The board of trustees shall declare a midterm vacancy for the board position held  
1665 by an appointed official if:

1666 (i) during the appointed official's term on the board of trustees, the appointed official  
1667 ceases to hold the elected position with the appointing entity; and

1668 (ii) the appointing entity submits a written request to the board to declare the vacancy.

1669 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
1670 appointing entity shall appoint another person to fill the remaining unexpired term on the board

1671 of trustees.

1672 (7) (a) Each member of a board of trustees shall give a bond for the faithful  
1673 performance of the member's duties, in the amount and with the sureties prescribed by the  
1674 board of trustees.

1675 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

1676 (8) The lieutenant governor may extend the term of an elected district board member  
1677 by one year in order to compensate for a change in the election year under Subsection  
1678 [17B-1-306](#)~~(13)~~(14).

1679 (9) (a) A local district shall:

1680 (i) post on the Utah Public Notice Website created in Section [63F-1-701](#) the name,  
1681 phone number, and email address of each member of the local district's board of trustees;

1682 (ii) update the information described in Subsection (9)(a)(i) when:

1683 (A) the membership of the board of trustees changes; or

1684 (B) a member of the board of trustees' phone number or email address changes; and

1685 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day  
1686 on which the change requiring the update occurs.

1687 (b) This Subsection (9) applies regardless of whether the county or municipal  
1688 legislative body also serves as the board of trustees of the local district.

1689 Section 25. Section [17B-1-306](#) is amended to read:

1690 **[17B-1-306. Local district board -- Election procedures.](#)**

1691 (1) Except as provided in Subsection ~~[(11)]~~ (12), each elected board member shall be  
1692 selected as provided in this section.

1693 (2) (a) Each election of a local district board member shall be held:

1694 (i) at the same time as the municipal general election or the regular general election, as  
1695 applicable; and

1696 (ii) at polling places designated by the local district board in consultation with the  
1697 county clerk for each county in which the local district is located, which polling places shall  
1698 coincide with municipal general election or regular general election polling places, as  
1699 applicable, whenever feasible.

1700 (b) The local district board, in consultation with the county clerk, may consolidate two  
1701 or more polling places to enable voters from more than one district to vote at one consolidated

1702 polling place.

1703 (c) (i) Subject to Subsections ~~[(4)]~~ (5)(h) and (i), the number of polling places under  
 1704 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
 1705 polling place per division of the district, designated by the district board.

1706 (ii) Each polling place designated by an irrigation district board under Subsection  
 1707 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection  
 1708 (2)(a)(ii).

1709 (3) ~~[(a)]~~ The clerk of each local district with a board member position to be filled at the  
 1710 next municipal general election or regular general election, as applicable, shall provide notice  
 1711 of:

1712 ~~[(i)]~~ (a) each elective position of the local district to be filled at the next municipal  
 1713 general election or regular general election, as applicable;

1714 ~~[(ii)]~~ (b) the constitutional and statutory qualifications for each position; and

1715 ~~[(iii)]~~ (c) the dates and times for filing a declaration of candidacy.

1716 ~~[(b) The notice required under Subsection (3)(a) shall be:]~~

1717 (4) The clerk of the local district shall publish the notice described in Subsection (3):

1718 (a) by posting the notice on the Utah Public Notice Website created in Section  
 1719 63F-1-701, for 10 days before the first day for filing a declaration of candidacy; and

1720 (b) (i) ~~[posted]~~ by posting the notice in at least five public places within the local  
 1721 district at least 10 days before the first day for filing a declaration of candidacy; or

1722 (ii) publishing the notice:

1723 (A) ~~[published]~~ in a newspaper of general circulation within the local district at least  
 1724 three but no more than 10 days before the first day for filing a declaration of candidacy; ~~[and]~~

1725 (B) ~~[published,]~~ in accordance with Section 45-1-101, for 10 days before the first day  
 1726 for filing a declaration of candidacy~~[-];~~ and

1727 (c) if the local district has a website, on the local district's website for 10 days before  
 1728 the first day for filing a declaration of candidacy.

1729 ~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)]~~ (5)(c), to become a candidate for an  
 1730 elective local district board position, an individual shall file a declaration of candidacy in  
 1731 person with an official designated by the local district, during office hours, within the candidate  
 1732 filing period for the applicable election year in which the election for the local district board is



1733 held.

1734 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the  
1735 filing time shall be extended until the close of normal office hours on the following regular  
1736 business day.

1737 (c) Subject to Subsection [~~(4)~~] (5)(f), an individual may designate an agent to file a  
1738 declaration of candidacy with the official designated by the local district if:

1739 (i) the individual is located outside of the state during the entire filing period;

1740 (ii) the designated agent appears in person before the official designated by the local  
1741 district; and

1742 (iii) the individual communicates with the official designated by the local district using  
1743 an electronic device that allows the individual and official to see and hear each other.

1744 (d) (i) Before the filing officer may accept any declaration of candidacy from an  
1745 individual, the filing officer shall:

1746 (A) read to the individual the constitutional and statutory qualification requirements for  
1747 the office that the individual is seeking; and

1748 (B) require the individual to state whether the individual meets those requirements.

1749 (ii) If the individual does not meet the qualification requirements for the office, the  
1750 filing officer may not accept the individual's declaration of candidacy.

1751 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
1752 officer shall accept the individual's declaration of candidacy.

1753 (e) The declaration of candidacy shall be in substantially the following form:

1754 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
1755 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip  
1756 Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
1757 office of board of trustees member for \_\_\_\_\_ (state the name of the local  
1758 district); that I am a candidate for that office to be voted upon at the next election; and that, if  
1759 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing  
1760 period, and I hereby request that my name be printed upon the official ballot for that election.

1761 (Signed) \_\_\_\_\_

1762 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
1763 of \_\_\_\_\_, \_\_\_\_\_.

1764 (Signed) \_\_\_\_\_

1765 (Clerk or Notary Public)"

1766 (f) An agent designated under Subsection [~~(4)~~] (5)(c) may not sign the form described  
1767 in Subsection [~~(4)~~] (5)(e).

1768 (g) Each individual wishing to become a valid write-in candidate for an elective local  
1769 district board position is governed by Section [20A-9-601](#).

1770 (h) If at least one individual does not file a declaration of candidacy as required by this  
1771 section, an individual shall be appointed to fill that board position in accordance with the  
1772 appointment provisions of Section [20A-1-512](#).

1773 (i) If only one candidate files a declaration of candidacy and there is no write-in  
1774 candidate who complies with Section [20A-9-601](#), the board, in accordance with Section  
1775 [20A-1-206](#), may:

- 1776 (i) consider the candidate to be elected to the position; and
- 1777 (ii) cancel the election.

1778 [~~(5)~~] (6) (a) A primary election may be held if:

- 1779 (i) the election is authorized by the local district board; and
- 1780 (ii) the number of candidates for a particular local board position or office exceeds  
1781 twice the number of persons needed to fill that position or office.

1782 (b) The primary election shall be conducted:

- 1783 (i) on the same date as the municipal primary election or the regular primary election,  
1784 as applicable; and
- 1785 (ii) according to the procedures for primary elections provided under Title 20A,  
1786 Election Code.

1787 [~~(6)~~] (7) (a) Except as provided in Subsection [~~(6)~~] (7)(c), within one business day after  
1788 the deadline for filing a declaration of candidacy, the local district clerk shall certify the  
1789 candidate names to the clerk of each county in which the local district is located.

1790 (b) (i) Except as provided in Subsection [~~(6)~~] (7)(c) and in accordance with Section  
1791 [20A-6-305](#), the clerk of each county in which the local district is located and the local district  
1792 clerk shall coordinate the placement of the name of each candidate for local district office in  
1793 the nonpartisan section of the ballot with the appropriate election officer.

1794 (ii) If consolidation of the local district election ballot with the municipal general

1795 election ballot or the regular general election ballot, as applicable, is not feasible, the local  
1796 district board of trustees, in consultation with the county clerk, shall provide for a separate  
1797 local district election ballot to be administered by poll workers at polling locations designated  
1798 under Subsection (2).

1799 (c) (i) Subsections [~~(6)~~] (7)(a) and (b) do not apply to an election of a member of the  
1800 board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

1801 (ii) (A) Subject to Subsection [~~(6)~~] (7)(c)(ii)(B), the board of each irrigation district  
1802 shall prescribe the form of the ballot for each board member election.

1803 (B) Each ballot for an election of an irrigation district board member shall be in a  
1804 nonpartisan format.

1805 (C) The name of each candidate shall be placed on the ballot in the order specified  
1806 under Section 20A-6-305.

1807 [~~(7)~~] (8) (a) Each voter at an election for a board of trustees member of a local district  
1808 shall:

1809 (i) be a registered voter within the district, except for an election of:

1810 (A) an irrigation district board of trustees member; or

1811 (B) a basic local district board of trustees member who is elected by property owners;

1812 and

1813 (ii) meet the requirements to vote established by the district.

1814 (b) Each voter may vote for as many candidates as there are offices to be filled.

1815 (c) The candidates who receive the highest number of votes are elected.

1816 [~~(8)~~] (9) Except as otherwise provided by this section, the election of local district  
1817 board members is governed by Title 20A, Election Code.

1818 [~~(9)~~] (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve  
1819 on a local district board shall serve a four-year term, beginning at noon on the January 1 after  
1820 the person's election.

1821 (b) A person elected shall be sworn in as soon as practical after January 1.

1822 [~~(10)~~] (11) (a) Except as provided in Subsection [~~(10)~~] (11)(b), each local district shall  
1823 reimburse the county or municipality holding an election under this section for the costs of the  
1824 election attributable to that local district.

1825 (b) Each irrigation district shall bear its own costs of each election it holds under this

1826 section.

1827 ~~[(11)]~~ (12) This section does not apply to an improvement district that provides electric  
1828 or gas service.

1829 ~~[(12)]~~ (13) Except as provided in Subsection [20A-3-605](#)(1)(b), the provisions of Title  
1830 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

1831 ~~[(13)]~~ (14) (a) As used in this Subsection ~~[(13)]~~ (14), "board" means:

1832 (i) a local district board; or

1833 (ii) the administrative control board of a special service district that has elected  
1834 members on the board.

1835 (b) A board may hold elections for membership on the board at a regular general  
1836 election instead of a municipal general election if the board submits an application to the  
1837 lieutenant governor that:

1838 (i) requests permission to hold elections for membership on the board at a regular  
1839 general election instead of a municipal general election; and

1840 (ii) indicates that holding elections at the time of the regular general election is  
1841 beneficial, based on potential cost savings, a potential increase in voter turnout, or another  
1842 material reason.

1843 (c) Upon receipt of an application described in Subsection ~~[(13)]~~ (14)(b), the lieutenant  
1844 governor may approve the application if the lieutenant governor concludes that holding the  
1845 elections at the regular general election is beneficial based on the criteria described in  
1846 Subsection ~~[(13)]~~ (14)(b)(ii).

1847 (d) If the lieutenant governor approves a board's application described in this section:

1848 (i) all future elections for membership on the board shall be held at the time of the  
1849 regular general election; and

1850 (ii) the board may not hold elections at the time of a municipal general election unless  
1851 the board receives permission from the lieutenant governor to hold all future elections for  
1852 membership on the board at a municipal general election instead of a regular general election,  
1853 under the same procedure, and by applying the same criteria, described in this Subsection  
1854 ~~[(13)]~~ (14).

1855 Section 26. Section **17B-1-1001** is amended to read:

1856 **17B-1-1001. Provisions applicable to property tax levy.**

1857 (1) Each local district that levies and collects property taxes shall levy and collect them  
1858 according to the provisions of Title 59, Chapter 2, Property Tax Act.

1859 (2) As used in this section:

1860 (a) "Appointed board of trustees" means a board of trustees of a local district that  
1861 includes a member who is appointed to the board of trustees in accordance with Section  
1862 [17B-1-304](#), Subsection [17B-1-303\(5\)](#), Subsection [17B-1-306\[\(4\)\]\(5\)\(h\)](#), or any of the  
1863 applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of  
1864 Local Districts.

1865 (b) "Elected board of trustees" means a board of trustees of a local district that consists  
1866 entirely of members who are elected to the board of trustees in accordance with Subsection (4),  
1867 Section [17B-1-306](#), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions  
1868 Applicable to Different Types of Local Districts.

1869 (3) (a) For a taxable year beginning on or after January 1, 2018, a local district may not  
1870 levy or collect property tax revenue that exceeds the certified tax rate unless:

1871 (i) to the extent that the revenue from the property tax was pledged before January 1,  
1872 2018, the local district pledges the property tax revenue to pay for bonds or other obligations of  
1873 the local district; or

1874 (ii) the proposed tax or increase in the property tax rate has been approved by:

1875 (A) an elected board of trustees;

1876 (B) subject to Subsection (3)(b), an appointed board of trustees;

1877 (C) a majority of the registered voters within the local district who vote in an election  
1878 held for that purpose on a date specified in Section [20A-1-204](#);

1879 (D) the legislative body of the appointing authority; or

1880 (E) the legislative body of:

1881 (I) a majority of the municipalities partially or completely included within the  
1882 boundary of the specified local district; or

1883 (II) the county in which the specified local district is located, if the county has some or  
1884 all of its unincorporated area included within the boundary of the specified local district.

1885 (b) For a local district with an appointed board of trustees, each appointed member of  
1886 the board of trustees shall comply with the trustee reporting requirements described in Section  
1887 [17B-1-1003](#) before the local district may impose a property tax levy that exceeds the certified

1888 tax rate.

1889 (4) (a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions  
1890 Applicable to Different Types of Local Districts, and subject to Subsection (4)(b), members of  
1891 the board of trustees of a local district shall be elected, if:

1892 (i) two-thirds of all members of the board of trustees of the local district vote in favor  
1893 of changing to an elected board of trustees; and

1894 (ii) the legislative body of each municipality or county that appoints a member to the  
1895 board of trustees adopts a resolution approving the change to an elected board of trustees.

1896 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten  
1897 the term of any member of the board of trustees serving at the time of the change.

1898 (5) Subsections (2), (3), and (4) do not apply to:

1899 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

1900 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

1901 (c) a local district in which:

1902 (i) the board of trustees consists solely of:

1903 (A) land owners or the land owners' agents; or

1904 (B) as described in Subsection 17B-1-302(3), land owners or the land owners' agents or  
1905 officers; and

1906 (ii) there are no residents within the local district at the time a property tax is levied.

1907 Section 27. Section 17B-1-1003 is amended to read:

1908 **17B-1-1003. Trustee reporting requirement.**

1909 (1) As used in this section:

1910 (a) "Appointed board of trustees" means a board of trustees of a local district that

1911 includes a member who is appointed to the board of trustees in accordance with Section

1912 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(4)(h), or any of the applicable

1913 provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local

1914 Districts.

1915 (b) "Legislative entity" means:

1916 (i) the member's appointing authority, if the appointing authority is a legislative body;

1917 or

1918 (ii) the member's nominating entity, if the appointing authority is not a legislative body.

1919 (c) (i) "Member" means an individual who is appointed to a board of trustees for a  
1920 local district in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection  
1921 17B-1-306~~(4)~~(5)(h), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions  
1922 Applicable to Different Types of Local Districts.

1923 (ii) "Member" includes a member of the board of trustees who holds an elected  
1924 position with a municipality, county, or another local district that is partially or completely  
1925 included within the boundaries of the local district.

1926 (d) "Nominating entity" means the legislative body that submits nominees for  
1927 appointment to the board of trustees to an appointing authority.

1928 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate  
1929 for the taxable year.

1930 (2) (a) If a local district board of trustees adopts a tentative budget that includes a  
1931 property tax increase, each member shall report to the member's legislative entity on the  
1932 property tax increase.

1933 (b) (i) The local district shall request that each of the legislative entities that appoint or  
1934 nominate a member to the local district's board of trustees hear the report required by  
1935 Subsection (2)(a) at a public meeting of each legislative entity.

1936 (ii) The request to make a report may be made by:

1937 (A) the member appointed or nominated by the legislative entity; or

1938 (B) another member of the board of trustees.

1939 (c) The member appointed or nominated by the legislative entity shall make the report  
1940 required by Subsection (2)(a) at a public meeting that:

1941 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;

1942 (ii) includes the report as a separate agenda item; and

1943 (iii) is held within 40 days after the day on which the legislative entity receives a  
1944 request to hear the report.

1945 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after  
1946 the day on which the legislative entity receives a request to hear the report required by  
1947 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.

1948 (ii) If the legislative entity fails to hear the report at a public meeting that meets the  
1949 criteria described in Subsection (2)(c), the trustee reporting requirements under this section

1950 shall be considered satisfied.

1951 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall  
1952 include:

1953 (i) a statement that the local district intends to levy a property tax at a rate that exceeds  
1954 the certified tax rate for the taxable year;

1955 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would  
1956 be generated by the proposed increase in the certified tax rate;

1957 (iii) the approximate percentage increase in ad valorem tax revenue for the local  
1958 district based on the proposed property tax increase; and

1959 (iv) any other information requested by the legislative entity.

1960 (b) The legislative entity shall allow time during the meeting for comment from the  
1961 legislative entity and members of the public on the property tax increase.

1962 (4) (a) If more than one member is appointed to the board of trustees by the same  
1963 legislative entity, a majority of the members appointed or nominated by the legislative entity  
1964 shall be present to provide the report required by Subsection (2) and described in Subsection  
1965 (3).

1966 (b) The chair of the board of trustees shall appoint another member of the board of  
1967 trustees to provide the report described in Subsection (3) to the legislative entity if:

1968 (i) the member appointed or nominated by the legislative entity is unable or unwilling  
1969 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

1970 (ii) the absence of the member appointed or nominated by the legislative entity results  
1971 in:

1972 (A) no member who was appointed or nominated by the legislative entity being present  
1973 to provide the report; or

1974 (B) an inability to comply with Subsection (4)(a).

1975 (5) A local district board of trustees may approve a property tax increase only after the  
1976 conditions of this section have been satisfied or considered satisfied for each member of the  
1977 board of trustees.

1978 Section 28. Section **17B-2a-705** is amended to read:

1979 **17B-2a-705. Taxation -- Additional levy -- Election.**

1980 (1) If a mosquito abatement district board of trustees determines that the funds required



1981 during the next ensuing fiscal year will exceed the maximum amount that the district is  
 1982 authorized to levy under Subsection [17B-1-103\(2\)\(g\)](#), the board of trustees may call an election  
 1983 on a date specified in Section [20A-1-204](#) and submit to district voters the question of whether  
 1984 the district should be authorized to impose an additional tax to raise the necessary additional  
 1985 funds.

1986 ~~[(2) The board shall, for at least four weeks before the election:]~~

1987 ~~[(a) publish notice of the election in a daily or weekly newspaper published in the~~  
 1988 ~~district; or]~~

1989 ~~[(b) if there is no daily or weekly newspaper published in the district, post notice of the~~  
 1990 ~~election in three public places in the district.]~~

1991 (2) The board shall publish notice of the election:

1992 (a) (i) in a newspaper of general circulation within the district at least once, no later  
 1993 than four weeks before the day of the election;

1994 (ii) if there is no newspaper of general circulation in the district, at least four weeks  
 1995 before the day of the election, by posting one notice, and at least one additional notice per  
 1996 2,000 population of the district, in places within the district that are most likely to give notice  
 1997 to the voters in the district; or

1998 (iii) at least four weeks before the day of the election, by mailing notice to each  
 1999 registered voter in the district;

2000 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks  
 2001 before the day of the election;

2002 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;  
 2003 and

2004 (d) if the district has a website, on the district's website for four weeks before the day  
 2005 of the election.

2006 (3) No particular form of ballot is required, and no informalities in conducting the  
 2007 election may invalidate the election, if it is otherwise fairly conducted.

2008 (4) At the election each ballot shall contain the words, "Shall the district be authorized  
 2009 to impose an additional tax to raise the additional sum of \$ \_\_\_\_?"

2010 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority  
 2011 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an

2012 additional levy to raise the additional amount of money required.

2013 Section 29. Section **17D-3-305** is amended to read:

2014 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**  
 2015 **the election.**

2016 (1) The commission shall~~[(a)]~~ set the date of the election of members of the board of  
 2017 supervisors of a conservation district~~[, and]~~.

2018 ~~[(b)]~~ (2) The commission shall publish notice of the election described in Subsection  
 2019 (1):

2020 ~~[(i) in a newspaper or other media outlet method with general circulation within the~~  
 2021 ~~conservation district; and]~~

2022 ~~[(ii) as required in Section 45-1-101;]~~

2023 (a) (i) in a newspaper of general circulation within the conservation district at least  
 2024 once, no later than four weeks before the day of the election;

2025 (ii) if there is no newspaper of general circulation in the conservation district, at least  
 2026 four weeks before the day of the election, by posting one notice, and at least one additional  
 2027 notice per 2,000 population of the conservation district, in places within the conservation  
 2028 district that are most likely to give notice to the voters in the conservation district; or

2029 (iii) at least four weeks before the day of the election, by mailing notice to each  
 2030 registered voter in the conservation district;

2031 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks  
 2032 before the day of the election;

2033 (c) in accordance with Section 45-1-101, for four weeks before the day of the election;  
 2034 and

2035 (d) if the conservation district has a website, on the conservation district's website for  
 2036 four weeks before the day of the election.

2037 ~~[(2)]~~ (3) The date set for an election under Subsection (1)~~[(a)]~~ may not be later than six  
 2038 weeks after the date set by the commission for the close of nominations.

2039 ~~[(3)]~~ (4) The notice required under Subsection ~~[(1)(b)]~~ (2) shall:

2040 (a) state:

2041 (i) the date of the election;

2042 (ii) the names of all candidates; and

2043 (iii) that a ballot request form for the election may be obtained from the commission  
2044 office or from any other place that the commission designates; and

2045 (b) specify the address of the commission office or other place where a ballot request  
2046 form may be obtained.

2047 Section 30. Section **20A-1-104**, which is renumbered from Section 20A-1-401 is  
2048 renumbered and amended to read:

2049 ~~[20A-1-401].~~ **20A-1-104. Computation of time.**

2050 ~~[(1) Courts and election officers shall construe the provisions of this title liberally to~~  
2051 ~~carry out the intent of this title.]~~

2052 (1) (a) Except as provided in Subsection (1)(b), unless expressly provided otherwise in  
2053 this title, if a person is required to complete an action on a certain day, on or before a certain  
2054 day, or within one day or a period of days, the person may complete the action anytime before  
2055 midnight on the final day.

2056 (b) If a person is required to complete an action in relation to a court proceeding, the  
2057 rules of the court govern the requirements regarding the time of deadlines.

2058 (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be  
2059 included in all computations of days made under ~~[the provisions of]~~ this title.

2060 (3) (a) Saturdays, Sundays, and holidays are not included in computations of days if  
2061 the days are specified in this title as business days or working days.

2062 (b) Unless otherwise [specifically] expressly provided for [under] in this title:

2063 ~~[(a)]~~ (i) when computing any number of days before or after a specified date or event  
2064 ~~[under this title]~~, the specified date or day of the event is not included in the count; ~~[and]~~

2065 ~~[(b)(i)]~~ (ii) if the commencement date of a time period preceding a specified date or  
2066 event falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;

2067 ~~[(ii)]~~ (iii) if the last day of a time period following a specified date or event falls on a  
2068 Saturday, Sunday, or legal holiday, the time period ~~[shall be]~~ is extended to the following  
2069 business day; and

2070 ~~[(iii)]~~ (iv) if a deadline that falls before or after a specified date or event falls on a  
2071 Saturday, Sunday, or legal holiday, the deadline shall be considered to fall on the following  
2072 business day.

2073 Section 31. Section **20A-1-206** is amended to read:

2074           **20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**

2075 **Notice.**

2076           (1) A municipal legislative body may cancel a local election if:

2077           (a) (i) (A) all municipal officers are elected in an at-large election under Subsection  
2078 [10-3-205.5](#)(1); and

2079           (B) the number of municipal officer candidates, including any eligible write-in  
2080 candidates under Section [20A-9-601](#), for the at-large municipal offices does not exceed the  
2081 number of open at-large municipal offices for which the candidates have filed; or

2082           (ii) (A) the municipality has adopted an ordinance under Subsection [10-3-205.5](#)(2);

2083           (B) the number of municipal officer candidates, including any eligible write-in  
2084 candidates under Section [20A-9-601](#), for the at-large municipal offices, if any, does not exceed  
2085 the number of open at-large municipal offices for which the candidates have filed; and

2086           (C) each municipal officer candidate, including any eligible write-in candidates under  
2087 Section [20A-9-601](#), in each district is unopposed;

2088           (b) there are no other municipal ballot propositions; and

2089           (c) the municipal legislative body passes, no later than 20 days before the day of the  
2090 scheduled election, a resolution that cancels the election and certifies that:

2091           (i) each municipal officer candidate is:

2092           (A) unopposed; or

2093           (B) a candidate for an at-large municipal office for which the number of candidates  
2094 does not exceed the number of open at-large municipal offices; and

2095           (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.

2096           (2) A municipal legislative body that cancels a local election in accordance with  
2097 Subsection (1) shall give notice that the election is cancelled by [~~posting notice~~]:

2098           (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter  
2099 Information Website as described in Section [20A-7-801](#), for 15 consecutive days before the day  
2100 of the scheduled election;

2101           (b) if the municipality has a public website, posting notice on the municipality's public  
2102 website for 15 days before the day of the scheduled election;

2103           (c) if the municipality publishes a newsletter or other periodical, publishing notice in  
2104 the next scheduled newsletter or other periodical published before the day of the scheduled

2105 election; [and]

2106 (d) (i) publishing notice at least twice in a newspaper of general circulation [~~within~~] in  
2107 the municipality before the day of the scheduled election; [~~or~~]

2108 (ii) if there is no newspaper of general circulation [~~within~~] in the municipality, [~~in at~~  
2109 ~~least three conspicuous places within the boundaries of the municipality~~] at least 10 days before  
2110 the day of the scheduled election[-], by posting one notice, and at least one additional notice per  
2111 2,000 population within the municipality, in places within the municipality that are most likely  
2112 to give notice to the voters in the municipality; or

2113 (iii) at least 10 days before the day of the scheduled election, mailing notice to each  
2114 registered voter in the municipality; and

2115 (e) in accordance with Section 45-1-101, publishing notice for at least 10 days before  
2116 the day of the scheduled election.

2117 (3) A local district board may cancel an election as described in Section 17B-1-306 if:

2118 (a) (i) (A) any local district officers are elected in an at-large election; and

2119 (B) the number of local district officer candidates for the at-large local district offices,  
2120 including any eligible write-in candidates under Section 20A-9-601, does not exceed the  
2121 number of open at-large local district offices for which the candidates have filed; or

2122 (ii) (A) the local district has divided the local district into divisions under Section  
2123 17B-1-306.5;

2124 (B) the number of local district officer candidates, including any eligible write-in  
2125 candidates under Section 20A-9-601, for the at-large local district offices within the local  
2126 district, if any, does not exceed the number of open at-large local district offices for which the  
2127 candidates have filed; and

2128 (C) each local district officer candidate, including any eligible write-in candidates  
2129 under Section 20A-9-601, in each division of the local district is unopposed;

2130 (b) there are no other local district ballot propositions; and

2131 (c) the local district governing body, no later than 20 days before the day of the  
2132 scheduled election, adopts a resolution that cancels the election and certifies that:

2133 (i) each local district officer candidate is:

2134 (A) unopposed; or

2135 (B) a candidate for an at-large local district office for which the number of candidates

2136 does not exceed the number of open at-large local district offices; and

2137 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

2138 (4) A local district that cancels a local election in accordance with Subsection (3) shall  
2139 ~~[give]~~ publish notice that the election is cancelled ~~[by posting notice]~~:

2140 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter  
2141 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day  
2142 of the scheduled election;

2143 (b) if the local district has a public website, by posting notice on the local district's  
2144 public website for 15 days before the day of the scheduled election;

2145 (c) if the local district publishes a newsletter or other periodical, by publishing notice  
2146 in the next scheduled newsletter or other periodical published before the day of the scheduled  
2147 election; ~~[and]~~

2148 (d) (i) at least twice in a newspaper of general circulation ~~[within]~~ in the local district  
2149 before ~~[the day of]~~ the scheduled election; ~~[or]~~

2150 (ii) if there is no newspaper of general circulation ~~[within]~~ in the local district, ~~[in at~~  
2151 ~~least three conspicuous places within the boundaries of the local district]~~ at least 10 days before  
2152 the day of the scheduled election~~[-]~~, by posting one notice, and at least one additional notice per  
2153 2,000 population of the local district, in places within the local district that are most likely to  
2154 give notice to the voters in the local district; or

2155 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each  
2156 registered voter in the local district; and

2157 (e) in accordance with Section 45-1-101, for at least 10 days before the day of the  
2158 scheduled election.

2159 (5) A municipal legislative body that posts a notice in accordance with Subsection  
2160 (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for  
2161 a notice that fails to post due to technical or other error by the publisher of the Statewide  
2162 Electronic Voter Information Website.

2163 Section 32. Section **20A-1-503** is amended to read:

2164 **20A-1-503. Midterm vacancies in the Legislature.**

2165 (1) As used in this section:

2166 (a) "Filing deadline" means the final date for filing:

- 2167 (i) a declaration of candidacy as provided in Section 20A-9-202; and  
2168 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 2169 (b) "Party liaison" means the political party officer designated to serve as a liaison with  
2170 the lieutenant governor on all matters relating to the political party's relationship with the state  
2171 as required by Section 20A-8-401.
- 2172 (2) When a vacancy occurs for any reason in the office of representative in the  
2173 Legislature, the governor shall fill the vacancy by immediately appointing the person whose  
2174 name was submitted by the party liaison of the same political party as the prior representative.
- 2175 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in  
2176 the office of senator in the Legislature, it shall be filled for the unexpired term at the next  
2177 regular general election.
- 2178 (b) The governor shall fill the vacancy until the next regular general election by  
2179 immediately appointing the person whose name was submitted by the party liaison of the same  
2180 political party as the prior senator.
- 2181 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but  
2182 before August 31 of an even-numbered year in which the term of office does not expire, the  
2183 lieutenant governor shall:
- 2184 (i) establish a date and time, which is before the date for a candidate to be certified for  
2185 the ballot under Section 20A-9-701 and no later than 21 days after the day on which the  
2186 vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant  
2187 office shall file:
- 2188 (A) a declaration of candidacy; or  
2189 (B) a certificate of nomination; and
- 2190 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):  
2191 (A) on the lieutenant governor's website; and  
2192 (B) to each registered political party.
- 2193 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 2194 (i) ~~by~~ before the date and time specified in Subsection (4)(a)(i), file a declaration of  
2195 candidacy or certificate of nomination according to the procedures and requirements of Chapter  
2196 9, Candidate Qualifications and Nominating Procedures; and  
2197 (ii) run in the regular general election if:

2198 (A) nominated as a party candidate; or

2199 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate

2200 Qualifications and Nominating Procedures.

2201 (c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after  
2202 the third Saturday in April and before August 31 of an even-numbered year in which the term  
2203 of office does not expire, a party liaison from each registered political party may submit a name  
2204 of a person described in Subsection (4)(b) to the lieutenant governor [by] before 5 p.m. no later  
2205 than August 30 for placement on the regular general election ballot.

2206 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an  
2207 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the  
2208 unexpired term by immediately appointing the person whose name was submitted by the party  
2209 liaison of the same political party as the prior senator.

2210 Section 33. Section **20A-1-508** is amended to read:

2211 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**  
2212 **Interim replacement.**

2213 (1) As used in this section:

2214 (a) (i) "County offices" includes the county executive, members of the county  
2215 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,  
2216 the county recorder, the county surveyor, and the county assessor.

2217 (ii) "County offices" does not include the office of county attorney, district attorney, or  
2218 judge.

2219 (b) "Party liaison" means the political party officer designated to serve as a liaison with  
2220 each county legislative body on all matters relating to the political party's relationship with a  
2221 county as required by Section [20A-8-401](#).

