

HB0369S02 compared with HB0369

~~{Omitted text}~~ shows text that was in HB0369 but was omitted in HB0369S02

inserted text shows text that was not in HB0369 but was inserted into HB0369S02

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1

Elections Office

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

2

3

LONG TITLE

4

General Description:

5

This bill ~~{establishes the Elections Office,}~~ addresses issues relating to ~~{assume all responsibility for elections currently under the authority of the lieutenant governor}~~ Utah's election system.

6

Highlighted Provisions:

7

This bill:

9

▸ ~~{defines terms;}~~

10

▸ ~~{creates the Elections Office, as an independent state agency, to assume all responsibility for elections currently under the authority of the lieutenant governor;}~~

12

▸ provides for the appointment of a ~~{director}~~ conflict of interest elections officer to act in the ~~{Elections Office who will serve as the chief}~~ place of the lieutenant governor if a complaint or election ~~{officer of}~~ controversy arises that has any connection to a race for office in which the ~~{state}~~ governor or lieutenant governor is, or seeks to be, a candidate;

14

▸ ~~{transfers all duties}~~ describes the terms of service and ~~{powers}~~ authority of the ~~{lieutenant governor in relation to}~~ conflict of interest elections ~~{to the Elections Office or the director of the Elections Office}~~ officer; and

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- 16 ▶ { ~~makes technical and conforming changes.~~ }
- 14 ▶ creates the Elections Oversight Task Force and establishes the task force's:
- 15 • membership;
- 16 • duties;
- 17 • reporting requirements; and
- 18 • repeal date.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

24 **AMENDS:**

23 ~~{10-2-302, as last amended by Laws of Utah 2024, Chapter 438, as last amended by Laws of Utah 2024, Chapter 438}~~

24 ~~{10-2a-102, as last amended by Laws of Utah 2024, Chapters 342, 518, as last amended by Laws of Utah 2024, Chapters 342, 518}~~

25 ~~{10-2a-208, as last amended by Laws of Utah 2023, Chapters 116, 224 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 116, as last amended by Laws of Utah 2023, Chapters 116, 224 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 116}~~

27 ~~{10-2a-210, as last amended by Laws of Utah 2024, Chapter 342, as last amended by Laws of Utah 2024, Chapter 342}~~

28 ~~{10-2a-212, as last amended by Laws of Utah 2019, Chapter 165, as last amended by Laws of Utah 2019, Chapter 165}~~

29 ~~{10-2a-216, as last amended by Laws of Utah 2019, Chapter 165, as last amended by Laws of Utah 2019, Chapter 165}~~

30 ~~{10-3-208, as last amended by Laws of Utah 2024, Chapter 158, as last amended by Laws of Utah 2024, Chapter 158}~~

31 ~~{10-3-301, as last amended by Laws of Utah 2023, Chapter 435, as last amended by Laws of Utah 2023, Chapter 435}~~

32 ~~{11-14-102, as last amended by Laws of Utah 2024, Chapter 438, as last amended by Laws of Utah 2024, Chapter 438}~~

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- 33 ~~{11-14-201, as last amended by Laws of Utah 2014, Chapter 356, as last amended by Laws of Utah 2014, Chapter 356}~~
- 34 ~~{11-14-202, as last amended by Laws of Utah 2023, Chapter 435, as last amended by Laws of Utah 2023, Chapter 435}~~
- 35 ~~{11-14-301, as last amended by Laws of Utah 2024, Chapter 438, as last amended by Laws of Utah 2024, Chapter 438}~~
- 36 ~~{17-2-104, as renumbered and amended by Laws of Utah 2009, Chapter 350, as renumbered and amended by Laws of Utah 2009, Chapter 350}~~
- 37 ~~{17-2-105, as renumbered and amended by Laws of Utah 2009, Chapter 350, as renumbered and amended by Laws of Utah 2009, Chapter 350}~~
- 38 ~~{17-2-204, as renumbered and amended by Laws of Utah 2009, Chapter 350, as renumbered and amended by Laws of Utah 2009, Chapter 350}~~
- 39 ~~{17-2-205, as renumbered and amended by Laws of Utah 2009, Chapter 350, as renumbered and amended by Laws of Utah 2009, Chapter 350}~~
- 40 ~~{17-3-3, as last amended by Laws of Utah 2009, Chapter 350, as last amended by Laws of Utah 2009, Chapter 350}~~
- 41 ~~{17-16-6.5, as last amended by Laws of Utah 2024, Chapter 158, as last amended by Laws of Utah 2024, Chapter 158}~~
- 42 ~~{17-20-5, as last amended by Laws of Utah 2022, Chapter 18, as last amended by Laws of Utah 2022, Chapter 18}~~
- 43 ~~{17-50-502, as last amended by Laws of Utah 2019, Chapter 14, as last amended by Laws of Utah 2019, Chapter 14}~~
- 44 ~~{17-52a-503, as last amended by Laws of Utah 2023, Chapter 15, as last amended by Laws of Utah 2023, Chapter 15}~~
- 45 ~~{17B-1-303, as last amended by Laws of Utah 2024, Chapters 388, 465, as last amended by Laws of Utah 2024, Chapters 388, 465}~~
- 46 ~~{17B-1-306, as last amended by Laws of Utah 2024, Chapters 382, 465, as last amended by Laws of Utah 2024, Chapters 382, 465}~~
- 47 ~~{20A-1-102, as last amended by Laws of Utah 2024, Chapter 438, as last amended by Laws of Utah 2024, Chapter 438}~~

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- 48 ~~{20A-1-105, as enacted by Laws of Utah 2023, Chapter 297, as enacted by Laws of Utah 2023, Chapter 297}~~
- 49 ~~{20A-1-106, as enacted by Laws of Utah 2023, Chapter 297, as enacted by Laws of Utah 2023, Chapter 297}~~
- 50 ~~{20A-1-107, as enacted by Laws of Utah 2023, Chapter 297, as enacted by Laws of Utah 2023, Chapter 297}~~
- 51 ~~{20A-1-108, as enacted by Laws of Utah 2023, Chapter 297, as enacted by Laws of Utah 2023, Chapter 297}~~
- 52 ~~{20A-1-206, as last amended by Laws of Utah 2023, Chapters 15, 435, as last amended by Laws of Utah 2023, Chapters 15, 435}~~
- 53 ~~{20A-1-305, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws of Utah 2024, Chapter 465}~~
- 54 ~~{20A-1-308, as last amended by Laws of Utah 2020, Chapter 31, as last amended by Laws of Utah 2020, Chapter 31}~~
- 55 ~~{20A-1-501, as last amended by Laws of Utah 2023, Chapter 234, as last amended by Laws of Utah 2023, Chapter 234}~~
- 56 ~~{20A-1-503, as last amended by Laws of Utah 2019, First Special Session, Chapter 4, as last amended by Laws of Utah 2019, First Special Session, Chapter 4}~~
- 57 ~~{20A-1-510, as last amended by Laws of Utah 2024, Chapters 438, 450, as last amended by Laws of Utah 2024, Chapters 438, 450}~~
- 58 ~~{20A-1-603, as last amended by Laws of Utah 2023, Chapter 175, as last amended by Laws of Utah 2023, Chapter 175}~~
- 59 ~~{20A-1-802, as enacted by Laws of Utah 2014, Chapter 254, as enacted by Laws of Utah 2014, Chapter 254}~~
- 60 ~~{20A-1-1001, as enacted by Laws of Utah 2023, Chapter 116, as enacted by Laws of Utah 2023, Chapter 116}~~
- 61 ~~{20A-2-101.1, as last amended by Laws of Utah 2018, Chapter 223, as last amended by Laws of Utah 2018, Chapter 223}~~
- 62 ~~{20A-2-102.5, as last amended by Laws of Utah 2023, Chapter 45, as last amended by Laws of Utah 2023, Chapter 45}~~
- 63

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- 64 {20A-2-104, as last amended by Laws of Utah 2023, Chapters 327, 406, as last amended by
Laws of Utah 2023, Chapters 327, 406}
- 66 {20A-2-107, as last amended by Laws of Utah 2023, Chapters 45, 89 and last amended
by Coordination Clause, Laws of Utah 2023, Chapter 89, as last amended by Laws of
Utah 2023, Chapters 45, 89 and last amended by Coordination Clause, Laws of Utah 2023,
Chapter 89}
- 67 {20A-2-108, as last amended by Laws of Utah 2023, Chapter 406, as last amended by Laws
of Utah 2023, Chapter 406}
- 69 {20A-2-201, as last amended by Laws of Utah 2020, Chapters 31, 95 and last amended
by Coordination Clause, Laws of Utah 2020, Chapter 95, as last amended by Laws of
Utah 2020, Chapters 31, 95 and last amended by Coordination Clause, Laws of Utah 2020,
Chapter 95}
- 70 {20A-2-204, as last amended by Laws of Utah 2023, Chapter 237, as last amended by Laws
of Utah 2023, Chapter 237}
- 72 {20A-2-205, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
Coordination Clause, Laws of Utah 2020, Chapter 95, as last amended by Laws of Utah
2020, Chapter 31 and last amended by Coordination Clause, Laws of Utah 2020, Chapter
95}
- 73 {20A-2-206, as last amended by Laws of Utah 2023, Chapter 297, as last amended by Laws
of Utah 2023, Chapter 297}
- 74 {20A-2-207, as last amended by Laws of Utah 2022, Chapter 18, as last amended by Laws
of Utah 2022, Chapter 18}
- 75 {20A-2-300.6, as last amended by Laws of Utah 2023, Chapter 297, as last amended by
Laws of Utah 2023, Chapter 297}
- 76 {20A-2-502, as renumbered and amended by Laws of Utah 2023, Chapter 297, as
renumbered and amended by Laws of Utah 2023, Chapter 297}
- 77 {20A-2-503, as renumbered and amended by Laws of Utah 2023, Chapter 297, as
renumbered and amended by Laws of Utah 2023, Chapter 297}
- 78 {20A-2-505, as last amended by Laws of Utah 2023, Chapters 327, 406 and renumbered
and amended by Laws of Utah 2023, Chapter 297, as last amended by Laws of Utah 2023,
Chapters 327, 406 and renumbered and amended by Laws of Utah 2023, Chapter 297}

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- 79 ~~{20A-2-506 , as renumbered and amended by Laws of Utah 2023, Chapter 297 , as~~
~~renumbered and amended by Laws of Utah 2023, Chapter 297}~~
- 80 ~~{20A-2-507 , as enacted by Laws of Utah 2023, Chapter 297 , as enacted by Laws of Utah~~
~~2023, Chapter 297}~~
- 81 ~~{20A-3a-106 , as enacted by Laws of Utah 2023, Chapter 297 , as enacted by Laws of Utah~~
~~2023, Chapter 297}~~
- 82 ~~{20A-3a-202 , as last amended by Laws of Utah 2023, Chapters 56, 106 and 297 , as last~~
~~amended by Laws of Utah 2023, Chapters 56, 106 and 297}~~
- 83 ~~{20A-3a-401 , as last amended by Laws of Utah 2024, Chapter 477 , as last amended by~~
~~Laws of Utah 2024, Chapter 477}~~
- 84 ~~{20A-3a-401.1 , as enacted by Laws of Utah 2023, Chapter 297 , as enacted by Laws of Utah~~
~~2023, Chapter 297}~~
- 85 ~~{20A-3a-401.5 , as last amended by Laws of Utah 2023, Chapter 297 , as last amended by~~
~~Laws of Utah 2023, Chapter 297}~~
- 86 ~~{20A-3a-402 , as last amended by Laws of Utah 2022, Chapter 380 , as last amended by~~
~~Laws of Utah 2022, Chapter 380}~~
- 87 ~~{20A-3a-402.5 , as enacted by Laws of Utah 2023, Chapter 297 , as enacted by Laws of Utah~~
~~2023, Chapter 297}~~
- 88 ~~{20A-3a-404 , as enacted by Laws of Utah 2022, Chapter 156 , as enacted by Laws of Utah~~
~~2022, Chapter 156}~~
- 89 ~~{20A-3a-601 , as last amended by Laws of Utah 2020, Chapter 95 and renumbered and~~
~~amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of Utah 2020,~~
~~Chapter 95 and renumbered and amended by Laws of Utah 2020, Chapter 31}~~
- 91 ~~{20A-3a-603 , as renumbered and amended by Laws of Utah 2020, Chapter 31 , as~~
~~renumbered and amended by Laws of Utah 2020, Chapter 31}~~
- 92 ~~{20A-3a-703 , as renumbered and amended by Laws of Utah 2020, Chapter 31 , as~~
~~renumbered and amended by Laws of Utah 2020, Chapter 31}~~
- 93 ~~{20A-3a-801 , as last amended by Laws of Utah 2022, Chapters 18, 380 , as last amended by~~
~~Laws of Utah 2022, Chapters 18, 380}~~
- 94 ~~{20A-4-101 , as last amended by Laws of Utah 2022, Chapter 342 , as last amended by Laws~~
~~of Utah 2022, Chapter 342}~~

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- 95 ~~{20A-4-102, as last amended by Laws of Utah 2023, Chapters 156, 297, as last amended by~~
~~Laws of Utah 2023, Chapters 156, 297}~~
- 96 ~~{20A-4-104, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435, as last~~
~~amended by Laws of Utah 2023, Chapters 45, 297 and 435}~~
- 97 ~~{20A-4-106, as last amended by Laws of Utah 2023, Chapters 156, 297, as last amended by~~
~~Laws of Utah 2023, Chapters 156, 297}~~
- 98 ~~{20A-4-109, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws~~
~~of Utah 2024, Chapter 465}~~
- 99 ~~{20A-4-202, as last amended by Laws of Utah 2023, Chapters 156, 297, as last amended by~~
~~Laws of Utah 2023, Chapters 156, 297}~~
- 100 ~~{20A-4-304, as last amended by Laws of Utah 2024, Chapter 503, as last amended by Laws~~
~~of Utah 2024, Chapter 503}~~
- 101 ~~{20A-4-306, as last amended by Laws of Utah 2024, Chapter 503, as last amended by Laws~~
~~of Utah 2024, Chapter 503}~~
- 102 ~~{20A-4-401, as last amended by Laws of Utah 2024, Chapter 503, as last amended by Laws~~
~~of Utah 2024, Chapter 503}~~
- 103 ~~{20A-4-602, as last amended by Laws of Utah 2022, Chapter 170, as last amended by Laws~~
~~of Utah 2022, Chapter 170}~~
- 104 ~~{20A-5-101, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435, as~~
~~last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435}~~
- 105 ~~{20A-5-302, as last amended by Laws of Utah 2023, Chapter 15, as last amended by Laws~~
~~of Utah 2023, Chapter 15}~~
- 106 ~~{20A-5-400.1, as last amended by Laws of Utah 2021, Chapter 101, as last amended by~~
~~Laws of Utah 2021, Chapter 101}~~
- 107 ~~{20A-5-403, as last amended by Laws of Utah 2023, Chapter 15, as last amended by Laws~~
~~of Utah 2023, Chapter 15}~~
- 108 ~~{20A-5-403.5, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435, as last~~
~~amended by Laws of Utah 2023, Chapters 45, 297 and 435}~~
- 109 ~~{20A-5-405, as last amended by Laws of Utah 2023, Chapters 45, 435, as last amended by~~
~~Laws of Utah 2023, Chapters 45, 435}~~

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111 {20A-5-409, as last amended by Laws of Utah 2011, Chapter 327, as last amended by Laws
of Utah 2011, Chapter 327}

112 {20A-5-802, as last amended by Laws of Utah 2019, Chapter 305, as last amended by Laws
of Utah 2019, Chapter 305}

113 {20A-5-803, as renumbered and amended by Laws of Utah 2017, Chapter 32, as
renumbered and amended by Laws of Utah 2017, Chapter 32}

114 {20A-5-901, as last amended by Laws of Utah 2023, Chapter 45, as last amended by Laws
of Utah 2023, Chapter 45}

115 {20A-5-905, as enacted by Laws of Utah 2022, Chapter 156, as enacted by Laws of Utah
2022, Chapter 156}

116 {20A-6-105, as last amended by Laws of Utah 2023, Chapter 406, as last amended by Laws
of Utah 2023, Chapter 406}

117 {20A-6-107, as last amended by Laws of Utah 2018, Chapter 458, as last amended by Laws
of Utah 2018, Chapter 458}

118 {20A-6-108, as enacted by Laws of Utah 2022, Chapter 156, as enacted by Laws of Utah
2022, Chapter 156}

119 {20A-6-203, as last amended by Laws of Utah 2020, Chapter 31, as last amended by Laws
of Utah 2020, Chapter 31}

120 {20A-6-305, as last amended by Laws of Utah 2020, Chapter 49, as last amended by Laws
of Utah 2020, Chapter 49}

121 {20A-7-103, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws
of Utah 2024, Chapter 465}

122 {20A-7-104, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}

123 {20A-7-105, as last amended by Laws of Utah 2024, Chapters 442, 465, as last amended by
Laws of Utah 2024, Chapters 442, 465}

124 {20A-7-106, as enacted by Laws of Utah 2024, Chapter 442, as enacted by Laws of Utah
2024, Chapter 442}

125 {20A-7-201, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}

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- 126 {20A-7-202, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 127 {20A-7-202.5, as last amended by Laws of Utah 2024, Chapter 442, as last amended by
Laws of Utah 2024, Chapter 442}
- 128 {20A-7-202.7, as last amended by Laws of Utah 2023, Chapter 107, as last amended by
Laws of Utah 2023, Chapter 107}
- 129 {20A-7-203, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 130 {20A-7-204, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 131 {20A-7-204.1, as last amended by Laws of Utah 2023, Chapters 107, 435 and last amended
by Coordination Clause, Laws of Utah 2023, Chapter 107, as last amended by Laws of Utah
2023, Chapters 107, 435 and last amended by Coordination Clause, Laws of Utah 2023,
Chapter 107}
- 132 {20A-7-206.1, as last amended by Laws of Utah 2023, Chapters 107, 116, as last amended
by Laws of Utah 2023, Chapters 107, 116}
- 133 {20A-7-207, as last amended by Laws of Utah 2023, Chapters 107, 116, as last amended by
Laws of Utah 2023, Chapters 107, 116}
- 134 {20A-7-208, as last amended by Laws of Utah 2023, Chapters 107, 116, as last amended by
Laws of Utah 2023, Chapters 107, 116}
- 135 {20A-7-209, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 136 {20A-7-211, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 137 {20A-7-215, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 138 {20A-7-216, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 139 {20A-7-217, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 140

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- 141 {20A-7-301, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 142 {20A-7-302, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 143 {20A-7-303, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 144 {20A-7-304, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 145 {20A-7-304.5, as last amended by Laws of Utah 2023, Chapter 107, as last amended by
Laws of Utah 2023, Chapter 107}
- 146 {20A-7-307, as last amended by Laws of Utah 2023, Chapters 107, 116 and last amended by
Coordination Clause, Laws of Utah 2023, Chapter 116, as last amended by Laws of Utah
2023, Chapters 107, 116 and last amended by Coordination Clause, Laws of Utah 2023,
Chapter 116}
- 147 {20A-7-308, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 148 {20A-7-309, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 149 {20A-7-310, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 150 {20A-7-311, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 151 {20A-7-313, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 152 {20A-7-314, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws
of Utah 2024, Chapter 442}
- 153 {20A-7-315, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws
of Utah 2023, Chapter 107}
- 154 {20A-7-406, as enacted by Laws of Utah 2019, Chapter 203, as enacted by Laws of Utah
2019, Chapter 203}
- 155

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~~{20A-7-507, as last amended by Laws of Utah 2023, Chapters 107, 116, as last amended by Laws of Utah 2023, Chapters 107, 116}~~

156 ~~{20A-7-515, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws of Utah 2024, Chapter 442}~~

157 ~~{20A-7-516, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws of Utah 2023, Chapter 107}~~

158 ~~{20A-7-607, as last amended by Laws of Utah 2023, Chapters 107, 116, as last amended by Laws of Utah 2023, Chapters 107, 116}~~

159 ~~{20A-7-615, as last amended by Laws of Utah 2024, Chapter 442, as last amended by Laws of Utah 2024, Chapter 442}~~

160 ~~{20A-7-616, as last amended by Laws of Utah 2023, Chapter 107, as last amended by Laws of Utah 2023, Chapter 107}~~

161 ~~{20A-7-701, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20}~~

162 ~~{20A-7-702, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws of Utah 2024, Chapter 465}~~

163 ~~{20A-7-702.5, as enacted by Laws of Utah 2022, Chapter 11, as enacted by Laws of Utah 2022, Chapter 11}~~

164 ~~{20A-7-703, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws of Utah 2024, Chapter 465}~~

165 ~~{20A-7-703.1, as enacted by Laws of Utah 2024, Chapter 465, as enacted by Laws of Utah 2024, Chapter 465}~~

166 ~~{20A-7-704, as last amended by Laws of Utah 2019, Chapters 217, 255, as last amended by Laws of Utah 2019, Chapters 217, 255}~~

167 ~~{20A-7-705, as last amended by Laws of Utah 2019, Chapters 217, 255, as last amended by Laws of Utah 2019, Chapters 217, 255}~~

168 ~~{20A-7-706, as last amended by Laws of Utah 2019, Chapter 255, as last amended by Laws of Utah 2019, Chapter 255}~~

169 ~~{20A-7-801, as last amended by Laws of Utah 2021, Chapter 100, as last amended by Laws of Utah 2021, Chapter 100}~~

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171 {20A-8-103, as last amended by Laws of Utah 2023, Chapter 116, as last amended by Laws
of Utah 2023, Chapter 116}

172 {20A-8-106, as last amended by Laws of Utah 2019, Chapter 255, as last amended by Laws
of Utah 2019, Chapter 255}

173 {20A-8-401, as last amended by Laws of Utah 2019, Chapter 255, as last amended by Laws
of Utah 2019, Chapter 255}

174 {20A-8-402, as last amended by Laws of Utah 2019, Chapter 255, as last amended by Laws
of Utah 2019, Chapter 255}

175 {20A-8-402.5, as last amended by Laws of Utah 2022, Chapter 13, as last amended by Laws
of Utah 2022, Chapter 13}

176 {20A-8-403, as enacted by Laws of Utah 1997, Chapter 182, as enacted by Laws of Utah
1997, Chapter 182}

177 {20A-9-101, as last amended by Laws of Utah 2023, Chapters 15, 45, as last amended by
Laws of Utah 2023, Chapters 15, 45}

178 {20A-9-201, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws
of Utah 2024, Chapter 465}

179 {20A-9-202, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6, as
last amended by Laws of Utah 2021, Second Special Session, Chapter 6}

180 {20A-9-202.5, as last amended by Laws of Utah 2019, Chapter 433, as last amended by
Laws of Utah 2019, Chapter 433}

181 {20A-9-203, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws
of Utah 2024, Chapter 465}

182 {20A-9-402, as last amended by Laws of Utah 1996, Second Special Session, Chapters 3, 3,
as last amended by Laws of Utah 1996, Second Special Session, Chapters 3, 3}

183 {20A-9-403, as last amended by Laws of Utah 2024, Chapter 503, as last amended by Laws
of Utah 2024, Chapter 503}

184 {20A-9-405, as last amended by Laws of Utah 2022, Chapter 325, as last amended by Laws
of Utah 2022, Chapter 325}

185 {20A-9-406, as last amended by Laws of Utah 2022, Chapter 13, as last amended by Laws
of Utah 2022, Chapter 13}

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187 {20A-9-407, as last amended by Laws of Utah 2022, Chapter 13, as last amended by Laws
of Utah 2022, Chapter 13}

188 {20A-9-408, as last amended by Laws of Utah 2023, Chapter 116, as last amended by Laws
of Utah 2023, Chapter 116}

189 {20A-9-409, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6, as
last amended by Laws of Utah 2021, Second Special Session, Chapter 6}

190 {20A-9-410, as enacted by Laws of Utah 2014, Chapter 17, as enacted by Laws of Utah
2014, Chapter 17}

191 {20A-9-601, as last amended by Laws of Utah 2024, Chapter 465, as last amended by Laws
of Utah 2024, Chapter 465}

192 {20A-9-701, as last amended by Laws of Utah 2015, Chapter 296, as last amended by Laws
of Utah 2015, Chapter 296}

193 {20A-9-802, as last amended by Laws of Utah 2019, Chapter 433, as last amended by Laws
of Utah 2019, Chapter 433}

194 {20A-9-803, as last amended by Laws of Utah 2019, Chapter 433, as last amended by Laws
of Utah 2019, Chapter 433}

195 {20A-9-805, as last amended by Laws of Utah 2019, Chapter 433, as last amended by Laws
of Utah 2019, Chapter 433}

196 {20A-9-806, as last amended by Laws of Utah 2020, Chapter 31, as last amended by Laws
of Utah 2020, Chapter 31}

197 {20A-9-809, as last amended by Laws of Utah 2019, Chapter 433, as last amended by Laws
of Utah 2019, Chapter 433}

198 {20A-11-101, as last amended by Laws of Utah 2024, Chapter 438, as last amended by
Laws of Utah 2024, Chapter 438}

199 {20A-11-101.3, as last amended by Laws of Utah 2021, Chapter 20, as last amended by
Laws of Utah 2021, Chapter 20}

200 {20A-11-103, as last amended by Laws of Utah 2024, Chapter 443, as last amended by
Laws of Utah 2024, Chapter 443}

201 {20A-11-104, as last amended by Laws of Utah 2024, Chapter 447, as last amended by
Laws of Utah 2024, Chapter 447}

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202 {20A-11-105, as last amended by Laws of Utah 2019, Chapter 255, as last amended by
Laws of Utah 2019, Chapter 255}

203 {20A-11-201, as last amended by Laws of Utah 2021, Chapter 20, as last amended by Laws
of Utah 2021, Chapter 20}

204 {20A-11-202, as last amended by Laws of Utah 2022, Chapter 18, as last amended by Laws
of Utah 2022, Chapter 18}

205 {20A-11-204, as last amended by Laws of Utah 2021, Chapter 20, as last amended by Laws
of Utah 2021, Chapter 20}

206 {20A-11-205, as last amended by Laws of Utah 2013, Chapter 170, as last amended by
Laws of Utah 2013, Chapter 170}

207 {20A-11-206, as last amended by Laws of Utah 2023, Chapter 45, as last amended by Laws
of Utah 2023, Chapter 45}

208 {20A-11-301, as last amended by Laws of Utah 2021, Chapter 20, as last amended by Laws
of Utah 2021, Chapter 20}

209 {20A-11-303, as last amended by Laws of Utah 2021, Chapter 20, as last amended by Laws
of Utah 2021, Chapter 20}

210 {20A-11-304, as last amended by Laws of Utah 2013, Chapter 170, as last amended by
Laws of Utah 2013, Chapter 170}

211 {20A-11-305, as last amended by Laws of Utah 2023, Chapter 45, as last amended by Laws
of Utah 2023, Chapter 45}

212 {20A-11-402, as last amended by Laws of Utah 2019, Chapter 74, as last amended by Laws
of Utah 2019, Chapter 74}

213 {20A-11-403, as last amended by Laws of Utah 2021, Chapter 20, as last amended by Laws
of Utah 2021, Chapter 20}

214 {20A-11-507, as last amended by Laws of Utah 2019, Chapter 74, as last amended by Laws
of Utah 2019, Chapter 74}

215 {20A-11-508, as last amended by Laws of Utah 2020, Chapter 22, as last amended by Laws
of Utah 2020, Chapter 22}

