

## HB0069S02 compared with HB0069

~~{deleted text}~~ shows text that was in HB0069 but was deleted in HB0069S02.

inserted text shows text that was not in HB0069 but was inserted into HB0069S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Calvin R. Musselman proposes the following substitute bill:

### ELECTION MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

Senate Sponsor: ~~{\_\_\_\_\_}~~ Daniel W. Thatcher

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#### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_The Government Operations Interim Committee recommended this bill.~~

~~\_\_\_\_\_Legislative Vote: 8 voting for 4 voting against 2 absent~~

~~{General Description:~~

This bill modifies provisions of the Election Code.

#### Highlighted Provisions:

This bill:

- ▶ authorizes ~~{an election officer}~~ a municipal clerk and the lieutenant governor to receive a voter registration form;
- ▶ for a voter that changes party affiliation or becomes unaffiliated from a political party, modifies the day the voter can vote in a regular primary or presidential primary election;

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- ▶ establishes consistent deadlines for various election-related notices;
- ▶ modifies the frequency of the lieutenant governor's audit report of the voter registration database;
- ▶ modifies the requirements for a printed ballot for municipal primary elections;
- ▶ eliminates the requirement to include a ballot proposition insert with an official ballot if the information appearing on the insert is printed on the ballot;
- ▶ defines the term "filing officer" to include a state school board;
- ▶ specifies the time the filing period begins for a declaration of candidacy;
- ▶ requires an election officer to notify an opposing candidate and voters when a candidate for office is disqualified or withdraws;
- ▶ requires a filing officer to notify a candidate if the candidate fails to make a conflict-of-interest disclosure; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**20A-2-102.5**, as last amended by Laws of Utah 2020, Chapter 31

**20A-2-107**, as last amended by Laws of Utah 2022, Chapter 170

**20A-2-107.5**, as last amended by Laws of Utah 2021, Chapter 430

**20A-3a-604**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

**20A-4-104**, as last amended by Laws of Utah 2022, Chapter 380

**20A-5-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

**20A-5-403.5**, as last amended by Laws of Utah 2022, Chapter 156

**20A-5-405**, as last amended by Laws of Utah 2022, Chapter 170

**20A-5-901**, as enacted by Laws of Utah 2022, Chapter 156

**20A-6-401**, as last amended by Laws of Utah 2020, Chapter 31

**20A-7-209**, as last amended by Laws of Utah 2022, Chapter 251

**20A-7-210**, as last amended by Laws of Utah 2019, Chapter 275

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20A-7-308, as last amended by Laws of Utah 2022, Chapter 251

20A-7-508, as last amended by Laws of Utah 2022, Chapter 251

20A-7-608, as last amended by Laws of Utah 2022, Chapter 251

20A-9-101, as last amended by Laws of Utah 2022, Chapters 13, 325

20A-9-201.5, as enacted by Laws of Utah 2022, Chapter 13

20A-11-206, as last amended by Laws of Utah 2021, Chapter 20

20A-11-305, as last amended by Laws of Utah 2021, Chapter 20

20A-11-1305, as last amended by Laws of Utah 2020, Chapters 22, 31

20A-11-1603, as last amended by Laws of Utah 2021, Chapter 20

### ENACTS:

20A-9-207, Utah Code Annotated 1953

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

Section 1. Section 20A-2-102.5 is amended to read:

**20A-2-102.5. Voter registration deadline.**

(1) Except as otherwise provided in Chapter 16, Uniform Military and Overseas Voters Act, an individual who fails to timely submit a correctly completed voter registration form may not vote in the election.

(2) The voter registration deadline is as follows:

(a) the voter registration must be received by the ~~{ }~~county clerk~~{ } election officer~~, the municipal clerk, or the lieutenant governor no later than 5 p.m. 11 calendar days before the date of the election, if the individual registers to vote:

(i) at the office of the county clerk, in accordance with Section 20A-2-201;

(ii) by mail, in accordance with Section 20A-2-202;

(iii) via an application for a driver license, in accordance with Section 20A-2-204;

(iv) via a public assistance agency or a discretionary voter registration agency, in accordance with Section 20A-2-205; or

(v) via electronic registration, in accordance with Section 20A-2-206;

(b) before the polls close on the last day of early voting, described in Section 20A-3a-601, if the individual registers by casting a provisional ballot at an early voting location in accordance with Section 20A-2-207; or

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(c) before polls close on the date of the election, if the individual registers to vote on the date of the election by casting a provisional ballot, in accordance with Section 20A-2-207.

Section 2. Section **20A-2-107** is amended to read:

### **20A-2-107. Designating or changing party affiliation -- Times permitted.**

(1) The county clerk shall:

(a) except as provided in Subsection (3) or [~~20A-2-107.5(1)(c)~~] 20A-2-107.5(1)(b), record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

(b) if no political party affiliation is designated by the voter on the voter registration form:

(i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the party that the voter designated the last time that the voter designated a party on a voter registration form, unless the voter more recently registered as "unaffiliated"; or

(ii) record the voter's party affiliation as "unaffiliated" if the voter:

(A) did not previously designate a party;

(B) most recently designated the voter's party affiliation as "unaffiliated"; or

(C) did not previously register.

(2) (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (2).

(b) A registered voter may designate or change the voter's political party affiliation by filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate.

(c) Except as provided in Subsection (2)(d), a signed form designating or changing a voter's political party affiliation takes effect when the county clerk receives the signed form.

(d) In an even-numbered year, a form described in Subsection (2)(c) received by the county clerk after March 31 takes effect on the day after the statewide canvass for that year's regular primary election if the form changes a registered voter's affiliation with one political party to affiliate with another political party.

(e) Any part of a form described in Subsection (2)(d), other than the voter's designation or change of political party affiliation, takes effect when the county clerk receives the signed form.