2222 (2) (a) Until a county legislative body appoints an interim replacement to fill a vacant  
2223 county office under Subsection (3), the following shall temporarily fill the county office as a  
2224 temporary manager:

2225 (i) for a county office with one chief deputy, the chief deputy;

2226 (ii) for a county office with more than one chief deputy:

2227 (A) the chief deputy with the most cumulative time served as a chief deputy for the  
2228 county office; or



2229 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer  
2230 vacates the office, the county officer files with the county clerk a written statement designating  
2231 one of the county officer's chief deputies to discharge the duties of the county office in the  
2232 event the county officer vacates the office, the designated chief deputy; or

2233 (iii) for a county office without a chief deputy:

2234 (A) if one management-level employee serving under the county office has a  
2235 higher-seniority management level than any other employee serving under the county office,  
2236 that management-level employee;

2237 (B) if two or more management-level employees serving under the county office have  
2238 the same and highest-seniority management level, the highest-seniority management-level  
2239 employee with the most cumulative time served in the employee's current position; or

2240 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county  
2241 officer vacates the office, the county officer files with the county clerk a written statement  
2242 designating one of the county officer's employees to discharge the county officer's duties in the  
2243 event the county officer vacates the office, the designated employee.

2244 (b) Except as provided in Subsection (2)(c), a temporary manager described in  
2245 Subsection (2)(a) who temporarily fills a county office holds the powers and duties of the  
2246 county office until the county legislative body appoints an interim replacement under  
2247 Subsection (3).

2248 (c) The temporary manager described in Subsection (2)(a) who temporarily fills a  
2249 county office:

2250 (i) may not take an oath of office for the county office as a temporary manager;

2251 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for  
2252 Counties, and the county's budget ordinances and policies;

2253 (iii) unless approved by the county legislative body, may not change the compensation  
2254 of an employee;

2255 (iv) unless approved by the county legislative body, may not promote or demote an  
2256 employee or change an employee's job title;

2257 (v) may terminate an employee only if the termination is conducted in accordance with:

2258 (A) personnel rules described in Subsection 17-33-5(3) that are approved by the county  
2259 legislative body; and

2260 (B) applicable law;  
2261 (vi) unless approved by the county legislative body, may not exceed by more than 5%  
2262 an expenditure that was planned before the county office that the temporary manager fills was  
2263 vacated;  
2264 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or  
2265 compensation; and  
2266 (viii) if approved by the county legislative body, may receive a performance award  
2267 after:  
2268 (A) the county legislative body appoints an interim replacement under Subsection (3);  
2269 and  
2270 (B) the interim replacement is sworn into office.  
2271 (3) (a) Until a replacement is selected as provided in this section and has qualified, the  
2272 county legislative body shall appoint an interim replacement to fill the vacant office by  
2273 following the procedures and requirements of this Subsection (3).  
2274 (b) (i) To appoint an interim replacement, the county legislative body shall give notice  
2275 of the vacancy to the party liaison of the same political party of the prior office holder and  
2276 invite that party liaison to submit the name of a person to fill the vacancy.  
2277 (ii) That party liaison shall, before 5 p.m., within 30 days after the day on which the  
2278 county legislative body gives the notice described in Subsection (3)(b)(i), submit the name of  
2279 the person selected in accordance with the party constitution or bylaws as described in Section  
2280 [20A-8-401](#) for the interim replacement to the county legislative body.  
2281 (iii) The county legislative body shall no later than five days after the day on which a  
2282 party liaison submits the name of the person for the interim replacement appoint the person to  
2283 serve out the unexpired term.  
2284 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the  
2285 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall send to the governor a  
2286 letter that:  
2287 (A) informs the governor that the county legislative body has failed to appoint a  
2288 replacement within the statutory time period; and  
2289 (B) contains the name of the person to fill the vacancy submitted by the party liaison.  
2290 (ii) The governor shall appoint the person named by the party liaison as an interim

2291 replacement to fill the vacancy within 30 days after [~~receipt of~~] the day on which the governor  
2292 receives the letter.

2293 (d) A person appointed as interim replacement under this Subsection (3) shall hold  
2294 office until their successor is elected and has qualified.

2295 (4) (a) The requirements of this Subsection (4) apply to all county offices that become  
2296 vacant if:

2297 (i) the vacant office has an unexpired term of two years or more; and

2298 (ii) the vacancy occurs after the election at which the person was elected but before  
2299 April 10 of the next even-numbered year.

2300 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk  
2301 shall notify the public and each registered political party that the vacancy exists.

2302 (ii) An individual intending to become a candidate for the vacant office shall file a  
2303 declaration of candidacy in accordance with:

2304 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2305 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if  
2306 applicable.

2307 (iii) An individual who is nominated as a party candidate for the vacant office or  
2308 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation  
2309 and Procedures, for the vacant office shall run in the regular general election.

2310 (5) (a) The requirements of this Subsection (5) apply to all county offices that become  
2311 vacant if:

2312 (i) the vacant office has an unexpired term of two years or more; and

2313 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75  
2314 days before the regular primary election.

2315 (b) (i) When the conditions established in Subsection (5)(a) are met, the county clerk  
2316 shall notify the public and each registered political party that:

2317 (A) the vacancy exists; and

2318 (B) identifies the date and time by which a person interested in becoming a candidate  
2319 shall file a declaration of candidacy.

2320 (ii) An individual intending to become a candidate for a vacant office shall, within five  
2321 days after the date that the notice is made, ending at the close of normal office hours on the

2322 fifth day, file a declaration of candidacy for the vacant office in accordance with:

2323 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2324 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if  
2325 applicable.

2326 (iii) The county central committee of each party shall:

2327 (A) select a candidate or candidates from among those qualified candidates who have  
2328 filed declarations of candidacy; and

2329 (B) certify the name of the candidate or candidates to the county clerk [~~at least~~] before  
2330 5 p.m. no later than 60 days before the day of the regular primary election.

2331 (6) (a) The requirements of this Subsection (6) apply to all county offices that become  
2332 vacant:

2333 (i) if the vacant office has an unexpired term of two years or more; and

2334 (ii) when 75 days or less remain before the day of the regular primary election but more  
2335 than 65 days remain before the day of the regular general election.

2336 (b) When the conditions established in Subsection (6)(a) are met, the county central  
2337 committees of each political party registered under this title that wishes to submit a candidate  
2338 for the office shall summarily certify the name of one candidate to the county clerk for  
2339 placement on the regular general election ballot.

2340 (7) (a) The requirements of this Subsection (7) apply to all county offices that become  
2341 vacant:

2342 (i) if the vacant office has an unexpired term of less than two years; or

2343 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less  
2344 remain before the day of the next regular general election.

2345 (b) (i) When the conditions established in Subsection (7)(a) are met, the county  
2346 legislative body shall give notice of the vacancy to the party liaison of the same political party  
2347 as the prior office holder and invite that party liaison to submit the name of a person to fill the  
2348 vacancy.

2349 (ii) That party liaison shall, before 5 p.m., within 30 days after the day on which the  
2350 county legislative body gives the notice described in Subsection (7)(b)(i), submit the name of  
2351 the person to fill the vacancy to the county legislative body.

2352 (iii) The county legislative body shall no later than five days after the day on which a

2353 party liaison submits the name of the person to fill the vacancy appoint the person to serve out  
2354 the unexpired term.

2355 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in  
2356 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

2357 (A) informs the governor that the county legislative body has failed to appoint a person  
2358 to fill the vacancy within the statutory time period; and

2359 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2360 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy  
2361 within 30 days after [~~receipt of~~] the day on which the governor receives the letter.

2362 (d) A person appointed to fill the vacancy under this Subsection (7) shall hold office  
2363 until their successor is elected and has qualified.

2364 (8) Except as otherwise provided by law, the county legislative body may appoint  
2365 replacements to fill all vacancies that occur in those offices filled by appointment of the county  
2366 legislative body.

2367 (9) Nothing in this section prevents or prohibits independent candidates from filing a  
2368 declaration of candidacy for the office within the same time limits.

2369 (10) (a) Each person elected under Subsection (4), (5), or (6) to fill a vacancy in a  
2370 county office shall serve for the remainder of the unexpired term of the person who created the  
2371 vacancy and until a successor is elected and qualified.

2372 (b) Nothing in this section may be construed to contradict or alter the provisions of  
2373 Section [17-16-6](#).

2374 Section 34. Section **20A-1-509.1** is amended to read:

2375 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**  
2376 **or more attorneys.**

2377 (1) When a vacancy occurs in the office of county or district attorney in a county or  
2378 district having 15 or more attorneys who are licensed active members in good standing with the  
2379 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

2380 (2) (a) The requirements of this Subsection (2) apply when the office of county  
2381 attorney or district attorney becomes vacant and:

2382 (i) the vacant office has an unexpired term of two years or more; and

2383 (ii) the vacancy occurs before the third Thursday in March of the even-numbered year.

2384 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall  
2385 notify the public and each registered political party that the vacancy exists.

2386 (c) All persons intending to become candidates for the vacant office shall:

2387 (i) file a declaration of candidacy according to the procedures and requirements of  
2388 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

2389 (ii) if nominated as a party candidate or qualified as an independent or write-in  
2390 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the  
2391 regular general election; and

2392 (iii) if elected, complete the unexpired term of the person who created the vacancy.

2393 (d) If the vacancy occurs after the second Friday in March and before the third  
2394 Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202  
2395 shall be extended until 5 p.m. seven days after the county clerk gives notice under Subsection  
2396 (2)(b), but no later than 5 p.m. the fourth Thursday in March.

2397 (3) (a) The requirements of this Subsection (3) apply when the office of county  
2398 attorney or district attorney becomes vacant and:

2399 (i) the vacant office has an unexpired term of two years or more; and

2400 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year  
2401 but more than 75 days before the regular primary election.

2402 (b) When the conditions established in Subsection (3)(a) are met, the county clerk  
2403 shall:

2404 (i) notify the public and each registered political party that the vacancy exists; and

2405 (ii) identify the date and time by which a person interested in becoming a candidate  
2406 shall file a declaration of candidacy.

2407 (c) All persons intending to become candidates for the vacant office shall:

2408 (i) before 5 p.m. within five days after the [date that the notice is made, ending at the  
2409 close of normal office hours on the fifth day] day on which the county clerk gives the notice  
2410 described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as

2411 required by Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

2412 (ii) if elected, complete the unexpired term of the person who created the vacancy.

2413 (d) The county central committee of each party shall:

2414 (i) select a candidate or candidates from among those qualified candidates who have

2415 filed declarations of candidacy; and

2416 (ii) certify the name of the candidate or candidates to the county clerk [~~at least~~];

2417 (A) before 5 p.m. no later than 60 days before the day of the regular primary

2418 election~~[-]; or~~

2419 (B) electronically, before midnight no later than 60 days before the day of the regular  
2420 primary election.

2421 (4) (a) The requirements of this Subsection (4) apply when the office of county  
2422 attorney or district attorney becomes vacant and:

2423 (i) the vacant office has an unexpired term of two years or more; and

2424 (ii) 75 days or less remain before the regular primary election but more than 65 days  
2425 remain before the regular general election.

2426 (b) When the conditions established in Subsection (4)(a) are met, the county central  
2427 committees of each registered political party that wish to submit a candidate for the office shall  
2428 [~~summarily~~], not later than five days after the day on which the vacancy occurs, certify the  
2429 name of one candidate to the county clerk for placement on the regular general election ballot.

2430 (c) The candidate elected shall complete the unexpired term of the person who created  
2431 the vacancy.

2432 (5) (a) The requirements of this Subsection (5) apply when the office of county  
2433 attorney or district attorney becomes vacant and:

2434 (i) the vacant office has an unexpired term of less than two years; or

2435 (ii) the vacant office has an unexpired term of two years or more but 65 days or less  
2436 remain before the next regular general election.

2437 (b) When the conditions established in Subsection (5)(a) are met, the county legislative  
2438 body shall give notice of the vacancy to the county central committee of the same political  
2439 party of the prior officeholder and invite that committee to submit the names of three nominees  
2440 to fill the vacancy.

2441 (c) That county central committee shall, within 30 days [~~of receiving notice from~~] after  
2442 the day on which the county legislative body gives the notice described in Subsection (5)(b),  
2443 submit to the county legislative body the names of three nominees to fill the vacancy.

2444 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint  
2445 one of those nominees to serve out the unexpired term.

2446 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45  
2447 days, the county clerk shall send to the governor a letter that:

2448 (i) informs the governor that the county legislative body has failed to appoint a person  
2449 to fill the vacancy within the statutory time period; and

2450 (ii) contains the list of nominees submitted by the party central committee.

2451 (f) The governor shall appoint a person to fill the vacancy from that list of nominees  
2452 within 30 days after receipt of the letter.

2453 (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the  
2454 unexpired term of the person who created the vacancy.

2455 (6) Nothing in this section prevents or prohibits independent candidates from filing a  
2456 declaration of candidacy for the office within the required time limits.

2457 Section 35. Section **20A-1-509.2** is amended to read:

2458 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than**  
2459 **15 attorneys.**

2460 (1) When a vacancy occurs in the office of county or district attorney, including a  
2461 vacancy created by the failure of a person to file as a candidate for the office of county or  
2462 district attorney in an election, in a county or district having fewer than 15 attorneys who are  
2463 licensed, active members in good standing with the Utah State Bar and registered voters, the  
2464 vacancy shall be filled as provided in this section.

2465 (2) The county clerk shall send a letter to each attorney residing in the county or district  
2466 who is a licensed, active member in good standing with the Utah State Bar and a registered  
2467 voter that:

2468 (a) informs the attorney of the vacancy;

2469 (b) invites the attorney to apply for the vacancy; and

2470 (c) informs the attorney that if the attorney has not responded before 5 p.m. within 10  
2471 calendar days [~~from the date that the letter was mailed~~] after the day on which the county clerk  
2472 sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

2473 (3) (a) (i) If, [~~after 10 calendar days from the date the letter was mailed~~] before the  
2474 deadline described in Subsection (2)(c), more than three attorneys who are licensed, active  
2475 members in good standing with the Utah State Bar and registered voters in the county or  
2476 district have applied for the vacancy, the county clerk shall, except as provided in Subsection



2477 (3)(a)(ii), submit the applications to the county central committee of the same political party of  
2478 the prior officeholder.

2479 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the  
2480 county central committee of each county within the prosecution district.

2481 (b) The central committee shall nominate three of the applicants and forward the  
2482 applicants' names to the county legislative body before 5 p.m. within 20 days after the ~~[date]~~  
2483 day on which the county clerk ~~[submitted]~~ submits the applicants' names under Subsection  
2484 (3)(a).

2485 (c) The county legislative body shall appoint one of the nominees to fill the vacant  
2486 position.

2487 (d) If the central committee of the political party fails to submit at least three names to  
2488 the county legislative body ~~[within 20 days after the date the county clerk submitted the~~  
2489 ~~applicants' names]~~ before the deadline described in Subsection (3)(b), the county legislative  
2490 body shall appoint one of the applicants to fill the vacant position.

2491 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120  
2492 days after the day on which the vacancy occurs, the county clerk shall mail to the governor:

2493 (i) a letter informing the governor that the county legislative body has failed to appoint  
2494 a person to fill the vacancy; and

2495 (ii) (A) the list of nominees, if any, submitted by the central committee of the political  
2496 party; or

2497 (B) if the party central committee has not submitted a list of at least three nominees  
2498 within the required time, the names of the persons who submitted applications for the vacant  
2499 position to the county clerk.

2500 (f) The governor shall appoint, within 30 days after ~~[receipt of]~~ the day on which the  
2501 governor receives the letter, a person from the list to fill the vacancy.

2502 (4) (a) If, ~~[after 10 calendar days from the date the letter was mailed]~~ before the  
2503 deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active  
2504 members in good standing with the Utah State Bar and registered voters in the county or  
2505 district have applied for the vacancy, the county legislative body may:

2506 (i) appoint one of them to be county or district attorney; or

2507 (ii) solicit additional applicants and appoint a county or district attorney as provided in

2508 Subsection (4)(b).

2509 (b) (i) If three or fewer attorneys who are licensed members in good standing of the  
2510 Utah State Bar and registered voters in the county or district submit applications, the county  
2511 legislative body may publicly solicit and accept additional applications for the position from  
2512 licensed, active members in good standing of the Utah State Bar who are not residents of the  
2513 county or prosecution district.

2514 (ii) The county legislative body shall consider the applications submitted by the  
2515 attorneys who are residents of and registered voters in the county or prosecution district and the  
2516 applications submitted by the attorneys who are not residents of the county or prosecution  
2517 district and shall appoint one of the applicants to be county attorney or district attorney.

2518 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days  
2519 after the day on which the vacancy occurs, the county clerk shall:

2520 (i) notify the governor that the legislative body has failed to fill the vacancy within the  
2521 required time period; and

2522 (ii) provide the governor with a list of all the applicants.

2523 (d) The governor shall appoint a person to fill the vacancy within 30 days after the day  
2524 on which the governor receives the notification.

2525 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the  
2526 person who created the vacancy.

2527 Section 36. Section **20A-1-511** is amended to read:

2528 **20A-1-511. Midterm vacancies on local school boards.**

2529 (1) (a) A local school board shall fill vacancies on the board by appointment, except as  
2530 otherwise provided in Subsection (2).

2531 (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the  
2532 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by  
2533 appointment.

2534 (c) A member appointed and qualified under this Subsection (1) shall serve until a  
2535 successor is elected or appointed and qualified.

2536 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by  
2537 an election to fill a two-year term if:

2538 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,

2539 at least 14 days before the deadline for filing a declaration of candidacy; and

2540 (ii) two years of the vacated term will remain after the first Monday of January  
2541 following the next school board election.

2542 (b) Members elected under this Subsection (2) shall serve for the remaining two years  
2543 of the vacated term and until a successor is elected and qualified.

2544 (3) Before appointing an individual to fill a vacancy under this section, the local school  
2545 board shall:

2546 (a) give public notice of the vacancy at least two weeks before the local school board  
2547 meets to fill the vacancy;

2548 (b) identify, in the notice:

2549 (i) the date, time, and place of the meeting where the vacancy will be filled; and

2550 (ii) the person to whom and the date [by] and time before which an individual  
2551 interested in being appointed to fill the vacancy may submit the individual's name for  
2552 consideration; and

2553 (c) in an open meeting, interview each individual whose name is submitted for  
2554 consideration and who meets the qualifications for office, regarding the individual's  
2555 qualifications.

2556 (4) (a) Subject to Subsection (4)(b), a local school board may appoint an individual to  
2557 fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the  
2558 local school board submits a letter of resignation.

2559 (b) An individual appointed under Subsection (4)(a) may not take office until on or  
2560 after the day on which the vacancy occurs for which the individual is appointed.

2561 (c) A member of a local school board who submits a letter of resignation under  
2562 Subsection (4)(a) may not rescind the resignation after the local school board makes an  
2563 appointment to fill the vacancy created by the resignation.

2564 Section 37. Section **20A-1-513** is amended to read:

2565 **20A-1-513. Temporary absence in elected office of a political subdivision for**  
2566 **military service.**

2567 (1) As used in this section:

2568 (a) "Armed forces" means:

2569 (i) the Army of the United States;

- 2570 (ii) the United States Navy;
- 2571 (iii) the United States Air Force;
- 2572 (iv) the Marine Corps;
- 2573 (v) the Coast Guard;
- 2574 (vi) the National Guard; or
- 2575 (vii) a reserve or auxiliary of an entity listed in Subsections (1)(a)(i) through (vi).
- 2576 (b) (i) "Elected official" is a person who holds an office of a political subdivision that
- 2577 is required by law to be filled by an election.
- 2578 (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office
- 2579 described in Subsection (1)(b)(i).
- 2580 (c) (i) "Military leave" means the temporary absence from an office:
- 2581 (A) by an elected official called to active, full-time duty in the armed forces; and
- 2582 (B) for a period of time that exceeds 30 days and does not exceed 400 days.
- 2583 (ii) "Military leave" includes the time a person described in Subsection (1)(c)(i) spends
- 2584 for:
- 2585 (A) out processing;
- 2586 (B) an administrative delay;
- 2587 (C) accrued leave; and
- 2588 (D) on rest and recuperation leave program of the armed forces.
- 2589 (d) "Political subdivision's governing body" means:
- 2590 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 2591 (ii) for a local district, the board of trustees of the local district;
- 2592 (iii) for a local school district, the local school board;
- 2593 (iv) for a special service district:
- 2594 (A) the legislative body of the county, city, or town that established the special service
- 2595 district, if no administrative control board has been appointed under Section [17D-1-301](#); or
- 2596 (B) the administrative control board of the special service district, if an administrative
- 2597 control board has been appointed under Section [17D-1-301](#); and
- 2598 (v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body
- 2599 that governs the affairs of the political subdivision.
- 2600 (e) "Temporary replacement" means the person appointed by the political subdivision's

2601 governing body in accordance with this section to exercise the powers and duties of the office  
2602 of the elected official who takes military leave.

2603 (2) [~~Except as provided by Subsection (8), an~~] An elected official creates a vacancy in  
2604 the elected official's office if the elected official is called to active, full-time duty in the armed  
2605 forces unless the elected official takes military leave as provided by this section.

2606 (3) [~~Except as provided by Subsection (8), an~~] An elected official may take military  
2607 leave if the elected official submits to the political subdivision's governing body written notice  
2608 of the intent to take military leave and the expected duration of the military leave, by the later  
2609 of:

2610 (a) 21 days before the military leave begins; or

2611 (b) the next business day after which the elected official receives an order from the  
2612 armed forces calling the elected official to active, full-time duty.

2613 (4) An elected official's military leave:

2614 (a) begins the day on which the elected official begins active, full-time duty in the  
2615 armed forces; and

2616 (b) ends the sooner of:

2617 (i) the expiration of the elected official's term of office; or

2618 (ii) the day on which the elected official ends active, full-time duty in the armed forces.

2619 (5) A temporary replacement shall:

2620 (a) meet the qualifications required to hold the office; and

2621 (b) be appointed:

2622 (i) before the day on which the military leave begins; and

2623 (ii) (A) in the same manner as provided by this part for a midterm vacancy if a

2624 registered political party nominated the elected official who takes military leave as a candidate  
2625 for the office; or

2626 (B) by the political subdivision's governing body after submitting an application in  
2627 accordance with Subsection (7)(b) if a registered political party did not nominate the elected  
2628 official who takes military leave as a candidate for office.

2629 (6) (a) A temporary replacement shall exercise the powers and duties of the office for  
2630 which the temporary replacement is appointed for the duration of the elected official's military  
2631 leave.

2632 (b) An elected official may not exercise the powers or duties of the office while on  
2633 military leave.

2634 (c) If a temporary replacement is not appointed before the day on which the military  
2635 leave begins as required by Subsection (5)(b)(i), no person may exercise the powers and duties  
2636 of the elected official's office during the elected official's military leave.

2637 (7) The political subdivision's governing body shall establish:

2638 (a) the distribution of the emoluments of the office between the elected official and the  
2639 temporary replacement; and

2640 (b) an application form and the date [by] and time before which a person shall submit  
2641 the application to be considered by the political subdivision's governing body for appointment  
2642 as a temporary replacement.

2643 ~~[(8) An elected official who is called to active, full-time duty in the armed forces  
2644 before March 16, 2011 is on military leave.]~~

2645 Section 38. Section **20A-2-202** is amended to read:

2646 **20A-2-202. Registration by mail.**

2647 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

2648 (b) To register by mail, a citizen shall complete and sign the by-mail registration form  
2649 and mail or deliver it to the county clerk of the county in which the citizen resides.

2650 (c) In order to register to vote in a particular election, the citizen shall:

2651 (i) address the by-mail voter registration form to the county clerk; and

2652 (ii) ensure that the by-mail voter registration form is postmarked on or before the voter  
2653 registration deadline or is otherwise marked by the post office as received by the post office on  
2654 or before the voter registration deadline.

2655 (d) The citizen has effectively registered to vote under this section only when the  
2656 county clerk's office has received a correctly completed by-mail voter registration form.

2657 (2) Upon receipt of a correctly completed by-mail voter registration form, the county  
2658 clerk shall, unless the individual named in the form is preregistering to vote:

2659 (a) enter the applicant's name on the list of registered voters for the voting precinct in  
2660 which the applicant resides; and

2661 (b) mail confirmation of registration to the newly registered voter after entering the  
2662 applicant's voting precinct number on that copy.

2663 (3) If the county clerk receives a correctly completed by-mail voter registration form  
2664 that is postmarked after the voter registration deadline, and is not otherwise marked by the post  
2665 office as received by the post office before the voter registration deadline, the county clerk  
2666 shall:

2667 (a) if the individual named in the form is preregistering to vote, comply with Section  
2668 [20A-2-101.1](#); or

2669 (b) (i) unless the individual timely registers to vote in the current election in a manner  
2670 that permits registration after the voter registration deadline, register the individual after the  
2671 next election; and

2672 (ii) if possible, promptly mail a notice to, or otherwise notify, the individual before the  
2673 election, informing the individual:

2674 (A) of each manner still available to the individual to timely register to vote in the  
2675 current election; and

2676 (B) that, if the individual does not timely register in a manner described in Subsection  
2677 (3)(b)(ii)(A), the individual's registration will not be effective until after the election.

2678 (4) When the county clerk receives a correctly completed by-mail voter registration  
2679 form [~~at least~~] before 5 p.m. no later than seven days before an election that is postmarked on  
2680 or before the date of the voter registration deadline, or is otherwise marked by the post office as  
2681 received by the post office on or before the voter registration deadline, the county clerk shall:

2682 (a) process the by-mail voter registration form; and

2683 (b) record the new voter in the official register.

2684 (5) If the county clerk determines that a registration form received by mail or otherwise  
2685 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to  
2686 the person attempting to register or preregister, stating that the person has not been registered  
2687 or preregistered because of an error or because the form is incomplete.

2688 Section 39. Section **20A-2-204** is amended to read:

2689 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

2690 (1) As used in this section, "voter registration form" means, when an individual named  
2691 on a qualifying form, as defined in Section [20A-2-108](#), answers "yes" to the question described  
2692 in Subsection [20A-2-108\(2\)\(a\)](#), the information on the qualifying form that can be used for  
2693 voter registration purposes.

2694 (2) A citizen who is qualified to vote may register to vote, and a citizen who is  
2695 qualified to preregister to vote may preregister to vote, by answering "yes" to the question  
2696 described in Subsection 20A-2-108(2)(a) and completing the voter registration form.

2697 (3) The Driver License Division shall:

2698 (a) assist an individual in completing the voter registration form unless the individual  
2699 refuses assistance;

2700 (b) electronically transmit each address change to the lieutenant governor within five  
2701 days after the day on which the division receives the address change; and

2702 (c) within five days after the day on which the division receives a voter registration  
2703 form, electronically transmit the form to the Office of the Lieutenant Governor, including the  
2704 following for the individual named on the form:

2705 (i) the name, date of birth, driver license or state identification card number, last four  
2706 digits of the social security number, Utah residential address, place of birth, and signature;

2707 (ii) a mailing address, if different from the individual's Utah residential address;

2708 (iii) an email address and phone number, if available;

2709 (iv) the desired political affiliation, if indicated; and

2710 (v) an indication of whether the individual requested that the individual's voter  
2711 registration record be classified as a private record under Subsection 20A-2-108(2)(c).

2712 (4) Upon receipt of an individual's voter registration form from the Driver License  
2713 Division under Subsection (3), the lieutenant governor shall:

2714 (a) enter the information into the statewide voter registration database; and

2715 (b) if the individual requests on the individual's voter registration form that the  
2716 individual's voter registration record be classified as a private record, classify the individual's  
2717 voter registration record as a private record.

2718 (5) The county clerk of an individual whose information is entered into the statewide  
2719 voter registration database under Subsection (4) shall:

2720 (a) ensure that the individual meets the qualifications to be registered or preregistered  
2721 to vote; and

2722 (b) (i) if the individual meets the qualifications to be registered to vote:

2723 (A) ensure that the individual is assigned to the proper voting precinct; and

2724 (B) send the individual the notice described in Section 20A-2-304; or



2725 (ii) if the individual meets the qualifications to be preregistered to vote, process the  
2726 form in accordance with the requirements of Section 20A-2-101.1.

2727 (6) (a) When the county clerk receives a correctly completed voter registration form  
2728 under this section, the clerk shall:

2729 (i) comply with the applicable provisions of this Subsection (6); or

2730 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

2731 (b) If the county clerk receives a correctly completed voter registration form under this  
2732 section during the period beginning on the date after the voter registration deadline and ending  
2733 at 5 p.m. on the date that is 15 calendar days before the date of an election, the county clerk  
2734 shall:

2735 (i) accept the voter registration form; and

2736 (ii) unless the individual is preregistering to vote, inform the individual that the  
2737 individual is registered to vote in the pending election.

2738 (c) If the county clerk receives a correctly completed voter registration form under this  
2739 section during the period beginning on the date that is 14 calendar days before the election and  
2740 ending at 5 p.m. on the date that is seven calendar days before the election, the county clerk  
2741 shall:

2742 (i) accept the voter registration form; and

2743 (ii) unless the individual is preregistering to vote, inform the individual that:

2744 (A) the individual is registered to vote in the pending election; and

2745 (B) for the pending election, the individual must vote on the day of the election or by  
2746 provisional ballot, under Section 20A-2-207, during the early voting period described in  
2747 Section 20A-3-601 because the individual registered late.

2748 (d) If the county clerk receives a correctly completed voter registration form under this  
2749 section during the six calendar days before an election, the county clerk shall:

2750 (i) accept the application for registration of the individual; and

2751 (ii) unless the individual is preregistering to vote, inform the individual:

2752 (A) of each manner still available to the individual to timely register to vote in the  
2753 current election; and

2754 (B) that, if the individual does not timely register in a manner described in Subsection  
2755 (7)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election

2756 because the individual registered late.

2757 (7) (a) If the county clerk determines that an individual's voter registration form  
2758 received from the Driver License Division is incorrect because of an error, because the form is  
2759 incomplete, or because the individual does not meet the qualifications to be registered to vote,  
2760 the county clerk shall mail notice to the individual stating that the individual has not been  
2761 registered or preregistered because of an error, because the form is incomplete, or because the  
2762 individual does not meet the qualifications to be registered to vote.

2763 (b) If a county clerk believes, based upon a review of a voter registration form, that an  
2764 individual, who knows that the individual is not legally entitled to register or preregister to  
2765 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer  
2766 the form to the county attorney for investigation and possible prosecution.

2767 Section 40. Section **20A-2-205** is amended to read:

2768 **20A-2-205. Registration at voter registration agencies.**

2769 (1) As used in this section:

2770 (a) "Discretionary voter registration agency" means the same as that term is defined in  
2771 Section [20A-2-300.5](#).

2772 (b) "Public assistance agency" means each office in Utah that provides:

2773 (i) public assistance; or

2774 (ii) state funded programs primarily engaged in providing services to people with  
2775 disabilities.

2776 (2) An individual may obtain and complete a by-mail registration form at a public  
2777 assistance agency or discretionary voter registration agency.

2778 (3) Each public assistance agency and discretionary voter registration agency shall  
2779 provide, either as part of existing forms or on a separate form, the following information in  
2780 substantially the following form:

2781 "REGISTERING TO VOTE

2782 If you are not registered to vote where you live now, would you like to apply to register  
2783 or preregister to vote here today? (The decision of whether to register or preregister to vote will  
2784 not affect the amount of assistance that you will be provided by this agency.) Yes \_\_\_ No \_\_\_

2785 IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE  
2786 DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you

2787 would like help in filling out the voter registration form, we will help you. The decision about  
2788 whether to seek or accept help is yours. You may fill out the application form in private. If  
2789 you believe that someone has interfered with your right to register or preregister or to decline to  
2790 register or preregister to vote, your right to privacy in deciding whether to register or  
2791 preregister, or in applying to register or preregister to vote, or your right to choose your own  
2792 political party or other political preference, you may file a complaint with the Office of the  
2793 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number  
2794 of the Office of the Lieutenant Governor)."

2795 (4) Unless a person applying for service or assistance from a public assistance agency  
2796 or discretionary voter registration agency declines, in writing, to register or preregister to vote,  
2797 each public assistance agency and discretionary voter registration agency shall:

2798 (a) distribute a by-mail voter registration form with each application for service or  
2799 assistance provided by the agency or office;

2800 (b) assist applicants in completing the voter registration form unless the applicant  
2801 refuses assistance;

2802 (c) accept completed forms for transmittal to the appropriate election official; and

2803 (d) transmit a copy of each voter registration form to the appropriate election official  
2804 within five days after it is received by the division.