216 {20A-11-511, as last amended by Laws of Utah 2019, Chapter 74, as last amended by Laws
of Utah 2019, Chapter 74}

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216 {20A-11-512, as last amended by Laws of Utah 2020, Chapter 22, as last amended by Laws
of Utah 2020, Chapter 22}

217 {20A-11-513, as enacted by Laws of Utah 2011, Chapter 396, as enacted by Laws of Utah
2011, Chapter 396}

218 {20A-11-601, as last amended by Laws of Utah 2022, Chapter 340, as last amended by
Laws of Utah 2022, Chapter 340}

219 {20A-11-602, as last amended by Laws of Utah 2019, Chapters 74, 116, as last amended by
Laws of Utah 2019, Chapters 74, 116}

220 {20A-11-603, as last amended by Laws of Utah 2022, Chapter 340, as last amended by
Laws of Utah 2022, Chapter 340}

221 {20A-11-701.5, as renumbered and amended by Laws of Utah 2019, Chapter 74, as
renumbered and amended by Laws of Utah 2019, Chapter 74}

222 {20A-11-702, as last amended by Laws of Utah 2017, Chapter 276, as last amended by
Laws of Utah 2017, Chapter 276}

223 {20A-11-703, as last amended by Laws of Utah 2020, Chapter 22, as last amended by Laws
of Utah 2020, Chapter 22}

224 {20A-11-704, as last amended by Laws of Utah 2018, Chapter 83, as last amended by Laws
of Utah 2018, Chapter 83}

225 {20A-11-801, as last amended by Laws of Utah 2021, Chapter 20, as last amended by Laws
of Utah 2021, Chapter 20}

226 {20A-11-802, as last amended by Laws of Utah 2023, Chapter 116, as last amended by
Laws of Utah 2023, Chapter 116}

227 {20A-11-803, as last amended by Laws of Utah 2020, Chapter 22, as last amended by Laws
of Utah 2020, Chapter 22}

228 {20A-11-901, as last amended by Laws of Utah 2022, Chapter 18, as last amended by Laws
of Utah 2022, Chapter 18}

229 {20A-11-905, as enacted by Laws of Utah 2013, Chapter 86, as enacted by Laws of Utah
2013, Chapter 86}

230 {20A-11-1004, as enacted by Laws of Utah 1995, Chapter 1, as enacted by Laws of Utah
1995, Chapter 1}

231

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- 232 {20A-11-1202, as last amended by Laws of Utah 2023, Chapters 15, 327, as last amended by
Laws of Utah 2023, Chapters 15, 327}
- 233 {20A-11-1205, as last amended by Laws of Utah 2020, Chapter 22, as last amended by
Laws of Utah 2020, Chapter 22}
- 234 {20A-11-1301, as last amended by Laws of Utah 2021, Chapter 20, as last amended by
Laws of Utah 2021, Chapter 20}
- 235 {20A-11-1303, as last amended by Laws of Utah 2021, Chapter 20, as last amended by
Laws of Utah 2021, Chapter 20}
- 236 {20A-11-1304, as enacted by Laws of Utah 1997, Chapter 355, as enacted by Laws of Utah
1997, Chapter 355}
- 237 {20A-11-1305, as last amended by Laws of Utah 2023, Chapter 45, as last amended by
Laws of Utah 2023, Chapter 45}
- 238 {20A-11-1502, as last amended by Laws of Utah 2018, Chapter 83, as last amended by
Laws of Utah 2018, Chapter 83}
- 239 {20A-11-1503, as last amended by Laws of Utah 2020, Chapter 22, as last amended by
Laws of Utah 2020, Chapter 22}
- 240 {20A-11-1602, as last amended by Laws of Utah 2024, Chapter 443, as last amended by
Laws of Utah 2024, Chapter 443}
- 241 {20A-11-1602.5, as last amended by Laws of Utah 2024, Chapter 443, as last amended by
Laws of Utah 2024, Chapter 443}
- 242 {20A-11-1603, as last amended by Laws of Utah 2023, Chapter 45, as last amended by
Laws of Utah 2023, Chapter 45}
- 243 {20A-11-1604, as last amended by Laws of Utah 2022, Chapter 170, as last amended by
Laws of Utah 2022, Chapter 170}
- 244 {20A-11-1605, as last amended by Laws of Utah 2021, Chapter 20, as last amended by
Laws of Utah 2021, Chapter 20}
- 245 {20A-11-1606, as last amended by Laws of Utah 2019, Chapter 266, as last amended by
Laws of Utah 2019, Chapter 266}
- 246 {20A-12-201, as last amended by Laws of Utah 2023, Chapter 394, as last amended by
Laws of Utah 2023, Chapter 394}

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247 ~~{20A-12-302, as enacted by Laws of Utah 2001, Chapter 166, as enacted by Laws of Utah
2001, Chapter 166}~~

248 ~~{20A-12-303, as last amended by Laws of Utah 2021, Chapter 20, as last amended by Laws
of Utah 2021, Chapter 20}~~

249 ~~{20A-12-304, as last amended by Laws of Utah 2010, Chapter 389, as last amended by
Laws of Utah 2010, Chapter 389}~~

250 ~~{20A-12-305, as last amended by Laws of Utah 2019, Chapter 255, as last amended by
Laws of Utah 2019, Chapter 255}~~

251 ~~{20A-12-306, as last amended by Laws of Utah 2010, Chapter 389, as last amended by
Laws of Utah 2010, Chapter 389}~~

252 ~~{20A-13-102, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2, as
last amended by Laws of Utah 2021, Second Special Session, Chapter 2}~~

253 ~~{20A-13-102.2, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2,
as last amended by Laws of Utah 2021, Second Special Session, Chapter 2}~~

254 ~~{20A-13-103, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2, as
last amended by Laws of Utah 2021, Second Special Session, Chapter 2}~~

255 ~~{20A-13-104, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2, as
last amended by Laws of Utah 2021, Second Special Session, Chapter 2}~~

256 ~~{20A-13-301, as last amended by Laws of Utah 2020, Chapter 22, as last amended by Laws
of Utah 2020, Chapter 22}~~

257 ~~{20A-13-302, as last amended by Laws of Utah 2020, Chapter 22, as last amended by Laws
of Utah 2020, Chapter 22}~~

258 ~~{20A-13-304, as last amended by Laws of Utah 2020, Chapter 22, as last amended by Laws
of Utah 2020, Chapter 22}~~

259 ~~{20A-14-102, as last amended by Laws of Utah 2021, Second Special Session, Chapter 10,
as last amended by Laws of Utah 2021, Second Special Session, Chapter 10}~~

260 ~~{20A-14-102.1, as last amended by Laws of Utah 2021, Second Special Session, Chapter 10,
as last amended by Laws of Utah 2021, Second Special Session, Chapter 10}~~

261 ~~{20A-14-102.2, as last amended by Laws of Utah 2021, Second Special Session, Chapter 10,
as last amended by Laws of Utah 2021, Second Special Session, Chapter 10}~~

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263

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265 ~~{20A-14-102.3, as last amended by Laws of Utah 2021, Second Special Session, Chapter 10,
as last amended by Laws of Utah 2021, Second Special Session, Chapter 10}~~

266 ~~{20A-14-103, as last amended by Laws of Utah 2021, Second Special Session, Chapter 10,
as last amended by Laws of Utah 2021, Second Special Session, Chapter 10}~~

267 ~~{20A-15-103, as last amended by Laws of Utah 2023, Chapter 116, as last amended by
Laws of Utah 2023, Chapter 116}~~

268 ~~{20A-15-201, as enacted by Laws of Utah 1995, Chapter 1, as enacted by Laws of Utah
1995, Chapter 1}~~

269 ~~{20A-15-202, as enacted by Laws of Utah 1995, Chapter 1, as enacted by Laws of Utah
1995, Chapter 1}~~

270 ~~{20A-16-201, as last amended by Laws of Utah 2023, Chapter 215, as last amended by
Laws of Utah 2023, Chapter 215}~~

271 ~~{20A-16-202, as last amended by Laws of Utah 2020, Chapter 31, as last amended by Laws
of Utah 2020, Chapter 31}~~

272 ~~{20A-16-302, as last amended by Laws of Utah 2023, Chapter 215, as last amended by
Laws of Utah 2023, Chapter 215}~~

273 ~~{20A-16-401, as last amended by Laws of Utah 2023, Chapter 215, as last amended by
Laws of Utah 2023, Chapter 215}~~

274 ~~{20A-16-410, as enacted by Laws of Utah 2011, Chapter 327, as enacted by Laws of Utah
2011, Chapter 327}~~

275 ~~{20A-21-101, as enacted by Laws of Utah 2022, Chapter 325, as enacted by Laws of Utah
2022, Chapter 325}~~

276 ~~{20A-21-201, as last amended by Laws of Utah 2024, Chapter 17, as last amended by Laws
of Utah 2024, Chapter 17}~~

277 ~~{36-11-102, as last amended by Laws of Utah 2024, Chapters 425, 438, as last amended by
Laws of Utah 2024, Chapters 425, 438}~~

278 ~~{53-3-104, as last amended by Laws of Utah 2024, Chapter 106, as last amended by Laws of
Utah 2024, Chapter 106}~~

279 ~~{63C-27-201, as enacted by Laws of Utah 2022, Chapter 153, as enacted by Laws of Utah
2022, Chapter 153}~~

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~~{63E-1-102 , as last amended by Laws of Utah 2023, Chapters 16, 431 and 502 , as last amended by Laws of Utah 2023, Chapters 16, 431 and 502}~~

280 ~~{63E-1-103 , as enacted by Laws of Utah 2018, Chapter 256 , as enacted by Laws of Utah 2018, Chapter 256}~~

281 ~~{63G-2-203 , as last amended by Laws of Utah 2022, Chapter 128 , as last amended by Laws of Utah 2022, Chapter 128}~~

282 ~~{63G-2-302 , as last amended by Laws of Utah 2024, Chapter 234 , as last amended by Laws of Utah 2024, Chapter 234}~~

283 ~~{63G-2-305 , as last amended by Laws of Utah 2024, Chapters 18, 101, 135, 267, 344, and 522 , as last amended by Laws of Utah 2024, Chapters 18, 101, 135, 267, 344, and 522}~~

285 ~~{63G-2-704 , as enacted by Laws of Utah 2023, Chapter 516 , as enacted by Laws of Utah 2023, Chapter 516}~~

25 **63I-2-236 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5**

286 ~~{63O-1-201 , as enacted by Laws of Utah 2024, Chapter 425 , as enacted by Laws of Utah 2024, Chapter 425}~~

287 ~~{67-1a-2 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438}~~

288 ~~{67-1a-15 , as last amended by Laws of Utah 2023, Chapter 16 , as last amended by Laws of Utah 2023, Chapter 16}~~

289 ~~{78A-12-203 , as last amended by Laws of Utah 2022, Chapter 11 , as last amended by Laws of Utah 2022, Chapter 11}~~

290 ~~{78A-12-206 , as last amended by Laws of Utah 2022, Chapter 11 , as last amended by Laws of Utah 2022, Chapter 11}~~

26 ENACTS:

292 ~~{17-2-103.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

293 ~~{20A-1-104.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

294 ~~{20A-1-104.6 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

295 ~~{20A-1-104.7 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

27 **20A-1-109 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

28 **36-29-113 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

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29

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

298 ~~{Section 1. Section 10-2-302 is amended to read: }~~

299 **10-2-302. Change of class of municipality.**

- 300 (1) Each municipality shall retain [its] the municipality's classification under Section 10-2-301 until
changed as provided in this section or Subsection 67-1a-2(3).
- 302 (2) If a municipality's population, as determined by the [~~lieutenant governor~~] director under Subsection
[~~67-1a-2(3)~~] 20A-1-104.7(3), indicates that the municipality's population has decreased below
the limit for [its] the municipality's current class, the legislative body of the municipality may
petition the [~~lieutenant governor~~] director to prepare a certificate indicating the class in which the
municipality belongs based on the decreased population figure.
- 308 (3) A municipality's change in class is effective on the date of the [~~lieutenant governor's~~] director's
certificate under Subsection [~~67-1a-2(3)~~] 20A-1-104.7(3).

310 ~~{Section 2. Section 10-2a-102 is amended to read: }~~

311 **10-2a-102. Definitions.**

- 312 (1) As used in this chapter:
- 313 (a) "Community council area" means the cumulative areas within the geographic boundary of a
community council that is formally recognized by a county of the first class pursuant to county
ordinance.
- 316 (b) "Community council municipality" means a municipality that results from the incorporation of
unincorporated islands within a community council area.
- 318 (c) "Contact sponsor" means the person designated in the feasibility request as the contact sponsor
under Subsection 10-2a-202(3)(b).
- 320 (d)
- (i) "Contiguous" means, except as provided in Subsection (1)(d)(ii), the same as that term is defined in
Section 10-1-104.
- 322 (ii) "Contiguous" does not include a circumstance where:
- 323 (A) two areas of land are only connected by a strip of land between geographically separate areas; and
- 325 (B) the distance between the geographically separate areas described in Subsection (1)(d)(ii)(A) is
greater than the average width of the strip of land connecting the geographically separate areas.

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- (e) "Director" means the director of the Elections Office, appointed under Subsection 20A-1-104.6(3)
(a).
- 330 (f) "Feasibility consultant" means a person or firm with the qualifications and expertise described in
Subsection 10-2a-205(2)(b).
- 332 [~~f~~] (g) "Feasibility request" means a request, described in Section 10-2a-202, for a feasibility study for
the proposed incorporation of a municipality.
- 334 [~~g~~] (h)
- (i) "Municipal service" means any of the following that are publicly provided:
- 335 (A) culinary water;
- 336 (B) secondary water;
- 337 (C) sewer service;
- 338 (D) storm drainage or flood control;
- 339 (E) recreational facilities or parks;
- 340 (F) electrical power generation or distribution;
- 341 (G) construction or maintenance of local streets and roads;
- 342 (H) street lighting;
- 343 (I) curb, gutter, and sidewalk maintenance;
- 344 (J) law or code enforcement service;
- 345 (K) fire protection service;
- 346 (L) animal services;
- 347 (M) planning and zoning;
- 348 (N) building permits and inspections;
- 349 (O) refuse collection; or
- 350 (P) weed control.
- 351 (ii) "Municipal service" includes the physical facilities required to provide a service described in
Subsection [~~f~~](g)(i) (1)(h)(i).
- 353 [~~h~~] (i) "Municipal services district" means a special district created under Title 17B, Chapter 2a, Part
11, Municipal Services District Act.
- 355 [~~i~~] (j) "Private," with respect to real property, means taxable property.
- 356 (2) For purposes of this part:
- 357

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- 360 (a) the owner of real property shall be the record title owner according to the records of the county recorder on the date of the filing of the feasibility request or petition for incorporation; and
- 363 (b) the assessed fair market value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the feasibility request or petition for incorporation.
- 366 (3) For purposes of each provision of this part that requires the owners of private real property covering a percentage or fraction of the total private land area within an area to sign a feasibility request or a petition for incorporation:
- 369 (a) a parcel of real property may not be included in the calculation of the required percentage or fraction unless the feasibility request or petition for incorporation is signed by:
- 371 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or
- 373 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;
- 375 (b) the signature of a person signing a feasibility request or a petition for incorporation in a representative capacity on behalf of an owner is invalid unless:
- 378 (i) the person's representative capacity and the name of the owner the person represents are indicated on the feasibility request or petition for incorporation with the person's signature; and
- 381 (ii) the person provides documentation accompanying the feasibility request or petition for incorporation that substantiates the person's representative capacity; and
- 383 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a feasibility request or a petition for incorporation on behalf of a deceased owner.

{Section 3. ~~Section 10-2a-208~~ is amended to read: }

10-2a-208. Petition for incorporation -- Requirements and form.

- 385 (1) At any time within one year after the day on which the county clerk completes the public hearings required under Section 10-2a-207, individuals within the proposed municipality may proceed with the incorporation process by circulating, and submitting to the county clerk, a petition for incorporation that, to be certified under Subsection 10-2a-209(1)(b)(i), is required to be signed by:
- 390 (a) 10% of all registered voters within the area proposed to be incorporated as a municipality, as of the day on which the petition for incorporation is filed;

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(b) if the petition for incorporation proposes the incorporation of a city, and subject to Subsection (5), 10% of all registered voters within 90% of the voting precincts within the area proposed to be incorporated as a city, as of the day on which the petition for incorporation is filed; and

396 (c) the owners of private real property that:

397 (i) is located within the proposed municipality;

398 (ii) covers at least 10% of the total private land area within the proposed municipality; and

400 (iii) on January 1 of the current year, was equal in assessed fair market value to at least 7% of the assessed fair market value of all private real property within the proposed municipality.

403 (2) The petition for incorporation shall:

404 (a) include the typed or printed name and current residence address of each voter who signs the petition for incorporation;

406 (b) describe the area proposed to be incorporated as a municipality, as described in the feasibility request or the modified feasibility request that complies with Subsection 10-2a-205(5)(a);

409 (c) state the proposed name for the proposed municipality;

410 (d) designate five signers of the petition for incorporation as petition sponsors, one of whom is designated as the contact sponsor, with the mailing address and telephone number of each;

413 (e) if the sponsors propose the incorporation of a city, state that the signers of the petition for incorporation appoint the sponsors, if the incorporation measure passes, to represent the signers in:

416 (i) selecting the number of commission or council members the new city will have; and

418 (ii) drawing district boundaries for the election of council members, if the voters decide to elect council members by district;

420 (f) be accompanied by and circulated with an accurate plat or map, prepared by a licensed surveyor, showing the boundaries of the proposed municipality; and

422 (g) substantially comply with and be circulated in the following form:

423 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed municipality)

425 To the [~~Honorable Lieutenant Governor~~] director of the Elections Office and the [name of county legislative body]:

427 We, the undersigned registered voters within the area described in this petition for incorporation, respectfully petition the [~~lieutenant governor~~] director of the Elections Office and the county legislative body to submit to the registered voters residing within the area described in

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this petition for incorporation, at the next regular general election, the question of whether the area should incorporate as a municipality. Each of the undersigned affirms that each has personally signed this petition for incorporation and is a registered voter who resides within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a municipality is described as follows:[insert an accurate description of the area proposed to be incorporated].

- 436 (3)
- (a) Except as provided in Subsection (3)(b), a valid signature on a feasibility request described in Section 10-2a-202 or a modified feasibility request described in Section 10-2a-206 may be used toward fulfilling the signature requirement described in Subsection (1) if the feasibility request notified the signer in conspicuous language that the signature, unless withdrawn, would also be used for a petition for incorporation under this section.
- 442 (b) A signature described in Subsection (3)(a) may not be used toward fulfilling the signature requirement described in Subsection (1) if the signer files with the county clerk a written withdrawal of the signature before the petition for incorporation is filed with the county clerk under this section.
- 446 (4)
- (a) A voter who signs a petition for incorporation may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition for incorporation is submitted to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
- 450 (b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 452 (c) The [~~lieutenant governor~~] director shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.
- 455 (d) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition for incorporation after receiving a timely, valid statement requesting removal of the signature.
- 459 (5)
- (a) A signature does not qualify under Subsection (1)(b) if the signature is gathered from a voting precinct that:

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- 461 (i) except in a proposed municipality that will be a city of the fifth class, is not located entirely
within the boundaries of a proposed city; or
- 463 (ii) includes less than 50 registered voters.
- 464 (b) A voting precinct that is not located entirely within the boundaries of the proposed city does not
qualify as a voting precinct under Subsection (1)(b).

466 ~~{Section 4. Section 10-2a-210 is amended to read: }~~

10-2a-210. Incorporation election -- Notice of election -- Voter information pamphlet.

- 469 (1)
- (a) If the county clerk certifies a petition for incorporation under Subsection 10-2a-209(1)(b), the
[~~lieutenant governor~~] director shall schedule an incorporation election for the proposed municipality
described in the petition for incorporation to be held on the date of the next regular general election
described in Section 20A-1-201, or the next municipal general election described in Section
20A-1-202, that is at least 65 days after the day on which the county clerk certifies the petition for
incorporation.
- 476 (b)
- (i) The [~~lieutenant governor~~] director shall direct the county legislative body of the county in
which the proposed municipality is located to hold the election on the date that the [~~lieutenant
governor~~] director schedules under Subsection (1)(a).
- 479 (ii) The county legislative body shall hold the election as directed by the [~~lieutenant governor~~] director
under Subsection (1)(b)(i).
- 481 (2) The county clerk shall provide notice of the election for the area proposed to be incorporated, as a
class B notice under Section 63G-30-102, for at least three weeks before the day of the election.
- 484 (3)
- (a) The notice described in Subsection (2) shall include:
- 485 (i) a statement of the contents of the petition for incorporation;
- 486 (ii) a description of the area proposed to be incorporated as a municipality;
- 487 (iii) a statement of the date and time of the election and the location of polling places; and
- 489 (iv) except as provided in Subsection (3)(b), the feasibility study summary described in Subsection
10-2a-205(2)(c)(iii) and a statement that a full copy of the study is available on the county's
website and for inspection at the county offices.

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

496 (i) the county's website;

497 (ii) the physical address of the county clerk office; and

498 (iii) a mailing address and telephone number.

499 (4)

(a) In addition to the notice described in Subsection (2), the county clerk shall publish and distribute, before the incorporation election is held, a voter information pamphlet:

501 (i) in accordance with the procedures and requirements of Section 20A-7-402;

502 (ii) in consultation with the [~~lieutenant governor~~] director; and

503 (iii) in a manner that the county clerk determines is adequate, subject to Subsections (4)(a)(i) and (ii).

505 (b) The voter information pamphlet described in Subsection (4)(a):

506 (i) shall inform the public of the proposed incorporation; and

507 (ii) may include written statements, printed in the same font style and point size, from proponents and opponents of the proposed incorporation.

509 (5) An individual may not vote in an incorporation election under this section unless the individual is a registered voter who is a resident, as defined in Section 20A-1-102, within the boundaries of the proposed municipality.

512 (6)

(a) Subject to Subsection (6)(b), if a majority of those who vote in an incorporation election held under this section cast votes in favor of incorporation, the area shall incorporate.

515 (b)

(i) As used in this Subsection (6)(b):

516 (A) "Approving separate area" means a separate area in which a majority of those voting in an incorporation election for the incorporation of a community council area vote in favor of incorporation.

519 (B) "Separate area" means an unincorporated island, as defined in Section 10-2-429, that is within a community council area.

521

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(ii) If a majority of those within a separate area voting in an incorporation election for the incorporation of a community council area vote against incorporation, that separate area is excluded from the incorporation.

524 (iii) Approving separate areas are incorporated as a municipality if the combined total population within
all approving separate areas is at least 80% of the population within the community council area.

527 ~~{Section 5. Section 10-2a-212 is amended to read: }~~

528 **10-2a-212. Notification to director of incorporation election results.**

Within 10 days after the day on which the county conducts a canvass of the incorporation election, the county clerk shall send written notice to the [~~lieutenant governor~~]
director of:

532 (1) the results of the election; and

533 (2) if the incorporation measure passes, the name of the municipality.

534 ~~{Section 6. Section 10-2a-216 is amended to read: }~~

535 **10-2a-216. Notification to director of election of municipal officers.**

Within 10 days after the day on which the county conducts the canvass of the final election of municipal officers under Section 10-2a-215, the county clerk shall send written notice to the [~~lieutenant governor~~] director of the name and position of each officer elected in a new municipality and the term for which each has been elected.

540 ~~{Section 7. Section 10-3-208 is amended to read: }~~

541 **10-3-208. Campaign finance disclosure in municipal election.**

542 (1) Unless a municipality adopts by ordinance more stringent definitions, [~~the following are defined~~
~~terms for purposes of~~] as used in this section:

544 (a) "Agent of a candidate" means:

545 (i) a person acting on behalf of a candidate at the direction of the reporting entity;

546 (ii) a person employed by a candidate in the candidate's capacity as a candidate;

547 (iii) the personal campaign committee of a candidate;

548 (iv) a member of the personal campaign committee of a candidate in the member's capacity as a
member of the personal campaign committee of the candidate; or

550 (v) a political consultant of a candidate.

551 (b) "Anonymous contribution limit" means for each calendar year:

552 (i) \$50; or

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- 553 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.
554 (c)
- (i) "Candidate" means a person who:
- 555 (A) files a declaration of candidacy for municipal office; or
556 (B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.
- 559 (ii) "Candidate" does not mean a person who files for the office of judge.
560 (d)
- (i) "Contribution" means any of the following when done for political purposes:
- 561 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;
563 (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;
566 (C) any transfer of funds from another reporting entity to the candidate;
567 (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
569 (E) a loan made by a candidate deposited to the candidate's own campaign; and
570 (F) an in-kind contribution.
- 571 (ii) "Contribution" does not include:
- 572 (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
575 (B) money lent to the candidate by a financial institution in the ordinary course of business; or
577 (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.
- 579 (e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:
- 581 (i) with the candidate's prior knowledge, if the candidate does not object;
582 (ii) by agreement with the candidate;

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- 583 (iii) in coordination with the candidate; or
- 584 (iv) using official logos, slogans, and similar elements belonging to a candidate.
- 585 (f) "Director" means the director of the Elections Office, appointed under Subsection 20A-1-104.6(3)
- (a).
- 587 [~~f~~] (g)
- (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
- 589 (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)
- (a);
- 591 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
- 593 (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
- 596 (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
- 598 (E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or
- 600 (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
- 602 (ii) "Expenditure" does not include:
- 603 (A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or
- 605 (B) money lent to a candidate by a financial institution in the ordinary course of business.
- 607 [~~g~~] (h) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.
- 609 [~~h~~] (i)
- (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
- 612 (ii) "Political consultant" includes a circumstance described in Subsection [~~(1)(h)(i)~~] (1)(i)(i), where the person:

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- 614 (A) has already been paid, with money or other consideration;
- 615 (B) expects to be paid in the future, with money or other consideration; or
- 616 (C) understands that the person may, in the discretion of the candidate or another person on behalf of
and with the knowledge of the candidate, be paid in the future, with money or other consideration.
- 619 ~~(j)~~ (j) "Political purposes" means an act done with the intent or in a way to influence or tend to
influence, directly or indirectly, any person to refrain from voting or to vote for or against any
candidate or a person seeking a municipal office at any caucus, political convention, or election.
- 623 ~~(j)~~ (k) "Reporting entity" means:
- 624 (i) a candidate;
- 625 (ii) a committee appointed by a candidate to act for the candidate;
- 626 (iii) a person who holds an elected municipal office;
- 627 (iv) a party committee as defined in Section 20A-11-101;
- 628 (v) a political action committee as defined in Section 20A-11-101;
- 629 (vi) a political issues committee as defined in Section 20A-11-101;
- 630 (vii) a corporation as defined in Section 20A-11-101; or
- 631 (viii) a labor organization as defined in Section 20A-11-1501.
- 632 (2)
- (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a
candidate that are more stringent than the requirements provided in Subsections (3) through (7).
- 635 (b) The municipality may adopt definitions that are more stringent than those provided in Subsection
(1).
- 637 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection
(2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3)
through (7).
- 640 (3) Each candidate:
- 641 (a) shall deposit a contribution in a separate campaign account in a financial institution; and
- 643 (b) may not deposit or mingle any campaign contributions received into a personal or business account.
- 645 (4)
- (a) In a year in which a municipal primary is held, each candidate who will participate in the municipal
primary shall file a campaign finance statement with the municipal clerk or recorder no later than
seven days before the day described in Subsection 20A-1-201.5(2).