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(f) For purposes of Subsection (2)(d), a signed form described in Subsection (2)(c) is received by the county clerk on or before March 31 if:

(i) the individual submits the form in person at the county clerk's office no later than 5 p.m. on the last business day before April 1;

(ii) the individual submits the form electronically through the system described in Section 20A-2-206, at or before 11:59 p.m. on March 31; or

(iii) the individual's form is clearly postmarked on or before March 31.

(g) Subsection (2)(d) does not apply to the party affiliation designated by a voter on the voter registration form if:

(i) the voter has not previously been registered to vote in the state; or

(ii) the voter's most recent party affiliation was changed to "unaffiliated" by a county clerk under Subsection (3).

(3) If the most recent party affiliation designated by a voter is for a political party that is no longer a registered political party, the county clerk shall:

(a) change the voter's party affiliation to "unaffiliated"; and

(b) notify the voter electronically or by mail:

(i) that the voter's affiliation has been changed to "unaffiliated" because the most recent party affiliation designated by the voter is for a political party that is no longer a registered political party; and

(ii) of the methods and deadlines for changing the voter's party affiliation.

Section 3. Section **20A-2-107.5** is amended to read:

**20A-2-107.5. Designating or changing party affiliation -- Regular primary election and presidential primary election.**

(1) At any regular primary election or presidential primary election:

~~[(a) each county clerk shall provide change of party affiliation forms to the poll workers for each voting precinct within the county;]~~

~~[(b) except as provided in Subsection (1)(c), a registered voter who is classified as "unaffiliated" may affiliate with a political party by completing the form and giving it to the poll worker; and]~~

~~[(c) for an unaffiliated voter who was affiliated with a political party at any time between April 1 and the date of the regular primary election, a form described in Subsection~~

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~~(1)(a) takes effect on the day after the regular primary election.]~~

(a) a registered voter who is classified as "unaffiliated" may affiliate with a political party by completing a change of party affiliation form or voter registration form and submitting the form to the county clerk or a poll worker; and

(b) the party affiliation of a voter who changes party affiliation, or who becomes unaffiliated from a political party, at any time between April 1 and the date of the regular primary election, takes effect on the day after the statewide canvass for the regular primary election.

(2) An unaffiliated voter who affiliates with a political party [~~as provided in~~] under Subsection ~~[(1)(b)] (1)(a)~~ may vote in that party's primary election.

Section 4. Section **20A-3a-604** is amended to read:

### **20A-3a-604. Notice of time and place of early voting.**

(1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the election officer shall, at least [~~19~~] 28 days before the date of the election, provide notice of the dates, times, and locations of early voting:

(a) (i) by publishing notice in at least one issue of a newspaper of general circulation in the county;

(ii) by posting one notice, and at least one additional notice per 2,000 population of the county, in places within the county that are most likely to give notice to the residents in the county, subject to a maximum of 10 notices; or

(iii) by mailing notice to each registered voter in the county;

(b) by posting notice at each early voting polling place;

(c) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for [~~19~~] 28 days before the day of the election; and

(d) by posting notice on the county's website for [~~19~~] 28 days before the day of the election.

(2) Instead of specifying all dates, times, and locations of early voting, a notice required under Subsection (1) may specify the following sources where a voter may view or obtain a copy of all dates, times, and locations of early voting:

(a) the county's website;

(b) the physical address of the county's offices; and

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(c) a mailing address and telephone number.

(3) The election officer shall include in the notice described in Subsection (1):

(a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each early voting polling place, including any changes to the location of an early voting polling place and the location of additional early voting polling places; and

(b) a phone number that a voter may call to obtain information regarding the location of an early voting polling place.

Section 5. Section **20A-4-104** is amended to read:

### **20A-4-104. Counting ballots electronically.**

(1) (a) Before beginning to count ballots using automatic tabulating equipment, the election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.

(b) The election officer shall provide public notice of the time and place of the test:

(i) (A) by publishing notice at least [~~48 hours~~] 10 days before the test in a newspaper of general circulation in the county, municipality, or jurisdiction where the equipment is used;

(B) at least 10 days before the day of the test, by posting one notice, and at least one additional notice per 2,000 population of the county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction that are most likely to give notice to the voters in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or

(C) at least 10 days before the day of the test, by mailing notice to each registered voter in the county, municipality, or jurisdiction where the equipment is used;

(ii) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for four weeks before the day of the test; and

(iii) if the county, municipality, or jurisdiction has a website, by posting notice on the website for four weeks before the day of the test.

(c) The election officer shall conduct the test by processing a preaudited group of ballots.

(d) The election officer shall ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded

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on the ballots;

(ii) for each office, one or more ballots have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and

(iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.

(e) If any error is detected, the election officer shall determine the cause of the error and correct it.

(f) The election officer shall ensure that:

(i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and

(ii) the automatic tabulating equipment passes the same test at the end of the count before the election returns are approved as official.

(2) (a) The election officer or the election officer's designee shall supervise and direct all proceedings at the counting center.

(b) (i) Proceedings at the counting center are public and may be observed by interested persons.

(ii) Only those persons authorized to participate in the count may touch any ballot or return.

(c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.

(3) (a) If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer shall ensure that two counting judges jointly:

(i) make a true replication of the ballot with an identifying serial number;

(ii) substitute the replicated ballot for the damaged or defective ballot;

(iii) label the replicated ballot "replicated"; and

(iv) record the replicated ballot's serial number on the damaged or defective ballot.

(b) The lieutenant governor shall provide to each election officer a standard form on which the election officer shall maintain a log of all replicated ballots, that includes, for each ballot:



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- (i) the serial number described in Subsection (3)(a);
- (ii) the identification of the individuals who replicated the ballot;
- (iii) the reason for the replication; and
- (iv) any other information required by the lieutenant governor.

(c) An election officer shall:

(i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as ballots are replicated;

(ii) at the end of each day during which one or more ballots are replicated, make an electronic copy of the log; and

(iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.