2805 (5) A person in a public assistance agency or a discretionary voter registration agency  
2806 that helps a person complete the voter registration form may not:

2807 (a) seek to influence an applicant's political preference or party registration;

2808 (b) display any political preference or party allegiance;

2809 (c) make any statement to an applicant or take any action that has the purpose or effect  
2810 of discouraging the applicant from registering to vote; or

2811 (d) make any statement to an applicant or take any action that has the purpose or effect  
2812 of leading the applicant to believe that a decision of whether to register or preregister has any  
2813 bearing upon the availability of services or benefits.

2814 (6) Upon receipt of a correctly completed voter registration form, the county clerk  
2815 shall, unless the individual named in the form is preregistering to vote:

2816 (a) enter the applicant's name on the list of registered voters for the voting precinct in  
2817 which the applicant resides; and

2818 (b) notify the applicant of registration.

2819 (7) If the county clerk receives a correctly completed voter registration form that is  
2820 dated after the voter registration deadline, the county clerk shall:

2821 (a) if the individual named in the form is preregistering to vote, comply with Section  
2822 [20A-2-101.1](#); or

2823 (b) (i) unless the individual timely registers to vote in the current election in a manner  
2824 that permits registration after the voter registration deadline, register the individual after the  
2825 next election; and

2826 (ii) if possible, promptly phone or mail a notice to the individual before the election,  
2827 informing the individual:

2828 (A) of each manner still available to the individual to timely register to vote in the  
2829 current election; and

2830 (B) that, if the individual does not timely register in a manner described in Subsection  
2831 (7)(b)(ii)(A), the individual's registration will not be effective until after the election.

2832 (8) When the county clerk receives a correctly completed voter registration form before  
2833 5 p.m. at least seven days before an election that is dated on or before the voter registration  
2834 deadline, the county clerk shall:

2835 (a) process the voter registration form; and

2836 (b) record the new voter in the official register.

2837 (9) If the county clerk determines that a voter registration form received from a public  
2838 assistance agency or discretionary voter registration agency is incorrect because of an error or  
2839 because it is incomplete, the county clerk shall mail notice to the individual attempting to  
2840 register or preregister to vote, stating that the individual has not been registered or preregistered  
2841 to vote because of an error or because the form is incomplete.

2842 Section 41. Section **20A-2-301** is amended to read:

2843 **20A-2-301. County clerk responsibilities -- Voter registration forms.**

2844 (1) Each county clerk shall provide book voter registration forms and by-mail voter  
2845 registration forms for use in the voter registration process.

2846 (2) (a) Each county clerk shall:

2847 (i) designate certain offices within the county to provide by-mail voter registration  
2848 forms to the public; and

2849 (ii) provide by-mail voter registration forms to each public assistance agency and  
2850 discretionary voter registration agency.

2851 (b) Each county clerk may provide copies of by-mail voter registration forms to public  
2852 school districts and nonpublic schools as provided in Section 20A-2-302.

2853 (3) Each regular general election year, the county clerk shall provide by-mail voter  
2854 registration forms to the political parties in a quantity requested by the political parties, as  
2855 needed.

2856 (4) Candidates, parties, organizations, and interested persons may purchase by-mail  
2857 voter registration forms from the county clerk or from the printer.

2858 (5) (a) The clerk shall make book voter registration forms available to interested  
2859 organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

2860 (b) Interested organizations that receive book voter registration forms from the county  
2861 clerk shall return ~~[them]~~ the forms to the county clerk ~~[on or]~~ before 5 p.m. on the day of the  
2862 voter registration deadline.

2863 (6) The county clerk may not refuse to register any person to vote for failing to provide  
2864 a telephone number on the voter registration form.

2865 (7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter  
2866 registration forms, obtained as provided in this section, to the county clerk.

2867 (b) A person who violates this Subsection (7) is guilty of a class B misdemeanor.  
2868 Section 42. Section 20A-2-306 is amended to read:

2869 **20A-2-306. Removing names from the official register -- Determining and**  
2870 **confirming change of residence.**

2871 (1) A county clerk may not remove a voter's name from the official register on the  
2872 grounds that the voter has changed residence unless the voter:

2873 (a) confirms in writing that the voter has changed residence to a place outside the  
2874 county; or

2875 (b) (i) has not voted in an election during the period beginning on the date of the notice  
2876 required by Subsection (3), and ending on the day after the date of the second regular general  
2877 election occurring after the date of the notice; and

2878 (ii) has failed to respond to the notice required by Subsection (3).

2879 (2) (a) When a county clerk obtains information that a voter's address has changed and

2880 it appears that the voter still resides within the same county, the county clerk shall:

2881 (i) change the official register to show the voter's new address; and

2882 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)

2883 printed on a postage prepaid, preaddressed return form.

2884 (b) When a county clerk obtains information that a voter's address has changed and it

2885 appears that the voter now resides in a different county, the county clerk shall verify the

2886 changed residence by sending to the voter, by forwardable mail, the notice required by

2887 Subsection (3) printed on a postage prepaid, preaddressed return form.

2888 (3) Each county clerk shall use substantially the following form to notify voters whose

2889 addresses have changed:

2890 "VOTER REGISTRATION NOTICE

2891 We have been notified that your residence has changed. Please read, complete, and

2892 return this form so that we can update our voter registration records. What is your current

2893 street address?

2894 \_\_\_\_\_

2895 Street City County State Zip

2896 If you have not changed your residence or have moved but stayed within the same

2897 county, you must complete and return this form to the county clerk so that it is received by the

2898 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to

2899 return this form within that time:

2900 - you may be required to show evidence of your address to the poll worker before being  
2901 allowed to vote in either of the next two regular general elections; or

2902 - if you fail to vote at least once from the date this notice was mailed until the passing  
2903 of two regular general elections, you will no longer be registered to vote. If you have changed

2904 your residence and have moved to a different county in Utah, you may register to vote by  
2905 contacting the county clerk in your county.

2906 \_\_\_\_\_

2907 Signature of Voter"

2908 "The portion of your voter registration form that lists your driver license or

2909 identification card number, social security number, email address, and the day of your month of

2910 birth is a private record. The portion of your voter registration form that lists your month and

2911 year of birth is a private record, the use of which is restricted to government officials,  
 2912 government employees, political parties, or certain other persons.

2913 You may apply to the lieutenant governor or your county clerk to have your entire voter  
 2914 registration record classified as private."

2915 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the  
 2916 names of any voters from the official register during the 90 days before a regular primary  
 2917 election and the 90 days before a regular general election.

2918 (b) The county clerk may remove the names of voters from the official register during  
 2919 the 90 days before a regular primary election and the 90 days before a regular general election  
 2920 if:

2921 (i) the voter requests, in writing, that the voter's name be removed; or  
 2922 (ii) the voter has died.

2923 (c) (i) After a county clerk mails a notice as required in this section, the county clerk  
 2924 may list that voter as inactive.

2925 (ii) If a county clerk receives a returned voter identification card, determines that there  
 2926 was no clerical error causing the card to be returned, and has no further information to contact  
 2927 the voter, the county clerk may list that voter as inactive.

2928 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other  
 2929 privileges of a registered voter.

2930 (iv) A county is not required to send routine mailings to an inactive voter and is not  
 2931 required to count inactive voters when dividing precincts and preparing supplies.

2932 Section 43. Section **20A-3-302** is amended to read:

2933 **20A-3-302. Conducting election by absentee ballot.**

2934 (1) (a) Notwithstanding Section [17B-1-306](#), an election officer may administer an  
 2935 election by absentee ballot under this section.

2936 (b) An election officer who administers an election by absentee ballot, except for an  
 2937 election conducted under Section [20A-7-609.5](#), shall, before the following dates, notify the  
 2938 lieutenant governor that the election will be administered by absentee ballot:

2939 (i) February 1 of an even-numbered year if the election is a regular general election; or  
 2940 (ii) May 1 of an odd-numbered year if the election is a municipal general election.

2941 (2) An election officer who administers an election by absentee ballot:

2942 (a) shall mail to each active voter within a voting precinct:  
2943 (i) an absentee ballot;  
2944 (ii) for an election administered by a county clerk, information regarding the location  
2945 and hours of operation of any election day voting center at which the voter may vote;  
2946 (iii) a courtesy reply mail envelope;  
2947 (iv) instructions for returning the ballot that include an express notice about any  
2948 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and  
2949 (v) for an election administered by an election officer other than a county clerk, if the  
2950 election officer does not operate a polling location or an election day voting center, a warning,  
2951 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow  
2952 the instructions included with the absentee ballot, the voter will be unable to vote in that  
2953 election because there will be no polling place in the voting precinct on the day of the election;  
2954 and  
2955 (b) may not mail an absentee ballot under this section to:  
2956 (i) an inactive voter; or  
2957 (ii) a voter whom the election officer is prohibited from sending an absentee ballot  
2958 under Subsection (8)(c)(ii).  
2959 (3) A voter who votes by absentee ballot under this section is not required to apply for  
2960 an absentee ballot as required by this part.  
2961 (4) An election officer who administers an election by absentee ballot shall:  
2962 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before  
2963 the election; or  
2964 (ii) obtain the signature of each voter within the voting precinct from the county clerk;  
2965 and  
2966 (b) maintain the signatures on file in the election officer's office.  
2967 (5) Upon receipt of a returned absentee ballot, the election officer shall review and  
2968 process the ballot under Section 20A-3-308.  
2969 (6) A county that administers an election by absentee ballot:  
2970 (a) shall provide at least one election day voting center in accordance with [~~Title 20A,~~]  
2971 Chapter 3, Part 7, Election Day Voting Center, for every 5,000 active voters in the county who  
2972 will not receive an absentee ballot, but not fewer than one election day voting center;



2973 (b) shall ensure that each election day voting center operated by the county has at least  
2974 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,  
2975 Pub. L. No. 107-252, for individuals with disabilities;

2976 (c) may reduce the early voting period described in Section 20A-6-301, if:

2977 (i) the county clerk conducts early voting on at least four days;

2978 (ii) the early voting days are within the period beginning on the date that is 14 days  
2979 before the date of the election and ending on the day before the election; and

2980 (iii) the county clerk provides notice of the reduced early voting period in accordance  
2981 with Section 20A-3-604;

2982 (d) is not required to pay return postage for an absentee ballot; and

2983 (e) is subject to an audit conducted under Subsection (7).

2984 (7) (a) The lieutenant governor shall:

2985 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in  
2986 an election conducted under this section; and

2987 (ii) after each primary, general, or special election conducted under this section, select  
2988 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures  
2989 developed under Subsection (7)(a)(i).

2990 (b) The lieutenant governor shall post the results of an audit conducted under this  
2991 Subsection (7) on the lieutenant governor's website.

2992 (8) (a) An individual in a jurisdiction that conducts an election by absentee ballot may  
2993 request that the election officer not send the individual a ballot by mail in the next and  
2994 subsequent elections by submitting a written request to the election officer.

2995 (b) An individual shall submit the request described in Subsection (8)(a) to the election  
2996 officer ~~[at least]~~ before 5 p.m. no later than 60 days before an election if the individual does not  
2997 wish to receive an absentee ballot in that election.

2998 (c) An election officer who receives a request from an individual under Subsection  
2999 (8)(a):

3000 (i) shall remove the individual's name from the list of voters who will receive an  
3001 absentee ballot; and

3002 (ii) may not send the individual an absentee ballot for:

3003 (A) the next election, if the individual submits the request described in Subsection

3004 (8)(a) before the deadline described in Subsection (8)(b); or

3005 (B) an election after the election described in Subsection (8)(c)(ii)(A).

3006 (d) An individual who submits a request under Subsection (8)(a) may resume the  
3007 individual's receipt of an absentee ballot in an election conducted under this section by filing an  
3008 absentee ballot request under Section 20A-3-304.

3009 Section 44. Section 20A-3-304 is amended to read:

3010 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

3011 (1) (a) A registered voter who wishes to vote an absentee ballot may file an absentee  
3012 ballot application:

3013 (i) on the electronic system maintained by the lieutenant governor under Section  
3014 20A-2-206;

3015 (ii) with the appropriate election officer for an official absentee ballot as provided in  
3016 this section; or

3017 (iii) by answering "yes" to the question described in Subsection 20A-2-108(2)(a) when  
3018 registering to vote while filing a driver license or state identification card application.

3019 (b) An absentee voter may vote in person at the office of the appropriate election  
3020 officer as provided in Section 20A-3-306.

3021 (c) A person that collects a completed absentee ballot application from a registered  
3022 voter shall file the completed absentee ballot application with the appropriate election official  
3023 before 5 p.m. no later than the earlier of:

3024 (i) 14 days after the day on which the registered voter signed the absentee ballot form;  
3025 or

3026 (ii) the Tuesday before the next election.

3027 (2) As it relates to an absentee ballot application to be filled out entirely by the voter:

3028 (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer  
3029 shall approve an application form for absentee ballot applications:

3030 (i) in substantially the following form:

3031 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
3032 apply for an official absentee ballot to be voted by me at the election.

3033 Date \_\_\_\_\_ (month/day/year) Signed \_\_\_\_\_

3034 \_\_\_\_\_  
Voter"; and

3035 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
3036 status:

3037 (A) until the voter requests otherwise at a future date; or

3038 (B) until a date specified by the voter in the application form; and

3039 (b) the lieutenant governor or election officer shall approve an application form for  
3040 regular primary elections and for the Western States Presidential Primary:

3041 (i) in substantially the following form:

3042 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
3043 apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me  
3044 at the primary election.

3045 I understand that I must be affiliated with or authorized to vote the political party's  
3046 ballot that I request.

3047 Dated \_\_\_\_\_ (month\day\year) \_\_\_\_\_ Signed \_\_\_\_\_  
3048 Voter"; and

3049 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
3050 status:

3051 (A) until the voter requests otherwise at a future date; or

3052 (B) until a date specified by the voter in the application form.

3053 (3) If requested by the applicant, the election officer shall:

3054 (a) mail or fax the application form to the absentee voter; or

3055 (b) deliver the application form to any voter who personally applies for [it] the form at  
3056 the office of the election officer.

3057 (4) As it relates to an absentee ballot application to be filled out for, and finished and  
3058 signed by, a voter:

3059 (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer  
3060 shall approve an application form for absentee ballot applications:

3061 (i) in substantially the following form:

3062 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
3063 apply for an official absentee ballot to be voted by me at the election.

3064 I understand that a person that collects this absentee ballot application is required to file  
3065 it with the appropriate election official before 5 p.m. no later than the earlier of fourteen days

3066 after the day on which I sign the application or the Tuesday before the next election.

3067 This form is provided by (insert name of person or organization).

3068 I have verified that the information on this application is correct.

3069 I understand that I will receive a ballot at the following address: (insert address and an  
3070 adjacent check box);

3071 OR

3072 I request that the ballot be mailed to the following address: (insert blank space for an  
3073 address and an adjacent check box).

3074 Date \_\_\_\_\_ (month\day\year) Signed \_\_\_\_\_

3075 Voter"; and

3076 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
3077 status:

3078 (A) until the voter requests otherwise at a future date; or

3079 (B) until a date specified by the voter in the application form; and

3080 (b) the lieutenant governor or election officer shall approve an application form for  
3081 regular primary elections and for the Western States Presidential Primary:

3082 (i) in substantially the following form:

3083 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
3084 apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me  
3085 at the primary election.

3086 I understand that I must be affiliated with or authorized to vote the political party's  
3087 ballot that I request. I understand that a person that collects this absentee ballot application is  
3088 required to file it with the appropriate election official before 5 p.m. no later than the earlier of  
3089 fourteen days after the day on which I sign the application or the Tuesday before the next  
3090 primary election.

3091 This form is provided by (insert name of person or organization).

3092 I have verified that the information on this application is correct.

3093 I understand that I will receive a ballot at the following address: (insert address and an  
3094 adjacent check box);

3095 OR

3096 I request that the ballot be mailed to the following address: (insert blank space for an

- 3097 address and an adjacent check box).
- 3098 Dated \_\_\_\_\_ (month\day\year) \_\_\_\_ Signed \_\_\_\_\_
- 3099 Voter"; and
- 3100 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
- 3101 status:
- 3102 (A) until the voter requests otherwise at a future date; or
- 3103 (B) until a date specified by the voter in the application form.
- 3104 (5) The forms described in Subsections (2) and (4) shall contain instructions on how a
- 3105 voter may cancel an absentee ballot application.
- 3106 (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by
- 3107 absentee ballot shall file the application for an absentee ballot with the lieutenant governor or
- 3108 appropriate election officer before 5 p.m. no later than the Tuesday before election day.
- 3109 (7) (a) A county clerk shall establish an absentee voter list containing the name of each
- 3110 voter who:
- 3111 (i) requests absentee voter status; and
- 3112 (ii) meets the requirements of this section.
- 3113 (b) A county clerk may not remove a voter's name from the list described in Subsection
- 3114 (7)(a) unless:
- 3115 (i) the voter is no longer listed in the official register;
- 3116 (ii) the voter cancels the voter's absentee status;
- 3117 (iii) the voter's name is removed on the date specified by the voter on the absentee
- 3118 ballot application form; or
- 3119 (iv) the county clerk is required to remove the voter's name from the list under
- 3120 Subsection (7)(c) or 20A-3-302(8)(c)(ii).
- 3121 (c) A county clerk shall remove a voter's name from the list described in Subsection
- 3122 (7)(a) if the voter fails to vote in two consecutive regular general elections.
- 3123 (d) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on
- 3124 the absentee voter list.
- 3125 (ii) The questionnaire shall allow the voter to:
- 3126 (A) verify the voter's residence; or
- 3127 (B) cancel the voter's absentee status.

3128 (e) The clerk shall provide a copy of the absentee voter list to election officers for use  
3129 in elections.

3129a **H→ Section 45. Section 20A-3-305 is amended to read:**

3129b **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope -- Affidavit.**

3129c **(1) (a) Upon timely receipt of an absentee voter application properly filled out and**  
3129d **signed less than 30 days before the election, the election officer shall either:**

3129e **(i) give the applicant an official absentee ballot and envelope to vote in the office; or**

3129f **(ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an**  
3129g **envelope printed as required in Subsection (2).**

3129h **(b) No sooner than 21 days before election day, and no later than [21] 14**  
3129i **days before election day, the election officer shall mail an official absentee ballot, postage**  
3129j **paid, to all absentee voters, other than to a uniformed-service voter or an overseas voter, who**  
3129k **have submitted a properly filled out and signed absentee voter application before the day on**  
3129l **which the ballots are mailed and enclose an envelope printed as required by Subsection (2).**

3129m **(2) The election officer shall ensure that:**

3129n **(a) the name, official title, and post office address of the election officer is printed on**  
3129o **the front of the envelope;**

3129p **(b) the return envelope includes a space where a voter may write an email address and**  
3129q **phone number by which the election officer may contact the voter if the voter's ballot is**  
3129r **rejected; and**

3129s **(c) the following is printed on the back of the envelope:**

3129t **(i) a printed affidavit in substantially the following form:**

3129u **"County of \_\_\_\_\_ State of \_\_\_\_\_**

3129v **I, \_\_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_\_ voting precinct**  
3129w **in \_\_\_\_\_ County, Utah and that I am entitled to vote in that voting precinct at the next election.**  
3129x **I am not a convicted felon currently incarcerated for commission of a felony.**

3129y \_\_\_\_\_  
3129z **Signature of Absentee Voter"; and**

3129aa **(ii) a warning that the affidavit must be signed by the individual to whom the ballot**  
3129ab **was sent and that the ballot will not be counted if the signature on the affidavit does not match**  
3129ac **the signature on file with the election officer of the individual to whom the ballot was sent.**

3129ad **(3) If the election officer determines that the absentee voter is required to show valid**  
3129ae **voter identification, the election officer shall:**

3129af **(a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;Ⓢ**

3129ag           **⊗(b) instruct the voter to include a copy of the voter's valid voter identification with**  
 3129ah **the return ballot;**

3129ai           **(c) provide the voter clear instructions on how to vote a provisional ballot; and**

3129aj           **(d) comply with the requirements of Subsection (2). ←Ĥ**

3130           Section Ĥ→ [45] 46 ←Ĥ . Section 20A-3-306 is amended to read:

3131           **20A-3-306. Voting ballot -- Returning ballot.**

3132           (1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the  
 3133 absentee voter shall:

3134           (i) complete and sign the affidavit on the envelope;

3135           (ii) mark the votes on the absentee ballot;

3136           (iii) place the voted absentee ballot in the envelope;

3137           (iv) securely seal the envelope; and

3138           (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit  
 3139 the envelope in the mail or deliver it in person to the election officer from whom the ballot was  
 3140 obtained.

3141           (b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at  
 3142 the office of the election officer, the absent voter shall:

3143           (i) complete and sign the affidavit on the envelope;

3144           (ii) mark the votes on the absent-voter ballot;

3145           (iii) place the voted absent-voter ballot in the envelope;

3146           (iv) securely seal the envelope; and

3147           (v) give the ballot and envelope to the election officer.

3148           (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:

3149           (a) in the case of an absentee ballot that is voted in person, the ballot is:

3150           (i) applied for and cast in person at the office of the appropriate election officer before  
 3151 5 p.m. no later than the Tuesday before election day; or

3152           (ii) submitted on election day at a polling location in the political subdivision where  
 3153 the absentee voter resides;

3154           (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

3155           (i) clearly postmarked before election day, or otherwise clearly marked by the post  
 3156 office as received by the post office before election day; and

3157           (ii) received in the office of the election officer before noon on the day of the official  
 3158 canvass following the election; or

3159 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with  
3160 Section 20A-16-404.

3161 (3) An absentee voter may submit a completed absentee ballot at a polling location in a  
3162 political subdivision holding the election, if the absentee voter resides in the political  
3163 subdivision.

3164 (4) An absentee voter may submit an incomplete absentee ballot at a polling location  
3165 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and  
3166 vote in person.

3167 Section 46. Section 20A-3-306.5 is amended to read:

3168 **20A-3-306.5. Emergency absentee ballots.**

3169 (1) As used in this section, "hospitalized voter" means a registered voter who is  
3170 hospitalized or otherwise confined to a medical or long-term care institution after the deadline  
3171 for filing an application for an absentee ballot established in Section 20A-3-304.

3172 (2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an  
3173 absentee ballot and vote on election day by following the procedures and requirements of this  
3174 section.

3175 (3) (a) Any [person] individual may obtain an absentee ballot application, an absentee  
3176 ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized  
3177 voter by requesting a ballot and application in person at the election officer's office during  
3178 business hours.

3179 (b) The election officer shall require the [person] individual to sign a statement  
3180 identifying [~~himself~~] the individual and the hospitalized voter.

3181 (4) To vote, the hospitalized voter shall complete the absentee ballot application,  
3182 complete and sign the application on the absentee ballot envelope, mark [~~his~~] the voter's votes  
3183 on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope unless  
3184 a different method is authorized under Section 20A-1-308.

3185 (5) To be counted, the absentee voter application and the sealed absentee ballot  
3186 envelope must be returned to the election officer's office before the polls close on election day  
3187 unless a different time is authorized under Section 20A-1-308.

3188 Section 47. Section 20A-3-604 is amended to read:

3189 **20A-3-604. Notice of time and place of early voting.**



3190 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3-603(2), the election  
 3191 officer shall, at least 19 days before the date of the election, ~~[give]~~ publish notice of the dates,  
 3192 times, and locations of early voting ~~[by]~~:

3193 ~~[(a) publishing the notice:]~~

3194 (a) (i) in one issue of a newspaper of general circulation in the county; ~~[and]~~

3195 ~~[(ii) in accordance with Section 45-1-101; and]~~

3196 (ii) if there is no newspaper of general circulation in the county, in addition to posting  
 3197 the notice described in Subsection (1)(b), by posting one notice, and at least one additional  
 3198 notice per 2,000 population of the county, in places within the county that are most likely to  
 3199 give notice to the residents in the county; or

3200 (iii) by mailing notice to each registered voter in the county;

3201 (b) by posting the notice at each early voting polling place[-];

3202 (c) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before  
 3203 the day of the election;

3204 (d) in accordance with Section 45-1-101, for 19 days before the date of the election;

3205 and

3206 (e) on the county's website for 19 days before the day of the election.

3207 (2) Instead of publishing all dates, times, and locations of early voting under  
 3208 Subsection (1), the election officer may publish a statement that specifies the following sources  
 3209 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

3210 (a) the county's website;

3211 (b) the physical address of the county's offices; and

3212 (c) a mailing address and telephone number.

3213 ~~[(2)]~~ (3) The election officer shall include in the notice described in Subsection

3214 (1)~~[(a)]~~:

3215 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
 3216 the address of the election officer's website, with a statement indicating that the election officer  
 3217 will post on the website the location of each early voting polling place, including any changes  
 3218 to the location of an early voting polling place and the location of additional early voting  
 3219 polling places; and

3220 (b) a phone number that a voter may call to obtain information regarding the location

3221 of an early voting polling place.

3222 Section 48. Section **20A-4-104** is amended to read:

3223 **20A-4-104. Counting ballots electronically.**

3224 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the  
3225 election officer shall test the automatic tabulating equipment to ensure that it will accurately  
3226 count the votes cast for all offices and all measures.

3227 (b) The election officer shall publish public notice of the time and place of the test:

3228 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of  
3229 general circulation [~~published~~] in the county, municipality, or jurisdiction where the equipment  
3230 is used[-];

3231 (B) if there is no daily or weekly newspaper of general circulation in the county,  
3232 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the  
3233 test, by posting one notice, and at least one additional notice per 2,000 population of the  
3234 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction  
3235 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

3236 (C) at least 10 days before the day of the test, by mailing notice to each registered voter  
3237 in the county, municipality, or jurisdiction where the equipment is used;

3238 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks  
3239 before the day of the test;

3240 (iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the test;

3241 and

3242 (iv) if the county, municipality, or jurisdiction has a website, on the website for four  
3243 weeks before the day of the test.

3244 (c) The election officer shall conduct the test by processing a preaudited group of  
3245 ballots.

3246 (d) The election officer shall ensure that:

3247 (i) a predetermined number of valid votes for each candidate and measure are recorded  
3248 on the ballots;

3249 (ii) for each office, one or more ballot sheets have votes in excess of the number  
3250 allowed by law in order to test the ability of the automatic tabulating equipment to reject those  
3251 votes; and

3252 (iii) a different number of valid votes are assigned to each candidate for an office, and  
3253 for and against each measure.

3254 (e) If any error is detected, the election officer shall determine the cause of the error  
3255 and correct it.

3256 (f) The election officer shall ensure that:

3257 (i) the automatic tabulating equipment produces an errorless count before beginning  
3258 the actual counting; and

3259 (ii) the automatic tabulating equipment passes the same test at the end of the count  
3260 before the election returns are approved as official.

3261 (2) (a) The election officer or the election officer's designee shall supervise and direct  
3262 all proceedings at the counting center.

3263 (b) (i) Proceedings at the counting center are public and may be observed by interested  
3264 persons.

3265 (ii) Only those persons authorized to participate in the count may touch any ballot or  
3266 return.

3267 (c) The election officer shall deputize and administer an oath or affirmation to all  
3268 persons who are engaged in processing and counting the ballots that they will faithfully  
3269 perform their assigned duties.

3270 (3) If any ballot is damaged or defective so that it cannot properly be counted by the  
3271 automatic tabulating equipment, the election officer shall ensure that two counting judges  
3272 jointly:

3273 (a) create a true duplicate copy of the ballot with an identifying serial number;

3274 (b) substitute the duplicate ballot for the damaged or defective ballot;

3275 (c) label the duplicate ballot "duplicate"; and

3276 (d) record the duplicate ballot's serial number on the damaged or defective ballot.

3277 (4) The election officer may:

3278 (a) conduct an unofficial count before conducting the official count in order to provide  
3279 early unofficial returns to the public;

3280 (b) release unofficial returns from time to time after the polls close; and

3281 (c) report the progress of the count for each candidate during the actual counting of  
3282 ballots.

3283 (5) The election officer shall review and evaluate the provisional ballot envelopes and  
3284 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

3285 (6) (a) The election officer or the election officer's designee shall:

3286 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

3287 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

3288 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast  
3289 more votes for an office than that voter is entitled to vote for that office, the poll workers shall  
3290 count the valid write-in vote as being the obvious intent of the voter.

3291 (7) (a) The election officer shall certify the return printed by the automatic tabulating  
3292 equipment, to which have been added write-in and absentee votes, as the official return of each  
3293 voting precinct.

3294 (b) Upon completion of the count, the election officer shall make official returns open  
3295 to the public.

3296 (8) If for any reason it becomes impracticable to count all or a part of the ballots with  
3297 tabulating equipment, the election officer may direct that they be counted manually according  
3298 to the procedures and requirements of this part.

3299 (9) After the count is completed, the election officer shall seal and retain the programs,  
3300 test materials, and ballots as provided in Section 20A-4-202.

3301 Section 49. Section 20A-4-107 is amended to read:

3302 **20A-4-107. Review and disposition of provisional ballot envelopes.**

3303 (1) As used in this section, a person is "legally entitled to vote" if:

3304 (a) the person:

3305 (i) is registered to vote in the state;

3306 (ii) votes the ballot for the voting precinct in which the person resides; and

3307 (iii) provides valid voter identification to the poll worker;

3308 (b) the person:

3309 (i) is registered to vote in the state;

3310 (ii) (A) provided valid voter identification to the poll worker; or

3311 (B) either failed to provide valid voter identification or the documents provided as  
3312 valid voter identification were inadequate and the poll worker recorded that fact in the official  
3313 register but the county clerk verifies the person's identity and residence through some other

3314 means; and

3315 (iii) did not vote in the person's precinct of residence, but the ballot that the person  
3316 voted was from the person's county of residence and includes one or more candidates or ballot  
3317 propositions on the ballot voted in the person's precinct of residence; or

3318 (c) the person:

3319 (i) is registered to vote in the state;

3320 (ii) either failed to provide valid voter identification or the documents provided as  
3321 valid voter identification were inadequate and the poll worker recorded that fact in the official  
3322 register; and

3323 (iii) (A) the county clerk verifies the person's identity and residence through some other  
3324 means as reliable as photo identification; or

3325 (B) the person provides valid voter identification to the county clerk or an election  
3326 officer who is administering the election by the close of normal office hours on Monday after  
3327 the date of the election.

3328 (2) (a) Upon receipt of a provisional ballot form, the election officer shall review the  
3329 affirmation on the provisional ballot form and determine if the person signing the affirmation  
3330 is:

3331 (i) registered to vote in this state; and

3332 (ii) legally entitled to vote:

3333 (A) the ballot that the person voted; or

3334 (B) if the ballot is from the person's county of residence, for at least one ballot  
3335 proposition or candidate on the ballot that the person voted.

3336 (b) Except as provided in Section [20A-2-207](#), if the election officer determines that the  
3337 person is not registered to vote in this state or is not legally entitled to vote in the county or for  
3338 any of the ballot propositions or candidates on the ballot that the person voted, the election  
3339 officer shall retain the ballot form, uncounted, for the period specified in Section [20A-4-202](#)  
3340 unless ordered by a court to produce or count it.

3341 (c) If the election officer determines that the person is registered to vote in this state  
3342 and is legally entitled to vote in the county and for at least one of the ballot propositions or  
3343 candidates on the ballot that the person voted, the election officer shall place the provisional  
3344 ballot with the absentee ballots to be counted with those ballots at the canvass.

3345 (d) The election officer may not count, or allow to be counted a provisional ballot  
3346 unless the person's identity and residence is established by a preponderance of the evidence.

3347 (3) If the election officer determines that the person is registered to vote in this state, or  
3348 if the voter registers to vote in accordance with Section 20A-2-207, the election officer shall  
3349 ensure that the voter registration records are updated to reflect the information provided on the  
3350 provisional ballot form.

3351 (4) Except as provided in Section 20A-2-207, if the election officer determines that the  
3352 person is not registered to vote in this state and the information on the provisional ballot form  
3353 is complete, the election officer shall:

3354 (a) consider the provisional ballot form a voter registration form for the person's county  
3355 of residence; and

3356 (b) (i) register the person if the voter's county of residence is within the county; or

3357 (ii) forward the voter registration form to the election officer of the person's county of  
3358 residence, which election officer shall register the person.