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- 649 (b) Each candidate who is not eliminated at a municipal primary election shall file a campaign finance
statement with the municipal clerk or recorder no later than:
- 651 (i) 28 days before the day on which the municipal general election is held;
- 652 (ii) seven days before the day on which the municipal general election is held; and
- 653 (iii) 30 days after the day on which the municipal general election is held.
- 654 (c) Each candidate for municipal office who is eliminated at a municipal primary election shall file with
the municipal clerk or recorder a campaign finance statement within 30 days after the day on which
the municipal primary election is held.
- 657 (5) If a municipality does not conduct a primary election for a race, each candidate who will participate
in that race shall file a campaign finance statement with the municipal clerk or recorder no later
than:
- 660 (a) 28 days before the day on which the municipal general election is held;
- 661 (b) seven days before the day on which the municipal general election is held; and
- 662 (c) 30 days after the day on which the municipal general election is held.
- 663 (6) Each campaign finance statement described in Subsection (4) or (5) shall:
- 664 (a) except as provided in Subsection (6)(b):
- 665 (i) report all of the candidate's itemized and total:
- 666 (A) contributions, including in-kind and other nonmonetary contributions, received up to and including
five days before the campaign finance statement is due, excluding a contribution previously
reported; and
- 669 (B) expenditures made up to and including five days before the campaign finance statement is due,
excluding an expenditure previously reported; and
- 671 (ii) identify:
- 672 (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
- 674 (B) for each expenditure, the amount of the expenditure and the name of the recipient of the
expenditure; or
- 676 (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in
contributions and spends \$500 or less on the candidate's campaign.
- 678 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the
anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall
disburse the amount of the contribution to:

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- 681 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's
general fund; or
- 683 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal
Revenue Code.
- 685 (8)
- (a) A municipality may, by ordinance:
- 686 (i) provide an anonymous contribution limit less than \$50;
- 687 (ii) require greater disclosure of contributions or expenditures than is required in this section; and
- 689 (iii) impose additional penalties on candidates who fail to comply with the applicable requirements
beyond those imposed by this section.
- 691 (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance
adopted by the municipality under Subsection (8)(a) if:
- 693 (i) the municipal ordinance establishes requirements or penalties that differ from those established in
this section; and
- 695 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as
required in Subsection (9).
- 697 (9) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a
declaration of candidacy, and again 35 days before each municipal general election, notify the
candidate in writing of:
- 700 (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and
expenditures;
- 702 (b) the dates when the candidate's campaign finance statement is required to be filed; and
- 703 (c) the penalties that apply for failure to file a timely campaign finance statement, including the
statutory provision that requires removal of the candidate's name from the ballot for failure to file
the required campaign finance statement when required.
- 706 (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and
Management Act, the municipal clerk or recorder shall:
- 708 (a) make each campaign finance statement filed by a candidate available for public inspection and
copying no later than one business day after the statement is filed; and
- 710 (b) make the campaign finance statement filed by a candidate available for public inspection by:
- 712

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- (i) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the day on which the statement is filed; and
- 715 (ii) in order to comply with the requirements of Subsection 20A-11-103(4)(b)(ii), providing the
[~~lieutenant-governor~~] director with a link to the electronic posting described in Subsection (10)(b)(i)
no later than two business days after the day on which the statement is filed.
- 719 (11)
- (a) If a candidate fails to timely file a campaign finance statement required under Subsection (4) or (5),
the municipal clerk or recorder:
- 721 (i) may send an electronic notice to the candidate that states:
- 722 (A) that the candidate failed to timely file the campaign finance statement; and
- 723 (B) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report,
the candidate will be disqualified; and
- 725 (ii) may impose a fine of \$50 on the candidate.
- 726 (b) The municipal clerk or recorder shall disqualify a candidate and inform the appropriate election
official that the candidate is disqualified if the candidate fails to file a campaign finance statement
described in Subsection (4) or (5) within 24 hours after the deadline for filing the report.
- 730 (c) If a candidate is disqualified under Subsection (11)(b), the election official:
- 731 (i) shall:
- 732 (A) notify every opposing candidate for the municipal office that the candidate is disqualified;
- 734 (B) send an email notification to each voter who is eligible to vote in the municipal election office
race for whom the election official has an email address informing the voter that the candidate is
disqualified and that votes cast for the candidate will not be counted;
- 738 (C) post notice of the disqualification on a public website; and
- 739 (D) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name
before the ballots are delivered to voters; and
- 741 (ii) may not count any votes for that candidate.
- 742 (12) An election official may fulfill the requirements described in Subsection (11)(c)(i) in relation to a
mailed ballot, including a military overseas ballot, by including with the ballot a written notice:
- 745 (a) informing the voter that the candidate is disqualified; or
- 746 (b) directing the voter to a public website to inform the voter whether a candidate on the ballot is
disqualified.

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- 748 (13) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign finance statement
required under Subsection (4) or (5) is not disqualified if:
- 750 (a) the statement details accurately and completely the information required under Subsection (6),
except for inadvertent omissions or insignificant errors or inaccuracies; and
- 753 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled
report.
- 755 (14) A candidate for municipal office who is disqualified under Subsection (11)(b) shall file with the
municipal clerk or recorder a complete and accurate campaign finance statement within 30 days
after the day on which the candidate is disqualified.
- 758 (15) A campaign finance statement required under this section is considered filed if it is received in the
municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- 760 (16)
- (a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A,
Judiciary and Judicial Administration, to enforce the provisions of this section or an ordinance
adopted under this section.
- 763 (b) In a civil action under Subsection (16)(a), the court may award costs and attorney fees to the
prevailing party.
- 765 ~~{Section 8. Section 10-3-301 is amended to read: }~~
- 766 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal office --
Mayor and recorder limitations.**
- 768 (1) As used in this section:
- 769 (a) "Absent" means that an elected municipal officer fails to perform official duties, including the
officer's failure to attend each regularly scheduled meeting that the officer is required to attend.
- 772 (b) "Principal place of residence" means the same as that term is defined in Section 20A-2-105.
- 774 (c) "Secondary residence" means a place where an individual resides other than the individual's
principal place of residence.
- 776 (2)
- (a) On or before May 1 in a year in which there is a municipal general election, the municipal clerk
shall publish a notice that identifies:
- 778 (i) the municipal offices to be voted on in the municipal general election; and
- 779

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- (ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (2)(a)(i).
- 781 (b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the municipality, as a
class A notice under Section 63G-30-102, for at least seven days.
- 783 (3)
- (a) An individual who files a declaration of candidacy for a municipal office shall comply with the
requirements described in Section 20A-9-203.
- 785 (b)
- (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of each municipality shall
maintain office hours 8 a.m. to 5 p.m. on the dates described in Subsections 20A-9-203(3)(a)(i) and
(c)(i) unless the date occurs on a:
- 788 (A) Saturday or Sunday; or
- 789 (B) state holiday as listed in Section 63G-1-301.
- 790 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that is less than
40 hours per week, the city recorder or town clerk may comply with Subsection (3)(b)(i) without
maintaining office hours by:
- 793 (A) posting the recorder's or clerk's contact information, including a phone number and email address,
on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on
the municipal website; and
- 796 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact
information described in Subsection (3)(b)(ii)(A).
- 798 (4) An individual elected to municipal office shall be a registered voter in the municipality in which the
individual is elected.
- 800 (5)
- (a) Each elected officer of a municipality shall maintain a principal place of residence within the
municipality, and within the district that the elected officer represents, during the officer's term of
office.
- 803 (b) Except as provided in Subsection (6), an elected municipal office is automatically vacant if the
officer elected to the municipal office, during the officer's term of office:
- 805 (i) establishes a principal place of residence outside the district that the elected officer represents;
- 807

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- (ii) resides at a secondary residence outside the district that the elected officer represents for a continuous period of more than 60 days while still maintaining a principal place of residence within the district;
- 810 (iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or
- 812 (iv) fails to respond to a request, within 30 days after the day on which the elected officer receives the request, from the county clerk or the [lieutenant governor] director of the Elections Office, appointed under Subsection 20A-1-104.6(3)(a), seeking information to determine the officer's residency.
- 816 (6)
- (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the consent of the municipal legislative body in accordance with Subsection (6)(b) before the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:
- 820 (i) reside at a secondary residence outside the district that the elected officer represents while still maintaining a principal place of residence within the district for a continuous period of up to one year during the officer's term of office; or
- 823 (ii) be absent from the district that the elected officer represents for a continuous period of up to one year during the officer's term of office.
- 825 (b) At a public meeting, the municipal legislative body may give the consent described in Subsection (6)(a) by majority vote after taking public comment regarding:
- 827 (i) whether the legislative body should give the consent; and
- 828 (ii) the length of time to which the legislative body should consent.
- 829 (7)
- (a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.
- 831 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 832 (c) An individual who holds a county elected office may not, at the same time, hold a municipal elected office.
- 834 (d) The restriction described in Subsection (7)(c) applies regardless of whether the individual is elected to the office or appointed to fill a vacancy in the office.

836 ~~{Section 9. Section 11-14-102 is amended to read: }~~

837 **11-14-102. Definitions.**

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[For the purpose of] As used in this chapter:

- 839 (1) "Bond" means any bond authorized to be issued under this chapter, including municipal bonds.
- 841 (2) "Director" means the director of the Elections Office, appointed under Subsection 20A-1-104.6(3)
- (a).
- 843 ~~[(2)]~~ (3) "Election results" ~~[has the same meaning as]~~ means the same as that term is defined in Section 20A-1-102.
- 845 ~~[(3)]~~ (4) "Governing body" means:
- 846 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 847 (b) for a special district, the board of trustees of the special district;
- 848 (c) for a school district, the local board of education; or
- 849 (d) for a special service district under Title 17D, Chapter 1, Special Service District Act:
- 850 (i) the governing body of the county or municipality that created the special service district, if no administrative control board has been established under Section 17D-1-301; or
- 853 (ii) the administrative control board, if one has been established under Section 17D-1-301 and the power to issue bonds not payable from taxes has been delegated to the administrative control board.
- 856 ~~[(4)]~~ (5)
- (a) "Local political subdivision" means a county, city, town, school district, special district, or special service district.
- 858 (b) "Local political subdivision" does not include the state and its institutions.
- 859 ~~[(5)]~~ (6) "Special district" means a district operating under Title 17B, Limited Purpose Local Government Entities - Special Districts.

~~{Section 10. Section 11-14-201 is amended to read: }~~

11-14-201. Election on bond issues -- Qualified electors -- Resolution and notice.

- 863 (1) The governing body of any local political subdivision that wishes to issue bonds under the authority granted in Section 11-14-103 shall:
- 865 (a) at least 75 days before the date of election:
- 866 (i) approve a resolution submitting the question of the issuance of the bonds to the voters of the local political subdivision; and
- 868 (ii) provide a copy of the resolution to:
- 869 (A) the ~~[lieutenant governor]~~ director; and
- 870 (B) the election officer, as defined in Section 20A-1-102, charged with conducting the election; and

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- 872 (b) comply with the requirements of Title 59, Chapter 1, Part 16, Transparency of Ballot Propositions
Act.
- 874 (2) The local political subdivision may not issue the bonds unless the majority of the qualified voters of
the local political subdivision who vote on the bond proposition approve the issuance of the bonds.
- 877 (3) Nothing in this section requires an election for the issuance of:
- 878 (a) refunding bonds; or
- 879 (b) other bonds not required by law to be voted on at an election.
- 880 (4) The resolution calling the election shall include a ballot proposition, in substantially final form, that
complies with the requirements of Subsection 11-14-206(2).
- 882 ~~{Section 11. Section 11-14-202 is amended to read: }~~
- 883 **11-14-202. Notice of election -- Voter information pamphlet option -- Changing or
designating additional precinct polling places.**
- 885 (1) The governing body shall provide notice of the election for the local political subdivision for at least
three weeks before the day of the election, as a class A notice under Section 63G-30-102.
- 888 (2) When the debt service on the bonds to be issued will increase the property tax imposed upon
the average value of a residence by an amount that is greater than or equal to \$15 per year, the
governing body shall prepare and mail either a voter information pamphlet or a notification
described in Subsection (8):
- 892 (a) at least 15 days, but not more than 45 days, before the bond election;
- 893 (b) to each household containing a registered voter who is eligible to vote on the bonds; and
- 895 (c) that includes the information required by Subsections (4) and (5).
- 896 (3) The election officer may change the location of, or establish an additional:
- 897 (a) voting precinct polling place, in accordance with Subsection (6);
- 898 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or
- 899 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).
- 900 (4) The notice described in Subsection (1) and the voter information pamphlet described in Subsection
(2):
- 902 (a) shall include, in the following order:
- 903 (i) the date of the election;
- 904 (ii) the hours during which the polls will be open;
- 905

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- (iii) 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 polling place for each voting precinct, each early voting polling place, and each election day voting center, including any changes to the location of a polling place and the location of an additional polling place;
- 911 (iv) a phone number that a voter may call to obtain information regarding the location of a polling place; and
- 913 (v) the title and text of the ballot proposition, including the property tax cost of the bond described in Subsection 11-14-206(2)(a); and
- 915 (b) may include the location of each polling place.
- 916 (5) The voter information pamphlet required by this section shall include:
- 917 (a) the information required under Subsection (4); and
- 918 (b) an explanation of the property tax impact, if any, of the issuance of the bonds, which may be based on information the governing body determines to be useful, including:
- 920 (i) expected debt service on the bonds to be issued;
- 921 (ii) a description of the purpose, remaining principal balance, and maturity date of any outstanding general obligation bonds of the issuer;
- 923 (iii) funds other than property taxes available to pay debt service on general obligation bonds;
- 925 (iv) timing of expenditures of bond proceeds;
- 926 (v) property values; and
- 927 (vi) any additional information that the governing body determines may be useful to explain the property tax impact of issuance of the bonds.
- 929 (6)
- (a) Except as provided in Section 20A-1-308, the election officer may, after the deadlines described in Subsections (1) and (2):
- 931 (i) if necessary, change the location of a voting precinct polling place; or
- 932 (ii) if the election officer determines that the number of voting precinct polling places is insufficient due to the number of registered voters who are voting, designate additional voting precinct polling places.
- 935 (b) Except as provided in Section 20A-1-308, if an election officer changes the location of a voting precinct polling place or designates an additional voting precinct polling place, the election officer

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shall, as soon as is reasonably possible, give notice of the dates, times, and location of a changed voting precinct polling place or an additional voting precinct polling place:

- 940 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Electronic Voter Information Website;
- 942 (ii) by posting the information on the website of the election officer, if available; and
- 943 (iii) by posting notice:
- 944 (A) of a change in the location of a voting precinct polling place, at the new location and, if possible, the old location; and
- 946 (B) of an additional voting precinct polling place, at the additional voting precinct polling place.
- 948 (7) The governing body shall pay the costs associated with the notice required by this section.
- 950 (8)
- (a) The governing body may mail a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.
- 953 (b) The notice described in Subsection (8)(a) shall include:
- 954 (i) the website upon which the voter information pamphlet is available; and
- 955 (ii) the phone number a voter may call to request delivery of a voter information pamphlet by mail.
- 957 (9) A local school board shall comply with the voter information pamphlet requirements described in Section 53G-4-603.

959 ~~{Section 12. Section 11-14-301 is amended to read: }~~

960 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness under constitutional and statutory limitations.**

- 962 (1) If the governing body has declared the bond proposition to have carried and no contest has been filed, or if a contest has been filed and favorably terminated, the governing body may proceed to issue the bonds voted at the election.
- 965 (2)
- (a) It is not necessary that all of the bonds be issued at one time, but, except as otherwise provided in this Subsection (2), bonds approved by the voters may not be issued more than 10 years after the day on which the election is held.
- 968 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the 10-year period:
- 970 (i) an application for a referendum petition is filed with a local clerk, in accordance with Section 20A-7-602, with respect to the local obligation law relating to the bonds; or

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- 973 (ii) the bonds are challenged in a court of law or an administrative proceeding in relation to:
975 (A) the legality or validity of the bonds, or the election or proceedings authorizing the bonds;
977 (B) the authority of the local political subdivision to issue the bonds;
978 (C) the provisions made for the security or payment of the bonds; or
979 (D) any other issue that materially and adversely affects the marketability of the bonds, as determined
by the individual or body that holds the executive powers of the local political subdivision.
- 982 (c) For a bond described in this section that is approved by voters on or after May 8, 2002, but before
May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the later of the day on
which:
- 985 (i) the local clerk determines that the petition is insufficient, in accordance with Subsection
20A-7-607(3), unless an application, described in Subsection 20A-7-607(4)(a), is made to a court;
988 (ii) a court determines, under Subsection [~~20A-7-607(4)(e)] 20A-7-607(5)(c), that the petition for the
referendum is not legally sufficient; or~~
- 990 (iii) for a referendum petition that is sufficient, the governing body declares, as provided by law, the
results of the referendum election on the local obligation law.
- 992 (d) For a bond described in this section that was approved by voters on or after May 14, 2019, a tolling
period described in Subsection (2)(b)(i) ends:
- 994 (i) if a county, city, town, or court determines, under Section 20A-7-602.7, that the proposed
referendum is not legally referable to voters, the later of:
- 996 (A) the day on which the county, city, or town provides the notice described in Subsection
20A-7-602.7(1)(b)(ii); or
- 998 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court decision that the
proposed referendum is not legally referable to voters becomes final; or
- 1001 (ii) if a county, city, town, or court determines, under Section 20A-7-602.7, that the proposed
referendum is legally referable to voters, the later of:
- 1003 (A) the day on which the local clerk determines, under Section 20A-7-607, that the number of certified
names is insufficient for the proposed referendum to appear on the ballot; or
- 1006 (B) if the local clerk determines, under Section 20A-7-607, that the number of certified names is
sufficient for the proposed referendum to appear on the ballot, the day on which the governing body
declares, as provided by law, the results of the referendum election on the local obligation law.
- 1010 (e) A tolling period described in Subsection (2)(b)(ii) ends after:

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- 1011 (i) there is a final settlement, a final adjudication, or another type of final resolution of all challenges
described in Subsection (2)(b)(ii); and
- 1013 (ii) the individual or body that holds the executive powers of the local political subdivision issues a
document indicating that all challenges described in Subsection (2)(b)(ii) are resolved and final.
- 1016 (f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection (2) and, when the
tolling ends and after giving effect to the tolling, the period of time remaining to issue the bonds is
less than one year, the period of time remaining to issue the bonds shall be extended to one year.
- 1020 (g) The tolling provisions described in this Subsection (2) apply to all bonds described in this section
that were approved by voters on or after May 8, 2002.
- 1022 (3)
- (a) Bonds approved by the voters may not be issued to an amount that will cause the indebtedness of the
local political subdivision to exceed that permitted by the Utah Constitution or statutes.
- 1025 (b) In computing the amount of indebtedness that may be incurred pursuant to constitutional and
statutory limitations, the constitutionally or statutorily permitted percentage, as the case may be,
shall be applied to the fair market value, as defined under Section 59-2-102, of the taxable property
in the local political subdivision, as computed from the last applicable equalized assessment roll
before the incurring of the additional indebtedness.
- 1031 (c) In determining the fair market value of the taxable property in the local political subdivision as
provided in this section, the value of all tax equivalent property, as defined in Section 59-3-102,
shall be included as a part of the total fair market value of taxable property in the local political
subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property Act.
- 1036 (4) Bonds of improvement districts issued in a manner that they are payable solely from the revenues
to be derived from the operation of the facilities of the district may not be included as bonded
indebtedness for the purposes of the computation.
- 1039 (5) Where bonds are issued by a city, town, or county payable solely from revenues derived from the
operation of revenue-producing facilities of the city, town, or county, or payable solely from a
special fund into which are deposited excise taxes levied and collected by the city, town, or county,
or excise taxes levied by the state and rebated pursuant to law to the city, town, or county, or any
combination of those excise taxes, the bonds shall be included as bonded indebtedness of the city,
town, or county only to the extent required by the Utah Constitution, and any bonds not so required
to be included as bonded indebtedness of the city, town, or county need not be authorized at an

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election, except as otherwise provided by the Utah Constitution, the bonds being hereby expressly excluded from the election requirement of Section 11-14-201.

1049 (6) A bond election is not void when the amount of bonds authorized at the election exceeded the
limitation applicable to the local political subdivision at the time of holding the election, but the
bonds may be issued from time to time in an amount within the applicable limitation at the time the
bonds are issued.

1053 (7)
(a) A local political subdivision may not receive, from the issuance of bonds approved by the voters
at an election, an aggregate amount that exceeds by more than 2% the maximum principal amount
stated in the bond proposition.
1056 (b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election held after January
1, 2019.

1058 Section 13. Section **13** is enacted to read:

1059 **17-2-103.5. Definitions.**

As used in this title, "office director" means the director of the Elections Office,
appointed under Subsection 20A-1-104.6(3)(a).

1062 ~~{Section 14. Section 17-2-104 is amended to read: }~~

1063 **17-2-104. Certification of election result to governor.**

If it appears from the certified report that the [lieutenant governor] office director
receives under Section 20A-4-304 that a majority of the voters in each of the counties have
voted in favor of consolidation, the [lieutenant governor] office director shall certify the result
of the vote to the governor.

1068 ~~{Section 15. Section 17-2-105 is amended to read: }~~

1069 **17-2-105. Governor's proclamation -- Notice and plat to director of Elections Office --
Recording requirements -- Effective date.**

1071 (1) Upon receipt of the election result from the [lieutenant governor] office director under Section
17-2-104, the governor shall issue a proclamation, stating the result of the vote in each of the
counties, and that the consolidation of the one county with the other will take effect as provided in
Subsection (3).

1075 (2) The legislative body of the consolidating county shall:

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(a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:

1078 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1080 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1081 (b) upon the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5, submit to the recorder of the consolidating county:

1083 (i) the original notice of an impending boundary action;

1084 (ii) the original certificate of consolidation;

1085 (iii) the original approved final local entity plat; and

1086 (iv) a certified copy of the governor's proclamation under Subsection (1).

1087 (3)

(a) A consolidation of counties approved at an election under Section 17-2-103 takes effect on January 1 of the year immediately following the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5.

1090 (b)

(i) The effective date of a consolidation of counties for purposes of assessing property within the consolidating county is governed by Section 59-2-305.5.

1092 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of the county in which the property is located, a consolidating county may not:

1095 (A) levy or collect a property tax on property in the consolidating county that used to be in the originating county;

1097 (B) levy or collect an assessment on property in the consolidating county that used to be in the originating county; or

1099 (C) charge or collect a fee for service provided to property within the consolidating county that used to be in the originating county.

1101 ~~{Section 16. Section 17-2-204 is amended to read: }~~

1102 **17-2-204. Certification of election result to director of Elections Office.**

In an election held under Subsection 17-2-203(1), if it appears from the certified report that the [lieutenant governor] office director receives under Section 20A-4-304 that a majority of those voting in each county have voted in favor of the annexation, the [lieutenant governor]

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office director shall certify the result of the vote to the governor.

1107 ~~{Section 17. Section 17-2-205 is amended to read: }~~

1108 **17-2-205. Governor's proclamation -- Notice to lieutenant governor -- Recording requirements -- Effective date.**

1110 (1) Upon receipt of the [~~lieutenant governor's~~] office director's certification under Section 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each county, and that the annexation of the territory to the annexing county will take effect as provided in Subsection (3).

1114 (2) The legislative body of the annexing county shall:

1115 (a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:

1117 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1119 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1120 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, submit to the recorder of the annexing county:

1122 (i) the original notice of an impending boundary action;

1123 (ii) the original certificate of consolidation;

1124 (iii) the original approved final local entity plat; and

1125 (iv) a certified copy of the governor's proclamation under Subsection (1).

1126 (3)

(a) An annexation approved at an election under Section 17-2-203 takes effect on January 1 of the year immediately following the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5.

1129 (b)

(i) The effective date of a county annexation for purposes of assessing property within the annexing county is governed by Section 59-2-305.5.

1131 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of the county in which the property is located, an annexing county may not:

1134 (A) levy or collect a property tax on property in the annexing county that used to be in the initiating county;

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(B) levy or collect an assessment on property in the annexing county that used to be in the initiating county; or

1138 (C) charge or collect a fee for service provided to property within the annexing county that used to be in the initiating county.

1140 ~~{Section 18. Section 17-3-3 is amended to read: }~~

1141 **17-3-3. Certification of returns -- Governor's proclamation of creation of new county --
Notice and plat to lieutenant governor -- Recording requirements -- Effective date.**

1144 (1) If it appears that any proposition submitted to the electors as provided in this chapter has been carried in the affirmative by a majority vote of the qualified electors residing in that portion of the county proposed as a new county, and also by a majority vote of the qualified electors residing in the remaining portion of that county:

1148 (a) the ~~[lieutenant governor]~~ office director, upon receiving the certified report under Section 20A-4-304, shall certify the result to the governor; and

1150 (b) upon receiving the results from the ~~[lieutenant governor]~~ office director under Subsection (1)(a), the governor shall issue a proclamation, stating:

1152 (i) the result of the vote in each division of the county;

1153 (ii) the name and boundaries of the new county;

1154 (iii) the boundaries of the original county as changed by the creation of the new county;

1156 (iv) that the creation of the new county will take effect on the first Monday in January following the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5;

1159 (v) the name proposed in the petition as the name of the new county; and

1160 (vi) the judicial district to which the new county belongs.

1161 (2) The legislative body of the county from which the greatest portion of the new county was taken shall:

1163 (a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:

1165 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1167 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1168 (b) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, submit to the recorder of the new county:

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- 1170 (i) the original notice of an impending boundary action;
- 1171 (ii) the original certificate of creation;
- 1172 (iii) the original approved final local entity plat; and
- 1173 (iv) a certified copy of the governor's proclamation under Subsection (1).
- 1174 (3)
- (a) The new county that is the subject of the lieutenant governor's certificate of creation under Section 67-1a-6.5 is a county of the state from and after 12 noon of the first Monday in January following the issuance of the lieutenant governor's certificate of creation.
- 1178 (b)
- (i) The effective date of the creation of a new county for purposes of assessing property within the county is governed by Section 59-2-305.5.
- 1180 (ii) Until the documents listed in Subsection [~~(3)(b)~~] (2)(b) are recorded in the office of the recorder of the new county, the new county may not:
- 1182 (A) levy or collect a property tax on property in the county;
- 1183 (B) levy or collect an assessment on property in the county; or
- 1184 (C) charge or collect a fee for service provided to property within the county.
- 1185 ~~{Section 19. Section 17-16-6.5 is amended to read: }~~
- 1186 **17-16-6.5. Campaign financial disclosure in county elections.**
- 1187 (1)
- (a) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:
- 1189 (i) candidates for county office; and
- 1190 (ii) candidates for local school board office who reside in that county.
- 1191 (b) The ordinance required by Subsection (1)(a) shall include:
- 1192 (i) a requirement that each candidate for county office or local school board office report the candidate's itemized and total campaign contributions and expenditures at least once within the two weeks before the election and at least once within two months after the election;
- 1196 (ii) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things;
- 1199 (iii) a requirement that the financial reports identify:
- 1200 (A) for each contribution, the name of the donor of the contribution, if known, and the amount of the contribution; and

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- 1202 (B) for each expenditure, the name of the recipient and the amount of the expenditure;
- 1204 (iv) a requirement that a candidate for county office or local school board office deposit a contribution in a separate campaign account into a financial institution;
- 1206 (v) a prohibition against a candidate for county office or local school board office depositing or mingling any contributions received into a personal or business account; and
- 1209 (vi) a requirement that a candidate for county office who receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:
- 1213 (A) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- 1215 (B) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- 1217 (c)
- 1219 (i) As used in this Subsection (1)(c), "account" means an account in a financial institution:
- 1220 (A) that is not described in Subsection (1)(b)(iv); and
- 1225 (B) into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
- 1229 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a candidate for county office or local school board office include on a financial report filed in accordance with the ordinance a contribution deposited in or an expenditure made from an account:
- 1230 (A) since the last financial report was filed; or
- 1232 (B) that has not been reported under a statute or ordinance that governs the account.
- 1236 (2) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, and candidates for local school board office shall comply with the financial reporting requirements contained in Subsections (3) through (8).
- 1237 (3) A candidate for elective office in a county or local school board office:
- 1239 (a) shall deposit a contribution into a separate campaign account in a financial institution; and
- (b) may not deposit or mingle any contributions received into a personal or business account.