(4) The election officer may:

(a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;

(b) release unofficial returns from time to time after the polls close; and

(c) report the progress of the count for each candidate during the actual counting of ballots.

(5) Beginning on the day after the date of the election, if an election officer releases early unofficial returns or reports the progress of the count for each candidate under Subsection (4), the election officer shall, with each release or report, disclose an estimate of the total number of voted ballots in the election officer's custody that have not yet been counted.

(6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

(7) (a) The election officer or the election officer's designee shall:

(i) separate, count, and tabulate any ballots containing valid write-in votes; and

(ii) complete the standard form provided by the clerk for recording valid write-in votes.

(b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

(8) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

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(b) Upon completion of the count, the election officer shall make official returns open to the public.

(9) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

(10) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Section 6. Section **20A-5-101** is amended to read:

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

(1) On or before November 15 in the year before each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

(a) designates the offices to be filled at the next year's regular general election;

(b) identifies the dates for filing a declaration of candidacy, and for submitting and certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408 for those offices; and

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

(2) (a) No later than seven business days after the day on which the lieutenant governor transmits the written notice described in Subsection (1), each county clerk shall provide notice, in accordance with Subsection (3):

(i) by posting notice in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county;

(ii) (A) by publishing notice in a newspaper of general circulation in the county;

(B) by posting one notice, and at least one additional notice per 2,000 population of the county, in places within the county that are most likely to give notice of the election to the voters in the county, subject to a maximum of 10 notices; or

(C) by mailing notice to each registered voter in the county;

(iii) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for seven days before the day of the election; and

(iv) by posting notice on the county's website for seven days before the day of the election.

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(b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a)(i), showing a copy of the notice and the places where the notice was posted.

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

(a) designate the offices to be voted on in that election; and

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

(4) Except as provided in Subsection (6), before each election, the election officer shall give printed notice of the following information:

(a) the date of election;

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

(c) the polling places for each voting precinct, early voting polling place, and election day voting center;

(d) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

(e) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(f) the qualifications for persons to vote in the election.

(5) The election officer shall provide the notice described in Subsection (4):

(a) (i) by publishing the notice in a newspaper of general circulation in the jurisdiction to which the election pertains, at least [~~two~~] five days before the day of the election;

(ii) at least [~~two~~] five days before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction, subject to a maximum of 10 notices; or

(iii) by mailing the notice to each registered voter who resides in the jurisdiction to which the election pertains at least five days before the day of the election;

(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for [~~two~~] five days before the day of the election; and

(c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for [~~two~~] five days before the day of the election.

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(6) Instead of including the information described in Subsection (4) in the notice, the election officer may give printed notice that:

(a) is entitled "Notice of Election";

(b) includes the following: "A [indicate election type] will be held in [indicate the jurisdiction] on [indicate date of election]. Information relating to the election, including polling places, polling place hours, and qualifications of voters may be obtained from the following sources:"; and

(c) specifies the following sources where an individual may view or obtain the information described in Subsection (4):

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

(ii) the physical address of the jurisdiction offices; and

(iii) a mailing address and telephone number.

Section 7. Section **20A-5-403.5** is amended to read:

### **20A-5-403.5. Ballot drop boxes.**

(1) An election officer:

(a) shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates;

(b) may designate additional ballot drop boxes for the election officer's jurisdiction;

(c) shall clearly mark each ballot drop box as an official ballot drop box for the election officer's jurisdiction;

(d) shall provide 24-hour video surveillance of each unattended ballot drop box; and

(e) shall post a sign on or near each unattended ballot drop box indicating that the ballot drop box is under 24-hour video surveillance.

(2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at least [~~19~~] 28 days before the date of the election, provide notice of the location of each ballot drop box designated under Subsection (1):

(a) (i) by publishing notice in at least one issue of a newspaper of general circulation in the jurisdiction holding the election;

(ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction holding the election, in places within the jurisdiction that are most likely to give notice to the residents in the jurisdiction, subject to a maximum of 10 notices; or

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(iii) by mailing notice to each registered voter in the jurisdiction holding the election;

(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for [19] 28 days before the day of the election; and

(c) by posting notice on the jurisdiction's website for [19] 28 days before the day of the election.

(3) Instead of including the location of ballot drop boxes, a notice required under Subsection (2) may specify the following sources where a voter may view or obtain a copy of all ballot drop box locations:

(a) the jurisdiction's website;

(b) the physical address of the jurisdiction's offices; and

(c) a mailing address and telephone number.

(4) The election officer shall include in the notice described in Subsection (2):

(a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each ballot drop box, including any changes to the location of a ballot drop box and the location of additional ballot drop boxes; and

(b) a phone number that a voter may call to obtain information regarding the location of a ballot drop box.

(5) (a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Subsection (2):

(i) if necessary, change the location of a ballot drop box; or

(ii) if the election officer determines that the number of ballot drop boxes is insufficient due to the number of registered voters who are voting, designate additional ballot drop boxes.

(b) Except as provided in Section 20A-1-308, if an election officer changes the location of a ballot box or designates an additional ballot drop box location, the election officer shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or the additional ballot drop box location:

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

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

(iii) by posting notice:

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(A) for a change in the location of a ballot drop box, at the new location and, if possible, the old location; and

(B) for an additional ballot drop box location, at the additional ballot drop box location.

(6) An election officer may, at any time, authorize two or more poll workers to remove a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

(7) (a) At least two poll workers must be present when a poll worker collects ballots from a ballot drop box and delivers the ballots to the location where the ballots will be opened and counted.

(b) An election officer shall ensure that the chain of custody of ballots placed in a ballot box are recorded and tracked from the time the ballots are removed from the ballot box until the ballots are delivered to the location where the ballots will be opened and counted.