3359 (5) Notwithstanding any provision of this section, the election officer shall place a  
3360 provisional ballot with the absentee ballots to be counted with those ballots at the canvass, if:

3361 (a) (i) the election officer determines, in accordance with the provisions of this section,  
3362 that the sole reason a provisional ballot may not otherwise be counted is because the voter  
3363 registration was filed less than seven days before the election;

3364 (ii) seven or more days before the election, the individual who cast the provisional  
3365 ballot:

3366 (A) completed and signed the voter registration; and

3367 (B) provided the voter registration to another person to file;

3368 (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B)  
3369 filing the voter registration [~~less than seven days before the election~~] late; and

3370 (iv) the election officer receives the voter registration before 5 p.m. no later than one  
3371 day before the day of the election; or

3372 (b) the provisional ballot is cast on or before election day and is not otherwise  
3373 prohibited from being counted under the provisions of this chapter.

3374 Section 50. Section 20A-4-201 is amended to read:

3375 **20A-4-201. Delivery of election returns.**

3376 (1) [~~One poll worker~~] At least two poll workers shall deliver the ballot box, the lock,  
3377 and the key to:

3378 (a) the election officer; or

3379 (b) the location directed by the election officer.

3380 (2) (a) Before they adjourn, the poll workers shall choose [~~one~~] two or more of their  
3381 number to deliver the election returns to the election officer.

3382 (b) [~~That poll worker or those~~] The poll workers shall:

3383 (i) deliver the unopened envelopes or pouches to the election officer or counting center  
3384 immediately but no later than 24 hours after the polls close; or

3385 (ii) if the polling place is 15 miles or more from the county seat, mail the election  
3386 returns to the election officer by registered mail from the post office most convenient to the  
3387 polling place within 24 hours after the polls close.

3388 (3) The election officer shall pay each poll worker reasonable compensation for travel  
3389 that is necessary to deliver the election returns and to return to the polling place.

3390 (4) The requirements of this section do not prohibit transmission of the unofficial vote  
3391 count to the counting center via electronic means, provided that reasonable security measures  
3392 are taken to preserve the integrity and privacy of the transmission.

3393 Section 51. Section **20A-4-202** is amended to read:

3394 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**  
3395 **provisional ballots cast.**

3396 (1) Upon receipt of the election returns from [~~a poll worker~~] the poll workers, the  
3397 election officer shall:

3398 (a) ensure that the poll [~~worker has~~] workers have provided all of the ballots and  
3399 election returns;

3400 (b) inspect the ballots and election returns to ensure that they are sealed;

3401 (c) (i) for paper ballots, deposit and lock the ballots and election returns in a safe and  
3402 secure place; or

3403 (ii) for punch card ballots:

3404 (A) count the ballots; and

3405 (B) deposit and lock the ballots and election returns in a safe and secure place; and

3406 (d) for bond elections, provide a copy of the election results to the board of canvassers

3407 of the local political subdivision that called the bond election.

3408 (2) Each election officer shall:

3409 (a) [~~no later than~~] before 5 p.m. on the day after the date of the election, determine the  
3410 number of provisional ballots cast within the election officer's jurisdiction and make that  
3411 number available to the public;

3412 (b) preserve ballots for 22 months after the election or until the time has expired during  
3413 which the ballots could be used in an election contest;

3414 (c) package and seal a true copy of the ballot label used in each voting precinct;

3415 (d) preserve all other official election returns for at least 22 months after an election;

3416 and

3417 (e) after that time, destroy them without opening or examining them.

3418 (3) (a) The election officer shall package and retain all tabulating cards and other  
3419 materials used in the programming of the automatic tabulating equipment.

3420 (b) The election officer:

3421 (i) may access these tabulating cards and other materials;

3422 (ii) may make copies of these materials and make changes to the copies;

3423 (iii) may not alter or make changes to the materials themselves; and

3424 (iv) within 22 months after the election in which they were used, may dispose of those  
3425 materials or retain them.

3426 (4) (a) If an election contest is begun within 12 months, the election officer shall:

3427 (i) keep the ballots and election returns unopened and unaltered until the contest is  
3428 complete; or

3429 (ii) surrender the ballots and election returns to the custody of the court having  
3430 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

3431 (b) When all election contests arising from an election are complete, the election  
3432 officer shall either:

3433 (i) retain the ballots and election returns until the time for preserving them under this  
3434 section has run; or

3435 (ii) destroy the ballots and election returns remaining in the election officer's custody  
3436 without opening or examining them if the time for preserving them under this section has run.

3437 Section 52. Section **20A-4-304** is amended to read:



3438 **20A-4-304. Declaration of results -- Canvassers' report.**

3439 (1) Each board of canvassers shall:

3440 (a) except as provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting  
3441 Methods Pilot Project, declare "elected" or "nominated" those persons who:

3442 (i) had the highest number of votes; and

3443 (ii) sought election or nomination to an office completely within the board's  
3444 jurisdiction;

3445 (b) declare:

3446 (i) "approved" those ballot propositions that:

3447 (A) had more "yes" votes than "no" votes; and

3448 (B) were submitted only to the voters within the board's jurisdiction;

3449 (ii) "rejected" those ballot propositions that:

3450 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
3451 votes; and

3452 (B) were submitted only to the voters within the board's jurisdiction;

3453 (c) certify the vote totals for persons and for and against ballot propositions that were  
3454 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
3455 the lieutenant governor; and3456 (d) if applicable, certify the results of each local district election to the local district  
3457 clerk.3458 (2) [~~(a)~~] As soon as the result is declared, the election officer shall prepare a report of  
3459 the result, which shall contain:3460 [~~(i)~~] (a) the total number of votes cast in the board's jurisdiction;3461 [~~(ii)~~] (b) the names of each candidate whose name appeared on the ballot;3462 [~~(iii)~~] (c) the title of each ballot proposition that appeared on the ballot;3463 [~~(iv)~~] (d) each office that appeared on the ballot;3464 [~~(v)~~] (e) from each voting precinct:3465 [~~(A)~~] (i) the number of votes for each candidate;3466 [~~(B)~~] (ii) for each race conducted by instant runoff voting under [~~Title 20A,~~] Chapter 4,  
3467 Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for  
3468 each candidate for each potential ballot-counting phase and the name of the candidate excluded

3469 in each canvassing phase; and

3470 ~~[(e)]~~ (iii) the number of votes for and against each ballot proposition;

3471 ~~[(vi)]~~ (f) the total number of votes given in the board's jurisdiction to each candidate,  
3472 and for and against each ballot proposition;

3473 ~~[(vii)]~~ (g) the number of ballots that were rejected; and

3474 ~~[(viii)]~~ (h) a statement certifying that the information contained in the report is  
3475 accurate.

3476 ~~[(b)]~~ (3) The election officer and the board of canvassers shall:

3477 ~~[(i)]~~ (a) review the report to ensure that it is correct; and

3478 ~~[(ii)]~~ (b) sign the report.

3479 ~~[(c)]~~ (4) The election officer shall:

3480 ~~[(i)]~~ (a) record or file the certified report in a book kept for that purpose;

3481 ~~[(ii)]~~ (b) prepare and transmit a certificate of nomination or election under the officer's  
3482 seal to each nominated or elected candidate;

3483 ~~[(iii)]~~ (c) publish a copy of the certified report~~[-]~~ in accordance with Subsection (5);

3484 and

3485 ~~[(A) in one or more conspicuous places within the jurisdiction;]~~

3486 ~~[(B) in a conspicuous place on the county's website; and]~~

3487 ~~[(C) in a newspaper with general circulation in the board's jurisdiction; and]~~

3488 ~~[(iv)]~~ (d) file a copy of the certified report with the lieutenant governor.

3489 (5) Except as provided in Subsection (6), the election officer shall, no later than seven  
3490 days after the day on which the board of canvassers declares the election results, publish the  
3491 certified report described in Subsection (2):

3492 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;

3493 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting  
3494 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places  
3495 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or

3496 (iii) by mailing notice to each residence within the jurisdiction;

3497 (b) on the Utah Public Notice Website created in Section 63F-1-701, for one week;

3498 (c) in accordance with Section 45-1-101, for one week; and

3499 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.

3500 (6) Instead of publishing the entire certified report under Subsection (5), the election  
3501 officer may publish a statement that:

3502 (a) includes the following: "The Board of Canvassers for [indicate name of  
3503 jurisdiction] has prepared a report of the election results for the [indicate type and date of  
3504 election]."; and

3505 (b) specifies the following sources where an individual may view or obtain a copy of  
3506 the entire certified report:

3507 (i) if the jurisdiction has a website, the jurisdiction's website;

3508 (ii) the physical address for the jurisdiction; and

3509 (iii) a mailing address and telephone number.

3510 ~~[(3)]~~ (7) When there has been a regular general or a statewide special election for  
3511 statewide officers, for officers that appear on the ballot in more than one county, or for a  
3512 statewide or two or more county ballot proposition, each board of canvassers shall:

3513 (a) prepare a separate report detailing the number of votes for each candidate and the  
3514 number of votes for and against each ballot proposition; and

3515 (b) transmit ~~[it]~~ the separate report by registered mail to the lieutenant governor.

3516 ~~[(4)]~~ (8) In each county election, municipal election, school election, local district  
3517 election, and local special election, the election officer shall transmit the reports to the  
3518 lieutenant governor within 14 days after the date of the election.

3519 ~~[(5)]~~ (9) In regular primary elections and in the Western States Presidential Primary,  
3520 the board shall transmit to the lieutenant governor:

3521 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
3522 governor:

3523 (i) not later than the second Tuesday after the primary election for the regular primary  
3524 election; and

3525 (ii) not later than the Tuesday following the election for the Western States Presidential  
3526 Primary; and

3527 (b) a complete tabulation showing voting totals for all primary races, precinct by  
3528 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
3529 primary election.

3530 Section 53. Section **20A-4-401** is amended to read:

3531 **20A-4-401. Recounts -- Procedure.**

3532 (1) (a) This section does not apply to a race conducted by instant runoff voting under  
3533 [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

3534 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the  
3535 difference between the number of votes cast for a winning candidate in the race and a losing  
3536 candidate in the race is equal to or less than .25% of the total number of votes cast for all  
3537 candidates in the race, that losing candidate may file a request for a recount in accordance with  
3538 Subsection (1)(d).

3539 (c) For a race between candidates where the total of all votes cast in the race is 400 or  
3540 less, if the difference between the number of votes cast for a winning candidate in the race and  
3541 a losing candidate in the race is one vote, that losing candidate may file a request for a recount  
3542 in accordance with Subsection (1)(d).

3543 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall  
3544 file the request:

3545 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within  
3546 three days after the canvass; or

3547 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

3548 (A) the municipal clerk, if the election is a municipal general election;

3549 (B) the local district clerk, if the election is a local district election;

3550 (C) the county clerk, for races voted on entirely within a single county; or

3551 (D) the lieutenant governor, for statewide races and multicounty races.

3552 (e) The election officer shall:

3553 (i) supervise the recount;

3554 (ii) recount all ballots cast for that race;

3555 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part  
3556 3, Absentee Voting;

3557 (iv) for a race where only one candidate may win, declare elected the candidate who  
3558 receives the highest number of votes on the recount; and

3559 (v) for a race where multiple candidates may win, declare elected the applicable  
3560 number of candidates who receive the highest number of votes on the recount.

3561 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond

3562 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of  
3563 the total votes cast for or against the proposition, any 10 voters who voted in the election where  
3564 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven  
3565 days ~~[of]~~ after the day of the canvass with the person described in Subsection (2)(c).

3566 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or  
3567 against the proposition is 400 or less, if the difference between the number of votes cast for the  
3568 proposition and the number of votes cast against the proposition is one vote, any 10 voters who  
3569 voted in the election where the proposition was on the ballot may file a request for a recount  
3570 before 5 p.m. within seven days ~~[of]~~ after the day of the canvass with the person described in  
3571 Subsection (2)(c).

3572 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall  
3573 file the request with:

3574 (i) the municipal clerk, if the election is a municipal election;  
3575 (ii) the local district clerk, if the election is a local district election;  
3576 (iii) the county clerk, for propositions voted on entirely within a single county; or  
3577 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

3578 (d) The election officer shall:

3579 (i) supervise the recount;  
3580 (ii) recount all ballots cast for that ballot proposition or bond proposition;  
3581 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part  
3582 3, Absentee Voting; and  
3583 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"  
3584 based upon the results of the recount.

3585 (e) Proponents and opponents of the ballot proposition or bond proposition may  
3586 designate representatives to witness the recount.

3587 (f) The voters requesting the recount shall pay the costs of the recount.

3588 (3) Costs incurred by recount under Subsection (1) may not be assessed against the  
3589 person requesting the recount.

3590 (4) (a) Upon completion of the recount, the election officer shall immediately convene  
3591 the board of canvassers.

3592 (b) The board of canvassers shall:

3593 (i) canvass the election returns for the race or proposition that was the subject of the  
3594 recount; and

3595 (ii) with the assistance of the election officer, prepare and sign the report required by  
3596 Section [20A-4-304](#) or ~~[Section]~~ [20A-4-306](#).

3597 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,  
3598 the board of county canvassers shall prepare and transmit a separate report to the lieutenant  
3599 governor as required by Subsection [20A-4-304](#)~~[(3)]~~ [\(7\)](#).

3600 (d) The canvassers' report prepared as provided in this Subsection (4) is the official  
3601 result of the race or proposition that is the subject of the recount.

3602 Section 54. Section **20A-5-101** is amended to read:

3603 **20A-5-101. Notice of election.**

3604 (1) On or before November 15 in the year before each regular general election year, the  
3605 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

3606 (a) designates the offices to be filled at the next year's regular general election;

3607 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
3608 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),  
3609 and [20A-9-408](#) for those offices; and

3610 (c) contains a description of any ballot propositions to be decided by the voters that  
3611 have qualified for the ballot as of that date.

3612 (2) ~~[(a)]~~ No later than seven business days after the day on which the lieutenant  
3613 governor transmits the written notice described in Subsection (1), each county clerk shall  
3614 publish notice, in accordance with Subsection (3):

3615 ~~[(i) publish a notice:]~~

3616 ~~[(A) once in a newspaper published in that county; and]~~

3617 ~~[(B) as required in Section [45-1-101](#); or]~~

3618 ~~[(ii) (A) cause a copy of the notice to be posted]~~

3619 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in  
3620 each voting precinct within the county; and

3621 ~~[(B)]~~ (ii) prepare an affidavit of [that] the posting, showing a copy of the notice and the  
3622 places where the notice was posted[-];

3623 (b) (i) in a newspaper of general circulation in the county;

3624 (ii) if there is no newspaper of general circulation within the county, in addition to the  
 3625 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice  
 3626 per 2,000 population of the county, in places within the county that are most likely to give  
 3627 notice of the election to the voters in the county; or

3628 (iii) by mailing notice to each registered voter in the county;

3629 (c) on the Utah Public Notice Website created in Section [63F-1-701](#), for seven days  
 3630 before the day of the election;

3631 (d) in accordance with Section [45-1-101](#), for seven days before the day of the election;

3632 and

3633 (e) on the county's website for seven days before the day of the election.

3634 ~~[(b)]~~ (3) The notice [required by] described in Subsection (2)[(a)] shall:

3635 (i) designate the offices to be voted on in that election; and

3636 (ii) identify the dates for filing a declaration of candidacy for those offices.

3637 ~~[(3) Before]~~ (4) Except as provided in Subsection (6), before each election, the

3638 election officer shall give printed notice of the following information[~~, or printed notice of a~~  
 3639 website where the following information can be obtained]:

3640 (a) the date of election;

3641 (b) the hours during which the polls will be open;

3642 (c) the polling places for each voting precinct, early voting polling place, and election  
 3643 day voting center;

3644 (d) the address of the Statewide Electronic Voter Information Website and, if available,  
 3645 the address of the election officer's website, with a statement indicating that the election officer  
 3646 will post on the website any changes to the location of a polling place and the location of any  
 3647 additional polling place;

3648 (e) a phone number that a voter may call to obtain information regarding the location of  
 3649 a polling place; and

3650 (f) the qualifications for persons to vote in the election.

3651 ~~[(4)]~~ (5) To provide the printed notice described in Subsection ~~[(3)]~~ (4), the election  
 3652 officer shall publish the notice:

3653 ~~[(a) publish the notice at least two days before election day:]~~

3654 (a) (i) in a newspaper of general circulation [common to the area] in the jurisdiction to

3655 which the election pertains at least two days before the day of the election; [and]  
3656 [(ii) as required in Section 45-1-101; or]  
3657 (ii) if there is no newspaper of general circulation in the jurisdiction to which the  
3658 election pertains, at least two days before the day of the election, by posting one notice, and at  
3659 least one additional notice per 2,000 population of the jurisdiction, in places within the  
3660 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or  
3661 [(b) mail] (iii) by mailing the notice to each registered voter who resides in the [area]  
3662 jurisdiction to which the election pertains at least five days before [election day:] the day of the  
3663 election;  
3664 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two days  
3665 before the day of the election;  
3666 (c) in accordance with Section 45-1-101, for two days before the day of the election;  
3667 and  
3668 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before  
3669 the day of the election.  
3670 (6) Instead of including the information described in Subsection (4) in the notice, the  
3671 election officer may give printed notice that:  
3672 (a) is entitled "Notice of Election";  
3673 (b) includes the following: "A [indicate election type] will be held in [indicate the  
3674 jurisdiction] on [indicate date of election]. Information relating to the election, including  
3675 polling places, polling place hours, and qualifications of voters may be obtained from the  
3676 following sources:"; and  
3677 (c) specifies the following sources where an individual may view or obtain the  
3678 information described in Subsection (4):  
3679 (i) if the jurisdiction has a website, the jurisdiction's website;  
3680 (ii) the physical address of the jurisdiction offices; and  
3681 (iii) a mailing address and telephone number.  
3682 Section 55. Section **20A-5-405** is amended to read:  
3683 **20A-5-405. Election officer to provide ballots.**  
3684 (1) In jurisdictions using paper ballots, each election officer shall:  
3685 (a) provide printed official paper ballots and absentee ballots for every election of



3686 public officers in which the voters, or any of the voters, within the election officer's jurisdiction  
3687 participate;

3688 (b) cause the name of every candidate whose nomination has been certified to or filed  
3689 with the election officer in the manner provided by law to be printed on each official paper  
3690 ballot and absentee ballot;

3691 (c) cause any ballot proposition that has qualified for the ballot as provided by law to  
3692 be printed on each official paper ballot and absentee ballot;

3693 (d) ensure that the official paper ballots are printed and in the possession of the election  
3694 officer before commencement of voting;

3695 (e) ensure that the absentee ballots are printed and in the possession of the election  
3696 officer with sufficient time before commencement of voting;

3697 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
3698 be printed on each official paper ballot and absentee ballot;

3699 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
3700 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

3701 (h) cause sample ballots to be printed that are in the same form as official paper ballots  
3702 and that contain the same information as official paper ballots but that are printed on different  
3703 colored paper than official paper ballots;

3704 (i) ensure that the sample ballots are printed and in the possession of the election  
3705 officer at least seven days before commencement of voting;

3706 (j) make the sample ballots available for public inspection by:

3707 (i) posting a copy of the sample ballot in [~~his~~] the election officer's office at least seven  
3708 days before commencement of voting;

3709 (ii) mailing a copy of the sample ballot to:

3710 (A) each candidate listed on the ballot; and

3711 (B) the lieutenant governor; [~~and~~]

3712 (iii) publishing a copy of the sample ballot [~~immediately before the election~~]:

3713 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the  
3714 day of the election in a newspaper of general circulation in the jurisdiction holding the election;  
3715 [~~and~~]

3716 [~~(B) as required in Section 45-1-101;~~]

3717 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
3718 election, at least seven days before the day of the election, by posting one copy of the sample  
3719 ballot, and at least one additional copy of the sample ballot per 2,000 population of the  
3720 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
3721 the jurisdiction; or

3722 (C) at least 10 days before the day of the election, by mailing a copy of the sample  
3723 ballot to each registered voter who resides in the jurisdiction holding the election;

3724 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
3725 in Section [63F-1-701](#), for seven days before the day of the election;

3726 (v) in accordance with Section [45-1-101](#), publishing a copy of the sample ballot for at  
3727 least seven days before the day of the election; and

3728 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least  
3729 seven days before the day of the election;

3730 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
3731 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and

3732 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough  
3733 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting  
3734 demands of the qualified voters in each voting precinct.

3735 (2) In jurisdictions using a punch card ballot, each election officer shall:

3736 (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot  
3737 labels for every election of public officers in which the voters, or any of the voters, within the  
3738 election officer's jurisdiction participate;

3739 (b) cause the name of every candidate who filed with the election officer in the manner  
3740 provided by law or whose nomination has been certified to the election officer to be printed on  
3741 each official ballot label;

3742 (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
3743 be printed on each official ballot label;

3744 (d) ensure that the official ballot labels are printed and in the possession of the election  
3745 officer before the commencement of voting;

3746 (e) ensure that the absentee ballots are printed and in the possession of the election  
3747 officer with sufficient time before commencement of voting;

- 3748 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
3749 be printed on each official ballot label and absentee ballot;
- 3750 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
3751 qualified for the official sample ballot to inspect the official sample ballot;
- 3752 (h) cause sample ballots to be printed that contain the same information as official  
3753 ballot labels but that are distinguishable from official ballot labels;
- 3754 (i) ensure that the sample ballots are printed and in the possession of the election  
3755 officer at least seven days before commencement of voting;
- 3756 (j) make the sample ballots available for public inspection by:
- 3757 (i) posting a copy of the sample ballot in his office at least seven days before  
3758 commencement of voting;
- 3759 (ii) mailing a copy of the sample ballot to:
- 3760 (A) each candidate listed on the ballot; and
- 3761 (B) the lieutenant governor; [~~and~~]
- 3762 (iii) publishing a copy of the sample ballot [~~immediately before the election~~]:
- 3763 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the  
3764 day of the election in a newspaper of general circulation in the jurisdiction holding the election;  
3765 [~~and~~]
- 3766 [~~(B) as required in Section 45-1-101;~~]
- 3767 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
3768 election, at least seven days before the day of the election, by posting one copy of the sample  
3769 ballot, and at least one additional copy of the sample ballot per 2,000 population of the  
3770 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
3771 the jurisdiction; or
- 3772 (C) at least 10 days before the day of the election, by mailing a copy of the sample  
3773 ballot to each registered voter who resides in the jurisdiction holding the election;
- 3774 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
3775 in Section 63F-1-701, for seven days before the day of the election;
- 3776 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at  
3777 least seven days before the day of the election; and
- 3778 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least

3779 seven days before the day of the election;

3780 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
3781 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3782 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and  
3783 instruction cards at the expense of the jurisdiction conducting the election.

3784 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer  
3785 shall:

3786 (a) provide official ballot sheets and absentee ballot sheets for every election of public  
3787 officers in which the voters, or any of the voters, within the election officer's jurisdiction  
3788 participate;

3789 (b) cause the name of every candidate who filed with the election officer in the manner  
3790 provided by law or whose nomination has been certified to or filed with the election officer to  
3791 be printed on each official ballot and absentee ballot;

3792 (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
3793 be printed on each official ballot and absentee ballot;

3794 (d) ensure that the official ballots are printed and in the possession of the election  
3795 officer before commencement of voting;

3796 (e) ensure that the absentee ballots are printed and in the possession of the election  
3797 officer with sufficient time before commencement of voting;

3798 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
3799 be printed on each official ballot and absentee ballot;

3800 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
3801 qualified for the official sample ballot to inspect the official sample ballot;

3802 (h) cause sample ballots to be printed that contain the same information as official  
3803 ballots but that are distinguishable from the official ballots;

3804 (i) ensure that the sample ballots are printed and in the possession of the election  
3805 officer at least seven days before commencement of voting;

3806 (j) make the sample ballots available for public inspection by:

3807 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
3808 before commencement of voting;

3809 (ii) mailing a copy of the sample ballot to:

- 3810 (A) each candidate listed on the ballot; and
- 3811 (B) the lieutenant governor; [~~and~~]
- 3812 (iii) publishing a copy of the sample ballot [~~immediately before the election~~]:
- 3813 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the
- 3814 day of the election in a newspaper of general circulation in the jurisdiction holding the election;
- 3815 [~~and~~]
- 3816 [~~(B) as required in Section 45-1-101;~~]
- 3817 (B) if there is no newspaper of general circulation in the jurisdiction holding the
- 3818 election, at least seven days before the day of the election, by posting one copy of the sample
- 3819 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
- 3820 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
- 3821 the jurisdiction; or
- 3822 (C) at least 10 days before the day of the election, by mailing a copy of the sample
- 3823 ballot to each registered voter who resides in the jurisdiction holding the election;
- 3824 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
- 3825 in Section 63F-1-701, for seven days before the day of the election;
- 3826 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
- 3827 least seven days before the day of the election; and
- 3828 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
- 3829 seven days before the day of the election;
- 3830 (k) deliver at least five copies of the sample ballot to poll workers for each polling
- 3831 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 3832 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
- 3833 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
- 3834 demands of the qualified voters in each voting precinct.
- 3835 (4) In jurisdictions using electronic ballots, each election officer shall:
- 3836 (a) provide official ballots for every election of public officers in which the voters, or
- 3837 any of the voters, within the election officer's jurisdiction participate;
- 3838 (b) cause the name of every candidate who filed with the election officer in the manner
- 3839 provided by law or whose nomination has been certified to the election officer to be displayed
- 3840 on each official ballot;

3841 (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
3842 be displayed on each official ballot;

3843 (d) ensure that the official ballots are prepared and in the possession of the election  
3844 officer before commencement of voting;

3845 (e) ensure that the absentee ballots are prepared and in the possession of the election  
3846 officer with sufficient time before commencement of voting;

3847 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
3848 be printed on each official ballot and absentee ballot;

3849 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
3850 qualified for the official sample ballot to inspect the official sample ballot;

3851 (h) cause sample ballots to be printed that contain the same information as official  
3852 ballots but that are distinguishable from official ballots;

3853 (i) ensure that the sample ballots are printed and in the possession of the election  
3854 officer at least seven days before commencement of voting;

3855 (j) make the sample ballots available for public inspection by:

3856 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
3857 before commencement of voting;

3858 (ii) mailing a copy of the sample ballot to:

3859 (A) each candidate listed on the ballot; and

3860 (B) the lieutenant governor; [~~and~~]

3861 (iii) publishing a copy of the sample ballot immediately before the election:

3862 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the  
3863 day of the election in a newspaper of general circulation in the jurisdiction holding the election;  
3864 [~~and~~]

3865 [~~(B) as required in Section 45-1-101;~~]

3866 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
3867 election, at least seven days before the day of the election, by posting one copy of the sample  
3868 ballot, and at least one additional copy of the sample ballot per 2,000 population of the  
3869 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
3870 the jurisdiction; or

3871 (C) at least 10 days before the day of the election, by mailing a copy of the sample

3872 ballot to each registered voter who resides in the jurisdiction holding the election;

3873 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
3874 in Section 63F-1-701, for seven days before the day of the election;

3875 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at  
3876 least seven days before the day of the election; and

3877 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least  
3878 seven days before the day of the election;

3879 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
3880 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3881 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the  
3882 expense of the jurisdiction conducting the election.

3883 (5) Instead of publishing the entire sample ballot under Subsection (1)(j)(iii)(A),  
3884 (2)(j)(iii)(A), (3)(j)(iii)(A), or (4)(j)(iii)(A), the election officer may publish a statement that:

3885 (a) is entitled, "sample ballot";

3886 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the  
3887 upcoming [indicate type and date of election] may be obtained from the following sources:";  
3888 and

3889 (c) specifies the following sources where an individual may view or obtain a copy of  
3890 the sample ballot:

3891 (i) if the jurisdiction has a website, the jurisdiction's website;

3892 (ii) the physical address of the jurisdiction's offices; and

3893 (iii) a mailing address and telephone number.

3894 ~~(5)~~ (6) (a) Each election officer shall, without delay, correct any error discovered in  
3895 any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the  
3896 correction can be made without interfering with the timely distribution of the paper ballots,  
3897 ballot labels, ballot sheets, or electronic ballots.

3898 (b) (i) If the election officer discovers an error or omission in a paper ballot, ballot  
3899 label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the  
3900 paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to  
3901 make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets  
3902 before they are distributed at the polls.

3903 (ii) If the election officer discovers an error or omission in an electronic ballot and it is  
3904 not possible to correct the error or omission by revising the electronic ballot, the election  
3905 officer shall direct the poll workers to post notice of each error or omission with instructions on  
3906 how to correct each error or omission in a prominent position at each polling booth.

3907 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper  
3908 ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may  
3909 file a verified petition with the district court asserting that:

3910 (A) an error or omission has occurred in:

3911 (I) the publication of the name or description of a candidate;

3912 (II) the preparation or display of an electronic ballot; or

3913 (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;

3914 and

3915 (B) the election officer has failed to correct or provide for the correction of the error or  
3916 omission.

3917 (ii) The district court shall issue an order requiring correction of any error in a paper  
3918 ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error  
3919 should not be corrected if it appears to the court that the error or omission has occurred and the  
3920 election officer has failed to correct it or failed to provide for its correction.

3921 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah  
3922 Supreme Court within five days after the decision of the district court.

3923 Section 56. Section **20A-5-604** is amended to read:

3924 **20A-5-604. Receipt of ballots by poll workers.**

3925 (1) The poll [~~worker who receives~~] workers who receive official or substitute ballots  
3926 from the election officer shall:

3927 (a) sign a receipt for [~~them~~] the ballots and file [~~it~~] the receipt with the election officer;

3928 and

3929 (b) produce the packages in the proper polling place with the seals unbroken.

3930 (2) If the poll [~~worker receives~~] workers receive packages of substitute ballots  
3931 accompanied by a written and sworn statement of the election officer that the ballots are  
3932 substitute ballots because the original ballots were not received, were destroyed, or were stolen,  
3933 the poll worker shall produce the packages of substitute ballots in the proper polling place with



3934 the seals unbroken.

3935 Section 57. Section **20A-5-605** is amended to read:

3936 **20A-5-605. Duties of poll workers.**

3937 (1) Poll workers shall:

3938 (a) arrive at the polling place at a time determined by the election officer; and

3939 (b) remain until the official election returns are prepared for delivery.

3940 (2) The election officer may designate:

3941 (a) certain poll workers to act as election judges;

3942 (b) an election judge to act as the presiding election judge; and

3943 (c) certain poll workers to act as clerks.

3944 (3) Upon their arrival to open the polls, the poll workers shall:

3945 (a) if the election officer has not designated which poll workers at a polling place are

3946 assigned to act as election judges, as presiding election judge, or as clerks:

3947 (i) designate two poll workers to act as election judges as necessary;

3948 (ii) determine which election judge shall preside as necessary; and

3949 (iii) determine which poll workers shall act as clerks as necessary;

3950 (b) select [~~one~~] two or more of their number to deliver the election returns to the

3951 election officer or to the place that the election officer designates;

3952 (c) display the United States flag;

3953 (d) examine the voting devices to see that they are in proper working order and that

3954 security devices have not been tampered with;

3955 (e) place the voting devices, voting booths, and the ballot box in plain view of those

3956 poll workers and watchers that are present;

3957 (f) for paper ballots and ballot sheets, open the ballot packages in the presence of all

3958 the poll workers;

3959 (g) check the ballots, supplies, records, and forms;

3960 (h) if directed to do so by the election officer:

3961 (i) make any necessary corrections to the official ballots before they are distributed at

3962 the polls; and

3963 (ii) post any necessary notice of errors in electronic ballots before voting commences;

3964 (i) post the sample ballots, instructions to voters, and constitutional amendments, if

3965 any; and

3966 (j) open the ballot box in the presence of those assembled, turn it upside down to empty  
3967 it of anything, and then, immediately before polls open, lock it, or if locks and keys are not  
3968 available, tape it securely.

3969 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or  
3970 refuses to act:

3971 (i) at least six qualified electors from the voting precinct who are present at the polling  
3972 place at the hour designated by law for the opening of the polls shall fill the vacancy by  
3973 appointing another qualified person from the voting precinct who is a member of the same  
3974 political party as the poll worker who is being replaced to act as a poll worker; or

3975 (ii) the election officer shall appoint a qualified person to act as a poll worker.

3976 (b) If a majority of the poll workers are present, they shall open the polls, even though  
3977 a poll worker has not arrived.

3978 (5) (a) If it is impossible or inconvenient to hold an election at the polling place  
3979 designated, the poll workers, after having assembled at or as near as practicable to the  
3980 designated place, and before receiving any vote, may move to the nearest convenient place for  
3981 holding the election.