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- 1241 (4) Each candidate for elective office in any county who is not required to submit a campaign financial statement to the [~~lieutenant governor~~] office director, and each candidate for local school board office, shall file a signed campaign financial statement with the county clerk:
- 1245 (a) seven days before the date of the regular general election, reporting each contribution and each expenditure as of 10 days before the date of the regular general election; and
- 1247 (b) no later than 30 days after the date of the regular general election.
- 1248 (5)
- 1249 (a) The statement filed seven days before the regular general election shall include:
- 1251 (i) a list of each contribution received by the candidate, and the name of the donor, if known; and
- 1253 (ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.
- 1254 (b) The statement filed 30 days after the regular general election shall include:
- 1256 (i) a list of each contribution received after the cutoff date for the statement filed seven days before the election, and the name of the donor; and
- 1259 (ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.
- 1261 (6)
- 1262 (a) As used in this Subsection (6), "account" means an account in a financial institution:
- 1267 (i) that is not described in Subsection (3)(a); and
- 1270 (ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person filed a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person filed a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
- 1273 (b) A county office candidate and a local school board office candidate shall include on any campaign financial statement filed in accordance with Subsection (4) or (5):
- 1274 (i) a contribution deposited into an account:
- 1277 (A) since the last campaign finance statement was filed; or
- 1278 (B) that has not been reported under a statute or ordinance that governs the account; or
- 1281 (ii) an expenditure made from an account:
- 1284 (A) since the last campaign finance statement was filed; or
- 1287 (B) that has not been reported under a statute or ordinance that governs the account.

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- 1277 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50,
and is from a donor whose name is unknown, a county office candidate shall disburse the amount of
the contribution to:
- 1280 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's
general fund; or
- 1282 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal
Revenue Code.
- 1284 (8) Candidates for elective office in any county, and candidates for local school board office, who are
eliminated at a primary election shall file a signed campaign financial statement containing the
information required by this section not later than 30 days after the primary election.
- 1288 (9) Any person who fails to comply with this section is guilty of an infraction.
- 1289 (10)
- (a) Counties may, by ordinance, enact requirements that:
- 1290 (i) require greater disclosure of campaign contributions and expenditures; and
- 1291 (ii) impose additional penalties.
- 1292 (b) The requirements described in Subsection (10)(a) apply to a local school board office candidate who
resides in that county.
- 1294 (11) If a candidate fails to file an interim report due before the election, the county clerk:
- 1295 (a) may send an electronic notice to the candidate and the political party of which the candidate is a
member, if any, that states:
- 1297 (i) that the candidate failed to timely file the report; and
- 1298 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the
candidate will be disqualified and the political party will not be permitted to replace the candidate;
and
- 1301 (b) impose a fine of \$100 on the candidate.
- 1302 (12)
- (a) The county clerk shall disqualify a candidate and inform the appropriate election officials that the
candidate is disqualified if the candidate fails to file an interim report described in Subsection (11)
within 24 hours after the deadline for filing the report.
- 1306 (b) The political party of a candidate who is disqualified under Subsection (12)(a) may not replace the
candidate.

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- 1308 (c) A candidate who is disqualified under Subsection (12)(a) shall file with the county clerk a complete
and accurate campaign finance statement within 30 days after the day on which the candidate is
disqualified.
- 1311 (13) If a candidate is disqualified under Subsection (12)(a), the election official:
1312 (a) shall:
1313 (i) notify every opposing candidate for the county office that the candidate is disqualified;
1315 (ii) send an email notification to each voter who is eligible to vote in the county election office race for
whom the election official has an email address informing the voter that the candidate is disqualified
and that votes cast for the candidate will not be counted;
1319 (iii) post notice of the disqualification on the county's website; and
1320 (iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name
before the ballots are delivered to voters; and
1322 (b) may not count any votes for that candidate.
- 1323 (14) An election official may fulfill the requirement described in Subsection (13)(a) 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 county's website to inform the voter whether a candidate on the ballot is
disqualified.
- 1327 (15) A candidate is not disqualified if:
1328 (a) the candidate files the interim reports described in Subsection (11) no later than 24 hours after the
applicable deadlines for filing the reports;
1330 (b) the reports are completed, detailing accurately and completely the information required by this
section except for inadvertent omissions or insignificant errors or inaccuracies; and
1333 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled
report.
- 1335 (16)
(a) A report is considered timely filed if:
1336 (i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the
end of the day on which the report is due;
1338 (ii) the report is received in the county clerk's office with a United States Postal Service postmark
three days or more before the date that the report was due; or
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(iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

1342 (b) For a county clerk's office that is not open until midnight at the end of the day on which a report is due, the county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk.

1345 (17)

(a) Any private party in interest may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section or any ordinance adopted under this section.

1348 (b) In a civil action filed under Subsection (17)(a), the court shall award costs and attorney fees to the prevailing party.

1350 (18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:

1352 (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

1354 (b) make the campaign finance statement filed by a candidate available for public inspection by:

1356 (i) posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the day on which the statement is filed; and

1358 (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing the [~~lieutenant governor~~] office director with a link to the electronic posting described in Subsection (18)(b)(i) no later than two business days after the day the statement is filed.

1362 ~~{Section 20. Section 17-20-5 is amended to read: }~~

1363 **17-20-5. Report of election and appointment of officers.**

Within 10 days after the day on which a county clerk issues a certificate of election or a certificate of appointment made to fill vacancies in elective county offices, the county clerk shall notify the [~~lieutenant governor~~] office director of the following:

1367 (1) the name of the county;

1368 (2) the name of the county office to which the individual was elected or appointed;

1369 (3) the date of the election or appointment of the individual;

1370 (4) the date of the expiration of the term for which the individual was elected or appointed;

1371 (5) the date of the certificate of election or appointment; and

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1372 (6) the date of the qualification of the individual elected or appointed.

1373 ~~{Section 21. Section 17-50-502 is amended to read: }~~

1374 **17-50-502. Change of class of county.**

1375 (1) Each county shall retain its classification under Section 17-50-501 until changed as provided in this section.

1377 (2) The ~~[lieutenant governor]~~ office director shall monitor the population figure for each county as shown on:

1379 (a) each official census or census estimate of the United States Bureau of the Census; or

1380 (b) if the population figure for a county is not available from the United States Bureau of the Census, the population estimate from the Utah Population Committee.

1382 (3) After July 1, 2021, if the applicable population figure under Subsection (2) indicates that a county's population has increased beyond the limit for its current class, the ~~[lieutenant governor]~~ office director shall:

1385 (a) prepare a certificate indicating the class in which the county belongs based on the increased population figure; and

1387 (b) within 10 days after preparing the certificate, deliver a copy of the certificate to the county legislative body and, if the county has an executive that is separate from the legislative body, the executive of the county whose class was changed.

1390 (4) A county's change in class is effective on the date of the ~~[lieutenant governor's]~~ office director's certificate under Subsection (3).

1392 ~~{Section 22. Section 17-52a-503 is amended to read: }~~

1393 **17-52a-503. Adoption of optional plan -- Election of new county officers -- Effect of adoption.**

1395 (1) If a proposed optional plan is approved at an election held under Section 17-52a-501:

1396 (a) on or before November 1 of the year immediately following the year of the election described in Section 17-52a-501 in which the optional plan is approved, the county legislative body shall:

1399 (i) if the proposed optional plan under Section 17-52a-404 specifies that one or more members of the county legislative body are elected from districts, adopt the geographic boundaries of each council or commission member district; and

1402 (ii) adopt the compensation, including benefits, for each member of the county legislative body;

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- (b) the elected county officers specified in the plan shall be elected at the next regular general election following the election under Section 17-52a-501, according to the procedure and schedule established under Title 20A, Election Code, for the election of county officers;
- 1408 (c) the proposed optional plan:
- 1409 (i) becomes effective according to the optional plan's terms;
- 1410 (ii) subject to Subsection 17-52a-404(1)(c), at the time specified in the optional plan, is a public record open to inspection by the public; and
- 1412 (iii) is judicially noticeable by all courts;
- 1413 (d) the county clerk shall, within 10 days of the canvass of the election, file with the [~~lieutenant governor~~] office director a copy of the optional plan, certified by the clerk to be a true and correct copy;
- 1416 (e) all public officers and employees shall cooperate fully in making the transition between forms of county government; and
- 1418 (f) the county legislative body may enact and enforce necessary ordinances to bring about an orderly transition to the new form of government, including any transfer of power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent with the approved optional plan and necessary or convenient to place it into full effect.
- 1423 (2) An action by the county legislative body under Subsection (1)(a) is not an amendment for purposes of Section 17-52a-504.
- 1425 (3) Adoption of an optional plan does not alter or affect the boundaries, organization, powers, duties, or functions of any:
- 1427 (a) school district;
- 1428 (b) justice court;
- 1429 (c) special district under Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 1431 (d) special service district under Title 17D, Chapter 1, Special Service District Act;
- 1432 (e) city or town; or
- 1433 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1435 (4)
- (a) After adoption of the optional plan, the county legislative body may adopt a change to the geographic boundaries of a council or commission member's district.

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(b) An action by the county legislative body under Subsection (4)(a) is not an amendment for purposes of Section 17-52a-504.

1439 (5) After the adoption of an optional plan, the county remains vested with all powers and duties vested generally in counties by statute.

1441 ~~{Section 23. Section 17B-1-303 is amended to read: }~~

1442 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice of board member contact information.**

1444 (1)

(a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each member of a board of trustees begins at noon on the January 1 following the member's election or appointment.

1447 (b) The term of each member of the initial board of trustees of a newly created special district begins:

1449 (i) upon appointment, for an appointed member; and

1450 (ii) upon the member taking the oath of office after the canvass of the election at which the member is elected, for an elected member.

1452 (c) The term of each water conservancy district board member whom the governor appoints in accordance with Subsection 17B-2a-1005(2)(c):

1454 (i) begins on the later of the following:

1455 (A) the date on which the Senate consents to the appointment; or

1456 (B) the expiration date of the prior term; and

1457 (ii) ends on the February 1 that is approximately four years after the date described in Subsection (1)(c) (i)(A) or (B).

1459 (d) The term of a member of a board of trustees whom an appointing authority appoints in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

1462 (e) If the member of the board of trustees fails to assume or qualify for office on January 1 for any reason, the term begins on the date the member assumes or qualifies for office.

1465 (2)

(a)

(i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii) and (iii), the term of each member of a board of trustees is four years, except that:

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- 1471 (A) approximately half the members of the initial board of trustees of an infrastructure financing district, as designated in the governing document, shall serve a six-year term so that the term of approximately half the board members expires every two years; and
- 1474 (B) for any other special district, approximately half the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the board members expires every two years.
- 1478 (ii) If the terms of members of the initial board of trustees of a newly created special district do not begin on January 1 because of application of Subsection (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the terms of their successors complying with:
- 1480 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following a member's election or appointment; and
- 1481 (B) the requirement under Subsection (2)(a)(i) that terms be four years.
- 1487 (iii) If the term of a member of a board of trustees does not begin on January 1 because of the application of Subsection (1)(e), the term is shortened as necessary to result in the term complying with the requirement under Subsection (1)(a) that the successor member's term, regardless of whether the incumbent is the successor, begins at noon on January 1 following the successor member's election or appointment.
- 1489 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or subtract more than a year from a member's term.
- 1492 (b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.
- 1495 (c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), (2), (3), (4), (5), (6), or (7), or if the member's term expires without a duly elected or appointed successor:
- 1496 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
- 1498 (ii) the member may continue to serve until a successor is duly elected or appointed and qualified.
- (3)
- (a)
- (i) Before entering upon the duties of office, each member of a board of trustees shall take the oath of office specified in Utah Constitution, Article IV,

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- 1500 Section 10.
- 1501 (ii) A judge, county clerk, notary public, or the special district clerk may administer an oath of
office.
- 1503 (b) The member of the board of trustees taking the oath of office shall file the oath of office with the
clerk of the special district.
- 1505 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a) does not
invalidate any official act of that member.
- 1507 (4) A board of trustees member may serve any number of terms.
- 1508 (5)
- (a) Except as provided in Subsection (6), each midterm vacancy in a board of trustees position is filled
in accordance with Section 20A-1-512.
- 1510 (b) When the number of members of a board of trustees increases in accordance with Subsection
17B-1-302(10), the appointing authority may appoint an individual to fill a new board of trustees
position in accordance with Section 17B-1-304 or 20A-1-512.
- 1513 (6)
- (a) As used in this Subsection (6):
- 1514 (i) "Appointed official" means a person who:
- 1515 (A) is appointed as a member of a special district board of trustees by a county or municipality that is
entitled to appoint a member to the board; and
- 1517 (B) holds an elected position with the appointing county or municipality.
- 1518 (ii) "Appointing entity" means the county or municipality that appointed the appointed official to
the board of trustees.
- 1520 (b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed
official if:
- 1522 (i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the
elected position with the appointing entity; and
- 1524 (ii) the appointing entity submits a written request to the board to declare the vacancy.
- 1525 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing entity shall
appoint another person to fill the remaining unexpired term on the board of trustees.
- 1528 (7)

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- 1532 (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or crime insurance for
1533 the faithful performance of the member's duties, in the amount and with the sureties or with an
insurance company that the board of trustees prescribes.
- 1532 (b) The special district:
- 1533 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or crime insurance as a
group or for members individually; and
- 1535 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this Subsection (7).
- 1537 (8)
- (a) In order to compensate for a change in the election year under Subsection 17B-1-306(14), the
[lieutenant-governor] director of the Elections Office, appointed under Subsection 20A-1-104.6(3)
(a) may:
- 1540 (i) extend the term of an elected district board member by one year; or
- 1541 (ii) subject to Subsection 17B-1-306(14)(b)(iii), and in accordance with Subsection (2)(a), shorten
the term of an elected district board member by one year, if necessary, to ensure that the term of
approximately half of the board members expires every two years.
- 1545 (b) When the number of members of a board of trustees increases in accordance with Subsection
17B-1-302(10), to ensure that the term of approximately half of the board members expires every
two years in accordance with Subsection (2)(a):
- 1548 (i) the board shall set shorter terms for approximately half of the new board members, chosen by lot;
and
- 1550 (ii) the initial term of a new board member position may be less than two or four years.
- 1552 (9)
- (a) A special district shall:
- 1553 (i) post on the Utah Public Notice Website created in Section 63A-16-601 the name, phone number,
and email address of each member of the special district's board of trustees;
- 1556 (ii) update the information described in Subsection (9)(a)(i) when:
- 1557 (A) the membership of the board of trustees changes; or
- 1558 (B) a member of the board of trustees' phone number or email address changes; and
- 1560 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date on which the
change requiring the update occurs.
- 1562

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

1564 ~~{Section 24. Section 17B-1-306 is amended to read: }~~

1565 **17B-1-306. Special district board -- Election procedures -- Notice.**

1566 (1) Except as provided in Subsection (12), each elected board member shall be selected as provided in this section.

1568 (2)

(a) Each election of a special district board member shall be held:

1569 (i) at the same time as the municipal general election or the regular general election, as applicable; and

1571 (ii) at polling places designated by the special district board in consultation with the county clerk for each county in which the special district is located, which polling places shall coincide with municipal general election or regular general election polling places, as applicable, whenever feasible.

1575 (b) The special district board, in consultation with the county clerk, may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.

1578 (c)

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

1581 (ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

1584 (3)

(a) The clerk of each special district with a board member position to be filled at the next municipal general election or regular general election, as applicable, shall provide notice of:

1587 (i) each elective position of the special district to be filled at the next municipal general election or regular general election, as applicable;

1589 (ii) the constitutional and statutory qualifications for each position; and

1590 (iii) the dates and times for filing a declaration of candidacy.

1591 (b) If the election is to be held at the same time as the municipal general election, a declaration of candidacy shall be filed on the days specified in Subsection 20A-9-203(3)(a)(i).

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- 1594 (c) If the election is to be held at the same time as the regular general election, a declaration of
candidacy shall be filed by the deadline stated in Subsection 20A-9-201.5(2).
- 1597 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a) for the special
district, as a class A notice under Section 63G-30-102, for at least 10 days before the first day for
filing a declaration of candidacy.
- 1600 (5)
- (a) Except as provided in Subsection (5)(c), to become a candidate for an elective special district board
position, an individual shall file a declaration of candidacy in person with an official designated by
the special district within the candidate filing period for the applicable election year in which the
election for the special district board is held and:
- 1605 (i) during the special district's standard office hours, if the standard office hours provide at least
three consecutive office hours each day during the candidate filing period that is not a holiday or
weekend; or
- 1608 (ii) if the standard office hours of a special district do not provide at least three consecutive office
hours each day, a three-hour consecutive time period each day designated by the special district
during the candidate filing period that is not a holiday or weekend.
- 1612 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing time shall be
extended until the close of normal office hours on the following regular business day.
- 1615 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a declaration of candidacy
with the official designated by the special district if:
- 1617 (i) the individual is located outside of the state during the entire filing period;
- 1618 (ii) the designated agent appears in person before the official designated by the special district; and
- 1620 (iii) the individual communicates with the official designated by the special district using an electronic
device that allows the individual and official to see and hear each other.
- 1623 (d)
- (i) Before the filing officer may accept any declaration of candidacy from an individual, the filing
officer shall:
- 1625 (A) read to the individual the constitutional and statutory qualification requirements for the office
that the individual is seeking; and
- 1627 (B) require the individual to state whether the individual meets those requirements.
- 1628

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

1630 (iii) If it appears that the individual meets the requirements of candidacy, the filing officer shall accept the individual's declaration of candidacy.

1632 (e) The declaration of candidacy shall be in substantially the following form:

1633 "I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City of _____, County of _____, state of Utah, (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the office of board of trustees member for _____ (state the name of the special district); that I am a candidate for that office to be voted upon at the next election; and that, if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period, and I hereby request that my name be printed upon the official ballot for that election.

1641 (Signed) _____

1642 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, _____.

1644 (Signed) _____

1645 (Clerk or Notary Public)".

1646 (f) An agent designated under Subsection (5)(c) may not sign the form described in Subsection (5)(e).

1648 (g) Each individual wishing to become a valid write-in candidate for an elective special district board position is governed by Section 20A-9-601.

1650 (h) If at least one individual does not file a declaration of candidacy as required by this section, an individual shall be appointed to fill that board position in accordance with the appointment provisions of Section 20A-1-512.

1653 (i) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:

1656 (i) consider the candidate to be elected to the position; and

1657 (ii) cancel the election.

1658 (6)

(a) A primary election may be held if:

1659 (i) the election is authorized by the special district board; and

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- (ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.
- 1662 (b) The primary election shall be conducted:
- 1663 (i) on the same date as the municipal primary election or the regular primary election, as applicable; and
- 1665 (ii) according to the procedures for primary elections provided under Title 20A, Election Code.
- 1667 (7)
- (a) Except as provided in Subsection (7)(c), within one business day after the deadline for filing a declaration of candidacy, the special district clerk shall certify the candidate names to the clerk of each county in which the special district is located.
- 1670 (b)
- (i) Except as provided in Subsection (7)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the special district is located and the special district clerk shall coordinate the placement of the name of each candidate for special district office in the nonpartisan section of the ballot with the appropriate election officer.
- 1675 (ii) If consolidation of the special district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the special district board of trustees, in consultation with the county clerk, shall provide for a separate special district election ballot to be administered by poll workers at polling places designated under Subsection (2).
- 1680 (c)
- (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 1682 (ii)
- (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election.
- 1684 (B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.
- 1686 (C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305.
- 1688 (8)
- (a) Each voter at an election for a board of trustees member of a special district shall:
- 1689 (i) be a registered voter within the district, except for an election of:
- 1690 (A) an irrigation district board of trustees member; or

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- 1691 (B) a basic special district board of trustees member who is elected by property owners; and
1693 (ii) meet the requirements to vote established by the district.
- 1694 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 1695 (c) The candidates who receive the highest number of votes are elected.
- 1696 (9) Except as otherwise provided by this section, the election of special district board members is
governed by Title 20A, Election Code.
- 1698 (10)
- (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a special district board
shall serve a four-year term, beginning at noon on the January 1 after the person's election.
- 1701 (b) A person elected shall be sworn in as soon as practical after January 1.
- 1702 (11)
- (a) Except as provided in Subsection (11)(b), each special district shall reimburse the county or
municipality holding an election under this section for the costs of the election attributable to that
special district.
- 1705 (b) Each irrigation district shall bear the district's own costs of each election the district holds under this
section.
- 1707 (12) This section does not apply to an improvement district that provides electric or gas service.
- 1709 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A, Chapter 3a, Part
6, Early Voting, do not apply to an election under this section.
- 1711 (14)
- (a) As used in this Subsection (14)[, "~~board~~" means]:
- 1712 (i) "Board" means:
- 1713 (A) a special district board; or
- 1714 [(~~it~~)] (B) the administrative control board of a special service district that has elected members on the
board.
- 1716 (ii) "Director" means the director of the Elections Office, appointed under Subsection
20A-1-104.6(3)(a).
- 1718 (b) If a board desires to hold elections for membership on the board at a regular general election instead
of a municipal general election , or at a municipal general election instead of a regular general
election, the board may submit an application to the [~~lieutenant governor~~] director that:
- 1722

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- 1724 (i) requests permission to change the election year for membership on the board in a manner described
in this Subsection (14)(b);
- 1726 (ii) indicates that a change in the election year is beneficial, based on potential cost savings, a potential
increase in voter turnout, or another material reason; and
- 1729 (iii) if a change in the election year may result in shortening a board member's term of office, indicates
that the members of the board unanimously support the [~~lieutenant governor~~] director taking that
action.
- 1731 (c) Upon receipt of an application described in Subsection (14)(b), the [~~lieutenant governor~~] director
may approve the application if:
- 1733 (i) the [~~lieutenant governor~~] director concludes that changing the election year is beneficial based on the
criteria described in Subsection (14)(b)(ii); and
- 1736 (ii) for an application that may result in shortening a board member's term of office, the application
satisfies the unanimity requirement described in Subsection (14)(b)(iii).
- 1738 (d) If the [~~lieutenant governor~~] director approves a board's application described in this section:
- 1740 (i) all future elections for membership on the board shall be held at the time of the general election
specified in the application; and
- 1744 (ii) the board may not hold elections at the time of an election other than the general election specified
in the application, unless the board receives permission from the [~~lieutenant governor~~] director to
change the election under the same procedure, and by applying the same criteria, described in this
Subsection (14).
- 1745 (15)
- 1747 (a) This Subsection (15) applies to a special district if:
- 1748 (i) the special district's board members are elected by the owners of real property, as provided in
Subsection 17B-1-1402(1)(b); and
- 1750 (ii) the special district was created before January 1, 2020.
- 1752 (b) The board of a special district described in Subsection (15)(a) may conduct an election:
- 1754 (i) to fill a board member position that expires at the end of the term for that board member's position;
and
- (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired term of a board
member.

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(c) An election under Subsection (15)(b) may be conducted as determined by the special district board, subject to Subsection (15)(d).

1756 (d)

(i) The special district board shall provide to property owners eligible to vote at the special district election:

1758 (A) notice of the election; and

1759 (B) a form to nominate an eligible individual to be elected as a board member.

1760 (ii)

(A) The special district board may establish a deadline for a property owner to submit a nomination form.

1762 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after the board provides the notice and nomination form under Subsection (15)(d)(i).

1765 (iii)

(A) After the deadline for submitting nomination forms, the special district board shall provide a ballot to all property owners eligible to vote at the special district election.

1768 (B) A special district board shall allow at least five days for ballots to be returned.

1769 (iv) A special district board shall certify the results of an election under this Subsection (15) during an open meeting of the board.

1771 ~~{Section 25. Section 20A-1-102 is amended to read: }~~

1772 **20A-1-102. Definitions.**

As used in this title:

1774 (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

1776 (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.

1778 (3)

(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.

1780 (b) "Ballot" does not include a record to tally multiple votes.