Section 8. Section **20A-5-405** is amended to read:

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

(1) An election officer shall:

(a) provide ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

(b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be included on each ballot;

(c) cause any ballot proposition that has qualified for the ballot as provided by law to be included on each ballot;

(d) ensure that the ballots are prepared and in the possession of the election officer ~~at least 7 days } before { the } commencement of voting~~ at least seven days before the commencement of early voting as described in Section 20A-3a-601;

(e) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the ballots;

(f) no later than 45 days before the day of the election, make sample ballots available for inspection, in the same form as official ballots and that contain the same information as official ballots, by:

(i) posting a copy of the sample ballot in the election officer's office;

(ii) sending a copy of the sample ballot to:

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(A) each candidate listed on the ballot; and

(B) the lieutenant governor;

(iii) (A) posting one copy of the sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in the jurisdiction, subject to a maximum of 10 notices; or

(B) mailing a copy of the sample ballot to each registered voter who resides in the jurisdiction holding the election;

(iv) posting a copy of the sample ballot on the Utah Public Notice Website, created in Section 63A-16-601; and

(v) if the jurisdiction has a website, posting a copy of the sample ballot on the jurisdiction's website;

(g) deliver a copy of the sample ballot to poll workers for each polling place and direct the poll workers to post the sample ballot as required by Section 20A-5-102; and

(h) print and deliver, at the expense of the jurisdiction conducting the election, enough ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in each voting precinct.

(2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii)(A), the election officer may post a statement that:

(a) is entitled, "sample ballot";

(b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the upcoming [indicate type and date of election] may be obtained from the following sources:"; and

(c) specifies the following sources where an individual may view or obtain a copy of the sample ballot:

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

(ii) the physical address of the jurisdiction's offices; and

(iii) a mailing address and telephone number.

(3) (a) Each election officer shall, without delay, correct any error discovered in any ballot, if the correction can be made without interfering with the timely distribution of the ballots.

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(b) (i) If the election officer discovers an error or omission in a manual ballot, and it is not possible to correct the error or omission, the election officer shall direct the poll workers to make the necessary corrections on the manual ballots before the ballots are distributed.

(ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.

(4) (a) If the election officer refuses or fails to correct an error or omission in a ballot, a candidate or a candidate's agent may file a verified petition with the district court asserting that:

(i) an error or omission has occurred in:

(A) the publication of the name or description of a candidate;

(B) the preparation or display of an electronic ballot; or

(C) the posting of sample ballots or the printing of official manual ballots; and

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

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

(c) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the day on which the district court enters the decision.

Section 9. Section **20A-5-901** is amended to read:

### **20A-5-901. Voter registration audit.**

(1) The lieutenant governor shall, on at least an annual basis, conduct an audit of the voter registration database.

(2) The audit shall include:

(a) a random selection of at least .02% of the active registered voters statewide; and

(b) at least one active registered voter from each county.

(3) For each voter selected for the audit, the auditor shall:

(a) verify that the voter is eligible for registration;

(b) verify that the voter's registration information is accurate and supported by the



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documentation on file;

- (c) verify that there is a signature on file for the voter;
- (d) check for duplicate voter registrations; and
- (e) search available resources to determine whether the voter is deceased.

(4) The audit report shall identify areas of concern or training needed in response to the audit findings.

(5) The lieutenant governor shall:

(a) share the audit results with the county clerks and verify that the county clerks address the concerns and fulfill the training identified under Subsection (4); and

(b) beginning in 2023, report [~~biannually~~] biennially to the Government Operations Interim Committee on the results of the audits conducted under this section.

Section 10. Section **20A-6-401** is amended to read:

### **20A-6-401. Ballots for municipal primary elections.**

(1) Each election officer shall ensure that:

(a) the following endorsements are printed in 18 point bold type:

(i) "Official Primary Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;

(b) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

(c) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10 point bold type that states: "To vote for a candidate, mark the space following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(d) after the rules, the designation of the office for which the candidates seek nomination is printed [~~flush with the left-hand margin~~] and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for which the voter may vote)" are printed [~~to extend to the extreme right of the column~~] in 10-point bold type, followed by a hair-line rule;

(e) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305

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with surnames last and grouped according to the office that they seek;

(f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates; and

(g) the candidate groups are separated from each other by one light and one heavy line or rule.

(2) A municipal primary ballot may not contain any space for write-in votes.

Section 11. Section **20A-7-209** is amended to read:

### **20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

(1) On or before June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

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

(i) entitle each state initiative that has qualified for the ballot "Proposition Number \_\_\_" and give it a number as assigned under Section 20A-6-107;

(ii) prepare for each initiative:

(A) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and

(B) an impartial summary of the contents of the measure, not exceeding 125 words; and

(iii) return each petition, short title, and summary to the lieutenant governor on or before June 26.

(b) The short title and summary may be distinct from the title of the proposed law attached to the initiative petition.

(c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the summary:

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

(d) ~~For~~ Subject to Subsection (4), for each state initiative, the official ballot shall show, in the following order:

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(i) the number of the initiative, determined in accordance with Section 20A-6-107;

(ii) the short title; ~~[and]~~

(iii) except as provided in Subsection (2)(e):

(A) the summary;

(B) the text of the proposed law; and

(C) a link to a location on the lieutenant governor's website where a voter may review additional information relating to each initiative, including the information described in Subsection 20A-7-202(2), the fiscal impact estimate described in Section 20A-7-202.5, as updated under Section 20A-7-204.1, and the arguments relating to the initiative that are included in the voter information pamphlet; and

~~[(iii)]~~ (iv) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1.

(e) ~~[For each ballot that includes an initiative or referendum]~~ Unless the information described in Subsection (2)(d)(iii) is shown on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative ~~[and referendum]~~ on the ballot and a link to a location on the lieutenant governor's website where a voter may review the additional information ~~[relating to each initiative or referendum, including:]~~ described in Subsection (2)(d)(iii)(C).