3982 (b) If the poll workers move to a new polling place, they shall display a proclamation  
3983 of the change and station a peace officer or some other proper person at the original polling  
3984 place to notify voters of the location of the new polling place.

3985 (6) If the poll [~~worker who received~~] workers who receive delivery of the ballots  
3986 [~~produces~~] produce packages of substitute ballots accompanied by a written and sworn  
3987 statement of the election officer that the ballots are substitute ballots because the original  
3988 ballots were not received, were destroyed, or were stolen, the poll workers shall use those  
3989 substitute ballots as the official election ballots.

3990 (7) If, for any reason, none of the official or substitute ballots are ready for distribution  
3991 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll  
3992 workers may use unofficial ballots, made as nearly as possible in the form of the official ballot,  
3993 until substitutes prepared by the election officer are printed and delivered.

3994 (8) When it is time to open the polls, one of the poll workers shall announce that the  
3995 polls are open as required by Section [20A-1-302](#), or in the case of early voting, Section

3996 20A-3-602.

3997 (9) (a) The poll workers shall comply with the voting procedures and requirements of  
3998 [~~Title 20A,~~] Chapter 3, Voting, in allowing people to vote.

3999 (b) The poll workers may not allow any person, other than election officials and those  
4000 admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

4001 (c) Besides the poll workers and watchers, the poll workers may not allow more than  
4002 four voters in excess of the number of voting booths provided within six feet of voting devices,  
4003 voting booths, and the ballot box.

4004 (d) If necessary, the poll workers shall instruct each voter about how to operate the  
4005 voting device before the voter enters the voting booth.

4006 (e) (i) If the voter requests additional instructions after entering the voting booth, two  
4007 poll workers may, if necessary, enter the booth and give the voter additional instructions.

4008 (ii) In regular general elections and regular primary elections, the two poll workers who  
4009 enter the voting booth to assist the voter shall be of different political parties.

4010 Section 58. Section **20A-6-106** is amended to read:

4011 **20A-6-106. Deadline for submission of ballot titles.**

4012 Unless otherwise specifically provided for by statute, the certified ballot title of each  
4013 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer  
4014 before 5 p.m. no later than 65 days before the date of the election at which the matter will be  
4015 submitted to the voters.

4016 Section 59. Section **20A-6-302** is amended to read:

4017 **20A-6-302. Paper ballots -- Placement of candidates' names.**

4018 (1) Each election officer shall ensure, for paper ballots in regular general elections,  
4019 that:

4020 (a) each candidate is listed by party, if nominated by a registered political party under  
4021 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

4022 (b) candidates' surnames are listed in alphabetical order on the ballots when two or  
4023 more candidates' names are required to be listed on a ticket under the title of an office; and

4024 (c) the names of candidates are placed on the ballot in the order specified under Section  
4025 20A-6-305.

4026 (2) (a) When there is only one candidate for county attorney at the regular general

4027 election in counties that have three or fewer registered voters of the county who are licensed  
4028 active members in good standing of the Utah State Bar, the county clerk shall cause that  
4029 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot  
4030 with the following question: "Shall (name of candidate) be elected to the office of county  
4031 attorney? Yes \_\_\_\_ No \_\_\_\_."

4032 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
4033 elected to the office of county attorney.

4034 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
4035 elected and may not take office, nor may the candidate continue in the office past the end of the  
4036 term resulting from any prior election or appointment.

4037 (d) When the name of only one candidate for county attorney is printed on the ballot  
4038 under authority of this Subsection (2), the county clerk may not count any write-in votes  
4039 received for the office of county attorney.

4040 (e) If no qualified person files for the office of county attorney or if the candidate is not  
4041 elected by the voters, the county legislative body shall appoint the county attorney as provided  
4042 in Section [20A-1-509.2](#).

4043 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on  
4044 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the  
4045 two consecutive terms immediately preceding the term for which the candidate is seeking  
4046 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an  
4047 unopposed candidate the same as any other unopposed candidate for another office, unless a  
4048 petition is filed with the county clerk before [~~the date of~~] 5 p.m. no later than one day before  
4049 that year's primary election that:

4050 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

4051 (ii) contains the signatures of registered voters in the county representing in number at  
4052 least 25% of all votes cast in the county for all candidates for governor at the last election at  
4053 which a governor was elected.

4054 (3) (a) When there is only one candidate for district attorney at the regular general  
4055 election in a prosecution district that has three or fewer registered voters of the district who are  
4056 licensed active members in good standing of the Utah State Bar, the county clerk shall cause  
4057 that candidate's name and party affiliation, if any, to be placed on a separate section of the

4058 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
4059 attorney? Yes \_\_\_\_ No \_\_\_\_."

4060 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
4061 elected to the office of district attorney.

4062 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
4063 elected and may not take office, nor may the candidate continue in the office past the end of the  
4064 term resulting from any prior election or appointment.

4065 (d) When the name of only one candidate for district attorney is printed on the ballot  
4066 under authority of this Subsection (3), the county clerk may not count any write-in votes  
4067 received for the office of district attorney.

4068 (e) If no qualified person files for the office of district attorney, or if the only candidate  
4069 is not elected by the voters under this subsection, the county legislative body shall appoint a  
4070 new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

4071 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on  
4072 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the  
4073 two consecutive terms immediately preceding the term for which the candidate is seeking  
4074 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an  
4075 unopposed candidate the same as any other unopposed candidate for another office, unless a  
4076 petition is filed with the county clerk before [the date of] 5 p.m. no later than one day before  
4077 that year's primary election that:

4078 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

4079 (ii) contains the signatures of registered voters in the county representing in number at  
4080 least 25% of all votes cast in the county for all candidates for governor at the last election at  
4081 which a governor was elected.

4082 Section 60. Section **20A-7-202.5** is amended to read:

4083 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**  
4084 **to estimate.**

4085 (1) Within three working days [of receipt of] after the day on which the lieutenant  
4086 governor receives an application for an initiative petition, the lieutenant governor shall submit  
4087 a copy of the application to the Governor's Office of Management and Budget.

4088 (2) (a) The Governor's Office of Management and Budget shall prepare an unbiased,

4089 good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

4090 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

4091 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing  
4092 the total estimated increase or decrease for each type of tax affected under the proposed law  
4093 and a dollar amount representing the total estimated increase or decrease in taxes under the  
4094 proposed law;

4095 (iii) if the proposed law would increase taxes, the tax percentage difference and the tax  
4096 percentage increase;

4097 (iv) if the proposed law would result in the issuance or a change in the status of bonds,  
4098 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
4099 decrease in public debt under the proposed law;

4100 (v) a listing of all sources of funding for the estimated costs associated with the  
4101 proposed law showing each source of funding and the percentage of total funding provided  
4102 from each source;

4103 (vi) a dollar amount representing the estimated costs or savings, if any, to state and  
4104 local government entities under the proposed law; and

4105 (vii) a concise explanation, not exceeding 100 words, of the above information and of  
4106 the estimated fiscal impact, if any, under the proposed law.

4107 (b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office  
4108 of Management and Budget shall include a summary statement in the initial fiscal impact  
4109 statement in substantially the following form:

4110 "The Governor's Office of Management and Budget estimates that the law proposed by  
4111 this initiative would have no significant fiscal impact and would not result in either an increase  
4112 or decrease in taxes or debt."

4113 (ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of  
4114 Management and Budget shall include a summary statement in the initial fiscal impact estimate  
4115 in substantially the following form:

4116 "The Governor's Office of Management and Budget estimates that the law proposed by  
4117 this initiative would result in a total fiscal expense/savings of \$\_\_\_\_\_, which includes a (type  
4118 of tax or taxes) tax increase/decrease of \$\_\_\_\_\_ and a \$\_\_\_\_\_ increase/decrease in state  
4119 debt."

4120 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise  
4121 difficult to reasonably express in a summary statement, the Governor's Office of Management  
4122 and Budget may include in the summary statement a brief explanation that identifies those  
4123 factors affecting the variability or difficulty of the estimate.

4124 (iv) If the proposed law imposes a tax increase, the Governor's Office of Management  
4125 and Budget shall include a summary statement in the initial fiscal impact estimate in  
4126 substantially the following form:

4127 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
4128 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
4129 percent increase in the current tax rate."

4130 (3) The Governor's Office of Management and Budget shall prepare an unbiased, good  
4131 faith estimate of the cost of printing and distributing information related to the initiative  
4132 petition in:

4133 (a) the voter information pamphlet as required by [~~Title 20A,~~] Chapter 7, Part 7, Voter  
4134 Information Pamphlet; or

4135 (b) the newspaper, as required by Section 20A-7-702.

4136 (4) Within 25 calendar days [~~from the date that~~] after the day on which the lieutenant  
4137 governor delivers a copy of the application, the Governor's Office of Management and Budget  
4138 shall:

4139 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's  
4140 office; and

4141 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in  
4142 the initiative application.

4143 (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days  
4144 [~~of the date of delivery of~~] after the day on which the Governor's Office of Management and  
4145 Budget delivers the initial fiscal impact estimate to the lieutenant governor's office, file a  
4146 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a  
4147 whole, is an inaccurate estimate of the fiscal impact of the initiative.

4148 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor  
4149 to send notice of the petition to:

4150 (A) any person or group that has filed an argument with the lieutenant governor's office

4151 for or against the measure that is the subject of the challenge; and

4152 (B) any political issues committee established under Section 20A-11-801 that has filed  
4153 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
4154 email address, and telephone number of the person designated to receive notice about any  
4155 issues relating to the initiative.

4156 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the  
4157 Governor's Office of Management and Budget is based upon reasonable assumptions, uses  
4158 reasonable data, and applies accepted analytical methods to present the estimated fiscal impact  
4159 of the initiative.

4160 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the  
4161 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing  
4162 evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate  
4163 statement of the estimated fiscal impact of the initiative.

4164 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate  
4165 to a master to examine the issue and make a report in accordance with Utah Rules of Civil  
4166 Procedure, Rule 53.

4167 (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate  
4168 for the measure that meets the requirements of this section.

4169 Section 61. Section 20A-7-204.1 is amended to read:

4170 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
4171 **Changes to an initiative and initial fiscal impact estimate.**

4172 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of  
4173 Management and Budget and before circulating initiative petitions for signature statewide,  
4174 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as  
4175 follows:

4176 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

4177 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
4178 County;

4179 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

4180 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
4181 County;



4182 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;  
4183 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and  
4184 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
4185 County.

4186 (b) Of the seven meetings, at least two of the meetings shall be held in a first or second  
4187 class county, but not in the same county.

4188 (2) [~~At least three calendar days before the date of the public hearing, the~~] The  
4189 sponsors shall:

4190 (a) before 5 p.m. at least three calendar days before the date of the public hearing,  
4191 provide written notice of the public hearing to:

4192 (i) the lieutenant governor for posting on the state's website; and

4193 (ii) each state senator, state representative, and county commission or county council  
4194 member who is elected in whole or in part from the region where the public hearing will be  
4195 held; and

4196 (b) publish written notice of the public hearing [~~detailing its~~], including the time, date,  
4197 and location of the public hearing, in each county in the region where the public hearing will be  
4198 held:

4199 [~~(i) in at least one newspaper of general circulation in each county in the region where~~  
4200 ~~the public hearing will be held; and]~~

4201 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper  
4202 of general circulation in the county;

4203 (B) if there is no newspaper of general circulation in the county, at least three calendar  
4204 days before the day of the public hearing, by posting one copy of the notice, and at least one  
4205 additional copy of the notice per 2,000 population of the county, in places within the county  
4206 that are most likely to give notice to the residents of the county; or

4207 (C) at least seven days before the day of the public hearing, by mailing notice to each  
4208 residence in the county;

4209 (ii) on the Utah Public Notice Website created in Section 63F-1-701[-], for at least  
4210 three calendar days before the day of the public hearing;

4211 (iii) in accordance with Section 45-1-101, for at least three calendar days before the  
4212 day of the public hearing; and

4213 (iv) on the county's website for at least three calendar days before the day of the public  
4214 hearing.

4215 (3) If the initiative petition proposes a tax increase, the written notice described in  
4216 Subsection (2) shall include the following statement, in bold, in the same font and point size as  
4217 the largest font and point size appearing in the notice:

4218 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
4219 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
4220 percent increase in the current tax rate."

4221 (4) (a) During the public hearing, the sponsors shall either:

4222 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
4223 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

4224 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
4225 each speaker and summarizing each speaker's comments.

4226 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
4227 public.

4228 (5) (a) [~~Within~~] Before 5 p.m. within 14 days after [~~conducting~~] the day of the seventh  
4229 public hearing required by Subsection (1)(a) and before circulating an initiative petition for  
4230 signatures, the sponsors of the initiative petition may change the text of the proposed law if:

4231 (i) a change to the text is:

4232 (A) germane to the text of the proposed law filed with the lieutenant governor under  
4233 Section [20A-7-202](#); and

4234 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

4235 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
4236 change the text of the proposed law.

4237 (b) (i) Within three working days of receipt of an application addendum to change the  
4238 text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of  
4239 the application addendum to the Governor's Office of Management and Budget.

4240 (ii) The Governor's Office of Management and Budget shall update the initial fiscal  
4241 impact estimate by following the procedures and requirements of Section [20A-7-202.5](#) to  
4242 reflect a change to the text of the proposed law.

4243 Section 62. Section **20A-7-205** is amended to read:

4244 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

4245 (1) A Utah voter may sign an initiative petition if the voter is a legal voter.

4246 (2) (a) The sponsors shall ensure that the person in whose presence each signature  
4247 sheet was signed:

4248 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);  
4249 and

4250 (ii) verifies each signature sheet by completing the verification printed on the last page  
4251 of each initiative packet.

4252 (b) A person may not sign the verification printed on the last page of the initiative  
4253 packet if the person signed a signature sheet in the initiative packet.

4254 (3) (a) A voter who has signed an initiative petition may have the voter's signature  
4255 removed from the petition by submitting to the county clerk a statement requesting that the  
4256 voter's signature be removed.

4257 (b) The statement shall include:

4258 (i) the name of the voter;

4259 (ii) the resident address at which the voter is registered to vote;

4260 (iii) the last four digits of the voter's Social Security number;

4261 (iv) the driver license or identification card number; and

4262 (v) the signature of the voter.

4263 (c) A voter may not submit a statement by email or other electronic means.

4264 (d) In order for the signature to be removed, the statement must be received by the  
4265 county clerk before ~~[May 15]~~ 5 p.m. no later than May 14.

4266 (e) The county clerk shall deliver all statements received under this Subsection (3):

4267 (i) with the initiative petition packets delivered to the lieutenant governor; or

4268 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted  
4269 after the county clerk delivered the initiative packets.

4270 (f) A person may only remove a signature from an initiative petition in accordance with  
4271 this Subsection (3).

4272 Section 63. Section **20A-7-206** is amended to read:

4273 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
4274 **county clerks -- Transfer to lieutenant governor.**

4275 (1) (a) In order to qualify an initiative petition for placement on the regular general  
4276 election ballot, the sponsors shall deliver each signed and verified initiative packet to the  
4277 county clerk of the county in which the packet was circulated [~~on or before~~] before 5 p.m. no  
4278 later than the sooner of:

4279 (i) 316 days after the day on which the application is filed; or

4280 (ii) the April 15 immediately before the next regular general election immediately after  
4281 the application is filed under Section 20A-7-202.

4282 (b) A sponsor may not submit an initiative packet after the deadline established in this  
4283 Subsection (1).

4284 (2) (a) No later than May 1 before the regular general election, the county clerk shall:

4285 (i) check the names of all persons completing the verification for the initiative packet  
4286 to determine whether those persons are residents of Utah and are at least 18 years old; and

4287 (ii) submit the name of each of those persons who is not a Utah resident or who is not  
4288 at least 18 years old to the attorney general and county attorney.

4289 (b) The county clerk may not certify a signature under Subsection (3) on an initiative  
4290 packet that is not verified in accordance with Section 20A-7-205.

4291 (3) No later than May 15 before the regular general election, the county clerk shall:

4292 (a) determine whether each signer is a registered voter according to the requirements of  
4293 Section 20A-7-206.3;

4294 (b) certify on the petition whether each name is that of a registered voter; and

4295 (c) deliver all of the verified initiative packets to the lieutenant governor.

4296 (4) Upon receipt of an initiative packet under Subsection (3) and any statement  
4297 submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the  
4298 initiative petition a voter's signature if the voter has requested the removal in accordance with  
4299 Subsection 20A-7-205(3).

4300 (5) In order to qualify an initiative petition for submission to the Legislature, the  
4301 sponsors shall deliver each signed and verified initiative packet to the county clerk of the  
4302 county in which the packet was circulated [~~by~~] before 5 p.m. no later than the November 15  
4303 before the next annual general session of the Legislature immediately after the application is  
4304 filed under Section 20A-7-202.

4305 (6) (a) No later than December 1 before the annual general session of the Legislature,

4306 the county clerk shall:

4307 (i) check the names of all persons completing the verification for the initiative packet  
4308 to determine whether those persons are Utah residents and are at least 18 years old; and

4309 (ii) submit the name of each of those persons who is not a Utah resident or who is not  
4310 at least 18 years old to the attorney general and county attorney.

4311 (b) The county clerk may not certify a signature under Subsection (7) on an initiative  
4312 packet that is not verified in accordance with Section 20A-7-205.

4313 (7) No later than December 15 before the annual general session of the Legislature, the  
4314 county clerk shall:

4315 (a) determine whether each signer is a registered voter according to the requirements of  
4316 Section 20A-7-206.3;

4317 (b) certify on the petition whether each name is that of a registered voter; and

4318 (c) deliver all of the verified initiative packets to the lieutenant governor.

4319 (8) The sponsor or their representatives may not retrieve initiative packets from the  
4320 county clerks once they have submitted them.

4321 Section 64. Section 20A-7-302 is amended to read:

4322 **20A-7-302. Referendum process -- Application procedures.**

4323 (1) Persons wishing to circulate a referendum petition shall file an application with the  
4324 lieutenant governor before 5 p.m. within five calendar days after the end of the legislative  
4325 session at which the law passed.

4326 (2) The application shall contain:

4327 (a) the name and residence address of at least five sponsors of the referendum petition;

4328 (b) a certification indicating that each of the sponsors:

4329 (i) is a voter; and

4330 (ii) has voted in a regular general election in Utah within the last three years;

4331 (c) the signature of each of the sponsors, attested to by a notary public; and

4332 (d) a copy of the law.

4333 Section 65. Section 20A-7-305 is amended to read:

4334 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

4335 (1) A Utah voter may sign a referendum petition if the voter is a legal voter.

4336 (2) (a) The sponsors shall ensure that the person in whose presence each signature

4337 sheet was signed:

4338 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

4339 and

4340 (ii) verifies each signature sheet by completing the verification printed on the last page

4341 of each referendum packet.

4342 (b) A person may not sign the verification printed on the last page of the referendum

4343 packet if the person signed a signature sheet in the referendum packet.

4344 (3) (a) [(+)] A voter who has signed a referendum petition may have the voter's

4345 signature removed from the petition by submitting to the county clerk a statement requesting

4346 that the voter's signature be removed.

4347 (b) The statement shall include:

4348 (i) the name of the voter;

4349 (ii) the resident address at which the voter is registered to vote;

4350 (iii) the last four digits of the voter's Social Security number;

4351 (iv) the driver license or identification card number; and

4352 (v) the signature of the voter.

4353 (c) A voter may not submit a statement by email or other electronic means.

4354 (d) In order for the signature to be removed, the statement must be received by the

4355 county clerk before [~~the day which is 55 days after the end of the~~] 5 p.m. no later than 55 days

4356 after the day on which the legislative session at which the law passed ends.

4357 (e) The county clerk shall deliver all statements received under this Subsection (3):

4358 (i) with the referendum petition packets to the lieutenant governor; or

4359 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted

4360 after the county clerk delivered the referendum petition packets.

4361 (f) A person may only remove a signature from a referendum petition in accordance

4362 with this Subsection (3).

4363 Section 66. Section 20A-7-306 is amended to read:

4364 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**

4365 **the county clerks -- Transfer to lieutenant governor.**

4366 (1) (a) [~~No~~] Before 5 p.m. no later than 40 days after the [end of] day on which the

4367 legislative session at which the law passed ends, the sponsors shall deliver each signed and

4368 verified referendum packet to the county clerk of the county in which the packet was  
4369 circulated.

4370 (b) A sponsor may not submit a referendum packet after the deadline established in this  
4371 Subsection (1).

4372 (2) (a) No later than 55 days after the end of the legislative session at which the law  
4373 passed, the county clerk shall:

4374 (i) check the names of all persons completing the verification on the last page of each  
4375 referendum packet to determine whether or not those persons are Utah residents and are at least  
4376 18 years old; and

4377 (ii) submit the name of each of those persons who is not a Utah resident or who is not  
4378 at least 18 years old to the attorney general and county attorney.

4379 (b) The county clerk may not certify a signature under Subsection (3) on a referendum  
4380 packet that is not verified in accordance with Section 20A-7-305.

4381 (3) No later than 55 days after the end of the legislative session at which the law  
4382 passed, the county clerk shall:

4383 (a) determine whether each signer is a registered voter according to the requirements of  
4384 Section 20A-7-306.3;

4385 (b) certify on the referendum petition whether each name is that of a registered voter;  
4386 and

4387 (c) deliver all of the verified referendum packets to the lieutenant governor.

4388 (4) Upon receipt of a referendum packet under Subsection (3) and any statement  
4389 submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the  
4390 referendum petition a voter's signature if the voter has requested the removal in accordance  
4391 with Subsection 20A-7-305(3).

4392 Section 67. Section 20A-7-402 is amended to read:

4393 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**

4394 **Preparation -- Statement on front cover.**

4395 (1) The county or municipality that is subject to a ballot proposition shall prepare a  
4396 local voter information pamphlet that complies with the requirements of this part.

4397 (2) The arguments for or against a ballot proposition shall conform to the requirements  
4398 of this section.

4399 (3) (a) Within the time requirements described in Subsection (3)(c)(i), a municipality  
4400 that is subject to a ballot proposition shall provide a notice that complies with the requirements  
4401 of Subsection (3)(c)(ii) to the municipality's residents by:

4402 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the  
4403 municipality's residents, including the notice with a newsletter, utility bill, or other material;

4404 (ii) posting the notice, until after the deadline described in Subsection (3)(d) has  
4405 passed, on:

4406 (A) the Utah Public Notice Website created in Section 63F-1-701; and

4407 (B) the home page of the municipality's website, if the municipality has a website; and

4408 (iii) sending the notice electronically to each individual in the municipality for whom  
4409 the municipality has an email address.

4410 (b) A county that is subject to a ballot proposition shall:

4411 (i) send an electronic notice that complies with the requirements of Subsection  
4412 (3)(c)(ii) to each individual in the county for whom the county has an email address; or

4413 (ii) until after the deadline described in Subsection (3)(d) has passed, post a notice that  
4414 complies with the requirements of Subsection (3)(c)(ii) on:

4415 (A) the Utah Public Notice Website created in Section 63F-1-701; and

4416 (B) the home page of the county's website.

4417 (c) A municipality or county that mails, sends, or posts a notice under Subsection (3)(a)  
4418 or (b) shall:

4419 (i) mail, send, or post the notice:

4420 (A) not less than 90 days before the date of the election at which a ballot proposition  
4421 will be voted upon; or

4422 (B) if the requirements of Subsection (3)(c)(i)(A) cannot be met, as soon as practicable  
4423 after the ballot proposition is approved to be voted upon in an election; and

4424 (ii) ensure that the notice contains:

4425 (A) the ballot title for the ballot proposition;

4426 (B) instructions on how to file a request under Subsection (3)(d); and

4427 (C) the deadline described in Subsection (3)(d).

4428 (d) To prepare an argument for or against a ballot proposition, an eligible voter shall  
4429 file a request with the election officer [~~at least 65~~] before 5 p.m. no later than 55 days before



4430 the day of the election at which the ballot proposition is to be voted on.

4431 (e) If more than one eligible voter requests the opportunity to prepare an argument for  
4432 or against a ballot proposition, the election officer shall make the final designation according to  
4433 the following criteria:

4434 (i) sponsors have priority in preparing an argument regarding a ballot proposition; and

4435 (ii) members of the local legislative body have priority over others.

4436 (f) The election officer shall grant a request described in Subsection (3)(d) or (e) no  
4437 later than 67 days before the day of the election at which the ballot proposition is to be voted  
4438 on.

4439 ~~[(f)]~~ (g) (i) Except as provided in Subsection (3)~~[(g)]~~(h), a sponsor of a ballot  
4440 proposition may prepare an argument in favor of the ballot proposition.

4441 (ii) Except as provided in Subsection (3)~~[(g)]~~(h), and subject to Subsection (3)(e), an  
4442 eligible voter opposed to the ballot proposition who submits a request under Subsection (3)(d)  
4443 may prepare an argument against the ballot proposition.

4444 ~~[(g)]~~ (h) (i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in  
4445 favor of a law that is referred to the voters and who submits a request under Subsection (3)(d)  
4446 may prepare an argument for adoption of the law.

4447 (ii) The sponsors of a referendum may prepare an argument against the adoption of a  
4448 law that is referred to the voters.

4449 ~~[(h)]~~ (i) An eligible voter who submits an argument under this section shall:

4450 (i) ensure that the argument does not exceed 500 words in length, not counting the  
4451 information described in Subsection (3)(i)(ii) or (iv);

4452 (ii) ~~[ensure that the argument does not]~~ list, at the end of the argument, at least one, but  
4453 no more than five, names as sponsors;

4454 (iii) submit the argument to the election officer before 5 p.m. no later than 60 days  
4455 before the election day on which the ballot proposition will be submitted to the voters; ~~[and]~~

4456 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
4457 residential address; and

4458 ~~[(iv)]~~ (v) ~~[include]~~ submit with the argument the eligible voter's name, residential  
4459 address, postal address, email address if available, and phone number.

4460 ~~[(i)]~~ (j) An election officer shall refuse to accept and publish an argument ~~[that is]~~

4461 submitted after the deadline described in Subsection (3)~~(h)~~(i)(iii).

4462 (4) (a) An election officer who timely receives the arguments in favor of and against a  
4463 ballot proposition shall, within one business day after the day on which the election office  
4464 receives both arguments, send, via mail or email:

4465 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who  
4466 submitted the argument against the ballot proposition; and

4467 (ii) a copy of the argument against the ballot proposition to the eligible voter who  
4468 submitted the argument in favor of the ballot proposition.

4469 (b) The eligible voter who submitted a timely argument in favor of the ballot  
4470 proposition:

4471 (i) may submit to the election officer a rebuttal argument of the argument against the  
4472 ballot proposition;

4473 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length, not  
4474 counting the information described in Subsection (3)(i)(ii) or (iv); and

4475 (iii) shall submit the rebuttal argument before 5 p.m. no later than 45 days before the  
4476 election day on which the ballot proposition will be submitted to the voters.

4477 (c) The eligible voter who submitted a timely argument against the ballot proposition:

4478 (i) may submit to the election officer a rebuttal argument of the argument in favor of  
4479 the ballot proposition;

4480 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length, not  
4481 counting the information described in Subsection (3)(i)(ii) or (iv); and

4482 (iii) shall submit the rebuttal argument before 5 p.m. no later than 45 days before the  
4483 election day on which the ballot proposition will be submitted to the voters.

4484 (d) An election officer shall refuse to accept and publish a rebuttal argument that is  
4485 submitted after the deadline described in Subsection (4)(b)(iii) or (4)(c)(iii).

4486 (5) (a) Except as provided in Subsection (5)(b):

4487 (i) an eligible voter may not modify an argument or rebuttal argument after the eligible  
4488 voter submits the argument or rebuttal argument to the election officer; and

4489 (ii) a person other than the eligible voter described in Subsection (5)(a)(i) may not  
4490 modify an argument or rebuttal argument.

4491 (b) The election officer, and the eligible voter who submits an argument or rebuttal

4492 argument, may jointly agree to modify an argument or rebuttal argument in order to:

4493 (i) correct factual, grammatical, or spelling errors; and

4494 (ii) reduce the number of words to come into compliance with the requirements of this  
4495 section.

4496 (c) An election officer shall refuse to accept and publish an argument or rebuttal  
4497 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,  
4498 in good faith, to modify the argument or rebuttal argument in accordance with Subsection  
4499 (5)(b).

4500 (6) An election officer may designate another eligible voter to take the place of an  
4501 eligible voter described in this section if the original eligible voter is, due to injury, illness,  
4502 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter  
4503 described in this section.

4504 (7) (a) The local voter information pamphlet shall include a copy of the initial fiscal  
4505 impact estimate prepared for each initiative under Section [20A-7-502.5](#).

4506 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall  
4507 include the following statement in bold type:

4508 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
4509 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
4510 increase in the current tax rate."

4511 (8) (a) In preparing the local voter information pamphlet, the election officer shall:

4512 (i) ensure that the arguments are printed on the same sheet of paper upon which the  
4513 ballot proposition is also printed;

4514 (ii) ensure that the following statement is printed on the front cover or the heading of  
4515 the first page of the printed arguments:

4516 "The arguments for or against a ballot proposition are the opinions of the authors.";

4517 (iii) pay for the printing and binding of the local voter information pamphlet; and

4518 (iv) not less than 15 days before, but not more than 45 days before, the election at  
4519 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered  
4520 voter entitled to vote on the ballot proposition:

4521 (A) a voter information pamphlet; or

4522 (B) the notice described in Subsection (8)(c).

4523 (b) (i) If the proposed measure exceeds 500 words in length, the election officer may  
4524 summarize the measure in 500 words or less.

4525 (ii) The summary shall state where a complete copy of the ballot proposition is  
4526 available for public review.

4527 (c) (i) The election officer may distribute a notice printed on a postage prepaid,  
4528 preaddressed return form that a person may use to request delivery of a voter information  
4529 pamphlet by mail.

4530 (ii) The notice described in Subsection (8)(c)(i) shall include:

4531 (A) the address of the Statewide Electronic Voter Information Website authorized by  
4532 Section 20A-7-801; and

4533 (B) the phone number a voter may call to request delivery of a voter information  
4534 pamphlet by mail or carrier.

4535 Section 68. Section 20A-7-506 is amended to read:

4536 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**  
4537 **county clerks -- Transfer to local clerk.**

4538 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the  
4539 county clerk of the county in which the packet was circulated [~~on or~~] before [~~the sooner~~] 5 p.m.  
4540 the earlier of:

4541 (i) for county initiatives:

4542 (A) 316 days after the day on which the application is filed; or

4543 (B) the April 15 immediately before the next regular general election immediately after  
4544 the application is filed under Section 20A-7-502; or

4545 (ii) for municipal initiatives:

4546 (A) 316 days after the day on which the application is filed; or

4547 (B) the April 15 immediately before the next municipal general election immediately  
4548 after the application is filed under Section 20A-7-502.

4549 (b) A sponsor may not submit an initiative packet after the deadline established in this  
4550 Subsection (1).

4551 (2) (a) No later than May 1, the county clerk shall:

4552 (i) check the names of all persons completing the verification on the last page of each  
4553 initiative packet to determine whether those persons are residents of Utah and are at least 18

4554 years old; and

4555 (ii) submit the name of each of those persons who is not a Utah resident or who is not  
4556 at least 18 years old to the attorney general and county attorney.

4557 (b) The county clerk may not certify a signature under Subsection (3) on an initiative  
4558 packet that is not verified in accordance with Section 20A-7-505.

4559 (3) No later than May 15, the county clerk shall:

4560 (a) determine whether or not each signer is a voter according to the requirements of  
4561 Section 20A-7-506.3;

4562 (b) certify on the petition whether or not each name is that of a voter; and

4563 (c) deliver all of the verified packets to the local clerk.