1781 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

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- 1783 (a) an opinion question specifically authorized by the Legislature;
- 1784 (b) a constitutional amendment;
- 1785 (c) an initiative;
- 1786 (d) a referendum;
- 1787 (e) a bond proposition;
- 1788 (f) a judicial retention question;
- 1789 (g) an incorporation of a city or town; or
- 1790 (h) any other ballot question specifically authorized by the Legislature.
- 1791 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.
- 1794 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.
- 1796 (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.
- 1798 (8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.
- 1800 (9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.
- 1802 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.
- 1804 (11) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.
- 1806 (12) "Convention" means the political party convention at which party officers and delegates are selected.
- 1808 (13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- 1810 (14) "Counting judge" means a poll worker designated to count the ballots during election day.
- 1812 (15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.
- 1814 (16) "County officers" means those county officers that are required by law to be elected.
- 1815 (17) "Date of the election" or "election day" or "day of the election":
- 1816 (a) means the day that is specified in the calendar year as the day that the election occurs; and

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- 1818 (b) does not include:
- 1819 (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or
- 1821 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.
- 1823 (18) "Director" means the director of the office, appointed under Subsection 20A-1-104.6(3)(a).
- 1825 [~~(18)~~] (19) "Elected official" means:
- 1826 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate
Voting Methods Pilot Project;
- 1828 (b) a person who is considered to be elected to a municipal office in accordance with Subsection
[~~20A-1-206(1)(e)(ii)~~] 20A-1-206(2)(b)(ii) or (3)(b)(ii); or
- 1830 (c) a person who is considered to be elected to a special district office in accordance with Subsection
[~~20A-1-206(3)(b)(ii)~~] 20A-1-206(5)(b) or (6)(b).
- 1832 [~~(19)~~] (20) "Election" means a regular general election, a municipal general election, a statewide special
election, a local special election, a regular primary election, a municipal primary election, and a
special district election.
- 1835 [~~(20)~~] (21) "Election Assistance Commission" means the commission established by the Help America
Vote Act of 2002, Pub. L. No. 107-252.
- 1837 [~~(21)~~] (22) "Election cycle" means the period beginning on the first day persons are eligible to file
declarations of candidacy and ending when the canvass is completed.
- 1839 [~~(22)~~] (23) "Election judge" means a poll worker that is assigned to:
- 1840 (a) preside over other poll workers at a polling place;
- 1841 (b) act as the presiding election judge; or
- 1842 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1843 [~~(23)~~] (24) "Election officer" means:
- 1844 (a) the [~~lieutenant governor~~] director, for all statewide ballots and elections;
- 1845 (b) the county clerk for:
- 1846 (i) a county ballot and election; and
- 1847 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or
20A-5-400.5;
- 1849 (c) the municipal clerk for:
- 1850 (i) a municipal ballot and election; and
- 1851

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- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- 1853 (d) the special district clerk or chief executive officer for:
- 1854 (i) a special district ballot and election; and
- 1855 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- 1857 (e) the business administrator or superintendent of a school district for:
- 1858 (i) a school district ballot and election; and
- 1859 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- 1861 [~~(24)~~] (25) "Election official" means any election officer, election judge, or poll worker.
- 1862 [~~(25)~~] (26) "Election results" means:
- 1863 (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
- 1865 (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- 1867 [~~(26)~~] (27) "Election returns" includes:
- 1868 (a) the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form; and
- 1872 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a ballot.
- 1874 [~~(27)~~] (28) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- 1877 [~~(28)~~] (29) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).
- 1879 [~~(29)~~] (30) "Judicial office" means the office filled by any judicial officer.
- 1880 [~~(30)~~] (31) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- 1882 [~~(31)~~] (32) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a bond election.
- 1885 [~~(32)~~] (33) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

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- 1887 ~~[(33)]~~ (34) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.
- 1890 ~~[(34)]~~ (35) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.
- 1893 ~~[(35)]~~ (36) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:
- 1895 (a) is created via electronic or mechanical means; and
- 1896 (b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.
- 1899 ~~[(36)]~~ (37) "Municipal executive" means:
- 1900 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 1901 (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).
- 1903 ~~[(37)]~~ (38) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.
- 1906 ~~[(38)]~~ (39) "Municipal legislative body" means the council of the city or town in any form of municipal government.
- 1908 ~~[(39)]~~ (40) "Municipal office" means an elective office in a municipality.
- 1909 ~~[(40)]~~ (41) "Municipal officers" means those municipal officers that are required by law to be elected.
- 1911 ~~[(41)]~~ (42) "Municipal primary election" means an election held to nominate candidates for municipal office.
- 1913 ~~[(42)]~~ (43) "Municipality" means a city or town.
- 1914 (44) "Office" means the Elections Office, created in Section 63A-19-21.
- 1915 ~~[(43)]~~ (45) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.
- 1917 ~~[(44)]~~ (46) "Official endorsement" means the information on the ballot that identifies:
- 1918 (a) the ballot as an official ballot;
- 1919 (b) the date of the election; and
- 1920 (c)

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- (i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 1922 (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).
- 1924 [~~(45)~~] (47) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.
- 1926 [~~(46)~~] (48) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.
- 1929 [~~(47)~~] (49)
- (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.
- 1931 (b) "Poll worker" includes election judges.
- 1932 (c) "Poll worker" does not include a watcher.
- 1933 [~~(48)~~] (50) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.
- 1935 [~~(49)~~] (51) "Polling place" means a building where voting is conducted.
- 1936 [~~(50)~~] (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.
- 1938 [~~(51)~~] (53) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.
- 1940 [~~(52)~~] (54) "Primary convention" means the political party conventions held during the year of the regular general election.
- 1942 [~~(53)~~] (55) "Protective counter" means a separate counter, which cannot be reset, that:
- 1943 (a) is built into a voting machine; and
- 1944 (b) records the total number of movements of the operating lever.
- 1945 [~~(54)~~] (56) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.
- 1949 [~~(55)~~] (57) "Provisional ballot" means a ballot voted provisionally by a person:
- 1950 (a) whose name is not listed on the official register at the polling place;
- 1951 (b) whose legal right to vote is challenged as provided in this title; or
- 1952 (c) whose identity was not sufficiently established by a poll worker.
- 1953

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- 1956 [(56)] (58) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.
- 1960 [(57)] (59)
- (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.
- 1961 (b) "Public figure" does not include an individual:
- 1962 (i) elected to public office; or
- 1962 (ii) appointed to fill a vacancy in an elected public office.
- 1963 [(58)] (60) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.
- 1965 [(59)] (61) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.
- 1967 [(60)] (62) "Registration form" means a form by which an individual may register to vote under this title.
- 1969 [(61)] (63) "Regular ballot" means a ballot that is not a provisional ballot.
- 1970 [(62)] (64) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.
- 1973 [(63)] (65) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.
- 1976 [(64)] (66) "Resident" means a person who resides within a specific voting precinct in Utah.
- 1977 [(65)] (67) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:
- 1979 (a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and
- 1981 (b) that includes the voter affidavit and a place for the voter's signature.
- 1982 [(66)] (68) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

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- 1984 [(67)] (69) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- 1987 [(68)] (70) "Special district officers" means those special district board members who are required by law to be elected.
- 1989 [(69)] (71) "Special election" means an election held as authorized by Section 20A-1-203.
- 1990 [(70)] (72) "Spoiled ballot" means each ballot that:
- 1991 (a) is spoiled by the voter;
- 1992 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 1993 (c) lacks the official endorsement.
- 1994 [(71)] (73) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.
- 1996 [(72)] (74) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.
- 1998 [(73)] (75) "Ticket" means a list of:
- 1999 (a) political parties;
- 2000 (b) candidates for an office; or
- 2001 (c) ballot propositions.
- 2002 [(74)] (76) "Transfer case" means the sealed box used to transport voted ballots to the counting center.
- 2004 [(75)] (77) "Vacancy" means:
- 2005 (a) except as provided in Subsection [(75)(b)] (77)(b), the absence of an individual to serve in a position created by state constitution or state statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause[-]; or
- 2008 (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a candidate due to the candidate's death, resignation, or disqualification.
- 2011 [(76)] (78) "Valid voter identification" means:
- 2012 (a) a form of identification that bears the name and photograph of the voter which may include:
- 2014 (i) a currently valid Utah driver license;
- 2015 (ii) a currently valid identification card that is issued by:
- 2016 (A) the state; or
- 2017 (B) a branch, department, or agency of the United States;

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- 2018 (iii) a currently valid Utah permit to carry a concealed weapon;
- 2019 (iv) a currently valid United States passport; or
- 2020 (v) a currently valid United States military identification card;
- 2021 (b) one of the following identification cards, whether or not the card includes a photograph of the voter:
- 2023 (i) a valid tribal identification card;
- 2024 (ii) a Bureau of Indian Affairs card; or
- 2025 (iii) a tribal treaty card; or
- 2026 (c) two forms of identification not listed under Subsection [~~(76)(a) or (b)~~] (78)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:
- 2029 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;
- 2031 (ii) a bank or other financial account statement, or a legible copy thereof;
- 2032 (iii) a certified birth certificate;
- 2033 (iv) a valid social security card;
- 2034 (v) a check issued by the state or the federal government or a legible copy thereof;
- 2035 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 2036 (vii) a currently valid Utah hunting or fishing license;
- 2037 (viii) certified naturalization documentation;
- 2038 (ix) a currently valid license issued by an authorized agency of the United States;
- 2039 (x) a certified copy of court records showing the voter's adoption or name change;
- 2040 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 2041 (xii) a currently valid identification card issued by:
- 2042 (A) a local government within the state;
- 2043 (B) an employer for an employee; or
- 2044 (C) a college, university, technical school, or professional school located within the state; or
- 2046 (xiii) a current Utah vehicle registration.
- 2047 [~~(77)~~] (79) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.
- 2049 [~~(78)~~] (80) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 2051 (a) mailing the ballot to the location designated in the mailing; or
- 2052 (b) depositing the ballot in a ballot drop box designated by the election officer.

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- 2053 [(79)] (81) "Voter" means an individual who:
- 2054 (a) meets the requirements for voting in an election;
- 2055 (b) meets the requirements of election registration;
- 2056 (c) is registered to vote; and
- 2057 (d) is listed in the official register book.
- 2058 [(80)] (82) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.
- 2060 [(81)] (83) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.
- 2062 [(82)] (84) "Voting booth" means:
- 2063 (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or
- 2065 (b) a voting device that is free standing.
- 2066 [(83)] (85) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.
- 2068 [(84)] (86) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 2070 [(85)] (87) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.
- 2072 [(86)] (88) "Write-in ballot" means a ballot containing any write-in votes.
- 2073 [(87)] (89) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.
- 2075 Section 26. Section **26** is enacted to read:
- 2076 **20A-1-104.5. Definitions.**
- As used in this chapter:
- 2078 (1) "Appointing committee" means the committee created in Subsection 20A-1-104.6(2).
- 2079 (2) "Director" means the director of the office, appointed under Subsection 20A-1-104.6(3)(a).
- 2081 (3) "Independent state agency" means the same as that term is defined in Section 63E-1-102.
- 2082 (4) "Office" means the Elections Office, created in Subsection 20A-1-104.6(1).
- 2083 Section 27. Section **27** is enacted to read:
- 2084 **20A-1-104.6. Elections Office - Creation -- Director -- Appointment -- Term.**

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- 2085 (1) There is created an independent state agency known as the "Elections Office."
2086 (2)
2087 (a) There is created an appointing committee, consisting of the following:
2088 (i) two county clerks selected by the governor;
2089 (ii) one county clerk selected by the president of the Senate;
2090 (iii) one county clerk selected by the speaker of the House or Representatives; and
2091 (iv) one county clerk selected by the state auditor.
2092 (b) The individuals described in Subsections (2)(a)(i) through (iv):
2093 (i) shall select the first appointing committee on or before July 1, 2025;
2094 (ii) shall select a new appointing committee on or before July 1, every four years after 2025; and
2095 (iii) may, when selecting a new appointing committee, select or reselect a county clerk who previously
served on the appointing committee.
2096 (3) The appointing committee shall, by a majority vote of the members of the appointing committee:
2097 (a) appoint a director to administer the office; and
2098 (b) establish the salary for the director based upon a recommendation from the Division of Human
2099 Resource Management which shall be based on a market salary survey conducted by the Division of
2100 Human Resource Management.
2101 (4) An individual appointed as the director:
2102 (a) shall be familiar with federal and state election law;
2103 (b) shall be familiar with the state's election system;
2104 (c) shall have strong management and interpersonal skills;
2105 (d) shall be a nonpartisan individual who is not affiliated with a political party; and
2106 (e) may not hold an elective office, or be a candidate for elective office, while serving as the director.
2107 (5)
2108 (a) The director:
2109 (i) shall, unless removed early by the appointing committee, serve until December 31 of the year in
2110 which a new appointing committee is selected under Subsection (2)(b)(ii); and
2111 (ii) is an at will employee who may be removed at any time, with or without cause, by a majority
2112 vote of the appointing committee.
2113 (b) A new appointing committee shall:
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- (i) reappoint the director to begin a new term of service on January 1 following the selection of the new appointing committee; or
- 2119 (ii) appoint a new director to begin serving on January 1 following the selection of the new appointing committee.
- 2121 (c) If the office of director becomes vacant before the director's term ends under Subsection (5)(a)(i), the appointing committee:
- 2123 (i) shall appoint a new director to serve the remainder of the former director's term; and
- 2125 (ii) may appoint an interim director pending appointment of a new director.
- 2126 (6) The office:
- 2127 (a) shall use the legal services of the Office of the Attorney General;
- 2128 (b) shall submit a budget for the office directly to the department;
- 2129 (c) is subject to:
- 2130 (i) Title 51, Chapter 5, Funds Consolidation Act;
- 2131 (ii) Title 51, Chapter 7, State Money Management Act;
- 2132 (iii) Title 52, Chapter 4, Open and Public Meetings Act;
- 2133 (iv) Title 63A, Chapter 17, Utah State Personnel Management Act;
- 2134 (v) Title 63G, Chapter 2, Government Records Access and Management Act;
- 2135 (vi) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2136 (vii) Title 63G, Chapter 6a, Utah Procurement Code;
- 2137 (viii) Title 63J, Chapter 1, Budgetary Procedures Act;
- 2138 (ix) Title 63J, Chapter 2, Revenue Procedures and Control Act;
- 2139 (x) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and
- 2140 (xi) coverage under the Risk Management Fund created under Section 63A-4-201; and
- 2142 (d) shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish policies for employees that are substantially similar to the rules made by the Division of Human Resource Management.
- 2145 Section 28. Section **28** is enacted to read:
- 2146 **20A-1-104.7. Duties of the director.**
- 2147 (1) The director shall, in accordance with Subsection (2), serve as the chief election officer of the state.
- 2149 (2)
- (a) As the chief election officer, the director shall:

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- 2150 (i) exercise oversight, and general supervisory authority, over all elections;
- 2151 (ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers
and statewide or multicounty ballot propositions and any recounts involving those races;
- 2154 (iii) establish uniformity in the election ballot;
- 2155 (iv)
- (A) prepare election information for the public as required by law and as determined appropriate by the
director; and
- 2157 (B) make the information described in Subsection (2)(a)(iv)(A) available to the public and to news
media, on the Internet, and in other forms as required by law and as determined appropriate by the
director;
- 2160 (v) receive and answer election questions and maintain an election file on opinions received from
the attorney general;
- 2162 (vi) maintain a current list of registered political parties as defined in Section 20A-8-101;
- 2164 (vii) maintain election returns and statistics;
- 2165 (viii) certify to the governor the names of individuals nominated to run for, or elected to, office;
- 2167 (ix) ensure that all voting equipment purchased by the state complies with the requirements of
Sections 20A-5-302, 20A-5-802, and 20A-5-803;
- 2169 (x) during a declared emergency, to the extent that the director determines it warranted, designate,
as provided in Section 20A-1-308, a different method, time, or location relating to:
- 2172 (A) voting on election day;
- 2173 (B) early voting;
- 2174 (C) the transmittal or voting of a mail-in ballot or military-overseas ballot;
- 2175 (D) the counting of a mail-in ballot or military-overseas ballot; or
- 2176 (E) the canvassing of election returns; and
- 2177 (xi) exercise all other election authority, and perform other election duties, as provided in this title.
- 2179 (b) As chief election officer, the director:
- 2180 (i) shall oversee all elections, and functions relating to elections, in the state;
- 2181 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by an election
officer with legal requirements relating to elections; and
- 2183 (iii) may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or
other local election officials by this title.

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- 2185 (3) The director shall:
- 2186 (a) for a new municipality:
- 2187 (i) determine the new municipality's classification under Section 10-2-301 upon the city's incorporation
under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the municipality's
population using the population estimate from the Utah Population Committee;
- 2191 (ii) prepare a certificate indicating the class in which the new municipality belongs based on the
municipality's population; and
- 2193 (iii) within 10 days after the day on which the director prepares the certificate, deliver a copy of the
certificate to the municipality's legislative body;
- 2195 (b) for a consolidated municipality:
- 2196 (i) determine the classification under Section 10-2-301 of a consolidated municipality upon the
consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of
Municipalities, using population information from:
- 2199 (A) each official census or census estimate of the United States Bureau of the Census; or
- 2201 (B) the population estimate from the Utah Population Committee, if the population of a municipality is
not available from the United States Bureau of the Census;
- 2204 (ii) prepare a certificate indicating the class in which the consolidated municipality belongs based on the
municipality's population; and
- 2206 (iii) within 10 days after the day on which the director prepares the certificate, deliver a copy of the
certificate to the consolidated municipality's legislative body;
- 2208 (c) monitor the population of each municipality using population information from:
- 2209 (i) each official census or census estimate of the United States Bureau of the Census; or
- 2211 (ii) the population estimate from the Utah Population Committee, if the population of a municipality is
not available from the United States Bureau of the Census;
- 2213 (d) if the applicable population figure described in Subsection (3)(b) or (c) indicates that a
municipality's population has increased beyond the population for the municipality's current class:
- 2216 (i) prepare a certificate indicating the class in which the municipality belongs based on the increased
population figure; and
- 2218 (ii) within 10 days after the day on which the director prepares the certificate, deliver a copy of the
certificate to the legislative body of the municipality whose class has changed;
- 2221

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- (e) if the applicable population figure under Subsection (3)(b) or (c) indicates that a municipality's population has decreased below the population for the municipality's current class, send written notification of that fact to the municipality's legislative body; and
- 2225 (f) upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for the municipality's current class:
- 2227 (i) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and
- 2229 (ii) within 10 days after the day on which the director prepares the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.
- 2232 ~~{Section 29. Section 20A-1-105 is amended to read: }~~
- 2233 **20A-1-105. Chief election officer of the state -- Duties, authority, and enforcement.**
- 2235 (1) The [~~lieutenant governor~~] director:
- 2236 (a) is the chief election officer of the state;
- 2237 (b) is responsible to oversee, and generally supervise, all elections and functions relating to elections in the state; and
- 2239 (c) shall enforce compliance by election officers with all legal requirements relating to elections, including:
- 2241 (i) Public Law 103-31, the National Voter Registration Act of 1993;
- 2242 (ii) Public Law 107-252, the Help America Vote Act of 2002;
- 2243 (iii) all other applicable provisions of federal law and rule relating to elections;
- 2244 (iv) state law relating to elections;
- 2245 (v) the requirements of this title; and
- 2246 (vi) rules made under this title.
- 2247 (2) To the extent that the [~~lieutenant governor~~] director determines the following is useful in fulfilling the responsibilities described in Subsection (1), the [~~lieutenant governor~~] director has:
- 2250 (a) full access to closely observe, examine, and copy all records, documents, recordings, and other information in the custody or control of an election officer or a board of canvassers;
- 2253 (b) full access to closely observe, examine, and copy all voter registration records, ballots, ballot envelopes, vote tallies, canvassing records, and other election returns in the custody or control of an election officer or a board of canvassers;
- 2256

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- (c) full access to closely observe and examine all facilities, storage areas, and equipment, and to closely observe, examine, or copy all materials, in the custody or control of an election officer or a board of canvassers;
- 2259 (d) full access to all staff, including full-time, part-time, and volunteer staff of an election officer or a board of canvassers;
- 2261 (e) full access to closely observe, examine, and copy all records and information relating to election audits that are conducted, directed, or commissioned by a county clerk;
- 2263 (f) the right to attend any meeting, including a closed meeting, relating to a matter within the scope of authority or responsibility of the [~~lieutenant governor~~] director described in this chapter or Subsection [~~67-1a-2(2)~~] 63A-19-202(2); and
- 2266 (g) the right to closely observe and examine any work or other process relating to a matter within the scope of authority or responsibility of the [~~lieutenant governor~~] director described in this chapter or Subsection [~~67-1a-2(2)~~] 63A-19-202(2).
- 2269 (3) An election officer shall fully assist, and cooperate with, the [~~lieutenant governor~~] director in:
- 2271 (a) fulfillment, by the [~~lieutenant governor~~] director, of the responsibilities described in Subsection (1); and
- 2273 (b) obtaining the access and exercising the rights described in Subsection (2).
- 2274 (4) If the [~~lieutenant governor~~] director determines that an election officer is in violation of a law or rule described in Subsection (1)(c), the [~~lieutenant governor~~] director, in an effort to remedy the violation and bring the election officer into compliance with the law or rule:
- 2278 (a) shall consult with the election officer; and
- 2279 (b) may provide training and other assistance to the election officer to the extent the [~~lieutenant governor~~] director determines warranted.
- 2281 (5) If a violation continues after the [~~lieutenant governor~~] director complies with Subsection (4)(a), the [~~lieutenant governor~~] director shall issue a written order to the election officer that:
- 2284 (a) describes the violation;
- 2285 (b) describes the action taken under Subsection (4) to remedy the violation and bring the election officer into compliance with the law or rule;
- 2287 (c) directs the election officer to remedy and cease the violation;
- 2288 (d) describes the specific actions the election officer must take to comply with the order;
- 2289 (e) states the deadline for the election officer to comply with the order; and

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- 2290 (f) describes the actions the election officer must take to verify compliance with the order.
2292 (6)
(a) An order described in Subsection (5) has the force of law.
2293 (b) An election officer shall fully comply with an order described in Subsection (5) unless the election officer obtains a court order rescinding or modifying the order in accordance with Subsections (7) through (9).
2296 (7) An election officer desiring to seek a court order described in Subsection (6) shall file an action seeking a court order within 10 days after the day on which the [~~lieutenant governor~~] director issues the order described in Subsection (5).
2299 (8) A court may not rescind or modify an order described in Subsection (5) unless, and only to the extent that:
2301 (a) the order is arbitrary or capricious;
2302 (b) the court finds that the violation alleged by the [~~lieutenant governor~~] director did not occur; or
2304 (c) the court determines that the violation alleged by the [~~lieutenant governor~~] director is not a violation of law or rule.
2306 (9) An election officer who files an action described in Subsection (7) has the burden of proof.
2308 (10) This section does not prohibit the [~~lieutenant governor~~] director from bringing a legal action, at any time, to compel an election officer to comply with the law and rules described in Subsection (1).

2311 ~~{Section 30. Section 20A-1-106 is amended to read: }~~

2312 **20A-1-106. Duties of a clerk.**

- 2313 (1) As used in this section, "clerk" means an election officer other than the [~~lieutenant governor~~] director.
2315 (2) A clerk shall:
2316 (a) comply with all of the following in relation to elections:
2317 (i) federal and state law;
2318 (ii) federal and state rules; and
2319 (iii) the policies and direction of the [~~lieutenant governor~~] director; and
2320 (b) diligently learn and become familiar with the law, rules, policies, and direction described in Subsection (2)(a).

2322 ~~{Section 31. Section 20A-1-107 is amended to read: }~~

2323 **20A-1-107. Elections training -- Training required -- Reimbursement.**

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- 2324 (1) As used in this section, "election administrator" means:
- 2325 (a) a county clerk; and
- 2326 (b) if the county clerk employs one or more individuals who assist with elections:
- 2327 (i) the most senior employee who assists with elections; or
- 2328 (ii) if more than one employee qualifies as the most senior employee under Subsection (1)(b)(i), one of those employees, as designated by the election officer.
- 2330 (2) The [~~lieutenant governor~~] director shall, in accordance with this section:
- 2331 (a) design and provide training to election officers and government workers who perform functions relating to elections; and
- 2333 (b) provide the training described in this section without charge to the officers and workers described in Subsection (2)(a).
- 2335 (3) The training shall include:
- 2336 (a) a course designed for election administrators:
- 2337 (i) that may include multiple sessions;
- 2338 (ii) that may require attendance on multiple occasions; and
- 2339 (iii) for which the [~~lieutenant governor~~] director may, notwithstanding Section 63G-22-103, require live attendance; and
- 2341 (b) a course designed for government workers, who perform functions relating to elections, that consists of modules relating to individual election processes.
- 2343 (4)
- 2344 (a) An election administrator who was elected, appointed, or hired before May 3, 2023, shall:
- 2345 (i) begin the first session described in Subsection (3)(a) before July 1, 2024; and
- 2346 (ii) complete all sessions within four years after the election administrator takes the first session.
- 2348 (b) An election administrator who is elected, appointed, or hired on or after May 3, 2023, shall:
- 2350 (i) begin the first session described in Subsection (3)(a) within one year after the day on which the election administrator is elected, appointed, or hired; and
- 2352 (ii) complete all sessions within four years after the election administrator takes the first session.
- 2354 (5) The [~~lieutenant governor~~] director shall reimburse an election administrator who is required under this section to attend the training described in Subsection (3)(a) per diem and travel expenses for attending the training, in accordance with:
- 2357 (a) Section 63A-3-106;

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- 2358 (b) Section 63A-3-107; and
- 2359 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 2361 (6) An individual may not perform an election process for which the [~~lieutenant governor~~] director has developed an online training module described in Subsection (3)(b), unless the individual has completed the training module developed for that election process.
- 2364 (7) The [~~director of elections, within the Office of the Lieutenant Governor,~~] office may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:
- 2367 (a) complying with the training requirements described in this section; and
- 2368 (b) supplemental or refresher training that the [~~lieutenant governor~~] director determines is needed to ensure the integrity of elections in the state.
- 2370 ~~{Section 32. Section 20A-1-108 is amended to read: }~~
- 2371 **20A-1-108. Audits -- Studies relating to elections.**
- 2372 (1) Except as provided in Subsection (2):
- 2373 (a) the [~~director of elections within the Office of the Lieutenant Governor~~] office shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements and procedures for an audit described in this title; and
- 2377 (b) an election officer shall ensure that, when an audit is conducted of work done during ballot processing, the individual who performs the audit does not audit the individual's own work.
- 2380 (2) Subsection (1) does not relate to an audit conducted by the legislative auditor general or the [~~lieutenant governor~~] director.
- 2382 (3) The [~~lieutenant governor~~] director shall keep the Government Operations Interim Committee informed of advances in election technology that the committee may want to study for use in Utah's elections.
- 2385 (4) The [~~lieutenant governor~~] director shall:
- 2386 (a) study methods to improve post-election audits to confirm that the election correctly identified the winning candidates, including evaluating:
- 2388 (i) different risk-limiting audit methods; and
- 2389 (ii) other confirmation methods; and
- 2390 (b) at or before the last 2023 meeting of the Government Operations Interim Committee, report to the committee on:

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- 2392 (i) the methods studied; and
2393 (ii) recommendations for post-election audit requirements.
2394 [~~(5) The Driver License Division shall, in cooperation with the lieutenant governor:]~~
2395 [~~(a) study:]~~
2396 [~~(i) the options for improving the quality of signatures collected by the Driver License Division that are~~
~~used for signature verification in an election; and]~~
2398 [~~(ii) the technology needs and costs associated with the options described in Subsection (5)(a)(i); and]~~
2400 [~~(b) at or before the last 2023 meeting of the Government Operations Interim Committee, report to the~~
~~committee on:]~~
2402 [~~(i) the options, technology needs, and costs described in Subsection (5)(a); and]~~
2403 [~~(ii) recommendations regarding the options described in Subsection (5)(a)(i).]~~

31 Section 1. Section 1 is enacted to read:

32 **20A-1-109. Conflict of interest election officer -- Appointment -- Term of service -- Duties**
and authority.

- 34 (1) No later than July 1 of the year immediately preceding an even-numbered year in which the
governor or lieutenant governor will run for an office, the state board of canvassers shall, after
consulting with county clerks in both urban and rural counties, appoint an individual to serve as a
conflict of interest election officer.
- 38 (2) The conflict of interest election officer:
- 39 (a) shall be an individual who is familiar with state and federal election law and with Utah's election
system;
- 41 (b) may not, while serving as the conflict of interest election officer, be a current elected official or
employee of the state or a political subdivision of the state; and
- 43 (c) shall serve until the day after the day of the statewide canvass for the elections held in the even-
numbered year following the conflict of interest election officer's appointment.
- 46 (3) The conflict of interest election officer has the duty and authority to act in the place of the lieutenant
governor if a complaint or election controversy arises that has any connection to a race for office in
which the governor or lieutenant governor is, or seeks to be, a candidate.
- 50 (4) If a dispute arises regarding whether a particular matter falls within the authority of the conflict
of interest election officer under this section, the dispute shall be resolved by the state board of
canvassers.

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53 (5) This section does not authorize the conflict of interest election officer to exercise any authority
granted to the lieutenant governor under the Utah Constitution.

2404 {Section 33. Section 20A-1-206 is amended to read: }

2405 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special districts --**
Notice.

2407 (1) As used in this section:

2408 (a) "Contested race" means a race in a general election where the number of candidates, including any
eligible write-in candidates, exceeds the number of offices to be filled in the race.

2411 (b) "Election" means an event, run by an election officer, that includes one or more races for public
office or one or more ballot propositions.

2413 (c)

(i) "Race" means a contest between candidates to obtain the number of votes necessary to take a
particular public office.

2415 (ii) "Race," as the term relates to a contest for an at-large position, includes all open positions for the
same at-large office.