~~[(i) for an initiative, the information described in Subsection 20A-7-202(2), the fiscal impact estimate described in Section 20A-7-202.5, as updated, and the arguments relating to the initiative that are included in the voter information pamphlet; or]~~

~~[(ii) for a referendum, the information described in Subsection 20A-7-302(2) and the arguments relating to the referendum that are included in the voter information pamphlet.]~~

(f) Unless the information described in Subsection (2)(d)(iii) for all initiatives on the ballot, and the information described in Subsection 20A-7-308(2)(c)(iii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

~~[(f) For each ballot that includes an initiative or referendum, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures;~~

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~~"The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot."~~]

(3) On or before June 27, the lieutenant governor shall mail a copy of the short title and summary to any sponsor of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, on or before July 6, challenge the wording of the short title and summary prepared by the Office of Legislative Research and General Counsel to the appropriate court.

(ii) After receipt of the challenge, the court shall direct the lieutenant governor to send notice of the challenge to:

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

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the individual designated to receive notice about any issues relating to the initiative.

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

(ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.

(iii) There is a presumption that the summary prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.

(iv) The court may not revise the wording of the summary unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the summary is false or biased.

(c) The court shall:

(i) examine the short title and summary;

(ii) hear arguments; and

(iii) enter an order consistent with the requirements of this section.

(d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot [~~and~~] or ballot proposition insert, as required by this section.

Section 12. Section **20A-7-210** is amended to read:

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### 20A-7-210. Form of ballot -- Manner of voting.

(1) A county clerk shall ensure that the information described in Subsection 20A-7-209(2)(d) is presented, [~~in the order~~] as required, upon the official ballot with, immediately adjacent to the information, the words "For" and "Against," each word presented with an adjacent square in which the voter may indicate the voter's vote.

(2) A voter desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and a voter desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Section 13. Section **20A-7-308** is amended to read:

### **20A-7-308. Short title and summary of referendum -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.

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

(i) entitle each state referendum that qualifies for the ballot "Proposition Number \_\_\_" and assign a number to the referendum in accordance with Section 20A-6-107;

(ii) prepare for each referendum:

(A) an impartial short title, not exceeding 25 words, that generally describes the measure; and

(B) an impartial summary of the contents of the measure, not exceeding 125 words; ~~{}~~  
and

(iii) submit the short title and summary to the lieutenant governor within 15 days after the day on which the Office of Legislative Research and General Counsel receives the petition under Subsection (1).

(b) The short title and summary may be distinct from the title of the law that is the subject of the petition.

(c) [~~For~~] Subject to Subjection (4), for each state referendum, the official ballot shall show, in the following order:

(i) the number of the referendum, determined in accordance with Section 20A-6-107;

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[and]

(ii) the short title ~~[described in this section.]; and~~

(iii) except as provided in Subsection (2)(d):

(A) the summary;

(B) a copy of the law; and

(C) a link to a location on the lieutenant governor's website where a voter may review additional information relating to each referendum, including the information described in Subsection 20A-7-302(2) and the arguments relating to the referendum that are included in the voter information pamphlet.

(d) ~~[For each ballot that includes an initiative or referendum]~~ Unless the information described in Subsection (2)(c)(iii) is shown on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each [initiative and] referendum on the ballot and a link to a location on the lieutenant governor's website where a voter may review the additional information [relating to each initiative or referendum, including:] described in Subsection (2)(c)(iii)(C).

~~[(i) for an initiative, the information described in Subsection 20A-7-202(2), the fiscal impact estimate described in Section 20A-7-202.5, as updated, and the arguments relating to the initiative that are included in the voter information pamphlet; or]~~

~~[(ii) for a referendum, the information described in Subsection 20A-7-302(2) and the arguments relating to the referendum that are included in the voter information pamphlet.]~~

(e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all initiatives on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

~~[(e) For each ballot that includes an initiative or referendum, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures; "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot."]~~

(3) Immediately after the Office of Legislative Research and General Counsel submits

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the short title and summary to the lieutenant governor, the lieutenant governor shall mail or email a copy of the short title and summary to any of the sponsors of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, within 15 days after the day on which the lieutenant governor mails the short title and summary, challenge the wording of the short title and summary prepared by the Office of Legislative Research and General Counsel to the appropriate court.

(ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the appeal to:

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

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the referendum.

(b) (i) There is a presumption that the short title prepared by the Office of Legislative Research and General Counsel is an impartial description of the contents of the referendum.

(ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.

(iii) There is a presumption that the summary prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the measure.

(iv) The court may not revise the wording of the summary unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the summary is false or biased.

(c) The court shall:

(i) examine the short title and summary;

(ii) hear arguments; and

(iii) enter an order consistent with the requirements of this section.

(d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as required by this section.

Section 14. Section **20A-7-508** is amended to read:

**20A-7-508. Short title and summary of initiative -- Duties of local clerk and local**

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### attorney.

(1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal initiative that has qualified for the ballot

"Proposition Number \_\_\_" and give it a number as assigned under Section 20A-6-107;

(b) prepare for the initiative:

(i) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and

(ii) an impartial summary of the contents of the measure, not exceeding 125 words;

(c) file the proposed short title, summary, and the numbered initiative titles with the local clerk within 20 days after the day on which an eligible voter submits the initiative petition to the local clerk; and

(d) promptly provide notice of the filing of the proposed short title and summary to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the initiative petition was circulated.

(3) (a) The short title and summary may be distinct from the title of the proposed law attached to the initiative petition.

(b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the initiative.

(c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the measure.

(d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(e) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the summary:

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

(4) (a) Within five calendar days after the date the local attorney files a proposed short



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title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the petition may file written comments in response to the proposed short title and summary with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final short title and summary that meets the requirements of Subsection (3); and

(iii) return the petition and file the short title and summary with the local clerk.