4564 Section 69. Section 20A-7-601 is amended to read:

4565 **20A-7-601. Referenda -- General signature requirements -- Signature**  
4566 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

4567 (1) Except as provided in Subsection (2) or (3), a person seeking to have a local law  
4568 passed by the local legislative body submitted to a vote of the people shall obtain legal  
4569 signatures equal to:

4570 (a) 10% of all the votes cast in the county, city, or town for all candidates for president  
4571 of the United States at the last election at which a president of the United States was elected if  
4572 the total number of votes exceeds 25,000;

4573 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for  
4574 president of the United States at the last election at which a president of the United States was  
4575 elected if the total number of votes does not exceed 25,000 but is more than 10,000;

4576 (c) 15% of all the votes cast in the county, city, or town for all candidates for president  
4577 of the United States at the last election at which a president of the United States was elected if  
4578 the total number of votes does not exceed 10,000 but is more than 2,500;

4579 (d) 20% of all the votes cast in the county, city, or town for all candidates for president  
4580 of the United States at the last election at which a president of the United States was elected if  
4581 the total number of votes does not exceed 2,500 but is more than 500;

4582 (e) 25% of all the votes cast in the county, city, or town for all candidates for president  
4583 of the United States at the last election at which a president of the United States was elected if  
4584 the total number of votes does not exceed 500 but is more than 250; and

4585 (f) 30% of all the votes cast in the county, city, or town for all candidates for president  
4586 of the United States at the last election at which a president of the United States was elected if  
4587 the total number of votes does not exceed 250.

4588 (2) (a) As used in this Subsection (2), "land use law" includes a land use development  
4589 code, an annexation ordinance, and comprehensive zoning ordinances.

4590 (b) Except as provided in Subsection (3), a person seeking to have a land use law or  
4591 local obligation law passed by the local legislative body submitted to a vote of the people shall  
4592 obtain legal signatures equal to:

4593 (i) in a county or in a city of the first or second class, 20% of all votes cast in the  
4594 county or city for all candidates for president of the United States at the last election at which a  
4595 president of the United States was elected; and

4596 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the  
4597 city or town for all candidates for president of the United States at the last election at which a  
4598 president of the United States was elected.

4599 (3) (a) As used in this Subsection (3):

4600 (i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
4601 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

4602 (ii) "Subjurisdictional law" means a local law or local obligation law passed by a local  
4603 legislative body that imposes a tax or other payment obligation on property in an area that does  
4604 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

4605 (b) A person seeking to have a subjurisdictional law passed by the local legislative  
4606 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
4607 subjurisdiction equal to:

4608 (i) 10% of the total votes cast in the subjurisdiction for all candidates for president of  
4609 the United States at the last election at which a president of the United States was elected if the  
4610 total number of votes exceeds 25,000;

4611 (ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president  
4612 of the United States at the last election at which a president of the United States was elected if  
4613 the total number of votes does not exceed 25,000 but is more than 10,000;

4614 (iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of  
4615 the United States at the last election at which a president of the United States was elected if the

4616 total number of votes does not exceed 10,000 but is more than 2,500;

4617 (iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of  
4618 the United States at the last election at which a president of the United States was elected if the  
4619 total number of votes does not exceed 2,500 but is more than 500;

4620 (v) 25% of all the votes cast in the subjurisdiction for all candidates for president of the  
4621 United States at the last election at which a president of the United States was elected if the  
4622 total number of votes does not exceed 500 but is more than 250; and

4623 (vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of  
4624 the United States at the last election at which a president of the United States was elected if the  
4625 total number of votes does not exceed 250.

4626 (4) (a) Sponsors of any referendum petition challenging, under Subsection (1), (2), or  
4627 (3) any local law passed by a local legislative body shall file the application before 5 p.m.  
4628 within five days after the ~~[passage of]~~ day on which the local law passed.

4629 (b) Except as provided in Subsection (4)(c), when a referendum petition has been  
4630 declared sufficient, the local law that is the subject of the petition does not take effect unless  
4631 and until the local law is approved by a vote of the people.

4632 (c) When a referendum petition challenging a subjurisdictional law has been declared  
4633 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless  
4634 and until the subjurisdictional law is approved by a vote of the people who reside in the  
4635 subjurisdiction.

4636 (5) If the referendum passes, the local law that was challenged by the referendum is  
4637 repealed as of the date of the election.

4638 (6) Nothing in this section authorizes a local legislative body to impose a tax or other  
4639 payment obligation on a subjurisdiction in order to benefit an area outside of the  
4640 subjurisdiction.

4641 Section 70. Section **20A-7-606** is amended to read:

4642 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**  
4643 **the county clerks -- Transfer to local clerk.**

4644 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the  
4645 county clerk of the county in which the packet was circulated before 5 p.m. no later than 45  
4646 days after the day on which the sponsors receive the items described in Subsection

4647 20A-7-604(2) from the local clerk.

4648 (b) A sponsor may not submit a referendum packet after the deadline established in this  
4649 Subsection (1).

4650 (2) (a) No later than 15 days after the day on which a county clerk receives a  
4651 referendum packet under Subsection (1)(a), the county clerk shall:

4652 (i) check the names of all persons completing the verification on the last page of each  
4653 referendum packet to determine whether those persons are Utah residents and are at least 18  
4654 years old; and

4655 (ii) submit the name of each of those persons who is not a Utah resident or who is not  
4656 at least 18 years old to the attorney general and county attorney.

4657 (b) The county clerk may not certify a signature under Subsection (3) on a referendum  
4658 packet that is not verified in accordance with Section 20A-7-605.

4659 (3) No later than 30 days after the day on which a county clerk receives a referendum  
4660 packet under Subsection (1)(a), the county clerk shall:

4661 (a) determine whether each signer is a registered voter according to the requirements of  
4662 Section 20A-7-606.3;

4663 (b) certify on the referendum petition whether each name is that of a registered voter;  
4664 and

4665 (c) deliver all of the verified referendum packets to the local clerk.

4666 Section 71. Section 20A-7-613 is amended to read:

4667 **20A-7-613. Property tax referendum petition.**

4668 (1) As used in this section, "certified tax rate" means the same as that term is defined in  
4669 Section 59-2-924.

4670 (2) Except as provided in this section, the requirements of this part apply to a  
4671 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that  
4672 exceeds the certified tax rate.

4673 (3) Notwithstanding Subsection 20A-7-604(5), the local clerk shall number each of the  
4674 referendum packets and return them to the sponsors within two working days.

4675 (4) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed  
4676 and verified referendum packet to the county clerk of the county in which the packet was  
4677 circulated before 5 p.m. no later than 40 days after the day on which the local clerk complies



4678 with Subsection (3).

4679 (5) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the  
4680 actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on  
4681 which the county clerk receives the signed and verified referendum packet as described in  
4682 Subsection (4).

4683 (6) The local clerk shall take the actions required by Section 20A-7-607 within two  
4684 working days after the day on which the local clerk receives the referendum packets from the  
4685 county clerk.

4686 (7) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the  
4687 ballot title within two working days after the day on which the referendum petition is declared  
4688 sufficient for submission to a vote of the people.

4689 (8) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the  
4690 ballot under this section shall appear on the ballot for the earlier of the next regular general  
4691 election or the next municipal general election unless a special election is called.

4692 (9) Notwithstanding the requirements related to absentee ballots under this title:

4693 (a) the election officer shall prepare absentee ballots for those voters who have  
4694 requested an absentee ballot as soon as possible after the ballot title is prepared as described in  
4695 Subsection (7); and

4696 (b) the election officer shall mail absentee ballots on a referendum under this section  
4697 the later of:

4698 (i) the time provided in Section 20A-3-305 or 20A-16-403; or

4699 (ii) the time that absentee ballots are prepared for mailing under this section.

4700 (10) Section 20A-7-402 does not apply to a referendum described in this section.

4701 (11) (a) If a majority of voters does not vote against imposing the tax at a rate  
4702 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing  
4703 entity's legislative body:

4704 (i) the certified tax rate for the fiscal year during which the referendum petition is filed  
4705 is its most recent certified tax rate; and

4706 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
4707 for the fiscal year after the fiscal year described in Subsection (11)(a)(i) are the proposed  
4708 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body

4709 before the filing of the referendum petition.

4710 (b) If a majority of voters votes against imposing a tax at the rate established by the  
4711 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
4712 taxing entity's most recent certified tax rate.

4713 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a taxing entity is not  
4714 required to comply with the notice and public hearing requirements of Section 59-2-919 if the  
4715 taxing entity complies with those notice and public hearing requirements before the referendum  
4716 petition is filed.

4717 (12) The ballot title shall, at a minimum, include in substantially this form the  
4718 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
4719 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as  
4720 budgeted, adopted, and approved by the [name of the taxing entity]".

4721 (13) A taxing entity shall pay the county the costs incurred by the county that are  
4722 directly related to meeting the requirements of this section and that the county would not have  
4723 incurred but for compliance with this section.

4724 (14) (a) An election officer shall include on a ballot a referendum that has not yet  
4725 qualified for placement on the ballot, if:

4726 (i) sponsors file an application for a referendum described in this section;

4727 (ii) the ballot will be used for the election for which the sponsors are attempting to  
4728 qualify the referendum; and

4729 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after  
4730 the day on which the ballot will be printed.

4731 (b) If an election officer includes on a ballot a referendum described in Subsection  
4732 (14)(a), the ballot title shall comply with Subsection (12).

4733 (c) If an election officer includes on a ballot a referendum described in Subsection  
4734 (14)(a) that does not qualify for placement on the ballot, the election officer shall inform the  
4735 voters by any practicable method that the referendum has not qualified for the ballot and that  
4736 votes cast in relation to the referendum will not be counted.

4737 Section 72. Section 20A-7-704 is amended to read:

4738 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests**  
4739 **for argument -- Ballot arguments.**

4740 (1) (a) ~~[(i)(A) By July 10]~~ Before 5 p.m. no later than July 1 of the regular general  
 4741 election year, ~~[the sponsors]~~ a sponsor of any initiative petition that has been declared  
 4742 sufficient by the lieutenant governor may deliver to the lieutenant governor ~~[an]~~ a written  
 4743 notice that the sponsor intends to submit a written argument for ~~[the]~~ adoption of the measure.

4744 ~~[(B)]~~ (b) If two or more sponsors ~~[wish to submit arguments for the measure]~~ timely  
 4745 submit a notice described in Subsection (1)(a), the lieutenant governor shall designate one of  
 4746 the sponsors to submit the argument for the sponsor's side of the measure.

4747 ~~[(ii)(A) Any member of the Legislature may request permission to submit an argument~~  
 4748 ~~against the adoption of the measure.]~~

4749 (2) (a) Before 5 p.m. no later than July 1 of the regular general election year, a member  
 4750 of the Legislature may deliver to the speaker of the House and the president of the Senate a  
 4751 written notice that the legislator intends to submit a written argument against adoption of an  
 4752 initiative petition that has been declared sufficient by the lieutenant governor.

4753 ~~[(B)]~~ (b) If two or more legislators ~~[wish to submit an argument against the measure,~~  
 4754 ~~the presiding officers of the Senate and House of Representatives shall]~~ timely submit a notice  
 4755 described in Subsection (2)(a), the speaker of the House and the president of the Senate shall,  
 4756 no later than July 5, jointly designate one of the legislators to submit the argument to the  
 4757 lieutenant governor.

4758 ~~[(b)]~~ (3) The sponsors and the legislators submitting arguments shall ensure that each  
 4759 argument:

4760 ~~[(i)]~~ (a) does not exceed 500 words in length, not counting the information described in  
 4761 Subsection (5); and

4762 ~~[(ii)]~~ (b) is delivered [by] to the lieutenant governor before 5 p.m. no later than July 10.

4763 ~~[(2)]~~ (4) (a) If an argument for or against a measure to be submitted to the voters by  
 4764 initiative petition has not been filed within the time required under Subsection ~~[(1)]~~ (3)(b):

4765 (i) the Office of the Lieutenant Governor shall immediately:

4766 (A) send an electronic notice that complies with the requirements of Subsection ~~[(2)]~~  
 4767 (4)(b) to each individual in the state for whom the Office of the Lieutenant Governor has an  
 4768 email address; or

4769 (B) post a notice that complies with the requirements of Subsection ~~[(2)]~~ (4)(b) on the  
 4770 home page of the lieutenant governor's website;

4771 (ii) any voter may [~~request the lieutenant governor for permission to prepare an~~], before  
 4772 5 p.m. no later than July 15, deliver written notice to the lieutenant governor that the voter  
 4773 intends to submit a written argument for the side on which no argument has been filed; and

4774 (iii) if two or more voters [~~request permission to submit arguments on~~] timely submit  
 4775 the notice described in Subsection (4)(a)(ii) in relation to the same side of a measure, the  
 4776 lieutenant governor shall designate one of the voters to write the argument.

4777 (b) A notice described in Subsection [~~(2)~~] (4)(a)(i) shall contain:

4778 (i) the ballot title for the measure;

4779 (ii) instructions on how to submit a request under Subsection [~~(2)~~] (4)(a)(ii); and

4780 (iii) the [~~deadline~~] deadlines described in [~~Subsection (2)~~] Subsections (4)(a)(ii) and  
 4781 (4)(c).

4782 (c) Any argument prepared under this Subsection [~~(2)~~] (4) shall be submitted to the  
 4783 lieutenant governor [~~by~~] before 5 p.m. no later than July 20.

4784 [~~(3)~~] (5) The lieutenant governor may not accept a ballot argument submitted under  
 4785 this section unless [~~it is accompanied by~~] the argument lists:

4786 (a) the name and address of the [~~person submitting it, if it~~] individual submitting the  
 4787 argument, if the argument is submitted by an individual voter; or

4788 (b) the name and address of the organization and the names and addresses of at least  
 4789 two of [~~its~~] the organization's principal officers, if [it] the argument is submitted on behalf of  
 4790 an organization.

4791 [~~(4)~~] (6) (a) Except as provided in Subsection [~~(4)~~] (6)(c), the authors may not amend  
 4792 or change the arguments after they are submitted to the lieutenant governor.

4793 (b) Except as provided in Subsection [~~(4)~~] (6)(c), the lieutenant governor may not alter  
 4794 the arguments in any way.

4795 (c) The lieutenant governor and the authors of an argument may jointly modify an  
 4796 argument after it is submitted if:

4797 (i) they jointly agree that changes to the argument must be made to correct spelling or  
 4798 grammatical errors; and

4799 (ii) the argument has not yet been submitted for typesetting.

4800 Section 73. Section **20A-7-705** is amended to read:

4801 **20A-7-705. Measures to be submitted to voters and referendum measures --**

4802 **Preparation of argument of adoption.**

4803 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act  
4804 of the Legislature is referred to the voters by referendum petition, the presiding officer of the  
4805 house of origin of the measure shall appoint the sponsor of the measure or act and one member  
4806 of either house who voted with the majority to pass the act or submit the measure to draft an  
4807 argument for the adoption of the measure.

4808 (b) (i) The argument may not exceed 500 words in length, not counting the information  
4809 described in Subsection (4)(e).

4810 (ii) If the sponsor of the measure or act desires separate arguments to be written in  
4811 favor by each person appointed, separate arguments may be written but the combined length of  
4812 the two arguments may not exceed 500 words, not counting the information described in  
4813 Subsection (4)(e).

4814 (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum  
4815 petition was not adopted unanimously by the Legislature, the presiding officer of each house  
4816 shall, at the same time as appointments to an argument in its favor are made, appoint one  
4817 member who voted against the measure or act from their house to write an argument against  
4818 the measure or act.

4819 (b) (i) The argument may not exceed 500 words, not counting the information  
4820 described in Subsection (4)(e).

4821 (ii) If those members appointed to write an argument against the measure or act desire  
4822 separate arguments to be written in opposition to the measure or act by each person appointed,  
4823 separate arguments may be written, but the combined length of the two arguments may not  
4824 exceed 500 words, not counting the information described in Subsection (4)(e).

4825 (3) (a) The legislators appointed by the presiding officer of the Senate or House of  
4826 Representatives to submit arguments shall submit [~~them~~] the arguments to the lieutenant  
4827 governor not later than the day that falls 150 days before the date of the election.

4828 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the  
4829 arguments after they are submitted to the lieutenant governor.

4830 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the  
4831 arguments in any way.

4832 (d) The lieutenant governor and the authors of an argument may jointly modify an

4833 argument after it is submitted if:

4834 (i) they jointly agree that changes to the argument must be made to correct spelling or  
4835 grammatical errors; and

4836 (ii) the argument has not yet been submitted for typesetting.

4837 (4) (a) If an argument for or an argument against a measure submitted to the voters by  
4838 the Legislature or by referendum petition has not been filed by a member of the Legislature  
4839 within the time required by this section:

4840 (i) the ~~[Office of the Lieutenant Governor]~~ lieutenant governor shall immediately:

4841 (A) send an electronic notice that complies with the requirements of Subsection (4)(b)  
4842 to each individual in the state for whom the Office of the Lieutenant Governor has an email  
4843 address; or

4844 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home  
4845 page of the lieutenant governor's website; and

4846 (ii) any voter may, before 5 p.m. no later than seven days after the day on which the  
4847 lieutenant governor provides the notice described in Subsection (4)(a)(i), submit a written  
4848 request to the presiding officer of the house in which the measure originated for permission to  
4849 prepare and file an argument for the side on which no argument has been filed by a member of  
4850 the Legislature.

4851 (b) A notice described in Subsection (4)(a)(i) shall contain:

4852 (i) the ballot title for the measure;

4853 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

4854 (iii) the ~~[deadline]~~ deadlines described in ~~[Subsection]~~ Subsections (4)(a)(ii) and  
4855 (4)(d).

4856 (c) (i) The presiding officer of the house of origin shall grant permission unless two or  
4857 more voters timely request permission to submit arguments on the same side of a measure.

4858 (ii) If two or more voters timely request permission to submit arguments on the same  
4859 side of a measure, the presiding officer shall, no later than four calendar days after the day of  
4860 the deadline described in Subsection (4)(a)(ii), designate one of the voters to write the  
4861 argument.

4862 (d) Any argument prepared under this Subsection (4) shall be submitted to the  
4863 lieutenant governor ~~[not]~~ before 5 p.m. no later than ~~[135 days before the date of the election]~~

4864 seven days after the day on which the presiding officer grants permission to submit the  
4865 argument.

4866 (e) The lieutenant governor may not accept a ballot argument submitted under this  
4867 section unless ~~[it is accompanied by]~~ the argument lists:

4868 (i) the name and address of the ~~[person submitting it, if it]~~ individual submitting the  
4869 argument, if the argument is submitted by an individual voter; or

4870 (ii) the name and address of the organization and the names and addresses of at least  
4871 two of ~~[its]~~ the organization's principal officers, if ~~[it]~~ the argument is submitted on behalf of  
4872 an organization.

4873 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the  
4874 arguments after they are submitted to the lieutenant governor.

4875 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the  
4876 arguments in any way.

4877 (h) The lieutenant governor and the authors of an argument may jointly modify an  
4878 argument after it is submitted if:

4879 (i) they jointly agree that changes to the argument must be made to correct spelling or  
4880 grammatical errors; and

4881 (ii) the argument has not yet been submitted for typesetting.

4882 Section 74. Section **20A-7-706** is amended to read:

4883 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**  
4884 **arguments.**

4885 (1) When the lieutenant governor has received the arguments for and against a measure  
4886 to be submitted to the voters, the lieutenant governor shall immediately send copies of the  
4887 arguments in favor of the measure to the authors of the arguments against and copies of the  
4888 arguments against to the authors of the arguments in favor.

4889 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words,  
4890 not counting the information described in Subsection [20A-7-705\(4\)\(e\)](#).

4891 (3) (a) The rebuttal arguments shall be filed with the lieutenant governor:

4892 (i) for constitutional amendments and referendum petitions, ~~[not later than the day that~~  
4893 ~~falls]~~ before 5 p.m. no later than 120 days before the date of the election; and

4894 (ii) for initiatives, ~~[not]~~ before 5 p.m. no later than July 30.

4895 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the  
4896 rebuttal arguments after they are submitted to the lieutenant governor.

4897 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the  
4898 arguments in any way.

4899 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify  
4900 a rebuttal argument after it is submitted if:

4901 (i) they jointly agree that changes to the rebuttal argument must be made to correct  
4902 spelling or grammatical errors; and

4903 (ii) the rebuttal argument has not yet been submitted for typesetting.

4904 (4) The lieutenant governor shall ensure that:

4905 (a) rebuttal arguments are printed in the same manner as the direct arguments; and

4906 (b) each rebuttal argument follows immediately after the direct argument which it  
4907 seeks to rebut.

4908 Section 75. Section **20A-7-801** is amended to read:

4909 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**  
4910 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**  
4911 **Frequently asked voter questions -- Other elections.**

4912 (1) There is established the Statewide Electronic Voter Information Website Program  
4913 administered by the lieutenant governor in cooperation with the county clerks for general  
4914 elections and municipal authorities for municipal elections.

4915 (2) In accordance with this section, and as resources become available, the lieutenant  
4916 governor, in cooperation with county clerks, shall develop, establish, and maintain a  
4917 state-provided Internet website designed to help inform the voters of the state of:

4918 (a) the offices and candidates up for election; and

4919 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments  
4920 of ballot propositions submitted to the voters.

4921 (3) Except as provided under Subsection (6), the website shall include:

4922 (a) all information currently provided in the Utah voter information pamphlet under  
4923 [~~Title 20A,~~] Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,  
4924 analyzed, and submitted by the Judicial Council describing the judicial selection and retention  
4925 process;



4926 (b) all information submitted by election officers under Subsection (4) on local office  
4927 races, local office candidates, and local ballot propositions;

4928 (c) a list that contains the name of a political subdivision that operates an election day  
4929 voting center under Section 20A-3-703 and the location of the election day voting center;

4930 (d) other information determined appropriate by the lieutenant governor that is  
4931 currently being provided by law, rule, or ordinance in relation to candidates and ballot  
4932 questions; and

4933 (e) any differences in voting method, time, or location designated by the lieutenant  
4934 governor under Subsection 20A-1-308(2).

4935 (4) (a) An election official shall submit the following information for each ballot label  
4936 under the election official's direct responsibility under this title:

4937 (i) a list of all candidates for each office;

4938 (ii) if submitted by the candidate to the election official's office [~~at~~] before 5 p.m. [~~at~~  
4939 ~~least~~] no later than 45 days before the primary election [~~and~~] or before 5 p.m. no later than 60  
4940 days before the general election:

4941 (A) a statement of qualifications, not exceeding 200 words in length, for each  
4942 candidate;

4943 (B) the following current biographical information if desired by the candidate, current:

4944 (I) age;

4945 (II) occupation;

4946 (III) city of residence;

4947 (IV) years of residence in current city; and

4948 (V) email address; and

4949 (C) a single web address where voters may access more information about the  
4950 candidate and the candidate's views; and

4951 (iii) factual information pertaining to all ballot propositions submitted to the voters,  
4952 including:

4953 (A) a copy of the number and ballot title of each ballot proposition;

4954 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the  
4955 vote was required to place the ballot proposition on the ballot;

4956 (C) a complete copy of the text of each ballot proposition, with all new language

4957 underlined and all deleted language placed within brackets; and

4958 (D) other factual information determined helpful by the election official.

4959 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant  
4960 governor no later than one business day after the deadline under Subsection (4)(a) for each  
4961 general election year and each municipal election year.

4962 (c) The lieutenant governor shall:

4963 (i) review the information submitted under this section, to determine compliance under  
4964 this section, prior to placing it on the website;

4965 (ii) refuse to post information submitted under this section on the website if it is not in  
4966 compliance with the provisions of this section; and

4967 (iii) organize, format, and arrange the information submitted under this section for the  
4968 website.

4969 (d) The lieutenant governor may refuse to include information the lieutenant governor  
4970 determines is not in keeping with:

4971 (i) Utah voter needs;

4972 (ii) public decency; or

4973 (iii) the purposes, organization, or uniformity of the website.

4974 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with  
4975 Subsection (5).

4976 (5) (a) A person whose information is refused under Subsection (4), and who is  
4977 aggrieved by the determination, may appeal by submitting a written notice of appeal to the  
4978 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

4979 A notice of appeal submitted under this Subsection (5)(a) shall contain:

4980 (i) a listing of each objection to the lieutenant governor's determination; and

4981 (ii) the basis for each objection.

4982 (b) The lieutenant governor shall review the notice of appeal and shall issue a written  
4983 response within 10 business days after the day on which the notice of appeal is submitted.

4984 (c) An appeal of the response of the lieutenant governor shall be made to the district  
4985 court, which shall review the matter de novo.

4986 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently  
4987 enter the voter's address information on the website to retrieve information on which offices,

4988 candidates, and ballot propositions will be on the voter's ballot at the next general election or  
4989 municipal election.

4990 (b) The information on the website will anticipate and answer frequent voter questions  
4991 including the following:

4992 (i) what offices are up in the current year for which the voter may cast a vote;

4993 (ii) who is running for what office and who is the incumbent, if any;

4994 (iii) what address each candidate may be reached at and how the candidate may be  
4995 contacted;

4996 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

4997 (v) what qualifications have been submitted by each candidate;

4998 (vi) where additional information on each candidate may be obtained;

4999 (vii) what ballot propositions will be on the ballot; and

5000 (viii) what judges are up for retention election.

5001 (7) As resources are made available and in cooperation with the county clerks, the  
5002 lieutenant governor may expand the electronic voter information website program to include  
5003 the same information as provided under this section for special elections and primary elections.

5004 Section 76. Section **20A-8-103** is amended to read:

5005 **20A-8-103. Petition procedures -- Criminal penalty.**

5006 (1) As used in this section, the proposed name or emblem of a registered political party  
5007 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a  
5008 difference between the proposed name or emblem and any name or emblem currently being  
5009 used by another registered political party.

5010 (2) To become a registered political party, an organization of registered voters that is  
5011 not a continuing political party shall:

5012 (a) circulate a petition seeking registered political party status beginning no earlier than  
5013 the date of the statewide canvass held after the last regular general election and ending before 5  
5014 p.m. no later than November 30 of the year before the year in which the next regular general  
5015 election will be held;

5016 (b) file a petition with the lieutenant governor that is signed, with a holographic  
5017 signature, by at least 2,000 registered voters [~~on or before~~] before 5 p.m. no later than  
5018 November 30 of the year in which a regular general election will be held; and

5019 (c) file, with the petition described in Subsection (2)(b), a document certifying:  
5020 (i) the identity of one or more registered political parties whose members may vote for  
5021 the organization's candidates;  
5022 (ii) whether unaffiliated voters may vote for the organization's candidates; and  
5023 (iii) whether, for the next election, the organization intends to nominate the  
5024 organization's candidates in accordance with the provisions of Section 20A-9-406.  
5025 (3) The petition shall:  
5026 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;  
5027 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
5028 blank for the purpose of binding;  
5029 (c) contain the name of the political party and the words "Political Party Registration  
5030 Petition" printed directly below the horizontal line;  
5031 (d) contain the word "Warning" printed directly under the words described in  
5032 Subsection (3)(c);  
5033 (e) contain, to the right of the word "Warning," the following statement printed in not  
5034 less than eight-point, single leaded type:  
5035 "It is a class A misdemeanor for anyone to knowingly sign a political party registration  
5036 petition signature sheet with any name other than the individual's own name or more than once  
5037 for the same party or if the individual is not registered to vote in this state and does not intend  
5038 to become registered to vote in this state before the petition is submitted to the lieutenant  
5039 governor.";  
5040 (f) contain the following statement directly under the statement described in Subsection  
5041 (3)(e):  
5042 "POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_\_,  
5043 Lieutenant Governor:  
5044 We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_\_  
5045 (name);  
5046 Each signer says:  
5047 I have personally signed this petition with a holographic signature;  
5048 I am registered to vote in Utah or will register to vote in Utah before the petition is  
5049 submitted to the lieutenant governor;

5050 I am or desire to become a member of the political party; and  
5051 My street address is written correctly after my name."; [and]  
5052 (g) be vertically divided into columns as follows:  
5053 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
5054 headed with "For Office Use Only," and be subdivided with a light vertical line down the  
5055 middle;  
5056 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
5057 Name (must be legible to be counted)";  
5058 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of  
5059 Registered Voter";  
5060 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";  
5061 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
5062 Code"; and  
5063 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age  
5064 information is not required, but it may be used to verify your identity with voter registration  
5065 records. If you choose not to provide it, your signature may not be certified as a valid signature  
5066 if you change your address before petition signatures are certified or if the information you  
5067 provide does not match your voter registration records.";  
5068 (h) have a final page bound to one or more signature sheets that are bound together that  
5069 contains the following printed statement:  
5070 "Verification  
5071 State of Utah, County of \_\_\_\_  
5072 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:  
5073 I am a Utah resident and am at least 18 years old;  
5074 All the names that appear on the signature sheets bound to this page were signed by  
5075 individuals who professed to be the individuals whose names appear on the signature sheets,  
5076 and each individual signed the individual's name on the signature sheets in my presence;  
5077 I believe that each individual has printed and signed the individual's name and written  
5078 the individual's street address correctly, and that each individual is registered to vote in Utah or  
5079 will register to vote in Utah before the petition is submitted to the lieutenant governor.  
5080

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5081 (Signature) (Residence Address) (Date)"; and

5082 (i) be bound to a cover sheet that:

5083 (i) identifies the political party's name, which may not exceed four words, and the  
5084 emblem of the party;

5085 (ii) states the process that the organization will follow to organize and adopt a  
5086 constitution and bylaws; and

5087 (iii) is signed by a filing officer, who agrees to receive communications on behalf of  
5088 the organization.

5089 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual  
5090 in whose presence each signature sheet is signed:

5091 (a) is at least 18 years old;

5092 (b) meets the residency requirements of Section [20A-2-105](#); and

5093 (c) verifies each signature sheet by completing the verification bound to one or more  
5094 signature sheets that are bound together.

5095 (5) An individual may not sign the verification if the individual signed a signature  
5096 sheet bound to the verification.

5097 (6) The lieutenant governor shall:

5098 (a) determine whether the required number of voters appears on the petition;

5099 (b) review the proposed name and emblem to determine if they are "distinguishable"  
5100 from the names and emblems of other registered political parties; and

5101 (c) certify the lieutenant governor's findings to the filing officer described in  
5102 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

5103 (7) (a) If the lieutenant governor determines that the petition meets the requirements of  
5104 this section, and that the proposed name and emblem are distinguishable, the lieutenant  
5105 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the  
5106 prospective political party.

5107 (b) If the lieutenant governor finds that the name, emblem, or both are not  
5108 distinguishable from the names and emblems of other registered political parties, the lieutenant  
5109 governor shall notify the filing officer that the filing officer has seven days to submit a new  
5110 name or emblem to the lieutenant governor.

5111 (8) A registered political party may not change its name or emblem during the regular

5112 general election cycle.

5113 (9) (a) It is unlawful for an individual to:

5114 (i) knowingly sign a political party registration petition:

5115 (A) with any name other than the individual's own name;

5116 (B) more than once for the same political party; or

5117 (C) if the individual is not registered to vote in this state and does not intend to become

5118 registered to vote in this state before the petition is submitted to the lieutenant governor; or

5119 (ii) sign the verification of a political party registration petition signature sheet if the

5120 individual:

5121 (A) does not meet the residency requirements of Section 20A-2-105;

5122 (B) has not witnessed the signing by those individuals whose names appear on the

5123 political party registration petition signature sheet; or

5124 (C) knows that an individual whose signature appears on the political party registration

5125 petition signature sheet is not registered to vote in this state and does not intend to become

5126 registered to vote in this state.

5127 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

5128 Section 77. Section 20A-8-106 is amended to read:

5129 **20A-8-106. Organization as a political party -- Certification procedures.**

5130 (1) [~~On or before~~] Before 5 p.m. no later than March 1 of the regular general election

5131 year, the prospective political party's officers or governing board shall file the names of the

5132 party officers or governing board with the lieutenant governor.

5133 (2) After reviewing the information and determining that all proper procedures have

5134 been completed, the lieutenant governor shall:

5135 (a) issue a certificate naming the organization as a registered political party in Utah and

5136 designating its official name; and

5137 (b) inform each county clerk that the organization is a registered political party in Utah.

5138 (3) All election officers and state officials shall consider the organization to be and

5139 shall treat the organization as a registered political party.

5140 (4) The newly registered political party shall comply with all the provisions of Utah

5141 law governing political parties.

5142 (5) (a) If the newly registered political party does not hold a national party convention,

5143 the governing board of the political party may designate the names of the party's candidates for  
5144 the offices of President and Vice President of the United States and the names of the party's  
5145 presidential electors to the lieutenant governor ~~[by]~~ before 5 p.m. no later than August 15.

5146 (b) If the party chooses to designate names, the governing board shall certify those  
5147 names.