2417 (iii) "Race," as the term relates to a contest for a municipal council position that is not an at-large
position, includes only the contest to represent a particular district on the council.

2420 (2) A municipal legislative body may cancel a local election if:

2421 (a) the ballot for the local election will not include any contested races or ballot propositions; and

2423 (b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election,
a resolution that cancels the election and certifies that:

2425 (i) the ballot for the election would not include any contested races or ballot propositions; and

2427 (ii) the candidates who qualified for the ballot are considered elected.

2428 (3) A municipal legislative body may cancel a race in a local election if:

2429 (a) the ballot for the race will not include any contested races or ballot propositions; and

2430 (b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election,
a resolution that cancels the race and certifies that:

2432 (i) the ballot for the race would not include any contested races or ballot propositions; and

2434 (ii) the candidate for the race is considered elected.

2435 (4) A municipal legislative body that cancels a local election in accordance with Subsection (2) shall
give notice that the election is cancelled by:

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- 2437 (a) subject to Subsection (8), providing notice to the [lieutenant governor's] office to be posted on the
Statewide Electronic Voter Information Website described in Section 20A-7-801, for 15 consecutive
days before the day of the scheduled election; and
- 2440 (b) providing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 15
days before the day of the scheduled election.
- 2442 (5) A special district board may cancel a local election if:
- 2443 (a) the ballot for the local election will not include any contested races or ballot propositions; and
- 2445 (b) the special district board passes, no later than 20 days before the day of the scheduled election, a
resolution that cancels the election and certifies that:
- 2447 (i) the ballot for the election would not include any contested races or ballot propositions; and
- 2449 (ii) the candidates who qualified for the ballot are considered elected.
- 2450 (6) A special district board may cancel a special district race if:
- 2451 (a) the race is uncontested; and
- 2452 (b) the special district board passes, no later than 20 days before the day of the scheduled election, a
resolution that cancels the race and certifies that the candidate who qualified for the ballot for that
race is considered elected.
- 2455 (7) A special district that cancels a local election in accordance with Subsection (5) shall provide notice
that the election is cancelled:
- 2457 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter Information Website
described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election;
and
- 2460 (b) as a class A notice under Section 63G-30-102, for at least 15 days before the day of the scheduled
election.
- 2462 (8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or a special
district that posts a notice in accordance with Subsection (7)(a) is not liable for a notice that fails to
post due to technical or other error by the publisher of the Statewide Electronic Voter Information
Website.

2466 ~~{Section 34. Section 20A-1-305 is amended to read: }~~

2467 **20A-1-305. Compilation and distribution of election laws.**

2468 (1) The [lieutenant governor] director shall:

2469

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(a) make an electronic compilation of [~~Title 20A, Election Code,~~] this title and any other provisions of law that govern elections; and

2471 (b) transmit an electronic copy of the compilation to each county clerk.

2472 (2) Each county clerk shall furnish each election officer in the county with a copy of the compilation described in Subsection (1)(a).

2474 ~~{Section 35. Section 20A-1-308 is amended to read: }~~

2475 **20A-1-308. Elections during declared emergencies.**

2476 (1) As used in this section, "declared emergency" means a state of emergency that:

2477 (a) is declared by:

2478 (i) the president of the United States;

2479 (ii) the governor in an executive order under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; or

2481 (iii) the chief executive officer of a political subdivision in a proclamation under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; and

2483 (b) affects an election in the state, including:

2484 (i) voting on election day;

2485 (ii) early voting;

2486 (iii) the transmittal or voting of a ballot;

2487 (iv) the counting of a ballot; or

2488 (v) the canvassing of election returns.

2489 (2) During a declared emergency, the [~~lieutenant governor~~] director may designate a method, time, or location for, or relating to, an event described in Subsection (1)(b) that is different than the method, time, or location described in this title.

2492 (3) The [~~lieutenant governor~~] director shall notify a voter or potential voter of a different method, time, or location designated under Subsection (2) by:

2494 (a) posting a notice on the Statewide Electronic Voter Information Website established under Section 20A-7-801;

2496 (b) notifying each election officer affected by the designation; and

2497 (c) notifying a newspaper of general circulation within the state or a local media correspondent.

2499 ~~{Section 36. Section 20A-1-501 is amended to read: }~~

2500 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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- 2501 (1) As used in this section, "central committee" means:
- 2502 (a) the state central committee of a political party, for a candidate for:
- 2503 (i) United States senator, United States representative, governor, lieutenant governor, attorney general,
state treasurer, or state auditor; or
- 2505 (ii) state legislator if the legislative district encompasses all or a portion of more than one county; or
- 2507 (b) the county central committee of a political party, for a party candidate seeking an office, other than
an office described in Subsection (1)(a), elected at an election held in an even-numbered year.
- 2510 (2) Except as provided in Subsection (6), the central committee may certify the name of another
candidate to the appropriate election officer if:
- 2512 (a) for a registered political party that will have a candidate on a ballot in a primary election:
- 2514 (i) after the close of the period for filing a declaration of candidacy and continuing through the day
before the day on which the [~~lieutenant governor~~] director provides the list described in Subsection
20A-9-403(4)(a), only one or two candidates from that party have filed a declaration of candidacy
for that office and one or both dies, resigns as a candidate, or is disqualified as a candidate; and
- 2519 (ii) the central committee provides written certification of the replacement candidate to the appropriate
election officer before the day on which the [~~lieutenant governor~~] director provides the list described
in Subsection 20A-9-403(4)(a); [~~and~~]
- 2522 (b) for a registered political party that does not have a candidate on the ballot in a primary, but will have
a candidate on the ballot for a regular general election:
- 2524 (i) after the close of the period for filing a declaration of candidacy and continuing through the day
before the day on which the [~~lieutenant governor~~] director makes the certification described
in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a
candidate; and
- 2528 (ii) the central committee provides written certification of the replacement candidate to the appropriate
election officer before the day on which the [~~lieutenant governor~~] director makes the certification
described in Section 20A-5-409; or
- 2531 (c) for a registered political party with a candidate certified as winning a primary election:
- 2533 (i) after the close of the period for filing a declaration of candidacy and continuing through the day
before the day on which the [~~lieutenant governor~~] director makes the certification described
in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a
candidate; and

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- 2537 (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the [~~lieutenant governor~~] director makes the certification described in Section 20A-5-409.
- 2540 (3) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the central committee of that political party may certify the name of another candidate to the appropriate election officer.
- 2544 (4) Each replacement candidate shall file a declaration of candidacy as required by [~~Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy~~] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.
- 2547 (5)
- (a) The name of a candidate who is certified under Subsection (2)(a) after the deadline described in Subsection (2)(a)(ii) may not appear on the primary election ballot.
- 2550 (b) The name of a candidate who is certified under Subsection (2)(b) after the deadline described in Subsection (2)(b)(ii) may not appear on the general election ballot.
- 2552 (c) The name of a candidate who is certified under Subsection (2)(c) after the deadline described in Subsection (2)(c)(ii) may not appear on the general election ballot.
- 2554 (6) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under [~~Title 20A, Chapter 11, Campaign and Financial Reporting Requirements~~] Chapter 11, Campaign and Financial Reporting Requirements, or Section 17-16-6.5.
- 2558 (7) This section does not apply to a candidate vacancy for a nonpartisan office.
- 2559 ~~{Section 37. Section 20A-1-503 is amended to read: }~~
- 2560 **20A-1-503. Midterm vacancies in the Legislature.**
- 2561 (1) As used in this section:
- 2562 (a) "Filing deadline" means the final date for filing:
- 2563 (i) a declaration of candidacy as provided in Section 20A-9-202; and
- 2564 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 2565 (b) "Party liaison" means the political party officer designated to serve as a liaison with the [~~lieutenant governor~~] director on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

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- 2568 (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.
- 2571 (3)
- (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.
- 2574 (b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.
- 2577 (4)
- (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the [~~lieutenant governor~~] director shall:
- 2580 (i) establish a date and time, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:
- 2584 (A) a declaration of candidacy; or
- 2585 (B) a certificate of nomination; and
- 2586 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 2587 (A) on the [~~lieutenant governor's~~] office's website; and
- 2588 (B) to each registered political party.
- 2589 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 2590 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and
- 2594 (ii) run in the regular general election if:
- 2595 (A) nominated as a party candidate; or
- 2596 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
- 2598 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in which the term of office

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does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the [~~lieutenant governor~~] director before 5 p.m. no later than August 30 for placement on the regular general election ballot.

2604 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

2608 ~~{Section 38. Section 20A-1-510 is amended to read: }~~

2609 **20A-1-510. Midterm vacancies in municipal offices.**

2610 (1)

(a) As used in this section:

2611 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined in Section 20A-1-102.

2613 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.

2614 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall, within 30 calendar days after the day on which the vacancy occurs, appoint a registered voter in the municipality who meets the qualifications for office described in Section 10-3-301 to fill the unexpired term of the vacated office.

2619 (c) Before acting to fill the vacancy, the municipal legislative body shall:

2620 (i) give public notice of the vacancy at least 14 calendar days before the day on which the municipal legislative body meets to fill the vacancy;

2622 (ii) identify, in the notice:

2623 (A) the date, time, and place of the meeting where the vacancy will be filled;

2624 (B) the person to whom an individual interested in being appointed to fill the vacancy may submit the interested individual's name for consideration; and

2626 (C) the deadline for submitting an interested individual's name; and

2627 (iii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.

2630 (d)

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- (i) The municipal legislative body shall take an initial vote to fill the vacancy from among the names of the candidates interviewed under Subsection (1)(c)(iii).
- 2632 (ii)
- (A) If no candidate receives a majority vote of the municipal legislative body in the initial vote described in Subsection (1)(d)(i), the two candidates that received the most votes in the initial vote, as determined by the tie-breaking procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary, shall be placed before the municipal legislative body for a second vote to fill the vacancy.
- 2638 (B) If the initial vote results in a tie for second place, the candidates tied for second place shall be reduced to one by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the candidate that received the most votes in the initial vote and the candidate that wins the coin toss described in this Subsection (1)(d)(ii)(B).
- 2644 (C) If the initial vote results in a tie among three or more candidates for first place, the candidates tied for first place shall be reduced to two by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the two candidates that remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 2649 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the municipal clerk or recorder in the presence of the municipal legislative body.
- 2651 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate receives a majority vote of the municipal legislative body, the vacancy shall be determined by a coin toss between the two candidates in accordance with Subsection (1)(d)(ii)(D).
- 2655 (e) If the municipal legislative body does not timely comply with Subsections (1)(b) through (d), the municipal clerk or recorder shall immediately notify the [~~lieutenant governor~~] director.
- 2658 (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections (1)(b) through (d), the [~~lieutenant governor~~] director shall:
- 2660 (i) notify the municipal legislative body of the violation; and
- 2661 (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the [~~lieutenant governor~~] director provides the notice described in this Subsection (1)(f), appoint an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).
- 2665 (g) If the municipality fails to timely comply with a directive described in Subsection (1)(f):
- 2667

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- (i) the [~~lieutenant governor~~] director shall notify the governor of the municipality's failure to fill the vacancy; and
- 2669 (ii) the governor shall, within 45 days after the day on which the governor receives the notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.
- 2673 (2)
- (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
- 2676 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and
- 2679 (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.
- 2681 (b) In appointing an interim replacement, the municipal legislative body shall:
- 2682 (i) comply with the notice requirements of this section; and
- 2683 (ii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
- 2686 (3)
- (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:
- 2688 (i) the council may appoint an individual to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and
- 2691 (ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection (1) or (2) to fill the vacancy, the remaining council members, by majority vote, shall appoint a council member to serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.
- 2696 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
- 2697 (i) act as a council member; and
- 2698 (ii) vote at council meetings.
- 2699 (4)
- (a)

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(i) For a vacancy of a member of a municipal legislative body as described in this section, the municipal legislative body member whose resignation creates the vacancy on the municipal legislative body may:

2702 (A) interview an individual whose name is submitted for consideration under Subsection (1)(c)
2704 (iii) or (2)(b)(ii); and

2704 (B) vote on the appointment of an individual to fill the vacancy.

2705 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is removed from
2708 office in accordance with state law may not cast a vote under Subsection (4)(a)(i).

2708 (b) A member of a municipal legislative body who submits his or her resignation to the municipal
2710 legislative body may not rescind the resignation.

2710 (c) A member of a municipal legislative body may not vote on an appointment under this section for
2712 himself or herself to fill a vacancy in the municipal legislative body.

2712 (5) In a municipality operating under the council-mayor form of government, the mayor may not:

2714 (a) participate in the vote to fill a vacancy;

2715 (b) veto a decision of the council to fill a vacancy; or

2716 (c) vote in the case of a tie.

2717 (6) A mayor whose resignation from the municipal legislative body is due to election or appointment as
2719 mayor may, in the case of a tie, participate in the vote under this section.

2719 (7) A municipal legislative body may, consistent with the provisions of state law, adopt procedures
2722 governing the appointment, interview, and voting process for filling vacancies in municipal offices.

2722 {Section 39. Section 20A-1-603 is amended to read: }

2723 **20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records --**

Penalties.

2725 (1)

(a) An individual may not fraudulently vote on the individual's behalf or on behalf of another, by:

2727 (i) voting more than once at any one election, regardless of whether one of the elections is in a state
or territory of the United States outside of Utah;

2729 (ii) knowingly handing in two or more ballots folded together;

2730 (iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot drop box, or
2732 mailed;

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- (iv) adding or attempting to add any ballot or vote to those legally polled at any election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;
- 2735 (v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or
- 2738 (vi) voting in a voting district or precinct when the individual knew or should have known that the individual was not eligible for voter registration in that district or precinct, unless the individual is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.
- 2742 (b) A person may not fraudulently interfere with an election by:
- 2743 (i) willfully tampering with, detaining, mutilating, or destroying any election returns;
- 2744 (ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;
- 2748 (iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;
- 2750 (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;
- 2754 (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing;
- 2757 (vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box; or
- 2759 (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts described in this section.
- 2761 (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3):
- 2762 (a) a person who commits an offense under Subsection (1)(b)(vi), or who aids, counsels, provides, procures, advises, or assists a person to commit an offense under Subsection (1)(b)(vi), is guilty of a third degree felony; and
- 2765

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(b) a person who commits an offense under Subsection (1), other than an offense described in Subsection (2)(a), is guilty of a class A misdemeanor.

2767 (3) The ~~[lieutenant governor]~~ director shall take, and store for at least 22 months, a static copy of the official register made at the following times:

2769 (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);

2770 (b) the day of the election; and

2771 (c) the last day of the canvass.

2772 ~~{Section 40. Section 20A-1-802 is amended to read: }~~

2773 **20A-1-802. Definitions.**

As used in this part:

2775 (1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):

2776 (a) under circumstances where a reasonable person would not believe that the allegations are true; or

2778 (b)

(i) within 60 days before an election that the candidate to which the petition relates will appear on the ballot; and

2780 (ii) under circumstances where a reasonable person would not believe that the allegations constitute a significant violation of a provision of this title.

2782 (2) "Defendant" means each person against whom an allegation is made in the verified petition described in Subsection 20A-1-803(1).

2784 (3) "Receiving official" means:

2785 (a) the ~~[lieutenant governor]~~ director, unless the verified petition described in Section 20A-1-803 alleges a violation by the ~~[governor, the lieutenant governor,]~~ director or an employee of the ~~[lieutenant governor's]~~ office; or

2788 (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a violation by the ~~[governor, the lieutenant governor,]~~ director or an employee of the ~~[lieutenant governor's]~~ office.

2791 (4) "Reviewing official" means:

2792 (a) except as provided in Subsection (4)(b), the receiving official; or

2793 (b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving official appoints another individual as the reviewing official under Subsection 20A-1-803(3)(a).

2796 (5) "Significant violation" means:

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- (a) a violation that, if known by voters before the election, may have resulted in a candidate, other than the candidate certified as having won the election, winning the election; or
- 2800 (b) a violation that, had the violation not occurred, may have resulted in a candidate, other than the candidate certified as having won the election, winning the election.

2802 ~~{Section 41. Section 20A-1-1001 is amended to read: }~~

2803 **20A-1-1001. Definitions.**

As used in this part:

- 2805 (1)
- (a) "Clerk" means the [~~lieutenant governor~~] director, a county clerk, municipal clerk, town clerk, city recorder, or municipal recorder.
- 2807 (b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions Applicable to All Special Districts.
- 2809 (2) "Local petition" means:
- 2810 (a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local Initiatives - Procedures; or
- 2812 (b) a manual or electronic local referendum petition described in Chapter 7, Part 6, Local Referenda - Procedures.
- 2814 (3) "Petition" means one of the following written requests, signed by registered voters, appealing to an authority with respect to a particular cause:
- 2816 (a) a local petition;
- 2817 (b) a petition to consolidate two or more municipalities under Section 10-2-601;
- 2818 (c) a petition for disincorporation of a municipality under Section 10-2-701;
- 2819 (d) a petition to incorporate a proposed municipality under Section 10-2a-208;
- 2820 (e) a petition to consolidate adjoining counties under Section 17-2-103;
- 2821 (f) a petition to annex a portion of a county to an adjoining county under Section 17-2-203;
- 2823 (g) a petition for the creation of a new county under Section 17-3-1;
- 2824 (h) a petition for the removal of a county seat under Section 17-11-2;
- 2825 (i) a petition for the adoption of an optional plan under Section 17-52a-303;
- 2826 (j) a petition for the repeal of an optional plan under Section 17-52a-505;
- 2827 (k) a petition to create a special district under Section 17B-1-203;
- 2828 (l) a petition to withdraw an area from a special district under Section 17B-1-504;

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- 2829 (m) a petition to dissolve a special district under Section 17B-1-1303;
- 2830 (n) a petition for issuance of local building authority bonds under Section 17D-2-502;
- 2831 (o) a petition to become a registered political party under Section 20A-8-103;
- 2832 (p) a nomination petition for municipal office under Section 20A-9-203;
- 2833 (q) a nomination petition for a regular primary election under Subsection 20A-9-403(3)(a) and Section 20A-9-405;
- 2835 (r) a petition for a political party to qualify as a municipal political party under Section 20A-9-404;
- 2837 (s) a petition for the nomination of a qualified political party under Section 20A-9-408;
- 2838 (t) a nomination petition for a candidate not affiliated with a political party under Section 20A-9-502;
- 2840 (u) a nomination petition to become a delegate to a ratification convention under Section 20A-15-103;
- 2842 (v) a petition to create a new school district under Section 53G-3-301;
- 2843 (w) a petition to consolidate school districts under Section 53G-3-401;
- 2844 (x) a petition to transfer a portion of a school district to another district under Section 53G-3-501;
- 2846 (y) a petition to determine whether a privatization project agreement should be approved under Section 73-10d-4; or
- 2848 (z) a statewide petition.
- 2849 (4) "Statewide petition" means:
- 2850 (a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2, Statewide Initiatives; or
- 2852 (b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3, Statewide Referenda.
- 2854 (5)
- (a) "Substantially similar name" means:
- 2855 (i) the given name, the surname, or both, provided by the individual with the individual's petition signature, contain only minor spelling differences when compared to the given name and surname shown on the official register;
- 2858 (ii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;
- 2862 (iii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the

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given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

2866 (iv) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

2871 (b) "Substantially similar name" does not include a name having an initial or a middle name provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

2874 ~~{Section 42. Section 20A-2-101.1 is amended to read: }~~

2875 **20A-2-101.1. Preregistering to vote.**

2876 (1) An individual may preregister to vote if the individual:

2877 (a) is 16 or 17 years ~~[of age]~~ old;

2878 (b) is not eligible to register to vote because the individual does not comply with the age requirements described in Subsection 20A-2-101(1)(c);

2880 (c) is a citizen of the United States;

2881 (d) has been a resident of Utah for at least 30 days; and

2882 (e) currently resides within the voting district or precinct in which the individual preregisters to vote.

2884 (2) An individual described in Subsection (1) may not vote in an election and is not registered to vote until:

2886 (a) the individual is otherwise eligible to register to vote because the individual complies with the age requirements described in Subsection 20A-2-101(1)(c); and

2888 (b) the county clerk registers the individual to vote under Subsection (4).

2889 (3) An individual who preregisters to vote shall:

2890 (a) complete a voter registration form, including an indication that the individual is preregistering to vote; and

2892 (b) submit the voter registration form to a county clerk in person, by mail, or in any other manner authorized by this chapter for the submission of a voter registration form.

2895 (4)

(a) A county clerk shall:

2896

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- (i) retain the voter registration form of an individual who meets the qualifications for preregistration and who submits a completed voter registration form to the county clerk under Subsection (3) (b);
- 2899 (ii) register the individual to vote in the next election in which the individual will be eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for that election; and
- 2902 (iii) send a notice to the individual that:
- 2903 (A) informs the individual that the individual's voter registration form has been accepted as an application for preregistration;
- 2905 (B) informs the individual that the individual will be registered to vote in the next election in which the individual will be eligible to vote; and
- 2907 (C) indicates in which election the individual will be registered to vote.
- 2908 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is considered to have applied for voter registration on the earlier of:
- 2910 (i) the day of the voter registration deadline immediately preceding the election day on which the individual will be at least 18 years ~~[of age]~~ old; or
- 2912 (ii) the day on which the individual turns 18 years ~~[of age]~~ old.
- 2913 (c) A county clerk shall refer a voter registration form to the county attorney for investigation and possible prosecution if the clerk or the clerk's designee believes the individual is attempting to preregister to vote in an election in which the individual will not be legally entitled to vote.
- 2917 (5)
- (a) The ~~[lieutenant governor]~~ director or a county clerk shall classify the voter registration record of an individual who preregisters to vote as a private record until the day on which the individual turns 18 years ~~[of age]~~ old.
- 2920 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years ~~[of age, the lieutenant governor]~~ old, the director or county clerk shall classify the individual's voter registration record as a public record in accordance with Subsection 63G-2-301(2)(1).
- 2924 (6) If an individual who is at least 18 years ~~[of age]~~ old erroneously indicates on the voter registration form that the individual is preregistering to vote, the county clerk shall consider the form as a voter registration form and shall process the form in accordance with this chapter.
- 2928 ~~{Section 43. Section 20A-2-102.5 is amended to read: }~~

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- 2929 **20A-2-102.5. Voter registration deadline.**
- 2930 (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.
- 2933 (2) The voter registration deadline is as follows:
- 2934 (a) the voter registration must be received by the county clerk, the municipal clerk, or the [~~lieutenant governor~~] director no later than 5 p.m. 11 calendar days before the date of the election, if the individual registers to vote:
- 2937 (i) at the office of the county clerk, in accordance with Section 20A-2-201;
- 2938 (ii) by mail, in accordance with Section 20A-2-202;
- 2939 (iii) via an application for a driver license, in accordance with Section 20A-2-204;
- 2940 (iv) via a public assistance agency or a discretionary voter registration agency, in accordance with Section 20A-2-205; or
- 2942 (v) via electronic registration, in accordance with Section 20A-2-206;
- 2943 (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
- 2946 (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.
- 2949 ~~{Section 44. Section 20A-2-104 is amended to read: }~~
- 2950 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**
- 2951 (1) As used in this section:
- 2952 (a) "Candidate for public office" means an individual:
- 2953 (i) who files a declaration of candidacy for a public office;
- 2954 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or
- 2955 (iii) employed by, under contract with, or a volunteer of, an individual described in Subsection (1)(a)(i) or (ii) for political campaign purposes.
- 2957 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and the federal Violence Against Women Act of 1994, as amended.
- 2959 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and the federal Violence Against Women Act of 1994, as amended.

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- 2961 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to produce a code
that:
- 2963 (i) uniquely represents the set of data;
- 2964 (ii) is always the same if the same algorithm is applied to the same set of data; and
- 2965 (iii) cannot be reversed to reveal the data applied to the algorithm.
- 2966 (e) "Protected individual" means an individual:
- 2967 (i) who submits a withholding request form with the individual's voter registration record, or to the
[lieutenant governor] director or a county clerk, if the individual indicates on the form that the
individual, or an individual who resides with the individual, is a victim of domestic violence or
dating violence or is likely to be a victim of domestic violence or dating violence;
- 2972 (ii) who submits a withholding request form with the individual's voter registration record, or to
the [lieutenant governor] director or a county clerk, if the individual indicates on the form and
provides verification that the individual, or an individual who resides with the individual, is a law
enforcement officer, a member of the armed forces as defined in Section 20A-1-513, a public figure,
or protected by a protective order or protection order; or
- 2978 (iii) whose voter registration record was classified as a private record at the request of the individual
before May 12, 2020.
- 2980 (2)
- (a) An individual applying for voter registration, or an individual preregistering to vote, shall complete
a voter registration form in substantially the following form:

2982 -----

2983 UTAH ELECTION REGISTRATION FORM

2984 Are you a citizen of the United States of America? Yes No

2985 If you checked "no" to the above question, do not complete this form.

2986 Will you be 18 years of age on or before election day? Yes No

2987 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to
vote? Yes No

2989 If you checked "no" to both of the prior two questions, do not complete this form.

2990 Name of Voter

2992 First Middle Last

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2993 Utah Driver License or Utah Identification Card Number _____

2995 Date of Birth _____

2996 Street Address of Principal Place of Residence

2997 _____

2998 City County State Zip Code

2999 Telephone Number (optional) _____

3000 Email Address (optional) _____

3001 Last four digits of Social Security Number _____

3002 Last former address at which I was registered to vote (if
known) _____

3004 _____

3005 City County State Zip Code

3006 Political Party

3007 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained
by the [~~lieutenant governor~~] director under Section [~~67-1a-2~~] 63A-19-202, with each party's name
preceded by a checkbox)

3010 Unaffiliated (no political party preference) Other (Please
specify) _____

3012 I do swear (or affirm), subject to penalty of law for false statements, that the information
contained in this form is true, and that I am a citizen of the United States and a resident of the state
of Utah, residing at the above address. Unless I have indicated above that I am preregistering
to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30
days immediately before the next election. I am not a convicted felon currently incarcerated for
commission of a felony.

3018 Signed and sworn

3019 _____

3020 Voter's Signature

3021 _____ (month/day/year).

3022 PRIVACY INFORMATION

3023

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Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

3027 Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

3031 You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

3034 _____ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

3037 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3038 In addition to the protections provided above, you may request that identifying information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

3043 A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

3049 A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.

3055 CITIZENSHIP AFFIDAVIT

3056 Name:

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3057 Name at birth, if different:

3058 Place of birth:

3059 Date of birth:

3060 Date and place of naturalization (if applicable):

3061 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen
and that to the best of my knowledge and belief the information above is true and correct.

3064 _____

3065 Signature of Applicant

3066 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing
yourself to be registered or preregistered to vote if you know you are not entitled to register or
preregister to vote is up to one year in jail and a fine of up to \$2,500.

3069 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
PHOTOGRAPH; OR

3073 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
CURRENT ADDRESS.

3075 FOR OFFICIAL USE ONLY

3076 Type of I.D. _____

3077 Voting Precinct _____

3078 Voting I.D. Number _____

3079 -----

3080 (b) The voter registration form described in Subsection (2)(a) shall include a section in substantially the
following form:

3082 -----

3083 **BALLOT NOTIFICATIONS**

3084 If you have provided a phone number or email address, you can receive notifications by text
message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in
the mail or in a ballot drop box, by indicating here:

3087 _____ Yes, I would like to receive electronic notifications regarding the status of my ballot.