(c) Subject to Subsection (6)[:], for each county or municipal initiative, the following shall be printed on the official ballot:

(i) ~~the short title[; as determined by the local attorney, shall be printed on the official ballot]; and~~

(ii) except as provided in Subsection (4)(d):

(A) the summary;

(B) a copy of the proposed law; and

(C) a link to a location on the election officer's website where a voter may review additional information relating to each initiative, including the information described in Subsection 20A-7-502(2), the fiscal impact estimate described in Section 20A-7-502.5, as updated, and the arguments relating to the initiative that are included in the local voter information pamphlet.

~~[(ii)] (d) [for each ballot that includes an initiative or referendum;] Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative [and referendum] on the ballot and a link to a location on the election officer's website where a voter may review the additional information [relating to each initiative or referendum, including:] described in Subsection (4)(c)(ii)(C).~~

~~[(A) for an initiative, the information described in Subsection 20A-7-502(2), the fiscal impact estimate described in Section 20A-7-502.5, as updated, and the arguments relating to the initiative that are included in the local voter information pamphlet; or]~~

~~[(B) for a referendum, the information described in Subsection 20A-7-602(2) and the~~

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~~arguments relating to the referendum that are included in the local voter information pamphlet.]~~

(e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection 20A-7-608(4)(c)(ii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

~~[(d) For each ballot that includes an initiative or referendum, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot."]~~

(5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the initiative petition was circulated.

(6) (a) If the short title or summary furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:

(i) at least three sponsors of the initiative petition; or  
(ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.

(b) The court:

(i) shall examine the short title and summary and consider arguments; and  
(ii) enter an order consistent with the requirements of this section.

(c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Section 15. Section **20A-7-608** is amended to read:

**20A-7-608. Short title and summary of referendum -- Duties of local clerk and local attorney.**

(1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

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(2) The local attorney shall:

(a) entitle each county or municipal referendum that qualifies for the ballot

"Proposition Number \_\_\_" and give the referendum a number assigned in accordance with Section 20A-6-107;

(b) prepare for the referendum:

(i) an impartial short title, not exceeding 25 words, that generally describes the subject of the measure; and

(ii) an impartial summary of the contents of the measure, not exceeding 125 words;

(c) file the proposed short title, summary, and the numbered referendum title with the local clerk within 20 days after the day on which an eligible voter submits the referendum petition to the local clerk; and

(d) promptly provide notice of the filing of the proposed short title and summary to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the referendum petition was circulated.

(3) (a) The short title and summary may be distinct from the title of the law that is the subject of the petition.

(b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the measure.

(c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the measure.

(d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(4) (a) Within five calendar days after the day on which the local attorney files a proposed short title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed short title and summary with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final short title and summary that meets the requirements of Subsection

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(3); and

(iii) return the petition and file the short title and summary with the local clerk.

(c) Subject to Subsection (6)[:], for each county or municipal referendum, the following shall be printed on the official ballot:

(i) ~~the short title[,-as determined by the local attorney, shall be printed on the official ballot]; and~~

(ii) except as provided in Subsection (4)(d):

(A) the summary;

(B) a copy of the ordinance, resolution, or written description of the local law; and

(C) a link to a location on the election officer's website where a voter may review additional information relating to each referendum, including the information described in Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the local voter information pamphlet.

~~[(ii)] (d) [for each ballot that includes an initiative or referendum] Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each [initiative and] referendum on the ballot and a link to a location on the election officer's website where a voter may review the additional information [relating to each initiative or referendum, including:] described in Subsection (4)(c)(ii)(C).~~

~~[(A) for an initiative, the information described in Subsection 20A-7-502(2), the fiscal impact estimate described in Section 20A-7-502.5, as updated, and the arguments relating to the initiative that are included in the local voter information pamphlet; or]~~

~~[(B) for a referendum, the information described in Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the local voter information pamphlet.]~~

(e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

~~[(d) For each ballot that includes an initiative or referendum, the ballot shall include~~

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~~the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot."~~]

(5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

(6) (a) If the short title or summary furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:

(i) at least three sponsors of the referendum petition; or  
(ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.

(b) The court:

(i) shall examine the short title and summary and consider the arguments; and  
(ii) enter an order consistent with the requirements of this section.

(c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Section 16. Section **20A-9-101** is amended to read:

### **20A-9-101. Definitions.**

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;  
(ii) presidential elector;  
(iii) any political party offices; and  
(iv) municipal or local district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

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(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

(4) (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

- (i) the office of justice or judge of any court of record or not of record;
- (ii) the office of presidential elector;
- (iii) any political party offices;
- (iv) any municipal or local district offices; and
- (v) the office of United States Senator and United States Representative.

(5) "Electronic candidate qualification process" means:

(a) as it relates to a registered political party that is not a qualified political party, the process for gathering signatures electronically to seek the nomination of a registered political party, described in:

- (i) Section 20A-9-403;
- (ii) Section 20a-9-405, except Subsections 20A-9-405(3) and (5); and
- (iii) Section 20A-21-201; and

(b) as it relates to a qualified political party, the process, for gathering signatures electronically to seek the nomination of a registered political party, described in:

- (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
- (ii) Section 20A-9-408; and
- (iii) Section 20A-21-201.

(6) "Federal office" means an elective office for United States Senator and United States Representative.

(7) "Filing officer" means:

(a) the lieutenant governor, for:

- (i) the office of United States Senator and United States Representative; and
- (ii) all constitutional offices;

(b) for the office of a state senator, ~~or~~ state representative, or state school board, the lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);

(c) the county clerk, for county offices and local school district offices;

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(d) the county clerk in the filer's county of residence, for multicounty offices;

(e) the city or town clerk, for municipal offices; or

(f) the local district clerk, for local district offices.

(8) "Local district office" means an elected office in a local district.

(9) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.

(10) "Manual candidate qualification process" means the process for gathering signatures to seek the nomination of a registered political party, using paper signature packets that a signer physically signs.