5148 Section 78. Section **20A-8-401** is amended to read:

5149 **20A-8-401. Registered political parties -- Bylaws -- Report name of midterm**  
5150 **vacancy candidate.**

5151 ~~[(1)(a) Each registered state political party shall file a copy of its constitution and~~  
5152 ~~bylaws with the lieutenant governor by January 1, 1995.]~~

5153 ~~[(b)]~~ (1) (a) Each new or unregistered state political party that seeks to become a  
5154 registered political party under the authority of this chapter shall file a copy of ~~[its]~~ the party's  
5155 proposed constitution and bylaws at the time ~~[it]~~ the party files ~~[its]~~ the party's registration  
5156 information.

5157 ~~[(c)]~~ (b) Each registered state political party shall file revised copies of ~~[its]~~ the party's  
5158 constitution or bylaws with the lieutenant governor before 5 p.m. within 15 days after the day  
5159 on which the constitution or bylaws are adopted or amended.

5160 (2) Each state political party, each new political party seeking registration, and each  
5161 unregistered political party seeking registration shall ensure that ~~[its]~~ the party's constitution or  
5162 bylaws contain:

5163 (a) provisions establishing party organization, structure, membership, and governance  
5164 that include:

5165 (i) a description of the position, selection process, qualifications, duties, and terms of  
5166 each party officer and committees defined by constitution and bylaws;

5167 (ii) a provision requiring a designated party officer to serve as liaison with:

5168 (A) the lieutenant governor on all matters relating to the political party's relationship  
5169 with the state; and

5170 (B) each county legislative body on matters relating to the political party's relationship  
5171 with a county;

5172 (iii) a description of the requirements for participation in party processes;

5173 (iv) the dates, times, and quorum of any regularly scheduled party meetings,



5174 conventions, or other conclaves; and

5175 (v) a mechanism for making the names of delegates, candidates, and elected party  
5176 officers available to the public shortly after they are selected;

5177 (b) a procedure for selecting party officers that allows active participation by party  
5178 members;

5179 (c) a procedure for selecting party candidates at the federal, state, and county levels that  
5180 allows active participation by party members;

5181 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the  
5182 electoral college for the party's candidates for president and vice president of the United States;  
5183 and

5184 (ii) a procedure for filling vacancies in the office of presidential elector because of  
5185 death, refusal to act, failure to attend, ineligibility, or any other cause;

5186 (e) a procedure for filling vacancies in the office of representative or senator or a  
5187 county office, as described in Section [20A-1-508](#), because of death, resignation, or ineligibility;

5188 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;

5189 (g) a procedure for replacing party candidates who die, acquire a disability that  
5190 prevents the candidate from continuing the candidacy, or are disqualified before a primary or  
5191 regular general election;

5192 (h) provisions governing the deposit and expenditure of party funds, and governing the  
5193 accounting for, reporting, and audit of party financial transactions;

5194 (i) provisions governing access to party records;

5195 (j) a procedure for amending the constitution or bylaws that allows active participation  
5196 by party members or their representatives;

5197 (k) a process for resolving grievances against the political party; and

5198 (l) if desired by the political party, a process for consulting with, and obtaining the  
5199 opinion of, the political party's Utah Senate and Utah House members about:

5200 (i) the performance of the two United States Senators from Utah, including  
5201 specifically:

5202 (A) their views and actions regarding the defense of state's rights and federalism; and

5203 (B) their performance in representing Utah's interests;

5204 (ii) the members' opinion about, or rating of, and support or opposition to the policy

5205 positions of any candidates for United States Senate from Utah, including incumbents,  
5206 including specifically:

5207 (A) their views and actions regarding the defense of state's rights and federalism; and

5208 (B) their performance in representing Utah's interests; and

5209 (iii) the members' collective or individual endorsement or rating of a particular  
5210 candidate for United States Senate from Utah.

5211 (3) If, in accordance with a political party's constitution or bylaws, a person files a  
5212 declaration or otherwise notifies the party of the person's candidacy as a legislative office  
5213 candidate or state office candidate, as defined in Section [20A-11-101](#), to be appointed and fill a  
5214 midterm vacancy in the office of representative or senator in the Legislature, as described in  
5215 Section [20A-1-503](#), or in a state office as described in Section [20A-1-504](#), the party shall  
5216 forward a copy of that declaration or notification to the lieutenant governor [~~no later than~~  
5217 before 5 p.m. [of] no later than the day following the day on which the party receives the  
5218 declaration or notification.

5219 Section 79. Section **20A-8-402** is amended to read:

5220 **20A-8-402. Political party officers -- Submission of names of officers to the**  
5221 **lieutenant governor.**

5222 (1) Each state political party shall:

5223 (a) designate a party officer to act as liaison with:

5224 (i) the lieutenant governor's office; and

5225 (ii) each county legislative body; and

5226 (b) [~~within seven days of any~~] before 5 p.m. no later than seven days after the day on  
5227 which the party makes a change in the party liaison, submit the name of the new liaison to the  
5228 lieutenant governor.

5229 (2) Each state political party and each county political party shall:

5230 (a) submit the name, address, and phone number of each officer to the lieutenant  
5231 governor within seven days after the officers are selected; and

5232 (b) [~~within seven days of any~~] before 5 p.m. no later than seven days after the day on  
5233 which the party makes a change in party officers, submit the name, address, and phone number  
5234 of each new officer to the lieutenant governor.

5235 Section 80. Section **20A-8-402.5** is amended to read:

5236 **20A-8-402.5. Notification of political convention dates.**

5237 (1) [~~On or before~~] Before 5 p.m. no later than February 15 of each even-numbered  
5238 year, a registered political party shall notify the lieutenant governor of the dates of each  
5239 political convention that will be held by the registered political party that year.

5240 (2) If, after providing the notice described in Subsection (1), a registered political party  
5241 changes the date of a political convention, the registered political party shall notify the  
5242 lieutenant governor of the change [~~within~~] before 5 p.m. no later than one business day after the  
5243 day on which the registered political party makes the change.

5244 Section 81. Section **20A-8-404** is amended to read:

5245 **20A-8-404. Use of public meeting buildings by political parties.**

5246 (1) The legislative body of a county, municipality, or school district shall make all  
5247 meeting facilities in buildings under its control available to registered political parties, without  
5248 discrimination, to be used for political party activities if:

5249 (a) the political party requests the use of the meeting facility [~~at least~~] before 5 p.m. no  
5250 later than 30 calendar days before the day on which the use by the political party will take  
5251 place; and

5252 (b) the meeting facility is not already scheduled for another purpose at the time of the  
5253 proposed use.

5254 (2) Subject to the requirements of Subsection (3), when a legislative body makes a  
5255 meeting facility available under Subsection (1), it may establish terms and conditions for use of  
5256 that meeting facility.

5257 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by  
5258 a registered political party may not exceed the actual cost of:

5259 (a) custodial services for cleaning the meeting facility after the use by the political  
5260 party; and

5261 (b) any service requested by the political party and provided by the meeting facility.

5262 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling  
5263 an event in a government building for the same evening as an announced party caucus meeting.

5264 (5) This section does not apply to a publicly owned or operated convention center,  
5265 sports arena, or other facility at which conventions, conferences, and other gatherings are held  
5266 and whose primary business or function is to host such conventions, conferences, and other

5267 gatherings.

5268 Section 82. Section **20A-9-202** is amended to read:

5269 **20A-9-202. Declarations of candidacy for regular general elections.**

5270 (1) (a) An individual seeking to become a candidate for an elective office that is to be  
5271 filled at the next regular general election shall:

5272 (i) except as provided in Subsection (1)(b), file a declaration of candidacy in person  
5273 with the filing officer on or after January 1 of the regular general election year, and, if  
5274 applicable, before the individual circulates nomination petitions under Section **20A-9-405**; and

5275 (ii) pay the filing fee.

5276 (b) Subject to Subsection **20A-9-201(7)(b)**, an individual may designate an agent to file  
5277 a declaration of candidacy with the filing officer if:

5278 (i) the individual is located outside of the state during the entire filing period;

5279 (ii) the designated agent appears in person before the filing officer;

5280 (iii) the individual communicates with the filing officer using an electronic device that  
5281 allows the individual and filing officer to see and hear each other; and

5282 (iv) the individual provides the filing officer with an email address to which the filing  
5283 officer may send the individual the copies described in Subsection **20A-9-201(5)**.

5284 (c) Each county clerk who receives a declaration of candidacy from a candidate for  
5285 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
5286 candidacy to the lieutenant governor within one business day after the candidate files the  
5287 declaration of candidacy.

5288 (d) Each day during the filing period, each county clerk shall notify the lieutenant  
5289 governor electronically or by telephone of candidates who have filed a declaration of candidacy  
5290 with the county clerk.

5291 (e) Each individual seeking the office of lieutenant governor, the office of district  
5292 attorney, or the office of president or vice president of the United States shall comply with the  
5293 specific declaration of candidacy requirements established by this section.

5294 (2) (a) Each individual intending to become a candidate for the office of district  
5295 attorney within a multicounty prosecution district that is to be filled at the next regular general  
5296 election shall:

5297 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement

5298 creating the prosecution district on or after January 1 of the regular general election year, and  
5299 before the individual circulates nomination petitions under Section 20A-9-405; and

5300 (ii) pay the filing fee.

5301 (b) The designated clerk shall provide to the county clerk of each county in the  
5302 prosecution district a certified copy of each declaration of candidacy filed for the office of  
5303 district attorney.

5304 (3) (a) [~~On or before~~] Before 5 p.m. [~~on~~] no later than the first Monday after the third  
5305 Saturday in April, each lieutenant governor candidate shall:

5306 (i) file a declaration of candidacy with the lieutenant governor;

5307 (ii) pay the filing fee; and

5308 (iii) submit a letter from a candidate for governor who has received certification for the  
5309 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate  
5310 as a joint-ticket running mate.

5311 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

5312 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to  
5313 replace the disqualified candidate.

5314 (4) [~~On or before~~] Before 5 p.m. no later than August 31, each registered political party  
5315 shall:

5316 (a) certify the names of the political party's candidates for president and vice president  
5317 of the United States to the lieutenant governor; or

5318 (b) provide written authorization for the lieutenant governor to accept the certification  
5319 of candidates for president and vice president of the United States from the national office of  
5320 the registered political party.

5321 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
5322 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the  
5323 last day for filing.

5324 (b) If an objection is made, the clerk or lieutenant governor shall:

5325 (i) mail or personally deliver notice of the objection to the affected candidate  
5326 immediately; and

5327 (ii) decide any objection within 48 hours after it is filed.

5328 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the

5329 problem by amending the declaration or petition before 5 p.m. within three days after the day  
5330 on which the objection is sustained or by filing a new declaration before 5 p.m. within three  
5331 days after the day on which the objection is sustained.

5332 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

5333 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
5334 by a district court if prompt application is made to the court.

5335 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
5336 of its discretion, agrees to review the lower court decision.

5337 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by  
5338 filing a written affidavit with the clerk.

5339 (7) (a) Except for a candidate who is certified by a registered political party under  
5340 Subsection (4), and except as provided in Section 20A-9-504, [~~on or before~~] before 5 p.m. no  
5341 later than August 31 of a general election year, each individual running as a candidate for vice  
5342 president of the United States shall:

5343 (i) file a declaration of candidacy, in person or via a designated agent, on a form  
5344 developed by the lieutenant governor, that:

5345 (A) contains the individual's name, address, and telephone number;

5346 (B) states that the individual meets the qualifications for the office of vice president of  
5347 the United States;

5348 (C) names the presidential candidate, who has qualified for the general election ballot,  
5349 with which the individual is running as a joint-ticket running mate;

5350 (D) states that the individual agrees to be the running mate of the presidential candidate  
5351 described in Subsection (7)(a)(i)(C); and

5352 (E) contains any other necessary information identified by the lieutenant governor;

5353 (ii) pay the filing fee, if applicable; and

5354 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)  
5355 that names the individual as a joint-ticket running mate as a vice presidential candidate.

5356 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of  
5357 candidacy.

5358 (c) A vice presidential candidate who fails to meet the requirements described in this  
5359 Subsection (7) may not appear on the general election ballot.

5360 Section 83. Section **20A-9-203** is amended to read:

5361 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5362 (1) An individual may become a candidate for any municipal office if:

5363 (a) the individual is a registered voter; and

5364 (b) (i) the individual has resided within the municipality in which the individual seeks  
5365 to hold elective office for the 12 consecutive months immediately before the date of the  
5366 election; or

5367 (ii) the territory in which the individual resides was annexed into the municipality, the  
5368 individual has resided within the annexed territory or the municipality the 12 consecutive  
5369 months immediately before the date of the election.

5370 (2) (a) For purposes of determining whether an individual meets the residency  
5371 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
5372 before the election, the municipality is considered to have been incorporated 12 months before  
5373 the date of the election.

5374 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
5375 council position shall, if elected from a district, be a resident of the council district from which  
5376 the candidate is elected.

5377 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
5378 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
5379 against the elective franchise may not hold office in this state until the right to hold elective  
5380 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

5381 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
5382 regardless of the nomination method by which the individual is seeking to become a candidate:

5383 (i) except as provided in Subsection (3)(b), file a declaration of candidacy, in person  
5384 with the city recorder or town clerk, during the office hours described in Section [10-3-301](#) and  
5385 not later than the close of those office hours, between June 1 and June 7 of any odd-numbered  
5386 year; and

5387 (ii) pay the filing fee, if one is required by municipal ordinance.

5388 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
5389 declaration of candidacy with the city recorder or town clerk if:

5390 (i) the individual is located outside of the state during the entire filing period;

- 5391 (ii) the designated agent appears in person before the city recorder or town clerk;
- 5392 (iii) the individual communicates with the city recorder or town clerk using an
- 5393 electronic device that allows the individual and city recorder or town clerk to see and hear each
- 5394 other; and
- 5395 (iv) the individual provides the city recorder or town clerk with an email address to
- 5396 which the city recorder or town clerk may send the individual the copies described in
- 5397 Subsection (4).
- 5398 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 5399 (i) filing a nomination petition with the city recorder or town clerk during the office
- 5400 hours described in Section 10-3-301 and not later than the close of those office hours, between
- 5401 June 1 and June 7 of any odd-numbered year; and
- 5402 (ii) paying the filing fee, if one is required by municipal ordinance.
- 5403 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
- 5404 petition, the filing officer shall:
- 5405 (i) read to the prospective candidate or individual filing the petition the constitutional
- 5406 and statutory qualification requirements for the office that the candidate is seeking; and
- 5407 (ii) require the candidate or individual filing the petition to state whether the candidate
- 5408 meets those requirements.
- 5409 (b) If the prospective candidate does not meet the qualification requirements for the
- 5410 office, the filing officer may not accept the declaration of candidacy or nomination petition.
- 5411 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
- 5412 filing officer shall:
- 5413 (i) inform the candidate that the candidate's name will appear on the ballot as it is
- 5414 written on the declaration of candidacy;
- 5415 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
- 5416 for the office the candidate is seeking and inform the candidate that failure to comply will
- 5417 result in disqualification as a candidate and removal of the candidate's name from the ballot;
- 5418 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
- 5419 Electronic Voter Information Website Program and inform the candidate of the submission
- 5420 deadline under Subsection 20A-7-801(4)(a);
- 5421 (iv) provide the candidate with a copy of the pledge of fair campaign practices



5422 described under Section 20A-9-206 and inform the candidate that:

5423 (A) signing the pledge is voluntary; and

5424 (B) signed pledges shall be filed with the filing officer; and

5425 (v) accept the declaration of candidacy or nomination petition.

5426 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
5427 officer shall:

5428 (i) accept the candidate's pledge; and

5429 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
5430 candidate's pledge to the chair of the county or state political party of which the candidate is a  
5431 member.

5432 (5) (a) The declaration of candidacy shall be in substantially the following form:

5433 "I, (print name) \_\_\_\_, being first sworn, say that I reside at \_\_\_\_ Street, City of \_\_\_\_,  
5434 County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number (if any) \_\_\_\_; that I am a  
5435 registered voter; and that I am a candidate for the office of \_\_\_\_ (stating the term). I will meet  
5436 the legal qualifications required of candidates for this office. If filing via a designated agent, I  
5437 attest that I will be out of the state of Utah during the entire candidate filing period. I will file  
5438 all campaign financial disclosure reports as required by law and I understand that failure to do  
5439 so will result in my disqualification as a candidate for this office and removal of my name from  
5440 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5441 \_\_\_\_\_

5442 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
5443 \_\_\_\_\_(month\day\year).

5444 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)".

5445 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
5446 not sign the form described in Subsection (5)(a).

5447 (6) If the declaration of candidacy or nomination petition fails to state whether the  
5448 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
5449 for the four-year term.

5450 (7) (a) The clerk shall verify with the county clerk that all candidates are registered  
5451 voters.

5452 (b) Any candidate who is not registered to vote is disqualified and the clerk may not

5453 print the candidate's name on the ballot.

5454 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
5455 clerk shall:

5456 (a) ~~[cause]~~ publish a list of the names of the candidates as they will appear on the ballot  
5457 ~~[to be published]~~:

5458 (i) (A) in at least two successive publications of a newspaper [with] of general  
5459 circulation in the municipality; [and]

5460 (B) if there is no newspaper of general circulation in the municipality, by posting one  
5461 copy of the list, and at least one additional copy of the list per 2,000 population of the  
5462 municipality, in places within the municipality that are most likely to give notice to the voters  
5463 in the municipality; or

5464 (C) by mailing notice to each registered voter in the municipality;

5465 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;

5466 ~~[(ii) as required]~~ (iii) in accordance with Section 45-1-101, for seven days; and

5467 (iv) if the municipality has a website, on the municipality's website for seven days; and

5468 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
5469 the ballot.

5470 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
5471 declaration of candidacy or nomination petition filed under this section after the candidate  
5472 filing period ends.

5473 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
5474 this section is valid unless a person files a written objection with the clerk before 5 p.m. within  
5475 five days after the last day for filing.

5476 (b) If a person files an objection, the clerk shall:

5477 (i) mail or personally deliver notice of the objection to the affected candidate  
5478 immediately; and

5479 (ii) decide any objection within 48 hours after the objection is filed.

5480 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three  
5481 days after the day on which the clerk sustains the objection, correct the problem for which the  
5482 objection is sustained by amending the candidate's declaration of candidacy or nomination  
5483 petition, or by filing a new declaration of candidacy.

5484 (d) (i) The clerk's decision upon objections to form is final.

5485 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
5486 prompt application is made to the district court.

5487 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
5488 of its discretion, agrees to review the lower court decision.

5489 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
5490 candidate by filing a written affidavit with the municipal clerk.

5491 Section 84. Section **20A-9-404** is amended to read:

5492 **20A-9-404. Municipal primary elections.**

5493 (1) (a) Except as otherwise provided in this section or [~~Title 20A,~~] Chapter 4, Part 6,  
5494 Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all  
5495 municipalities shall be nominated at a municipal primary election.

5496 (b) Municipal primary elections shall be held:

5497 (i) consistent with Section **20A-1-201.5**, on the second Tuesday following the first  
5498 Monday in the August before the regular municipal election; and

5499 (ii) whenever possible, at the same polling places as the regular municipal election.

5500 (2) Except as otherwise provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate  
5501 Voting Methods Pilot Project, if the number of candidates for a particular municipal office  
5502 does not exceed twice the number of individuals needed to fill that office, a primary election  
5503 for that office may not be held and the candidates are considered nominated.

5504 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly  
5505 of voters or delegates.

5506 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal  
5507 election, any third, fourth, or fifth class city or town may exempt itself from a primary election  
5508 by providing that the nomination of candidates for municipal office to be voted upon at a  
5509 municipal election be nominated by a political party convention or committee.

5510 (ii) Any primary election exemption ordinance adopted under the authority of this  
5511 Subsection (3) remains in effect until repealed by ordinance.

5512 (c) (i) A convention or committee may not nominate:

5513 (A) an individual who has not submitted a declaration of candidacy, or has not been  
5514 nominated by a nomination petition, under Section **20A-9-203**; or

5515 (B) more than one group of candidates, or have placed on the ballot more than one  
5516 group of candidates, for the municipal offices to be voted upon at the municipal election.

5517 (ii) A convention or committee may nominate an individual who has been nominated  
5518 by a different convention or committee.

5519 (iii) A political party may not have more than one group of candidates placed upon the  
5520 ballot and may not group the same candidates on different tickets by the same party under a  
5521 different name or emblem.

5522 (d) (i) The convention or committee shall prepare a certificate of nomination for each  
5523 individual nominated.

5524 (ii) The certificate of nomination shall:

5525 (A) contain the name of the office for which each individual is nominated, the name,  
5526 post office address, and, if in a city, the street number of residence and place of business, if  
5527 any, of each individual nominated;

5528 (B) designate in not more than five words the political party that the convention or  
5529 committee represents;

5530 (C) contain a copy of the resolution passed at the convention that authorized the  
5531 committee to make the nomination;

5532 (D) contain a statement certifying that the name of the candidate nominated by the  
5533 political party will not appear on the ballot as a candidate for any other political party;

5534 (E) be signed by the presiding officer and secretary of the convention or committee;  
5535 and

5536 (F) contain a statement identifying the residence and post office address of the  
5537 presiding officer and secretary and certifying that the presiding officer and secretary were  
5538 officers of the convention or committee and that the certificates are true to the best of their  
5539 knowledge and belief.

5540 (iii) Certificates of nomination shall be filed with the clerk [~~not~~] before 5 p.m. no later  
5541 than 80 days before the municipal general election.

5542 (e) A committee appointed at a convention, if authorized by an enabling resolution,  
5543 may also make nominations or fill vacancies in nominations made at a convention.

5544 (f) The election ballot shall substantially comply with the form prescribed in [~~Title~~  
5545 20A,] Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name

5546 shall be included with the candidate's name.

5547 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1  
5548 that falls before the regular municipal election that:

5549 (i) exempts the city from the other methods of nominating candidates to municipal  
5550 office provided in this section; and

5551 (ii) provides for a partisan primary election method of nominating candidates as  
5552 provided in this Subsection (4).

5553 (b) (i) Any party that was a registered political party at the last regular general election  
5554 or regular municipal election is a municipal political party under this section.

5555 (ii) Any political party may qualify as a municipal political party by presenting a  
5556 petition to the city recorder that:

5557 (A) is signed, with a holographic signature, by registered voters within the municipality  
5558 equal to at least 20% of the number of votes cast for all candidates for mayor in the last  
5559 municipal election at which a mayor was elected;

5560 (B) is filed with the city recorder ~~[by]~~ before 5 p.m. no later than May 31 of any  
5561 odd-numbered year;

5562 (C) is substantially similar to the form of the signature sheets described in Section  
5563 [20A-7-303](#); and

5564 (D) contains the name of the municipal political party using not more than five words.

5565 (c) (i) If the number of candidates for a particular office does not exceed twice the  
5566 number of offices to be filled at the regular municipal election, no partisan primary election for  
5567 that office shall be held and the candidates are considered to be nominated.

5568 (ii) If the number of candidates for a particular office exceeds twice the number of  
5569 offices to be filled at the regular municipal election, those candidates for municipal office shall  
5570 be nominated at a partisan primary election.

5571 (d) The clerk shall ensure that:

5572 (i) the partisan municipal primary ballot is similar to the ballot forms required by  
5573 Sections [20A-6-401](#) and [20A-6-401.1](#);

5574 (ii) the candidates for each municipal political party are listed in one or more columns  
5575 under their party name and emblem;

5576 (iii) the names of candidates of all parties are printed on the same ballot, but under

5577 their party designation; and

5578 (iv) every ballot separates the candidates of one party from those of the other parties.

5579 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the  
5580 blank ballot box.

5581 (f) Immediately after the canvass, the election judges shall, without examination,  
5582 destroy the tickets deposited in the blank ballot box.

5583 Section 85. Section **20A-9-407** is amended to read:

5584 **20A-9-407. Convention process to seek the nomination of a qualified political**  
5585 **party.**

5586 (1) This section describes the requirements for a member of a qualified political party  
5587 who is seeking the nomination of a qualified political party for an elective office through the  
5588 qualified political party's convention process.

5589 (2) Notwithstanding Subsection **20A-9-201(7)(a)**, the form of the declaration of  
5590 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
5591 the nomination of, the qualified political party under this section shall be substantially as  
5592 described in Section **20A-9-408.5**.

5593 (3) Notwithstanding Subsection **20A-9-202(1)(a)**, and except as provided in Subsection  
5594 **20A-9-202(4)**, a member of a qualified political party who, under this section, is seeking the  
5595 nomination of the qualified political party for an elective office that is to be filled at the next  
5596 general election, shall:

5597 (a) except as provided in Subsection **20A-9-202(1)(b)**, file a declaration of candidacy  
5598 in person with the filing officer on or after the second Friday in March and before 5 p.m. on the  
5599 third Thursday in March before the next regular general election; and

5600 (b) pay the filing fee.

5601 (4) Notwithstanding Subsection **20A-9-202(2)(a)**, a member of a qualified political  
5602 party who, under this section, is seeking the nomination of the qualified political party for the  
5603 office of district attorney within a multicounty prosecution district that is to be filled at the next  
5604 general election shall:

5605 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
5606 agreement creating the prosecution district on or after the second Friday in March and before 5  
5607 p.m. on the third Thursday in March before the next regular general election; and

5608 (b) pay the filing fee.

5609 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
5610 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
5611 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
5612 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
5613 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
5614 running mate.

5615 (6) (a) A qualified political party that nominates a candidate under this section shall  
5616 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday  
5617 after the [~~fourth~~] third Saturday in April.

5618 (b) The lieutenant governor shall include, in the primary ballot certification or, for a  
5619 race where a primary is not held because the candidate is unopposed, in the general election  
5620 ballot certification, the name of each candidate nominated by a qualified political party under  
5621 this section.

5622 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
5623 is nominated by a qualified political party under this section, designate the qualified political  
5624 party that nominated the candidate.

5625 Section 86. Section 20A-9-408 is amended to read:

5626 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
5627 **political party.**

5628 (1) This section describes the requirements for a member of a qualified political party  
5629 who is seeking the nomination of the qualified political party for an elective office through the  
5630 signature-gathering process described in this section.

5631 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of  
5632 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
5633 the nomination of, the qualified political party under this section shall be substantially as  
5634 described in Section 20A-9-408.5.

5635 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
5636 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
5637 nomination of the qualified political party for an elective office that is to be filled at the next  
5638 general election shall:

5639 (a) within the period beginning on January 1 before the next regular general election  
5640 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering  
5641 signatures under this section, file with the filing officer on a form approved by the lieutenant  
5642 governor a notice of intent to gather signatures for candidacy that includes:

5643 (i) the name of the member who will attempt to become a candidate for a registered  
5644 political party under this section;

5645 (ii) the name of the registered political party for which the member is seeking  
5646 nomination;

5647 (iii) the office for which the member is seeking to become a candidate;

5648 (iv) the address and telephone number of the member; and

5649 (v) other information required by the lieutenant governor;

5650 (b) except as provided in Subsection [20A-9-202\(1\)\(b\)](#), file a declaration of candidacy,  
5651 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on  
5652 the third Thursday in March before the next regular general election; and

5653 (c) pay the filing fee.

5654 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political  
5655 party who, under this section, is seeking the nomination of the qualified political party for the  
5656 office of district attorney within a multicounty prosecution district that is to be filled at the next  
5657 general election shall:

5658 (a) on or after January 1 before the next regular general election, and before gathering  
5659 signatures under this section, file with the filing officer on a form approved by the lieutenant  
5660 governor a notice of intent to gather signatures for candidacy that includes:

5661 (i) the name of the member who will attempt to become a candidate for a registered  
5662 political party under this section;

5663 (ii) the name of the registered political party for which the member is seeking  
5664 nomination;

5665 (iii) the office for which the member is seeking to become a candidate;

5666 (iv) the address and telephone number of the member; and

5667 (v) other information required by the lieutenant governor;

5668 (b) except as provided in Subsection [20A-9-202\(1\)\(b\)](#), file a declaration of candidacy,  
5669 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on



5670 the third Thursday in March before the next regular general election; and

5671 (c) pay the filing fee.

5672 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
5673 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
5674 political party, under this section, for the office of governor shall, ~~[on or]~~ before 5 p.m. ~~[on]~~ no  
5675 later than the first Monday after the third Saturday in April, file a declaration of candidacy and  
5676 submit a letter from the candidate for governor that names the lieutenant governor candidate as  
5677 a joint-ticket running mate.

5678 (6) The lieutenant governor shall ensure that the certification described in Subsection  
5679 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
5680 under this section.

5681 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
5682 is nominated by a qualified political party under this section, designate the qualified political  
5683 party that nominated the candidate.

5684 (8) A member of a qualified political party may seek the nomination of the qualified  
5685 political party for an elective office by:

5686 (a) complying with the requirements described in this section; and

5687 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
5688 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before  
5689 the day on which the qualified political party's convention for the office is held, in the  
5690 following amounts:

5691 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
5692 permitted by the qualified political party to vote for the qualified political party's candidates in  
5693 a primary election;

5694 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
5695 residents of the congressional district and are permitted by the qualified political party to vote  
5696 for the qualified political party's candidates in a primary election;

5697 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
5698 residents of the state Senate district and are permitted by the qualified political party to vote for  
5699 the qualified political party's candidates in a primary election;

5700 (iv) for a state House district race, 1,000 signatures of registered voters who are

5701 residents of the state House district and are permitted by the qualified political party to vote for  
5702 the qualified political party's candidates in a primary election;

5703 (v) for a State Board of Education race, the lesser of:

5704 (A) 2,000 signatures of registered voters who are residents of the State Board of  
5705 Education district and are permitted by the qualified political party to vote for the qualified  
5706 political party's candidates in a primary election; or

5707 (B) 3% of the registered voters of the qualified political party who are residents of the  
5708 applicable State Board of Education district; and

5709 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
5710 of the area permitted to vote for the county office and are permitted by the qualified political  
5711 party to vote for the qualified political party's candidates in a primary election.

5712 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
5713 for the qualified political party's nomination for an elective office under this section, the  
5714 member shall:

5715 (i) collect the signatures on a form approved by the lieutenant governor, using the same  
5716 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

5717 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days  
5718 before the day on which the qualified political party holds ~~[its]~~ the party's convention to select  
5719 candidates, for the elective office, for the qualified political party's nomination.

5720 (b) An individual may not gather signatures under this section until after the individual  
5721 files a notice of intent to gather signatures for candidacy described in this section.

5722 (c) An individual who files a notice of intent to gather signatures for candidacy,  
5723 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
5724 the notice of intent to gather signatures for candidacy:

5725 (i) required to comply with the reporting requirements that a candidate for office is  
5726 required to comply with; and

5727 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
5728 apply to a candidate for office in relation to the reporting requirements described in Subsection  
5729 (9)(c)(i).

5730 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
5731 election officer shall, no later than one day before the day on which the qualified political party

5732 holds the convention to select a nominee for the elective office to which the signature packets  
5733 relate:

5734 (i) check the name of each individual who completes the verification for a signature  
5735 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

5736 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
5737 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

5738 (iii) determine whether each signer is a registered voter who is qualified to sign the  
5739 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature  
5740 on a petition;

5741 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
5742 signature packet; and

5743 (v) notify the qualified political party and the lieutenant governor of the name of each  
5744 member of the qualified political party who qualifies as a nominee of the qualified political  
5745 party, under this section, for the elective office to which the convention relates.

5746 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in  
5747 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
5748 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
5749 posts a declaration of candidacy.

5750 Section 87. Section 20A-9-504 is amended to read:

5751 **20A-9-504. Unaffiliated candidates -- Governor and president of the United**  
5752 **States.**

5753 (1) (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than July 1  
5754 of the regular general election year, select a running mate to file as an unaffiliated candidate for  
5755 the office of lieutenant governor.

5756 (b) The unaffiliated lieutenant governor candidate shall, [~~by~~] before 5 p.m. no later  
5757 than July 1 of the regular general election year, file as an unaffiliated candidate by following  
5758 the procedures and requirements of this part.

5759 (2) (a) Each unaffiliated candidate for president of the United States shall, before 5  
5760 p.m. [~~on~~] no later than August 15 of a regular general election year, select a running mate to  
5761 file as an unaffiliated candidate for the office of vice president of the United States.

5762 (b) Before 5 p.m. [~~on~~] no later than August 15 of a regular general election year, the

5763 unaffiliated candidate for vice president of the United States described in Subsection (2)(a)  
5764 shall comply with the requirements of Subsection 20A-9-202(7).