3089 -----

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- 3090 (c)
- (i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a copy of each voter registration form in a permanent countywide alphabetical file, which may be electronic or some other recognized system.
- 3093 (ii) The county clerk may transfer a superseded voter registration form to the Division of Archives and Records Service created under Section 63A-12-101.
- 3095 (3)
- (a) Each county clerk shall retain lists of currently registered voters.
- 3096 (b) The [~~lieutenant governor~~] director shall maintain a list of registered voters in electronic form.
- 3098 (c) If there are any discrepancies between the two lists, the county clerk's list is the official list.
- 3100 (d) The [~~lieutenant governor~~] director and the county clerks may charge the fees established under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of the list of registered voters.
- 3103 (4)
- (a) As used in this Subsection (4), "qualified person" means:
- 3104 (i) a government official or government employee acting in the government official's or government employee's capacity as a government official or a government employee;
- 3107 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or independent contractor of a health care provider;
- 3109 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or independent contractor of an insurance company;
- 3111 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or independent contractor of a financial institution;
- 3113 (v) a political party, or an agent, employee, or independent contractor of a political party;
- 3115 (vi) a candidate for public office, or an employee, independent contractor, or volunteer of a candidate for public office;
- 3117 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a year of birth from the list of registered voters:
- 3119 (A) provides the year of birth only to a person described in Subsections (4)(a)(i) through [~~(vii)] (vi);~~
- 3121 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person described in Subsections (4)(a)(i) through [~~(vii)] (vi);~~

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- 3123 (C) ensures, using industry standard security measures, that the year of birth may not be accessed by a
person other than a person described in Subsections (4)(a)(i) through [~~(vii)] (vi);~~
- 3126 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to whom the person
provides the year of birth will only use the year of birth to verify the accuracy of personal
information submitted by an individual or to confirm the identity of a person in order to prevent
fraud, waste, or abuse;
- 3130 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person provides the year of
birth will only use the year of birth in the person's capacity as a government official or government
employee; and
- 3133 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the
year of birth will only use the year of birth for a political purpose of the political party or candidate
for public office; or
- 3136 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining information under
Subsection (4)(n) and (o):
- 3138 (A) provides the information only to another person described in Subsection (4)(a)(v) or (vi);
- 3140 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person described in
Subsection (4)(a)(v) or (vi);
- 3142 (C) ensures, using industry standard security measures, that the information may not be accessed by a
person other than a person described in Subsection (4)(a)(v) or (vi); and
- 3145 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the
information will only use the information for a political purpose of the political party or candidate
for public office.
- 3148 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in Subsection
63G-2-302(1)(k) or (l), the [~~lieutenant governor]~~ director or a county clerk shall, when providing the
list of registered voters to a qualified person under this section, include, with the list, the years of
birth of the registered voters, if:
- 3152 (i) the [~~lieutenant governor]~~ director or a county clerk verifies the identity of the person and that the
person is a qualified person; and
- 3154 (ii) the qualified person signs a document that includes the following:
- 3155 (A) the name, address, and telephone number of the person requesting the list of registered voters;
- 3157 (B) an indication of the type of qualified person that the person requesting the list claims to be;

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- 3159 (C) a statement regarding the purpose for which the person desires to obtain the years of birth;
- 3161 (D) a list of the purposes for which the qualified person may use the year of birth of a registered voter that is obtained from the list of registered voters;
- 3163 (E) a statement that the year of birth of a registered voter that is obtained from the list of registered voters may not be provided or used for a purpose other than a purpose described under Subsection (4)(b)(ii)(D);
- 3166 (F) a statement that if the person obtains the year of birth of a registered voter from the list of registered voters under false pretenses, or provides or uses the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law, is guilty of a class A misdemeanor and is subject to a civil fine;
- 3171 (G) an assertion from the person that the person will not provide or use the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law; and
- 3174 (H) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.
- 3176 (c) The [~~lieutenant governor~~] director or a county clerk:
- 3177 (i) may not disclose the year of birth of a registered voter to a person that the [~~lieutenant governor~~] director or county clerk reasonably believes:
- 3179 (A) is not a qualified person or a person described in Subsection (4)(l); or
- 3180 (B) will provide or use the year of birth in a manner prohibited by law; and
- 3181 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the [~~lieutenant governor~~] director or county clerk reasonably believes:
- 3183 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
- 3184 (B) will provide or use the information in a manner prohibited by law.
- 3185 (d) The [~~lieutenant governor~~] director or a county clerk may not disclose the voter registration form of a person, or information included in the person's voter registration form, whose voter registration form is classified as private under Subsection (4)(h) to a person other than:
- 3189 (i) a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee; or
- 3192 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for a political purpose.
- 3194 (e)

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- (i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or information under Subsection (4)(d)(ii), the [~~lieutenant governor~~] director or county clerk shall exclude the information described in Subsection 63G-2-302(1)(j), other than the year of birth.
- 3198 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the voter registration record of a protected individual, the [~~lieutenant governor~~] director or county clerk shall comply with Subsections (4)(n) through (p).
- 3201 (f) The [~~lieutenant governor~~] director or a county clerk may not disclose a withholding request form, described in Subsections (7) and (8), submitted by an individual, or information obtained from that form, to a person other than a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee.
- 3206 (g) A person is guilty of a class A misdemeanor if the person:
- 3207 (i) obtains from the list of registered voters, under false pretenses, the year of birth of a registered voter or information described in Subsection (4)(n) or (o);
- 3209 (ii) uses or provides the year of birth of a registered voter, or information described in Subsection (4)(n) or (o), that is obtained from the list of registered voters in a manner that is not permitted by law;
- 3212 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses;
- 3214 (iv) uses or provides information obtained from a voter registration record described in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 3216 (v) unlawfully discloses or obtains a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8); or
- 3219 (vi) unlawfully discloses or obtains information from a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8).
- 3222 (h) The [~~lieutenant governor~~] director or a county clerk shall classify the voter registration record of a voter as a private record if the voter:
- 3224 (i) submits a written application, created by the [~~lieutenant governor~~] director, requesting that the voter's voter registration record be classified as private;
- 3226 (ii) requests on the voter's voter registration form that the voter's voter registration record be classified as a private record; or
- 3228 (iii) submits a withholding request form described in Subsection (7) and any required verification.
- 3230

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- (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the [~~lieutenant governor~~] director or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter registration record, if the record is withheld under Subsection (7).
- 3234 (j) In addition to any criminal penalty that may be imposed under this section, the [~~lieutenant governor~~] director may impose a civil fine against a person who violates a provision of this section, in an amount equal to the greater of:
- 3237 (i) the product of 30 and the square root of the total number of:
- 3238 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
- 3240 (B) records from which information is obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
- 3242 (ii) \$200.
- 3243 (k) A qualified person may not obtain, provide, or use the year of birth of a registered voter, if the year of birth is obtained from the list of registered voters or from a voter registration record, unless the person:
- 3246 (i) is a government official or government employee who obtains, provides, or uses the year of birth in the government official's or government employee's capacity as a government official or government employee;
- 3249 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or uses the year of birth only to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;
- 3253 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains, provides, or uses the year of birth for a political purpose of the political party or candidate for public office; or
- 3256 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or uses the year of birth to provide the year of birth to another qualified person to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 3260 (l) The [~~lieutenant governor~~] director or a county clerk may provide a year of birth to a member of the media, in relation to an individual designated by the member of the media, in order for the member of the media to verify the identity of the individual.

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- (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose information from a voter registration record for a purpose other than a political purpose.
- 3266 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the [~~lieutenant governor~~] director or a county clerk shall, when providing the list of registered voters to a qualified person described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose record is withheld under Subsection (7), the information described in Subsection (4)(o), if:
- 3271 (i) the [~~lieutenant governor~~] director or a county clerk verifies the identity of the person and that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and
- 3274 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that includes the following:
- 3276 (A) the name, address, and telephone number of the person requesting the list of registered voters;
- 3278 (B) an indication of the type of qualified person that the person requesting the list claims to be;
- 3280 (C) a statement regarding the purpose for which the person desires to obtain the information;
- 3282 (D) a list of the purposes for which the qualified person may use the information;
- 3283 (E) a statement that the information may not be provided or used for a purpose other than a purpose described under Subsection (4)(n)(ii)(D);
- 3285 (F) a statement that if the person obtains the information under false pretenses, or provides or uses the information in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and is subject to a civil fine;
- 3288 (G) an assertion from the person that the person will not provide or use the information in a manner that is prohibited by law; and
- 3290 (H) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.
- 3292 (o) Except as provided in Subsection (4)(p), the information that the [~~lieutenant governor~~] director or a county clerk is required to provide, under Subsection (4)(n), from the record of a protected individual is:
- 3295 (i) a single hash code, generated from a string of data that includes both the voter's voter identification number and residential address;
- 3297 (ii) the voter's residential address;
- 3298 (iii) the voter's mailing address, if different from the voter's residential address;
- 3299 (iv) the party affiliation of the voter;

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- 3300 (v) the precinct number for the voter's residential address;
- 3301 (vi) the voter's voting history; and
- 3302 (vii) a designation of which age group, of the following age groups, the voter falls within:
- 3304 (A) 25 or younger;
- 3305 (B) 26 through 35;
- 3306 (C) 36 through 45;
- 3307 (D) 46 through 55;
- 3308 (E) 56 through 65;
- 3309 (F) 66 through 75; or
- 3310 (G) 76 or older.
- 3311 (p) The [~~lieutenant governor~~] director or a county clerk may not disclose:
- 3312 (i) information described in Subsection (4)(o) that, due to a small number of voters affiliated with a particular political party, or due to another reason, would likely reveal the identity of a voter if disclosed; or
- 3315 (ii) the address described in Subsection (4)(o)(iii) if the [~~lieutenant governor~~] director or the county clerk determines that the nature of the address would directly reveal sensitive information about the voter.
- 3318 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide, or use the information described in Subsection (4)(n) or (o), except to the extent that the qualified person uses the information for a political purpose of a political party or candidate for public office.
- 3322 (5) When political parties not listed on the voter registration form qualify as registered political parties under [~~Title 20A, Chapter 8, Political Party Formation and Procedures, the lieutenant governor~~] Chapter 8, Political Party Formation and Procedures, the director shall inform the county clerks of the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include that political party.
- 3328 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:
- 3330 (a) review each voter registration form for completeness and accuracy; and
- 3331 (b) if the county clerk believes, based upon a review of the form, that an individual may be seeking to register or preregister to vote who is not legally entitled to register or preregister to vote, refer the form to the county attorney for investigation and possible prosecution.

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- 3335 (7) The [~~lieutenant governor~~] director or a county clerk shall withhold from a person, other than a person described in Subsection (4)(a)(i), the voter registration record, and information obtained from the voter registration record, of a protected individual.
- 3338 (8)
- (a) The [~~lieutenant governor~~] director shall design and distribute [~~the~~] a withholding request form [~~described in Subsection (7)-~~]to each election officer and to each agency that provides a voter registration form.
- 3341 (b) An individual described in Subsection (1)(e)(i) is not required to provide verification, other than the individual's attestation and signature on the withholding request form, that the individual, or an individual who resides with the individual, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence.
- 3346 (c) The [~~director of elections within the Office of the Lieutenant Governor~~] office shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for providing the verification described in Subsection (1)(e)(ii).
- 3350 (9) An election officer or an employee of an election officer may not encourage an individual to submit, or discourage an individual from submitting, a withholding request form.
- 3353 (10)
- (a) The [~~lieutenant governor~~] director shall make and execute a plan to provide notice to registered voters who are protected individuals, that includes the following information:
- 3356 (i) that the voter's classification of the record as private remains in effect;
- 3357 (ii) that certain non-identifying information from the voter's voter registration record may, under certain circumstances, be released to political parties and candidates for public office;
- 3360 (iii) that the voter's name, driver license or identification card number, social security number, email address, phone number, and the voter's day, month, and year of birth will remain private and will not be released to political parties or candidates for public office;
- 3364 (iv) that a county clerk will only release the information to political parties and candidates in a manner that does not associate the information with a particular voter; and
- 3367 (v) that a county clerk may, under certain circumstances, withhold other information that the county clerk determines would reveal identifying information about the voter.
- 3370

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(b) The ~~[lieutenant governor]~~ director may include in the notice described in this Subsection (10) a statement that a voter may obtain additional information on the ~~[lieutenant governor's]~~ office's website.

3373 (c) The plan described in Subsection (10)(a) may include providing the notice described in Subsection (10)(a) by:

3375 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;

3376 (ii) publication on the ~~[lieutenant governor's]~~ office's website or a county's website;

3377 (iii) posting the notice in public locations;

3378 (iv) publication in a newspaper;

3379 (v) sending notification to the voters by electronic means;

3380 (vi) sending notice by other methods used by government entities to communicate with citizens; or

3382 (vii) providing notice by any other method.

3383 (d) The ~~[lieutenant governor]~~ director shall provide the notice included in a plan described in this Subsection (10) before June 16, 2023.

3385 ~~{Section 45. Section 20A-2-107 is amended to read: }~~

3386 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

3387 (1) As used in this section, "change of affiliation deadline" means:

3388 (a) for an election held in an even-numbered year in which a presidential election will be held, the day after the declaration of candidacy deadline described in Subsection 20A-9-201.5(2)(b); or

3391 (b) for an election held in an even-numbered year in which a presidential election will not be held, April 1.

3393 (2) The county clerk shall:

3394 (a) except as provided in Subsection (6) or 20A-2-107.5(3), record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

3396 (b) if no political party affiliation is designated by the voter on the voter registration form:

3398 (i) except as provided in Subsection (2)(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

3402 (ii) record the voter's party affiliation as "unaffiliated" if the voter:

3403 (A) did not previously designate a party;

3404 (B) most recently designated the voter's party affiliation as "unaffiliated"; or

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- 3405 (C) did not previously register.
- 3406 (3)
- (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (3).
- 3408 (b) A registered voter may designate or change the voter's political party affiliation by filing with the county clerk, the municipal clerk, or the [~~lieutenant governor~~] director a voter registration form or another signed form that identifies the registered political party with which the voter chooses to affiliate.
- 3412 (c) Except as provided in Subsection (3)(d), a voter registration form or another signed form designating or changing a voter's political party affiliation takes effect when the county clerk receives the signed form.
- 3415 (d) The party affiliation of a voter who changes party affiliation, or who becomes unaffiliated from a political party, at any time on or after the change of affiliation deadline and on or before the date of the regular primary election, takes effect the day after the statewide canvass for the regular primary election.
- 3419 (4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received by the county clerk before the change of affiliation deadline if:
- 3421 (a) the individual submits the form in person at the county clerk's office no later than 5 p.m. on the day before the change of affiliation deadline;
- 3423 (b) the individual submits the form electronically through the system described in Section 20A-2-206, at or before 11:59 p.m. before the day of the change of affiliation deadline; or
- 3426 (c) the individual's form is clearly postmarked before the change of affiliation deadline.
- 3427 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter registration form if:
- 3429 (a) the voter has not previously been registered to vote in the state; or
- 3430 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county clerk under Subsection (6).
- 3432 (6) 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:
- 3434 (a) change the voter's party affiliation to "unaffiliated"; and
- 3435 (b) notify the voter electronically or by mail:

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- 3436 (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
3439 (ii) of the methods and deadlines for changing the voter's party affiliation.

3440 ~~{Section 46. Section 20A-2-108 is amended to read: }~~

3441 **20A-2-108. Driver license or state identification card registration form -- Transmittal of
information.**

3443 (1) As used in this section, "qualifying form" means:

- 3444 (a) a driver license application form; or
3445 (b) a state identification card application form.

3446 (2) The ~~[lieutenant governor]~~ director and the Driver License Division shall design each qualifying
form to include:

- 3448 (a) the following question, which an applicant is required to answer: "Do you authorize the use of
information in this form for voter registration purposes? YES ___ NO ___";
3451 (b) the following statement:

3452 "PRIVACY INFORMATION

3453 Voter registration records contain some information that is available to the public, such as
your name and address, some information that is available only to government entities, and some
information that is available only to certain third parties in accordance with the requirements of law.

3457 Your driver license number, identification card number, social security number, email address,
full date of birth, and phone number are available only to government entities. Your year of birth is
available to political parties, candidates for public office, certain third parties, and their contractors,
employees, and volunteers, in accordance with the requirements of law.

3461 You may request that all information on your voter registration records be withheld from all
persons other than government entities, political parties, candidates for public office, and their
contractors, employees, and volunteers, by indicating here:

3464 _____ Yes, I request that all information on my voter registration records be withheld from
all persons other than government entities, political parties, candidates for public office, and their
contractors, employees, and volunteers.

3467 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3468 In addition to the protections provided above, you may request that identifying information on
your voter registration records be withheld from all political parties, candidates for public office,

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and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

3473 A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the [lieutenant governor] director or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

3479 A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the [lieutenant governor] director or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order."; and

3486 (c) a section in substantially the following form:

3487

3488

BALLOT NOTIFICATIONS

3489

If you have provided a phone number or email address, you can receive notifications by text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:

3492

_____ Yes, I would like to receive electronic notifications regarding the status of my ballot.

3494

3495 (3) The [lieutenant governor] director and the Driver License Division shall ensure that a qualifying form contains:

3497 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and Utah residency, and that the information provided in the form is true;

3499 (b) a records disclosure that is similar to the records disclosure on a voter registration form described in Section 20A-2-104;

3501 (c) a statement that if an applicant declines to register or preregister to vote, the fact that the applicant has declined to register or preregister will remain confidential and will be used only for voter registration purposes;

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(d) a statement that if an applicant does register or preregister to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

3507 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space where an individual may, if desired:

3509 (i) indicate the individual's desired political affiliation from a listing of each registered political party, as defined in Section 20A-8-101;

3511 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the individual desires to affiliate; or

3513 (iii) indicate that the individual does not wish to affiliate with a political party.

3514 ~~{Section 47. Section 20A-2-201 is amended to read: }~~

3515 **20A-2-201. Registering to vote at office of county clerk.**

3516 (1) Except as provided in Subsection (3), the county clerk shall register to vote each individual who registers in person at the county clerk's office during designated office hours if the individual will, on the date of the election, be legally eligible to vote in a voting precinct in the county in accordance with Section 20A-2-101.

3520 (2) If an individual who is registering to vote submits a registration form in person at the office of the county clerk no later than 5 p.m. 11 calendar days before the date of the election, the county clerk shall:

3523 (a) accept and process the voter registration form;

3524 (b) unless the individual named in the form is preregistering to vote:

3525 (i) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and

3527 (ii) notify the individual that the individual is registered to vote in the upcoming election; and

3529 (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

3531 (3) If an individual who is registering to vote and who will be legally qualified and entitled to vote in a voting precinct in the county on the date of an election appears in person, during designated office hours, and submits a registration form after the deadline described in Subsection (2), the county clerk shall accept the registration form and, except as provided in Subsection ~~[20A-2-207(6)]~~ 20A-2-207(5), inform the individual that the individual will not be registered to vote

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in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

3539 ~~{Section 48. Section 20A-2-204 is amended to read: }~~

3540 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

- 3541 (1) As used in this section, "voter registration form" means, when an individual named on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described in Subsection 20A-2-108(2)(a), the information on the qualifying form that can be used for voter registration purposes.
- 3545 (2)
- (a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may register to vote, and a citizen who is qualified to preregister to vote may preregister to vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a) and completing the voter registration form.
- 3549 (b) A citizen who is a program participant in the Safe at Home Program created in Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a), but is eligible to register to vote by any other means described in this part.
- 3552 (3) The Driver License Division shall:
- 3553 (a) assist an individual in completing the voter registration form unless the individual refuses assistance;
- 3555 (b) electronically transmit each address change to the ~~[Lieutenant governor]~~ director within five days after the day on which the division receives the address change; and
- 3557 (c) within five days after the day on which the division receives a voter registration form, electronically transmit the form to the ~~[Office of the Lieutenant Governor]~~ office, including the following for the individual named on the form:
- 3560 (i) the name, date of birth, driver license or state identification card number, last four digits of the social security number, Utah residential address, place of birth, and signature;
- 3563 (ii) a mailing address, if different from the individual's Utah residential address;
- 3564 (iii) an email address and phone number, if available;
- 3565 (iv) the desired political affiliation, if indicated;
- 3566 (v) an indication of whether the individual requested that the individual's voter registration record be classified as a private record under Subsection 20A-2-108(2)(b); and
- 3569 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted with the form.

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- 3571 (4) Upon receipt of an individual's voter registration form from the Driver License Division under
Subsection (3), the [~~lieutenant governor~~] director shall:
- 3573 (a) enter the information into the statewide voter registration database; and
- 3574 (b) if the individual requests on the individual's voter registration form that the individual's voter
registration record be classified as a private record or the individual submits a withholding request
form described in Subsections 20A-2-104(7) and (8) and any required verification, classify the
individual's voter registration record as a private record.
- 3579 (5) The county clerk of an individual whose information is entered into the statewide voter registration
database under Subsection (4) shall:
- 3581 (a) ensure that the individual meets the qualifications to be registered or preregistered to vote; and
- 3583 (b)
- (i) if the individual meets the qualifications to be registered to vote:
- 3584 (A) ensure that the individual is assigned to the proper voting precinct; and
- 3585 (B) send the individual the notice described in Section 20A-2-304; or
- 3586 (ii) if the individual meets the qualifications to be preregistered to vote, process the form in accordance
with the requirements of Section 20A-2-101.1.
- 3588 (6)
- (a) When the county clerk receives a correctly completed voter registration form under this section, the
clerk shall:
- 3590 (i) comply with the applicable provisions of this Subsection (6); or
- 3591 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 3592 (b) If the county clerk receives a correctly completed voter registration form under this section no later
than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days before the date of
an election, the county clerk shall:
- 3595 (i) accept the voter registration form; and
- 3596 (ii) unless the individual is preregistering to vote:
- 3597 (A) enter the individual's name on the list of registered voters for the voting precinct in which the
individual resides; and
- 3599 (B) notify the individual that the individual is registered to vote in the upcoming election; and
- 3601 (iii) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- 3603

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(c) If the county clerk receives a correctly completed voter registration form under this section after the deadline described in Subsection (6)(b), the county clerk shall, unless the individual named in the form is preregistering to vote:

3606 (i) accept the application for registration of the individual;

3607 (ii) process the voter registration form; and

3608 (iii) unless the individual is preregistering to vote, and except as provided in Subsection [20A-2-207(6)] 20A-2-207(5), inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

3613 (7)

(a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote, the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the registration form is incomplete, or because the individual does not meet the qualifications to be registered to vote.

3620 (b) If a county clerk believes, based upon a review of a voter registration form, that an individual, who knows that the individual is not legally entitled to register or preregister to vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

3625 {Section 49. Section 20A-2-205 is amended to read: }

3626 **20A-2-205. Registration at voter registration agencies.**

3627 (1) As used in this section:

3628 (a) "Discretionary voter registration agency" means the same as that term is defined in Section 20A-2-300.5.

3630 (b) "Public assistance agency" means the same as that term is defined in Section 20A-2-300.5.

3632 (2) An individual may obtain and complete a registration form at a public assistance agency or discretionary voter registration agency.

3634 (3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

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3637

"REGISTERING TO VOTE

3638

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes___ No___ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration form, we will help you. The decision about whether to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or preregister or to decline to register or preregister to vote, your right to privacy in deciding whether to register or preregister, or in applying to register or preregister to vote, or your right to choose your own political party or other political preference, you may file a complaint with the [~~Office of the Lieutenant Governor~~] Elections Office, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the [~~Office of the Lieutenant Governor~~] office)."

3651

(4) Unless an individual applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register or preregister to vote, each public assistance agency and discretionary voter registration agency shall:

3654

(a) distribute a voter registration form with each application for service or assistance provided by the agency or office;

3656

(b) assist applicants in completing the voter registration form unless the applicant refuses assistance;

3658

(c) accept completed forms for transmittal to the appropriate election official; and

3659

(d) transmit a copy of each voter registration form to the appropriate election official within five days after the division receives the voter registration form.

3661

(5) An individual in a public assistance agency or a discretionary voter registration agency that helps an applicant complete the voter registration form may not:

3663

(a) seek to influence an applicant's political preference or party registration;

3664

(b) display any political preference or party allegiance;

3665

(c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or

3667

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(d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision of whether to register or preregister has any bearing upon the availability of services or benefits.

3670 (6) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. 11 calendar days before the date of an election, the county clerk shall:

3673 (a) accept and process the voter registration form;

3674 (b) unless the individual named in the form is preregistering to vote:

3675 (i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

3677 (ii) notify the applicant that the applicant is registered to vote in the upcoming election; and

3679 (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

3681 (7) If the county clerk receives a correctly completed voter registration form after the deadline described in Subsection (6), the county clerk shall:

3683 (a) accept the application for registration of the individual; and

3684 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

3688 (8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because the voter registration form is incomplete, the county clerk shall mail notice to the individual attempting to register or preregister to vote, stating that the individual has not been registered or preregistered to vote because of an error or because the voter registration form is incomplete.

3694 ~~{Section 50. Section 20A-2-206 is amended to read: }~~

3695 **20A-2-206. Electronic registration.**

3696 (1) The [~~lieutenant governor~~] director shall create and maintain an electronic system that is publicly available on the Internet for an individual to apply for voter registration or preregistration.