(11) (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.

(b) "Multicounty office" does not mean:

(i) a county office;

(ii) a federal office;

(iii) the office of justice or judge of any court of record or not of record;

(iv) the office of presidential elector;

(v) any political party offices; or

(vi) any municipal or local district offices.

(12) "Municipal office" means an elective office in a municipality.

(13) (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.

(b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.

(14) "Qualified political party" means a registered political party that:

(a) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;

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(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

(15) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered political party, means:

(a) when using the manual candidate qualification process, a holographic signature collected physically on a nomination petition described in Subsection 20A-9-405(3); or

(b) when using the electronic candidate qualification process:

(i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

(ii) a holographic signature collected electronically under Subsection 20A-21-201(6)(c)(ii)(B).

Section 17. Section **20A-9-201.5** is amended to read:

**20A-9-201.5. Declaration of candidacy filing period for a qualified political party.**

(1) In 2022, for a qualified political party, the filing period to file a declaration of candidacy for an elective office that is to be filled at the next regular general election begins at 8 a.m. on February 28, 2022, and ends at 5 p.m. on March 4, 2022.

(2) Beginning on January 1, 2024, for a qualified political party, the filing period to file a declaration of candidacy for an elective office that is to be filled at the next regular general



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election:

- (a) begins at 8:00 a.m. on the later of:
  - (i) January 2 of the year in which the next regular general election is held; or
  - (ii) if January 2 is [~~on a weekend~~] not a business day, the first business day after

January 2; and

(b) ends at 5 p.m. on the fourth business day after the day on which the filing period begins.

Section 18. Section 20A-9-207 is enacted to read:

**20A-9-207. Withdrawal of candidacy - Notice.**

As used in this section:

(1) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, state treasurer, state senator, state representative, and state school board.

(2) "State office candidate" means a person who files a declaration of candidacy for a state office.

(3) If a state office candidate withdraws as a candidate under Section 20A-9-202(6), the election officer shall:

(a) notify every opposing candidate for the state office that the state office candidate has withdrawn;

(b) send an email notification to each voter that is eligible to vote in the state office race for whom the election officer has an email address informing the voter that the state office candidate has withdrawn and that votes cast for the state office candidate will not be counted;

(c) post notice of the withdrawal on the election officer's website; and

(d) if practicable, remove the state office candidate's name from the ballot.

(4) An election officer may fulfill the requirement described in Subsection (3) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the election officer's website to inform the voter whether a candidate on the ballot has withdrawn.

Section 19. Section 20A-11-206 is amended to read:

**20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

(1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

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(2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if any, that states:

(a) that the state office candidate failed to timely file the report; and

(b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.

(4) ~~[(a)]~~ If a state office candidate is disqualified under Subsection (3)(a), the election ~~official~~ officer shall:

~~[(i)]~~ [(i)] (a) [remove the state office candidate's name from the ballot; or] notify every opposing candidate for the state office that the state office candidate is disqualified;

[(ii)] (b) [if removing the state office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the state office candidate has been disqualified and that votes cast for the state office candidate will not be counted.] send an email notification to each voter that is eligible to vote in the state office race for whom the lieutenant governor has an email address informing the voter that the state office candidate is disqualified and that votes cast for the state office candidate will not be counted;

(c) post notice of the disqualification on the lieutenant governor's website; and

(d) if practicable, remove the state office candidate's name from the ballot; ~~or~~

~~[(ii) if removing the state office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the state office candidate has been disqualified and that votes cast for the state office candidate will not be counted.]~~

~~(b) An election official;~~

[(b)] (5) An election [official] officer may fulfill the requirement described in

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Subsection ~~[(4)(a)]~~ (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to ~~[a public website that will inform the voter]~~ the lieutenant governor's website to inform the voter whether a candidate on the ballot is disqualified.

~~[(5)]~~ (6) A state office candidate is not disqualified if:

(a) the state office candidate timely files the reports described in Subsections 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection ~~[(5)(b)]~~ (6)(b) are corrected in an amended report or the next scheduled report.

~~[(6)]~~ (7) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each state office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection ~~[(6)]~~ (7).

(ii) Each state office candidate who violates Subsection ~~[(6)(c)(i)]~~ (7)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection ~~[(6)(c)(i)]~~ (7)(c)(i)

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to the attorney general.

(iv) In addition to the criminal penalty described in Subsection ~~[(6)(c)(ii)]~~ [(7)(c)(ii)], the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection ~~[(6)(c)(i)]~~ [(7)(c)(i)].

Section 20. Section 20A-11-305 is amended to read:

### **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

(1) A legislative office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic notice to the legislative office candidate and the political party of which the legislative office candidate is a member, if any, that states:

(a) that the legislative office candidate failed to timely file the report; and

(b) that, if the legislative office candidate fails to file the report within 24 hours after the deadline for filing the report, the legislative office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a legislative office candidate and inform the county clerk and other appropriate election officials that the legislative office candidate is disqualified if the legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a legislative office candidate who is disqualified under Subsection (3)(a) may not replace the legislative office candidate.

(4) ~~[(a)]~~ If a legislative office candidate is disqualified under Subsection (3)(a), the election officer shall:

[(i)] (a) [remove the legislative office candidate's name from the ballot; or] notify every opposing candidate for the legislative office that the legislative office candidate is disqualified;

[(ii)] (b) [if removing the legislative office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the legislative office candidate has been disqualified and that votes cast for the legislative office candidate will not be counted;] send an email notification to each voter that is eligible to vote in the legislative office

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race for whom the election officer has an email address informing the voter that the legislative office candidate is disqualified and that votes cast for the legislative office candidate will not be counted;

(c) post notice of the disqualification on the election officer's website; and

(~~fi~~d) if practicable, remove the legislative office candidate's name from the ballot~~; or~~

~~(ii) if removing the legislative office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the legislative office candidate has been disqualified and that votes cast for the legislative office candidate will not be counted.~~

~~(b) An election official~~};~~~~

(~~b~~) (5) An election [official] officer may fulfill the requirement described in Subsection [~~(4)~~(a)] (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to [a public website that will inform the voter] the election officer's website to inform the voter whether a candidate on the ballot is disqualified.