5765 Section 88. Section 20A-9-601 is amended to read:

5766 **20A-9-601. Qualifying as a write-in candidate.**

5767 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a  
5768 valid write-in candidate shall file a declaration of candidacy in person, or through a designated  
5769 agent for a candidate for president or vice president of the United States, with the appropriate  
5770 filing officer [~~not~~] before 5 p.m. no later than 60 days before the regular general election or a  
5771 municipal general election in which the individual intends to be a write-in candidate.

5772 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a  
5773 declaration of candidacy for president of the United States.

5774 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a  
5775 declaration of candidacy with the appropriate filing officer if:

- 5776 (A) the individual is located outside of the state during the entire filing period;
- 5777 (B) the designated agent appears in person before the filing officer; and
- 5778 (C) the individual communicates with the filing officer using an electronic device that  
5779 allows the individual and filing officer to see and hear each other.

5780 (2) (a) The form of the declaration of candidacy for all offices, except president or vice  
5781 president of the United States, is substantially as follows:

5782 "State of Utah, County of \_\_\_\_\_

5783 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
5784 \_\_\_\_\_ for the \_\_\_\_\_ district (if applicable). I do solemnly swear that: I will meet the  
5785 qualifications to hold the office, both legally and constitutionally, if selected; I reside at  
5786 \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will  
5787 not knowingly violate any law governing campaigns and elections; if filing via a designated  
5788 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all  
5789 campaign financial disclosure reports as required by law; and I understand that failure to do so  
5790 will result in my disqualification as a candidate for this office and rejection of any votes cast  
5791 for me. The mailing address that I designate for receiving official election notices is  
5792 \_\_\_\_\_.

5793 \_\_\_\_\_

5794 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

5795 Notary Public (or other officer qualified to administer oath)."

5796 (b) The form of the declaration of candidacy for president of the United States is  
5797 substantially as follows:

5798 "State of Utah, County of \_\_\_\_

5799 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of the  
5800 president of the United States. I do solemnly swear that: I will meet the qualifications to hold  
5801 the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City  
5802 or Town of \_\_\_\_, State \_\_\_\_, Zip Code \_\_\_\_, Phone No. \_\_\_\_; I will not knowingly violate  
5803 any law governing campaigns and elections. The mailing address that I designate for receiving  
5804 official election notices is \_\_\_\_\_. I designate \_\_\_\_\_ as  
5805 my vice presidential candidate.

5806 \_\_\_\_\_

5807 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

5808 Notary Public (or other officer qualified to administer oath[-]);"

5809 (c) A declaration of candidacy for a write-in candidate for vice president of the United  
5810 States shall be in substantially the same form as a declaration of candidacy described in  
5811 Subsection 20A-9-202(7).

5812 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in  
5813 Subsection (2)(a) or (b).

5814 (3) (a) The filing officer shall:

5815 (i) read to the candidate the constitutional and statutory requirements for the office; and

5816 (ii) ask the candidate whether or not the candidate meets the requirements.

5817 (b) If the candidate cannot meet the requirements of office, the filing officer may not  
5818 accept the write-in candidate's declaration of candidacy.

5819 (4) By November 1 of each regular general election year, the lieutenant governor shall  
5820 certify to each county clerk the names of all write-in candidates who filed their declaration of  
5821 candidacy with the lieutenant governor.

5822 Section 89. Section 20A-11-105 is amended to read:

5823 **20A-11-105. Deadline for payment of fine.**

5824 A person against whom the lieutenant governor imposes a fine under this chapter shall

5825 pay the fine before 5 p.m. within 30 days after the day on which the lieutenant governor  
5826 imposes the fine.

5827 Section 90. Section **20A-11-601** is amended to read:

5828 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**  
5829 **providing false information or accepting unlawful contribution.**

5830 (1) (a) [~~Each~~] Unless the political action committee has filed a notice of dissolution  
5831 under Subsection (4), each political action committee shall file a statement of organization with  
5832 the lieutenant governor's office [~~by January 10 of each year, unless the political action~~  
5833 ~~committee has filed a notice of dissolution under Subsection (4).~~];

5834 (i) before 5 p.m. on January 10 of each year; or

5835 (ii) electronically, before midnight on January 10 of each year.

5836 (b) If a political action committee is organized after the [~~January 10 filing date~~] filing  
5837 deadline described in Subsection (1)(a), the political action committee shall file an initial  
5838 statement of organization no later than seven days after:

5839 (i) receiving contributions totaling at least \$750; or

5840 (ii) distributing expenditures for political purposes totaling at least \$750.

5841 (c) Each political action committee shall deposit each contribution received in one or  
5842 more separate accounts in a financial institution that are dedicated only to that purpose.

5843 (2) (a) Each political action committee shall designate two officers who have primary  
5844 decision-making authority for the political action committee.

5845 (b) A person may not exercise primary decision-making authority for a political action  
5846 committee who is not designated under Subsection (2)(a).

5847 (3) The statement of organization shall include:

5848 (a) the name and address of the political action committee;

5849 (b) the name, street address, phone number, occupation, and title of the two primary  
5850 officers designated under Subsection (2)(a);

5851 (c) the name, street address, occupation, and title of all other officers of the political  
5852 action committee;

5853 (d) the name and street address of the organization, individual corporation, association,  
5854 unit of government, or union that the political action committee represents, if any;

5855 (e) the name and street address of all affiliated or connected organizations and their

5856 relationships to the political action committee;

5857 (f) the name, street address, business address, occupation, and phone number of the  
5858 committee's treasurer or chief financial officer; and

5859 (g) the name, street address, and occupation of each member of the governing and  
5860 advisory boards, if any.

5861 (4) (a) Any registered political action committee that intends to permanently cease  
5862 operations shall file a notice of dissolution with the lieutenant governor's office.

5863 (b) Any notice of dissolution filed by a political action committee does not exempt that  
5864 political action committee from complying with the financial reporting requirements of this  
5865 chapter.

5866 (5) (a) Unless the political action committee has filed a notice of dissolution under  
5867 Subsection (4), a political action committee shall file, with the lieutenant governor's office,  
5868 notice of any change of an officer described in Subsection (2)(a).

5869 (b) ~~[Notice]~~ A political action committee shall file a notice of a change of a primary  
5870 officer described in Subsection (2)(a) ~~[shall]~~:

5871 (i) ~~[be filed within 10 days of the date of the change]~~ before 5 p.m. within 10 days after  
5872 the day on which the change occurs; and

5873 (ii) ~~[contain]~~ that includes the name and title of the officer being replaced, and the  
5874 name, street address, occupation, and title of the new officer.

5875 (6) (a) A person is guilty of providing false information in relation to a political action  
5876 committee if the person intentionally or knowingly gives false or misleading material  
5877 information in the statement of organization or the notice of change of primary officer.

5878 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an  
5879 unlawful contribution if the political action committee knowingly or recklessly accepts a  
5880 contribution from a corporation that:

5881 (i) was organized less than 90 days before the date of the general election; and

5882 (ii) at the time the political action committee accepts the contribution, has failed to file  
5883 a statement of organization with the lieutenant governor's office as required by Section  
5884 [20A-11-704](#).

5885 (c) A violation of this Subsection (6) is a third degree felony.

5886 Section 91. Section **20A-11-801** is amended to read:

5887           **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**  
5888 **providing false information or accepting unlawful contribution.**

5889           (1) (a) [Each] Unless the political issues committee has filed a notice of dissolution  
5890 under Subsection (4), each political issues committee shall file a statement of organization with  
5891 the lieutenant governor's office [by January 10 of each year, unless the political issues  
5892 committee has filed a notice of dissolution under Subsection (4)].;

5893           (i) before 5 p.m. on January 10 of each year; or

5894           (ii) electronically, before midnight on January 10 of each year.

5895           (b) If a political issues committee is organized after the [~~January 10 filing date~~] filing  
5896 deadline described in Subsection (1)(a), the political issues committee shall file an initial  
5897 statement of organization no later than seven days after:

5898           (i) receiving political issues contributions totaling at least \$750; or

5899           (ii) disbursing political issues expenditures totaling at least \$750.

5900           (c) Each political issues committee shall deposit each contribution received into one or  
5901 more separate accounts in a financial institution that are dedicated only to that purpose.

5902           (2) Each political issues committee shall designate two officers that have primary  
5903 decision-making authority for the political issues committee.

5904           (3) The statement of organization shall include:

5905           (a) the name and street address of the political issues committee;

5906           (b) the name, street address, phone number, occupation, and title of the two primary  
5907 officers designated under Subsection (2);

5908           (c) the name, street address, occupation, and title of all other officers of the political  
5909 issues committee;

5910           (d) the name and street address of the organization, individual, corporation,  
5911 association, unit of government, or union that the political issues committee represents, if any;

5912           (e) the name and street address of all affiliated or connected organizations and their  
5913 relationships to the political issues committee;

5914           (f) the name, street address, business address, occupation, and phone number of the  
5915 committee's treasurer or chief financial officer;

5916           (g) the name, street address, and occupation of each member of the supervisory and  
5917 advisory boards, if any; and



5918 (h) the ballot proposition whose outcome they wish to affect, and whether they support  
5919 or oppose it.

5920 (4) (a) Any registered political issues committee that intends to permanently cease  
5921 operations during a calendar year shall:

5922 (i) dispose of all remaining funds by returning the funds to donors or donating the  
5923 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),  
5924 Internal Revenue Code; and

5925 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the  
5926 lieutenant governor's office.

5927 (b) Any notice of dissolution filed by a political issues committee does not exempt that  
5928 political issues committee from complying with the financial reporting requirements of this  
5929 chapter.

5930 (5) (a) Unless the political issues committee has filed a notice of dissolution under  
5931 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,  
5932 notice of any change of an officer described in Subsection (2).

5933 (b) ~~[Notice]~~ A political issues committee shall file a notice of a change of a primary  
5934 officer described in Subsection (2) ~~[shall]~~:

5935 (i) ~~[be filed within 10 days of the date of the change]~~ before 5 p.m. within 10 days after  
5936 the day on which the change occurs; and

5937 (ii) ~~[contain]~~ that includes the name and title of the officer being replaced and the  
5938 name, street address, occupation, and title of the new officer.

5939 (6) (a) A person is guilty of providing false information in relation to a political issues  
5940 committee if the person intentionally or knowingly gives false or misleading material  
5941 information in the statement of organization or the notice of change of primary officer.

5942 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful  
5943 contribution if the political issues committee knowingly or recklessly accepts a contribution  
5944 from a corporation that:

5945 (i) was organized less than 90 days before the date of the general election; and

5946 (ii) at the time the political issues committee accepts the contribution, has failed to file  
5947 a statement of organization with the lieutenant governor's office as required by Section  
5948 [20A-11-704](#).

5949 (c) A violation of this Subsection (6) is a third degree felony.

5950 Section 92. Section **20A-12-305** is amended to read:

5951 **20A-12-305. Judicial retention election candidates -- Financial reporting**  
5952 **requirements -- Interim report.**

5953 (1) The judge's personal campaign committee shall file an interim report with the  
5954 lieutenant governor [~~before the close of regular office hours~~] on the date seven days before the  
5955 regular general election date.

5956 (2) Each interim report shall include the following information:

5957 (a) a detailed listing of each contribution received since the last financial statement;

5958 (b) for each nonmonetary contribution, the fair market value of the contribution;

5959 (c) a detailed listing of each expenditure made since the last summary report;

5960 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

5961 (e) a net balance for the year consisting of all contributions since the last summary  
5962 report minus all expenditures since the last summary report.

5963 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be  
5964 reported without separate detailed listings.

5965 (b) Two or more contributions from the same source that have an aggregate total of  
5966 more than \$50 may not be reported in the aggregate, but shall be reported separately.

5967 (4) In preparing each interim report, all contributions and expenditures shall be  
5968 reported as of five days before the required filing date of the report.

5969 (5) A negotiable instrument or check received by a judge or the judge's personal  
5970 campaign committee more than five days before the required filing date of a report required by  
5971 this section shall be included in the interim report.

5972 Section 93. Section **20A-13-301** is amended to read:

5973 **20A-13-301. Presidential elections -- Effect of vote.**

5974 (1) (a) Each registered political party shall choose persons to act as presidential electors  
5975 and to fill vacancies in the office of presidential electors for their party's candidates for  
5976 President and Vice President according to the procedures established in their bylaws.

5977 (b) Each registered political party shall certify to the lieutenant governor the names and  
5978 addresses of the persons selected by the political party as the party's presidential electors [~~by~~]  
5979 before 5 p.m. no later than August 31.

5980 (2) The highest number of votes cast for a political party's president and vice president  
5981 candidates elects the presidential electors selected by that political party.

5982 Section 94. Section **20A-14-202** is amended to read:

5983 **20A-14-202. Local boards of education -- Membership -- When elected --**  
5984 **Qualifications -- Avoiding conflicts of interest.**

5985 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school  
5986 district with a student population of up to 24,000 students shall consist of five members.

5987 (b) The board of education of a school district with a student population of more than  
5988 10,000 students but fewer than 24,000 students shall increase from five to seven members  
5989 beginning with the 2004 regular general election.

5990 (c) The board of education of a school district with a student population of 24,000 or  
5991 more students shall consist of seven members.

5992 (d) Student population is based on the October 1 student count submitted by districts to  
5993 the State Board of Education.

5994 (e) If the number of members of a local school board is required to change under  
5995 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in  
5996 Sections [20A-14-201](#) and [20A-14-203](#).

5997 (f) A school district which now has or increases to a seven-member board shall  
5998 maintain a seven-member board regardless of subsequent changes in student population.

5999 (g) (i) Members of a local board of education shall be elected at each regular general  
6000 election.

6001 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local  
6002 board of education may be elected to a five-member board, nor more than four members  
6003 elected to a seven-member board, in any election year.

6004 (iii) More than three members of a local board of education may be elected to a  
6005 five-member board and more than four members elected to a seven-member board in any  
6006 election year only when required by reapportionment or to fill a vacancy or to implement  
6007 Subsection (1)(b).

6008 (h) One member of the local board of education shall be elected from each local school  
6009 board district.

6010 (2) (a) [~~For an election held after the 2008 general election, a person~~] An individual

6011 seeking election to a local school board shall have been a resident of the local school board  
6012 district in which the person is seeking election for at least one year [~~as of the date~~] immediately  
6013 preceding the day of the general election at which the board position will be filled.

6014 (b) A person who has resided within the local school board district, as the boundaries  
6015 of the district exist on the date of the general election, for one year immediately preceding the  
6016 date of the election shall be considered to have met the requirements of this Subsection (2).

6017 (3) A member of a local school board shall:

6018 (a) be and remain a registered voter in the local school board district from which the  
6019 member is elected or appointed; and

6020 (b) maintain the member's primary residence within the local school board district from  
6021 which the member is elected or appointed during the member's term of office.

6022 (4) A member of a local school board may not, during the member's term in office, also  
6023 serve as an employee of that board.

6024 Section 95. Section **20A-15-103** is amended to read:

6025 **20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures.**

6026 (1) Candidates for the office of delegate to the ratification convention shall be citizens,  
6027 residents of Utah, and at least 21 years old.

6028 (2) Persons wishing to be delegates to the ratification convention shall:

6029 (a) circulate a nominating petition meeting the requirements of this section; and

6030 (b) obtain the signature of at least 100 registered voters.

6031 (3) (a) A single nominating petition may nominate any number of candidates up to 21,  
6032 the total number of delegates to be elected.

6033 (b) Nominating petitions may not contain anything identifying a candidate's party or  
6034 political affiliation.

6035 (c) Each nominating petition shall contain a written statement signed by each nominee,  
6036 indicating either that the candidate will:

6037 (i) vote for ratification of the proposed amendment; or

6038 (ii) vote against ratification of the proposed amendment.

6039 (d) A nominating petition containing the names of more than one nominee may not  
6040 contain the name of any nominee whose stated position in the nominating petition is  
6041 inconsistent with that of any other nominee listed in the petition.

6042 (4) (a) Candidates shall file their nominating petitions with the lieutenant governor [at  
6043 least] before 5 p.m. no later than 40 days before the proclaimed date of the election.

6044 (b) Within 10 days after the last day for filing the petitions, the lieutenant governor  
6045 shall:

6046 (i) declare nominated the 21 nominees in favor of ratification and the 21 nominees  
6047 against ratification whose nominating petitions have been signed by the largest number of  
6048 registered voters;

6049 (ii) decide any ties by lot drawn by the lieutenant governor; and

6050 (iii) certify the nominated candidates of each group to the county clerk of each county  
6051 within the state.

6052 Section 96. Section **20A-16-403** is amended to read:

6053 **20A-16-403. Transmission of unvoted ballots.**

6054 (1) For an election for which the state has not received a waiver pursuant to the  
6055 Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later  
6056 than 45 days before the election or, notwithstanding Section [~~20A-1-401~~] 20A-1-104, if the  
6057 45th day before the election is a weekend or holiday, not later than the business day preceding  
6058 the 45th day, the election official in each jurisdiction charged with distributing a ballot and  
6059 balloting materials shall transmit a ballot and balloting materials to all covered voters who by  
6060 that date submit a valid military-overseas ballot application.

6061 (2) (a) A covered voter who requests that a ballot and balloting materials be sent to the  
6062 voter by electronic transmission may choose:

6063 (i) facsimile transmission;

6064 (ii) email delivery; or

6065 (iii) if offered by the voter's jurisdiction, Internet delivery.

6066 (b) The election official in each jurisdiction charged with distributing a ballot and  
6067 balloting materials shall transmit the ballot and balloting materials to the voter using the means  
6068 of transmission chosen by the voter.

6069 (3) If a ballot application from a covered voter arrives after the jurisdiction begins  
6070 transmitting ballots and balloting materials to voters, the official charged with distributing a  
6071 ballot and balloting materials shall transmit them to the voter not later than two business days  
6072 after the application arrives.

6073 Section 97. Section **62A-5-202.5** is amended to read:

6074 **62A-5-202.5. Utah State Developmental Center Board -- Creation -- Membership**  
6075 **-- Duties -- Powers.**

6076 (1) There is created the Utah State Developmental Center Board within the Department  
6077 of Human Services.

6078 (2) The board is composed of nine members as follows:

6079 (a) the director of the division or the director's designee;

6080 (b) the superintendent of the developmental center or the superintendent's designee;

6081 (c) the executive director of the Department of Human Services or the executive  
6082 director's designee;

6083 (d) a resident of the developmental center selected by the superintendent; and

6084 (e) five members appointed by the governor with the advice and consent of the Senate  
6085 as follows:

6086 (i) three members of the general public; and

6087 (ii) two members who are parents or guardians of individuals who receive services at  
6088 the developmental center.

6089 (3) In making appointments to the board, the governor shall ensure that:

6090 (a) no more than three members have immediate family residing at the developmental  
6091 center; and

6092 (b) members represent a variety of geographic areas and economic interests of the state.

6093 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a  
6094 term of four years.

6095 (b) An appointed member may not serve more than two full consecutive terms unless  
6096 the governor determines that an additional term is in the best interest of the state.

6097 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,  
6098 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
6099 of appointed members are staggered so that approximately half of the appointed members are  
6100 appointed every two years.

6101 (d) Appointed members shall continue in office until the expiration of their terms and  
6102 until their successors are appointed, which may not exceed 120 days after the formal expiration  
6103 of a term.

6104 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
6105 appointed for the unexpired term.

6106 (5) (a) The director shall serve as the chair.

6107 (b) The board shall appoint a member to serve as vice chair.

6108 (c) The board shall hold meetings quarterly or as needed.

6109 (d) Five members are necessary to constitute a quorum at any meeting, and, if a  
6110 quorum exists, the action of the majority of members present shall be the action of the board.

6111 (e) The chair shall be a non-voting member except that the chair may vote to break a tie  
6112 vote between the voting members.

6113 (6) An appointed member may not receive compensation or benefits for the member's  
6114 service, but, at the executive director's discretion, may receive per diem and travel expenses in  
6115 accordance with:

6116 (a) Section [63A-3-106](#);

6117 (b) Section [63A-3-107](#); and

6118 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
6119 [63A-3-107](#).

6120 (7) (a) The board shall adopt bylaws governing the board's activities.

6121 (b) Bylaws shall include procedures for removal of a member who is unable or  
6122 unwilling to fulfill the requirements of the member's appointment.

6123 (8) The board shall:

6124 (a) act for the benefit of the developmental center and the division;

6125 (b) advise and assist the division with the division's functions, operations, and duties  
6126 related to the developmental center, described in Sections [62A-5-102](#), [62A-5-103](#), [62A-5-201](#),  
6127 [62A-5-203](#), and [62A-5-206](#);

6128 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as  
6129 described in Section [62A-5-206.5](#);

6130 (d) administer the Utah State Developmental Center Land Fund, as described in  
6131 Section [62A-5-206.6](#);

6132 (e) approve the sale, lease, or other disposition of real property or water rights  
6133 associated with the developmental center, as described in Subsection [62A-5-206.6\(5\)](#); and

6134 (f) within 21 days after the day on which the board receives the notice required under

6135 Subsection 10-2-419~~(2)~~(3)(d), provide a written opinion regarding the proposed boundary  
6136 adjustment to:

- 6137 (i) the director of the Division of Facilities and Construction Management; and
- 6138 (ii) the Legislative Management Committee.

6139 Section 98. Section 63A-5-204 is amended to read:

6140 **63A-5-204. Specific powers and duties of director.**

6141 (1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the  
6142 same meaning as provided in Section 63C-9-102.

6143 (2) (a) The director shall:

6144 (i) recommend rules to the executive director for the use and management of facilities  
6145 and grounds owned or occupied by the state for the use of its departments and agencies;

6146 (ii) supervise and control the allocation of space, in accordance with legislative  
6147 directive through annual appropriations acts or other specific legislation, to the various  
6148 departments, commissions, institutions, and agencies in all buildings or space owned, leased, or  
6149 rented by or to the state, except capitol hill facilities and capitol hill grounds and except as  
6150 otherwise provided by law;

6151 (iii) comply with the procedures and requirements of Title 63A, Chapter 5, Part 3,  
6152 Division of Facilities Construction and Management Leasing;

6153 (iv) except as provided in Subsection (2)(b), acquire, as authorized by the Legislature  
6154 through the appropriations act or other specific legislation, and hold title to, in the name of the  
6155 division, all real property, buildings, fixtures, or appurtenances owned by the state or any of its  
6156 agencies;

6157 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing  
6158 title to or interest in property belonging to the state or any of its departments, except  
6159 institutions of higher education and the School and Institutional Trust Lands Administration;

6160 (vi) report all properties acquired by the state, except those acquired by institutions of  
6161 higher education, to the director of the Division of Finance for inclusion in the state's financial  
6162 records;

6163 (vii) before charging a rate, fee, or other amount for services provided by the division's  
6164 internal service fund to an executive branch agency, or to a subscriber of services other than an  
6165 executive branch agency:



- 6166 (A) submit the proposed rates, fees, and cost analysis to the Rate Committee  
6167 established in Section 63A-1-114; and
- 6168 (B) obtain the approval of the Legislature as required by Section 63J-1-410;
- 6169 (viii) conduct a market analysis by July 1, 2005, and periodically thereafter, of  
6170 proposed rates and fees, which analysis shall include a comparison of the division's rates and  
6171 fees with the fees of other public or private sector providers where comparable services and  
6172 rates are reasonably available;
- 6173 (ix) implement the State Building Energy Efficiency Program under Section  
6174 63A-5-701;
- 6175 (x) convey, lease, or dispose of the real property or water rights associated with the  
6176 Utah State Developmental Center according to the Utah State Developmental Center Board's  
6177 determination, as described in Subsection 62A-5-206.6(5);
- 6178 (xi) after receiving the notice required under Subsection 10-2-419[(2)](3)(d), file a  
6179 written protest at or before the public hearing required under Subsection  
6180 10-2-419[(2)(b)](3)(d), if:
- 6181 (A) it is in the best interest of the state to protest the boundary adjustment; or  
6182 (B) the Legislature instructs the director to protest the boundary adjustment; and
- 6183 (xii) take all other action necessary for carrying out the purposes of this chapter.
- 6184 (b) Legislative approval is not required for acquisitions by the division that cost less  
6185 than \$250,000.
- 6186 (3) (a) The director shall direct or delegate maintenance and operations, preventive  
6187 maintenance, and facilities inspection programs and activities for any agency, except:
- 6188 (i) the State Capitol Preservation Board; and  
6189 (ii) state institutions of higher education.
- 6190 (b) The director may choose to delegate responsibility for these functions only when  
6191 the director determines that:
- 6192 (i) the agency has requested the responsibility;  
6193 (ii) the agency has the necessary resources and skills to comply with facility  
6194 maintenance standards approved by the State Building Board; and  
6195 (iii) the delegation would result in net cost savings to the state as a whole.
- 6196 (c) The State Capitol Preservation Board and state institutions of higher education are

6197 exempt from Division of Facilities Construction and Management oversight.

6198 (d) Each state institution of higher education shall comply with the facility  
6199 maintenance standards approved by the State Building Board.

6200 (e) Except for the State Capitol Preservation Board, agencies and institutions that are  
6201 exempt from division oversight shall annually report their compliance with the facility  
6202 maintenance standards to the division in the format required by the division.

6203 (f) The division shall:

6204 (i) prescribe a standard format for reporting compliance with the facility maintenance  
6205 standards;

6206 (ii) report agency compliance or noncompliance with the standards to the Legislature;  
6207 and

6208 (iii) conduct periodic audits of exempt agencies and institutions to ensure that they are  
6209 complying with the standards.

6210 (4) (a) In making any allocations of space under Subsection (2), the director shall:

6211 (i) conduct studies to determine the actual needs of each agency; and

6212 (ii) comply with the restrictions contained in this Subsection (4).

6213 (b) The supervision and control of the legislative area is reserved to the Legislature.

6214 (c) The supervision and control of the judicial area is reserved to the judiciary for trial  
6215 courts only.

6216 (d) The director may not supervise or control the allocation of space for entities in the  
6217 public and higher education systems.

6218 (e) The supervision and control of capitol hill facilities and capitol hill grounds is  
6219 reserved to the State Capitol Preservation Board.

6220 (5) The director may:

6221 (a) hire or otherwise procure assistance and services, professional, skilled, or  
6222 otherwise, that are necessary to carry out the director's responsibilities, and may expend funds  
6223 provided for that purpose either through annual operating budget appropriations or from  
6224 nonlapsing project funds;

6225 (b) sue and be sued in the name of the division; and

6226 (c) hold, buy, lease, and acquire by exchange or otherwise, as authorized by the  
6227 Legislature, whatever real or personal property that is necessary for the discharge of the

6228 director's duties.

6229 (6) Notwithstanding the provisions of Subsection (2)(a)(iv), the following entities may  
6230 hold title to any real property, buildings, fixtures, and appurtenances held by them for purposes  
6231 other than administration that are under their control and management:

6232 (a) the Office of Trust Administrator;

6233 (b) the Department of Transportation;

6234 (c) the Division of Forestry, Fire, and State Lands;

6235 (d) the Department of Natural Resources;

6236 (e) the Utah National Guard;

6237 (f) any area vocational center or other institution administered by the State Board of  
6238 Education;

6239 (g) any institution of higher education; and

6240 (h) the Utah Science Technology and Research Governing Authority.

6241 (7) The director shall ensure that any firm performing testing and inspection work  
6242 governed by the American Society for Testing Materials Standard E-329 on public buildings  
6243 under the director's supervision shall:

6244 (a) fully comply with the American Society for Testing Materials standard  
6245 specifications for agencies engaged in the testing and inspection of materials known as ASTM  
6246 E-329; and

6247 (b) carry a minimum of \$1,000,000 of errors and omissions insurance.

6248 (8) Notwithstanding Subsections (2)(a)(iii) and (iv), the School and Institutional Trust  
6249 Lands Administration may hold title to any real property, buildings, fixtures, and appurtenances  
6250 held by it that are under its control.

6251 Section 99. Section **63I-2-210** is amended to read:

6252 **63I-2-210. Repeal dates -- Title 10.**

6253 (1) On July 1, 2018, the following are repealed:

6254 (a) in Subsection 10-2-403(5), the language that states "10-2a-302 or";

6255 (b) in Subsection 10-2-403(5)(b), the language that states "10-2a-302 or";

6256 (c) in Subsection 10-2a-106(2), the language that states "10-2a-302 or";

6257 (d) Section 10-2a-302;

6258 (e) Subsection 10-2a-302.5(2)(a);

- 6259 (f) in Subsection 10-2a-303(1), the language that states "10-2a-302 or";
- 6260 (g) in Subsection 10-2a-303[~~(4)~~](5), the language that states "10-2a-302(7)(b)(v) or"
- 6261 and "10-2a-302(7)(b)(iv) or";
- 6262 (h) in Subsection 10-2a-304(1)(a), the language that states "10-2a-302 or"; and
- 6263 (i) in Subsection 10-2a-304(1)(a)(ii), the language that states "Subsection 10-2a-302(5)
- 6264 or".
- 6265 (2) Subsection 10-9a-304(2) is repealed June 1, 2020.
- 6266 (3) When repealing Subsection 10-9a-304(2), the Office of Legislative Research and
- 6267 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
- 6268 necessary changes to subsection numbering and cross references.
- 6269 Section 100. Section 63I-2-220 is amended to read:
- 6270 **63I-2-220. Repeal dates -- Title 20A.**
- 6271 (1) Subsection 20A-5-803(8) is repealed July 1, 2023.
- 6272 (2) Section 20A-5-804 is repealed July 1, 2023.
- 6273 (3) On January 1, 2019, Subsections 20A-6-107(2) and (4) are repealed and the
- 6274 remaining subsections, and references to those subsections, are renumbered accordingly.
- 6275 (4) On July 1, 2018, in Subsection 20A-11-101(21), the language that states ",
- 6276 10-2a-302," is repealed.
- 6277 (5) On January 1, 2026:
- 6278 (a) In Subsection 20A-1-102(23)(a), the language that states "or Title 20A, Chapter 4,
- 6279 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 6280 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
- 6281 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
- 6282 repealed.
- 6283 (c) In Section 20A-1-304, the language that states "Except for a race conducted by
- 6284 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
- 6285 Pilot Project," is repealed.
- 6286 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
- 6287 Subsection (5)," is repealed.
- 6288 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
- 6289 as provided in Subsections (5) and (6)," is repealed.

- 6290 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states  
6291 "Subject to Subsection (5)," is repealed.
- 6292 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section  
6293 20A-3-105 are renumbered accordingly.
- 6294 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in  
6295 Subsection (2)(f)," is repealed.
- 6296 (i) Subsection 20A-4-101(2)(f) is repealed.
- 6297 (j) Subsection 20A-4-101(4) is repealed and replaced with the following:  
6298 "(4) To resolve questions that arise during the counting of ballots, a counting judge  
6299 shall apply the standards and requirements of Section 20A-4-105."
- 6300 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under  
6301 Subsection 20A-4-101(2)(f)(i)" is repealed.
- 6302 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:  
6303 "(b) To resolve questions that arise during the counting of ballots, a counting judge  
6304 shall apply the standards and requirements of Section 20A-4-105."
- 6305 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in  
6306 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made  
6307 under Subsection 20A-4-101(2)(f)(i)" is repealed.
- 6308 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise  
6309 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
6310 repealed.
- 6311 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or  
6312 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.
- 6313 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as  
6314 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot  
6315 Project," is repealed.
- 6316 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter  
6317 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 6318 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title  
6319 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.
- 6320 (s) Subsection 20A-4-304[(2)(a)(v)](2)(e) is repealed and replaced with the following:

- 6321           "(v) from each voting precinct:
- 6322           (A) the number of votes for each candidate; and
- 6323           (B) the number of votes for and against each ballot proposition;".
- 6324           (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
- 6325 are renumbered accordingly, and the cross-references to those subsections are renumbered
- 6326 accordingly.
- 6327           (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
- 6328 repealed.
- 6329           (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
- 6330 Subsection (3) are renumbered accordingly.
- 6331           (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
- 6332 Subsection (4) are renumbered accordingly.
- 6333           (x) Section 20A-6-203.5 is repealed.
- 6334           (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
- 6335 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
- 6336 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.
- 6337           (z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
- 6338 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 6339           (aa) In Subsection 20A-9-404(2), the language that states "Except as otherwise
- 6340 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
- 6341 repealed.