[~~(5)] (6)~~ A legislative office candidate is not disqualified if:

(a) the legislative office candidate files the reports described in Subsections 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection [~~(5)(b)] (6)(b)~~ are corrected in an amended report or the next scheduled report.

[~~(6)] (7)~~ (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each legislative office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any legislative office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the

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falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the legislative office candidate of the violation or written complaint and direct the legislative office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection ~~[(6)]~~(7).

(ii) Each legislative office candidate who violates Subsection ~~[(6)(c)(i)]~~(7)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection ~~[(6)(c)(i)]~~(7)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection ~~[(6)(c)(i)]~~(7)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a legislative office candidate who violates Subsection ~~[(6)(c)(i)]~~(7)(c)(i).

### Section 21. Section 20A-11-1305 is amended to read:

#### **20A-11-1305. School board office candidate -- Failure to file statement --**

##### **Penalties.**

(1) A school board office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic notice to the school board office candidate and the political party of which the school board office candidate is a member, if any, that states:

(a) that the school board office candidate failed to timely file the report; and

(b) that, if the school board office candidate fails to file the report within 24 hours after the deadline for filing the report, the school board office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a school board office candidate and inform the county clerk and other appropriate election officials that the school board office candidate is disqualified if the school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline

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for filing the report.

(b) The political party of a school board office candidate who is disqualified under Subsection (3)(a) may not replace the school board office candidate.

(4) ~~[(a)]~~ If a school board office candidate is disqualified under Subsection (3)(a), the election officer shall:

~~[(i)] (a) [remove the school board office candidate's name from the ballot; or] notify every opposing candidate for the school board office that the school board office candidate is disqualified;~~

~~[(ii)] (b) [if removing the school board office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the school board office candidate has been disqualified and that votes cast for the school board office candidate will not be counted.] send an email notification to each voter that is eligible to vote in the school board office race for whom the election officer has an email address informing the voter that the school board office candidate is disqualified and that votes cast for the school board office candidate will not be counted;~~

~~(c) post notice of the disqualification on the election officer's website; and~~

~~[(d)] if practicable, remove the school board office candidate's name from the ballot;~~

~~or~~

~~[(i)] if removing the school board office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the school board office candidate has been disqualified and that votes cast for the school board office candidate will not be counted;~~

~~(b);~~

~~[(b)] (5)~~ An election officer may fulfill the requirement described in Subsection ~~[(4)(a)]~~ (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to ~~[a public website that will inform the voter]~~ the election officer's website to inform the voter whether a candidate on the ballot is disqualified.

~~[(5)] (6)~~ A school board office candidate is not disqualified if:

(a) the school board office candidate files the reports described in Subsections 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable deadlines for filing the reports;

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(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection ~~[(5)(b)]~~ [(6)(b)] are corrected in an amended report or the next scheduled report.

~~[(6)]~~ [(7)] (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each school board office candidate who is required to file a summary report has filed the report; and

(ii) each summary report contains the information required by this part.

(b) If it appears that a school board office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the school board office candidate of the violation or written complaint and direct the school board office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven days after receiving the notice described in Subsection ~~[(6)(b)]~~ [(7)(b)] from the lieutenant governor.

(ii) Each school board office candidate who violates Subsection ~~[(6)(c)(i)]~~ [(7)(c)(i)] is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection ~~[(6)(c)(i)]~~ [(7)(c)(i)] to the attorney general.

(iv) In addition to the criminal penalty described in Subsection ~~[(6)(c)(i)]~~ [(7)(c)(ii)], the lieutenant governor shall impose a civil fine of \$100 against a school board office candidate who violates Subsection ~~[(6)(c)(i)]~~ [(7)(c)(i)].

Section ~~[(18)]~~ 22. Section **20A-11-1603** is amended to read:

**20A-11-1603. Conflict of interest disclosure -- Required when filing for candidacy -- Public availability.**

(1) (a) Except as provided in Subsection ~~[(1)(b)]~~ [(1)(c)], candidates seeking the



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following offices shall make a complete conflict of interest disclosure on the website at the time of filing a declaration of candidacy:

- (i) state constitutional officer;
- (ii) state legislator; or
- (iii) State Board of Education member.

(b) A candidate who fails to comply with Subsection (1)(a) shall make a complete conflict of interest disclosure on the website no later than 5:00 p.m. on January 10.

~~[(b)]~~ (c) A candidate is not required to comply with Subsection (1)(a) if the candidate:

- (i) currently holds the office for which the candidate is seeking reelection;
- (ii) already, that same year, filed the conflict of interest disclosure for the office described in Subsection ~~[(1)(b)(i)]~~ (1)(c)(i), in accordance Section 20A-11-1604; and
- (iii) at the time the candidate files the declaration of candidacy, indicates, in writing, that the conflict of interest disclosure described in Subsection ~~[(1)(b)(ii)]~~ (1)(c)(ii) is updated and accurate as of the date of filing the declaration of candidacy.

(2) Except as provided in Subsection ~~[(1)(b)]~~ (1)(c), a filing officer:

(a) shall provide electronic notice to a candidate who fails to comply with Subsection (1)(a) that the candidate must make a complete conflict of interest disclosure on the website no later than the deadline described in Subsection (1)(b); and

(b) may not accept a declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a complete conflict of interest disclosure on the website.

(3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the same requirements and shall be in the same format as the conflict of interest disclosure described in Section 20A-11-1604.

(4) The lieutenant governor shall make the complete conflict of interest disclosure made by each candidate available for public inspection on the website.