3699 (2) An electronic system for voter registration or preregistration shall require:

3700 (a) that an applicant have a valid driver license or identification card, issued under Title 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place of residence;

3703

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- (b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (5);
- 3706 (c) that the applicant attest to the truth of the information provided; and
- 3707 (d) that the applicant authorize the [~~lieutenant governor's~~] director's and county clerk's use of the applicant's:
- 3709 (i) driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration purposes; or
- 3711 (ii) signature on file in the [~~lieutenant governor's~~] office's statewide voter registration database developed under Section 20A-2-502.
- 3713 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for voter registration or preregistration created under this section is not required to complete a printed registration form.
- 3716 (4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).
- 3718 (5) The [~~lieutenant governor~~] director shall:
- 3719 (a) obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division; or
- 3721 (b) ensure that the applicant's signature is already on file in the [~~lieutenant governor's~~] office's statewide voter registration database developed under Section 20A-2-502.
- 3723 (6) The [~~lieutenant governor~~] director shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304 after:
- 3726 (a) receiving all information from an applicant; and
- 3727 (b)
- 3728 (i) receiving all information from the Driver License Division; or
- 3728 (ii) ensuring that the applicant's signature is already on file in the [~~lieutenant governor's~~] office's statewide voter registration database developed under Section 20A-2-502.
- 3731 (7) The [~~lieutenant governor~~] director may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.
- 3733 (8) If an individual applies to register under this section no later than 11 calendar days before the date of an election, the county clerk shall:
- 3735 (a) accept and process the voter registration form;

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- 3736 (b) unless the individual named in the form is preregistering to vote:
3737 (i) enter the applicant's name on the list of registered voters for the voting precinct in which the
applicant resides; and
3739 (ii) notify the individual that the individual is registered to vote in the upcoming election; and
3741 (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
3743 (9) If an individual applies to register under this section after the deadline described in Subsection (8),
the county clerk shall, unless the individual is preregistering to vote:
3745 (a) accept the application for registration; and
3746 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), if possible, promptly inform
the individual that the individual will not be registered to vote in the pending election, unless the
individual registers to vote by provisional ballot during the early voting period, if applicable, or on
election day, in accordance with Section 20A-2-207.
3750 (10) The [~~lieutenant governor~~] director shall provide a means by which a registered voter shall sign the
application form.
- 3752 ~~{Section 51. Section 20A-2-207 is amended to read: }~~
3753 **20A-2-207. Registration by provisional ballot.**
3754 (1) Except as provided in Subsection [~~(6)~~] (5), an individual who is not registered to vote may register
to vote, and vote, on election day or during the early voting period described in Section 20A-3a-601,
by voting a provisional ballot, if:
3757 (a) the individual is otherwise legally entitled to vote the ballot;
3758 (b) the ballot is identical to the ballot for the precinct in which the individual resides;
3759 (c) the information on the provisional ballot form is complete; and
3760 (d) the individual provides valid voter identification and proof of residence to the poll worker.
3762 (2) If a provisional ballot and the individual who voted the ballot comply with the requirements
described in Subsection (1), the election officer shall:
3764 (a) consider the provisional ballot a voter registration form;
3765 (b) place the ballot with the other ballots, to be counted with those ballots at the canvass; and
3767 (c) as soon as reasonably possible, register the individual to vote.
3768 (3) Except as provided in Subsection (4), the election officer shall retain a provisional ballot form,
uncounted, for the period specified in Section 20A-4-202, if the election officer determines that the
individual who voted the ballot:

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- 3771 (a) is not registered to vote and is not eligible for registration under this section; or
3772 (b) is not legally entitled to vote the ballot that the individual voted.
- 3773 (4) Subsection (3) does not apply if a court orders the election officer to produce or count the
provisional ballot.
- 3775 [~~(5) The lieutenant governor shall report to the Government Operations Interim Committee on or before
October 31, 2020, regarding:~~]
- 3777 [~~(a) implementation of registration by provisional ballot, as described in this section, on a statewide
basis;~~]
- 3779 [~~(b) any difficulties resulting from the implementation described in Subsection (5)(a);~~]
- 3780 [~~(c) the effect of registration by provisional ballot on voter participation in Utah;~~]
- 3781 [~~(d) the number of ballots cast by voters who registered by provisional ballot;~~]
- 3782 [~~(i) during the early voting period described in Section 20A-3a-601; and~~]
- 3783 [~~(ii) on election day; and~~]
- 3784 [~~(e) suggested changes in the law relating to registration by provisional ballot.~~]
- 3785 [~~(6)~~ (5) For an election administered by an election officer other than a county clerk:
- 3786 (a) if the election officer does not operate a polling place to allow early voting, the individual may not
register to vote, under this section, during an early voting period; and
- 3789 (b) if the election officer does not operate a polling place on election day, the individual may not
register to vote, under this section, on election day.
- 3791 ~~{Section 52. Section 20A-2-300.6 is amended to read: }~~
- 3792 **20A-2-300.6. Voter registration activities -- Coordination among local, state, and federal
officials.**
- The ~~[lieutenant governor]~~ director shall:
- 3795 (1) oversee, manage, and coordinate all voter registration activities in the state; and
- 3796 (2) coordinate with local, state, and federal officials to ensure compliance with state and federal election
laws.
- 3798 ~~{Section 53. Section 20A-2-502 is amended to read: }~~
- 3799 **20A-2-502. Statewide voter registration system -- Maintenance and update of system --
Record security -- List of incarcerated felons -- Public document showing compliance by county
clerks.**
- 3802 (1) The ~~[lieutenant governor]~~ director shall:

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- 3803 (a) develop, manage, and maintain a statewide voter registration system to be used by county clerks to maintain an updated statewide voter registration database in accordance with this section and rules made under Section 20A-2-507;
- 3806 (b) except as provided in Subsection (2)(c), regularly update the system with information relevant to voter registration, as follows:
- 3808 (i) on at least a weekly basis, information received from the Driver License Division in relation to:
- 3810 (A) voter registration;
- 3811 (B) a registered voter's change of address; or
- 3812 (C) a registered voter's change of name;
- 3813 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11) from the state registrar, regarding deceased individuals;
- 3815 (iii) on at least a monthly basis, the information described in Subsection (3), received from the Department of Corrections regarding incarcerated individuals;
- 3817 (iv) on at least a monthly basis, information received from other states, including information received under an agreement described in Subsection (2); and
- 3819 (v) within 31 days after receiving information relevant to voter registration, other than the information described in Subsections (1)(b)(i) through [(v)] (iv);
- 3821 (c) regularly monitor the system to ensure that each county clerk complies with the requirements of this part and rules made under Section 20A-2-507;
- 3823 (d) establish matching criteria and security measures for identifying a change described in Subsection (1)(b) to ensure the accuracy of a voter registration record; and
- 3825 (e) on at least a monthly basis:
- 3826 (i) use the matching criteria and security measures described in Subsection (1)(d) to compare information in the database to identify duplicate data, contradictory data, and changes in data;
- 3829 (ii) notify the applicable county clerk of the data identified; and
- 3830 (iii) notify the county clerk of the county in which a voter's principal place of residence is located of a change in a registered voter's principal place of residence or name.
- 3833 (2)
- (a) Subject to Subsection (2)(b), the [~~lieutenant-governor~~] director may cooperate or enter into an agreement with a governmental entity or another state to share information and increase the accuracy of the database.

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- 3836 (b) For a record shared under Subsection (2)(a), the ~~[lieutenant governor]~~ director shall ensure:
- 3838 (i) that the record is only used to maintain the accuracy of the database;
- 3839 (ii) compliance with Section 63G-2-206; and
- 3840 (iii) that the record is secure from unauthorized use by employing data encryption or another similar technology security system.
- 3842 (c) The ~~[lieutenant governor]~~ director is not required to comply with an updating requirement described in Subsection (1)(b) to the extent that the person responsible to provide the information to the ~~[lieutenant governor]~~ director fails to provide the information.
- 3846 (3)
- (a) The ~~[lieutenant governor]~~ director shall maintain a current list of all incarcerated felons in Utah.
- 3848 (b) The Department of Corrections shall provide the ~~[lieutenant governor's]~~ office with:
- 3849 (i) the name and last-known address of each individual who:
- 3850 (A) was convicted of a felony in a Utah state court; and
- 3851 (B) is currently incarcerated for commission of a felony; and
- 3852 (ii) the name of each convicted felon who has been released from incarceration.
- 3853 (4) The ~~[lieutenant governor]~~ director shall maintain on the ~~[lieutenant governor's]~~ office's website a document that:
- 3855 (a) describes the utilities and tools within the system that a county clerk is required to run;
- 3857 (b) describes the actions, if any, that a county clerk is required to take in relation to the results of running a utility or tool;
- 3859 (c) lists, by date, the recurring deadlines by which a county clerk must comply with Subsection (4)(a) or (b); and
- 3861 (d) indicates, by county:
- 3862 (i) whether the county clerk timely complies with each deadline described in Subsection (4)(c); and
- 3864 (ii) if the county clerk fails to timely comply with a deadline described in Subsection (4)(c), whether the county clerk subsequently complies with the deadline and the date on which the county clerk complies.
- 3867 ~~{Section 54. Section 20A-2-503 is amended to read: }~~
- 3868 **20A-2-503. County clerk's responsibilities -- Updating voter registration.**
- 3869 (1)
- (a) Each county clerk shall use the system to record or modify all voter registration records.

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- 3871 (b) A county clerk shall:
- 3872 (i) at the time the county clerk enters a voter registration record into the system, run the system's voter identification verification tool in relation to the record; and
- 3874 (ii) in accordance with rules made under Section 20A-2-507, regularly report to the [~~lieutenant governor~~] director the information described in Subsection 20A-2-502(4).
- 3877 (2) A county clerk who receives notification from the [~~lieutenant governor~~] director, as provided in Subsection 20A-2-502(1)(e), of a change in a registered voter's principal place of residence or name may verify the change with the registered voter.
- 3880 (3) Unless the county clerk verifies that a change described in Subsection (2) is incorrect, the county clerk shall:
- 3882 (a) change the voter registration record to show the registered voter's current name and address; and
- 3884 (b) notify the registered voter of the change to the voter registration record.
- 3885 (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:
- 3886 (a) on at least a monthly basis, run the duplicate voter utility and take the action required to resolve potential duplicate data identified by the utility; and
- 3888 (b) every December, run the annual maintenance utility.
- 3889 (5)
- (a) If a voter does not vote in any election during the period beginning on the date of any regular general election and ending on the day after the date of the next regular general election, and the county clerk has not sent the voter a notice described in Section 20A-2-505 during the period, the county clerk shall, within 14 days after the day on which the county clerk runs the annual maintenance utility, send to the voter a preaddressed return form in substantially the following form:
- 3895 ["]VOTER REGISTRATION ADDRESS["]
- 3896 To ensure the address on your voter registration is correct, please complete and return this form if your address has changed. What is your current street address?
- 3898 _____
- 3899 Street City County State ZIP
- 3900 _____
- 3901 Signature of Voter
- 3902 (b) The county clerk shall mail the form described in Subsection (5)(a) with a postal service that will notify the county clerk if the voter has changed the voter's address.

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3904 {Section 55. Section 20A-2-505 is amended to read: }

3905 **20A-2-505. Removing names from the official register -- Determining and confirming change
of residence.**

3907 (1) A county clerk may not remove a voter's name from the official register on the grounds that the
voter has changed residence unless the voter:

3909 (a) confirms in writing that the voter has changed residence to a place outside the county; or

3911 (b)

(i) does not vote in an election during the period beginning on the date of the notice described in
Subsection (3), and ending on the day after the date of the second regular general election occurring
after the date of the notice; and

3914 (ii) does not respond to the notice described in Subsection (3).

3915 (2)

(a) Within 31 days after the day on which a county clerk obtains information that a voter's address has
changed, if it appears that the voter still resides within the same county, the county clerk shall:

3918 (i) change the official register to show the voter's new address; and

3919 (ii) send to the voter, by forwardable mail, the notice described in Subsection (3).

3920 (b) When a county clerk obtains information that a voter's address has changed and it appears that
the voter now resides in a different county, the county clerk shall verify the changed residence
by sending to the voter, by forwardable mail, the notice described in Subsection (3), printed on a
postage prepaid, preaddressed return form.

3924 (3)

(a) Each county clerk shall use substantially the following form to notify voters whose addresses have
changed:

3926 "VOTER REGISTRATION NOTICE

3927 We have been notified that your residence has changed. Please read, complete, and return this
form so that we can update our voter registration records. What is your current street address?

3930 _____
3931 Street City County State Zip

3932 What is your current phone number (optional)? _____

3933 What is your current email address (optional)? _____

3934

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If you have not changed your residence, or have moved but stayed within the same county, you must complete and return this form to the county clerk so that it is received by the county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to return this form within that time:

3938 - you may be required to show evidence of your address to the poll worker before being allowed to vote in either of the next two regular general elections; or

3940 - if you fail to vote at least once, from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

3944

Signature of Voter

3945

3946

PRIVACY INFORMATION

3947

Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

3951

Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

3955

You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

3958

_____ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

3961

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3962

In addition to the protections provided above, you may request that identifying information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

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3967 A person may request that identifying information on the person's voter registration records be
withheld from all political parties, candidates for public office, and their contractors, employees,
and volunteers, by submitting a withholding request form with this registration record, or to the
[lieutenant-governor] director or a county clerk, if the person is or is likely to be, or resides with a
person who is or is likely to be, a victim of domestic violence or dating violence.

3973 A person may request that identifying information on the person's voter registration records be
withheld from all political parties, candidates for public office, and their contractors, employees,
and volunteers, by submitting a withholding request form and any required verification with this
registration form, or to the [lieutenant-governor] director or a county clerk, if the person is, or
resides with a person who is, a law enforcement officer, a member of the armed forces, a public
figure, or protected by a protective order or a protection order."

3980 (b) The form described in Subsection (3)(a) shall also include a section in substantially the following
form:

3982 -----

3983 BALLOT NOTIFICATIONS

3984 If you have provided a phone number or email address, you can receive notifications by text
message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in
the mail or in a ballot drop box, by indicating here:

3987 _____ Yes, I would like to receive electronic notifications regarding the status of my ballot.

3989 -----

3990 (4)

(a) Except as provided in Subsection (4)(b), the county clerk may not remove the names of any voters
from the official register during the 90 days before a regular primary election or the 90 days before a
regular general election.

3993 (b) The county clerk may remove the names of voters from the official register during the 90 days
before a regular primary election or the 90 days before a regular general election if:

3996 (i) the voter requests, in writing, that the voter's name be removed; or

3997 (ii) the voter dies.

3998 (c)

(i) After a county clerk mails a notice under this section, the county clerk shall, unless otherwise
prohibited by law, list that voter as inactive.

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- 4000 (ii) If a county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter, the county clerk shall, unless otherwise prohibited by law, list that voter as inactive.
- 4004 (iii) An inactive voter may vote, sign petitions, and have all other privileges of a registered voter.
- 4006 (iv) A county is not required to:
- 4007 (A) send routine mailings to an inactive voter; or
- 4008 (B) count inactive voters when dividing precincts and preparing supplies.
- 4009 (5) The ~~[lieutenant governor]~~ director shall make available to a county clerk United States Social Security Administration data received by the ~~[lieutenant governor]~~ director regarding deceased individuals.
- 4012 (6) A county clerk shall, within ten business days after the day on which the county clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11) and (12) relating to a decedent whose name appears on the official register, remove the decedent's name from the official register.
- 4016 (7) Ninety days before each primary and general election the ~~[lieutenant governor]~~ director shall compare the information the ~~[lieutenant governor]~~ director has received under Subsection 26B-8-114(11) with the official register of voters to ensure that all deceased voters have been removed from the official register.

4020 ~~{Section 56. Section 20A-2-506 is amended to read: }~~

4021 **20A-2-506. Director and county clerks to preserve records.**

- 4022 (1) As used in this section:
- 4023 (a) "Voter registration record" means a record concerning the implementation of programs and activities conducted for the purpose of ensuring that the official register is accurate and current.
- 4026 (b) "Voter registration record" does not include a record that:
- 4027 (i) relates to a person's decision to decline to register to vote; or
- 4028 (ii) identifies the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular voter registered to vote.
- 4031 (2) The ~~[lieutenant governor]~~ director and each county clerk shall:
- 4032 (a) preserve for at least two years all records relating to voter registration, including:
- 4033 (i) the official register; and
- 4034

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(ii) the name and address of each individual to whom the notice required by Section 20A-2-505 was sent and a notation regarding whether the individual responded to the notice;

4037 (b) make a voter registration record available for public inspection, except for a voter registration
record, or part of a voter registration record that is classified as private under Section 63G-2-302;
and

4040 (c) allow a record or part of a record described in Subsection (2)(b) that is not classified as a private
record to be photocopied for a reasonable cost.

4042 (3) The [~~lieutenant governor~~] director shall take, and store for at least 22 months, a static copy of the
official register made at the following times:

4044 (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);

4045 (b) the day of the election; and

4046 (c) the last day of the canvass.

4047 ~~{Section 57. Section 20A-2-507 is amended to read: }~~

4048 **20A-2-507. Rulemaking authority relating to voter registration records.**

The [~~director of elections within the Office of the Lieutenant Governor~~] office shall make
rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

4051 (1) to regulate the use, security, maintenance, data entry, and update of the system;

4052 (2) establishing duties and deadlines for a county clerk to:

4053 (a) ensure that the database is updated, accurate, and secure; and

4054 (b) regularly report to the [~~lieutenant governor~~] director the information described in Subsection
20A-2-502(4); and

4056 (3) establishing requirements for a county clerk in relation to:

4057 (a) running the utilities and tools in the system;

4058 (b) actions that the county clerk is required to take in response to the matters identified, or the results
produced, from running the utilities and tools; and

4060 (c) documenting and reporting compliance with the requirements of this part and rules made under this
section.

4062 ~~{Section 58. Section 20A-3a-106 is amended to read: }~~

4063 **20A-3a-106. Rulemaking authority relating to conducting an election.**

The [~~director of elections, within the Office of the Lieutenant Governor,~~] office may
make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

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establishing requirements for:

- 4067 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and security of the envelopes;
- 4069 (2) complying with the signature comparison audit requirements described in Section 20A-3a-402.5; or
- 4071 (3) conducting and documenting the identity verification process described in Subsection 20A-3a-401(7)(b).

4073 ~~{Section 59. Section 20A-3a-202 is amended to read: }~~

4074 **20A-3a-202. Conducting election by mail.**

- 4075 (1)
- (a) Except as otherwise provided for an election conducted entirely by mail under Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in accordance with this section.
- 4078 (b) An individual who did not provide valid voter identification at the time the voter registered to vote shall provide valid voter identification before voting.
- 4080 (2) An election officer who administers an election:
- 4081 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day and no later than seven days before election day, mail to each active voter within a voting precinct:
- 4084 (i) a manual ballot;
- 4085 (ii) a return envelope;
- 4086 (iii) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;
- 4089 (iv) for an election administered by a county clerk, information regarding the location and hours of operation of any election day voting center at which the voter may vote or a website address where the voter may view this information;
- 4092 (v) for an election administered by an election officer other than a county clerk, if the election officer does not operate a polling place or an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the ballot, the voter will be unable to vote in that election because there will be no polling place for the voting precinct on the day of the election; and
- 4098 (vi) instructions on how a voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5;
- 4100 (b) may not mail a ballot under this section to:

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- 4101 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
- 4102 (ii) a voter whom the election officer is prohibited from sending a ballot under Subsection (9)(c)(ii);
- 4104 (c) shall, on the outside of the envelope in which the election officer mails the ballot, include
instructions for returning the ballot if the individual to whom the election officer mails the ballot
does not live at the address to which the ballot is sent;
- 4107 (d) shall provide a method of accessible voting to a voter with a disability who is not able to vote by
mail; and
- 4109 (e) shall include, on the election officer's website and with each ballot mailed, instructions regarding
how a voter described in Subsection (2)(d) may vote.
- 4111 (3)
- (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to
the address:
- 4113 (i) provided at the time of registration; or
- 4114 (ii) if, at or after the time of registration, the voter files an alternate address request form described
in Subsection (3)(b), the alternate address indicated on the form.
- 4116 (b) The [~~lieutenant governor~~] director shall make available to voters an alternate address request form
that permits a voter to request that the election officer mail the voter's ballot to a location other than
the voter's residence.
- 4119 (c) A voter shall provide the completed alternate address request form to the election officer no later
than 11 days before the day of the election.
- 4121 (4) The return envelope shall include:
- 4122 (a) the name, official title, and post office address of the election officer on the front of the envelope;
- 4124 (b) a space where a voter may write an email address and phone number by which the election officer
may contact the voter if the voter's ballot is rejected;
- 4126 (c) a printed affidavit in substantially the following form:
- 4127 "County of ____ State of ____
- 4128 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct in ____
County, Utah and that I am entitled to vote in this election. I am not a convicted felon currently
incarcerated for commission of a felony.
- 4131 _____
- 4132 Signature of Voter"; and

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- 4133 (d) a warning that the affidavit must be signed by the individual to whom the ballot was sent and that
the ballot will not be counted if the signature on the affidavit does not match the signature on file
with the election officer of the individual to whom the ballot was sent.
- 4137 (5) If the election officer determines that the voter is required to show valid voter identification, the
election officer may:
- 4139 (a) mail a ballot to the voter;
- 4140 (b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot; and
- 4142 (c) provide instructions to the voter on how the voter may sign up to receive electronic ballot status
notifications via the ballot tracking system described in Section 20A-3a-401.5.
- 4145 (6) An election officer who administers an election shall:
- 4146 (a)
- 4148 (i) before the election, obtain the signatures of each voter qualified to vote in the election; or
- 4148 (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
- 4150 (b) maintain the signatures on file in the election officer's office.
- 4151 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot under
Section 20A-3a-401.
- 4153 (8) A county that administers an election:
- 4154 (a) shall provide at least one election day voting center in accordance with Part 7, Election Day Voting
Center, and at least one additional election day voting center for every 5,000 active voters in the
county who have requested to not receive a ballot by mail;
- 4158 (b) shall ensure that each election day voting center operated by the county has at least one voting
device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No.
107-252, for individuals with disabilities;
- 4161 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 4162 (i) the county clerk conducts early voting on at least four days;
- 4163 (ii) the early voting days are within the period beginning on the date that is 14 days before the date of
the election and ending on the day before the election; and
- 4165 (iii) the county clerk provides notice of the reduced early voting period in accordance with Section
20A-3a-604; and
- 4167 (d) is not required to pay return postage for a ballot.
- 4168 (9)

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(a) An individual may request that the election officer not send the individual a ballot by mail in the next and subsequent elections by submitting a written request to the election officer.

4171 (b) An individual shall submit the request described in Subsection (9)(a) to the election officer before
5 p.m. no later than 60 days before an election if the individual does not wish to receive a ballot by
mail in that election.

4174 (c) An election officer who receives a request from an individual under Subsection (9)(a):

4176 (i) shall remove the individual's name from the list of voters who will receive a ballot by mail; and

4178 (ii) may not send the individual a ballot by mail for:

4179 (A) the next election, if the individual submits the request described in Subsection (9)(a) before the
deadline described in Subsection (9)(b); or

4181 (B) an election after the election described in Subsection (9)(c)(ii)(A).

4182 (d) An individual who submits a request under Subsection (9)(a) may resume the individual's receipt of
a ballot by mail by submitting a written request to the election officer.

4185 ~~{Section 60. Section 20A-3a-401 is amended to read: }~~

4186 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition
-- Notice -- Disclosures relating to unresolved ballots.**

4188 (1) This section governs ballots returned by mail or via a ballot drop box.

4189 (2)

(a) Poll workers shall open return envelopes containing manual ballots that are in the custody of the poll
workers in accordance with this section.

4191 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of the return
envelope to the signature of the voter in the voter registration records.

4193 (3) After complying with Subsection (2), the poll workers shall determine whether:

4194 (a) the signatures correspond;

4195 (b) the affidavit is sufficient;

4196 (c) the voter is registered to vote in the correct precinct;

4197 (d) the voter's right to vote the ballot has been challenged;

4198 (e) the voter has already voted in the election;

4199 (f) the voter is required to provide valid voter identification; and

4200 (g) if the voter is required to provide valid voter identification, whether the voter has provided valid
voter identification.

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- 4202 (4)
- (a) The poll workers shall take the action described in Subsection (4)(b) if the poll workers determine:
- 4204 (i) in accordance with the rules made under Subsection (11):
- 4205 (A) that the signature on the affidavit of the return envelope is reasonably consistent with the
individual's signature in the voter registration records; or
- 4207 (B) for an individual who checks the box described in Subsection (5)(c)(v), that the signature is verified
by alternative means;
- 4209 (ii) that the affidavit is sufficient;
- 4210 (iii) that the voter is registered to vote in the correct precinct;
- 4211 (iv) that the voter's right to vote the ballot has not been challenged;
- 4212 (v) that the voter has not already voted in the election; and
- 4213 (vi) for a voter required to provide valid voter identification, that the voter has provided valid voter
identification.
- 4215 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll workers shall:
- 4217 (i) remove the manual ballot from the return envelope in a manner that does not destroy the affidavit on
the return envelope;
- 4219 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection with the return
envelope; and
- 4221 (iii) place the ballot with the other ballots to be counted.
- 4222 (c) If the poll workers do not make all of the findings described in Subsection (4)(a), the poll workers
shall:
- 4224 (i) disallow the vote;
- 4225 (ii) without opening the return envelope, record the ballot as "rejected" and state the reason for the
rejection; and
- 4227 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 4228 (5)
- (a) If the poll workers reject an individual's ballot because the poll workers determine, in accordance
with rules made under Subsection (11), that the signature on the return envelope is not reasonably
consistent with the individual's signature in the voter registration records, the election officer shall:
- 4232 (i) contact the individual in accordance with Subsection (6); and
- 4233 (ii) inform the individual:

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- 4234 (A) that the individual's signature is in question;
- 4235 (B) how the individual may resolve the issue; and
- 4236 (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (5)(c).
- 4239 (b) The election officer shall ensure that the notice described in Subsection (5)(a) includes:
- 4241 (i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (5)(c) and a courtesy reply envelope;
- 4243 (ii) when communicating the notice electronically, a link to a copy of the affidavit described in Subsection (5)(c) or information on how to obtain a copy of the affidavit; or
- 4246 (iii) when communicating the notice by phone, either during a direct conversation with the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in Subsection (5)(c), either in person from the clerk's office, by mail, or electronically.
- 4250 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:
- 4251 (i) an attestation that the individual voted the ballot;
- 4252 (ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;
- 4254 (iii) a space for the individual to sign the affidavit;
- 4255 (iv) a statement that, by signing the affidavit, the individual authorizes the [~~lieutenant~~ governor's] director's and county clerk's use of the individual's signature on the affidavit for voter identification purposes; and
- 4258 (v) a check box accompanied by language in substantially the following form: "I am a voter with a qualifying disability under the Americans with Disabilities Act that impacts my ability to sign my name consistently. I can provide appropriate documentation upon request. To discuss accommodations, I can be contacted at _____".
- 4263 (d) In order for an individual described in Subsection (5)(a) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c) to the election officer.
- 4266 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall immediately:
- 4268 (i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section 20A-2-502;
- 4270

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- 4272 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before the day on which
the canvass begins, count the individual's ballot; and
- 4274 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the rules described in
Subsection (11)(c).
- 4277 (6)
- 4279 (a) The election officer shall, within two business days after the day on which an individual's ballot is
rejected, notify the individual of the rejection and the reason for the rejection, by phone, mail, email,
or SMS text message, unless:
- 4281 (i) the ballot is cured within one business day after the day on which the ballot is rejected; or
- 4284 (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be
cured.
- 4285 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii), the election officer
shall notify the individual of the rejection and the reason for the rejection by phone, mail, email, or
SMS text message, within the later of:
- 4286 (i) 30 days after the day of the rejection; or
- 4288 (ii) 30 days after the day of the election.
- 4291 (c) The election officer may, when notifying an individual by phone under this Subsection (6), use auto-
dial technology.
- 4292 (7) An election officer may not count the ballot of an individual whom the election officer contacts
under Subsection (5) or (6) unless, no later than 5 p.m. three days before the day on which the
canvass begins, the election officer:
- 4293 (a) receives a signed affidavit from the individual under Subsection (5); or
- 4297 (b)
- 4298 (i) contacts the individual;
- 4300 (ii) if the election officer has reason to believe that an individual, other than the voter to whom the
ballot was sent, signed the ballot affidavit, informs the individual that it is unlawful to sign a ballot
affidavit for another person, even if the person gives permission;
- (iii) verifies the identity of the individual by:
- (A) requiring the individual to provide at least two types of personal identifying information for the
individual; and

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- (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records relating to the individual that are in the possession or control of an election officer; and
- 4303 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
- 4304 (A) the name and voter identification number of the individual contacted;
- 4305 (B) the name of the individual who conducts the verification;
- 4306 (C) the date and manner of the communication;
- 4307 (D) the type of personal identifying information provided by the individual;
- 4308 (E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and
- 4310 (F) other information required by the [~~lieutenant governor~~] director.
- 4311 (8) The election officer shall:
- 4312 (a) retain and preserve the return envelopes in the manner provided by law for the retention and preservation of ballots voted at that election;
- 4314 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and
- 4315 (c) if the election officer complies with Subsection (8)(b) by including the documentation in the voter's voter registration record, make, retain, and preserve a record of the name and voter identification number of each voter contacted under Subsection (7)(b).
- 4319 (9)
- (a) The election officer shall record the following in the database used to verify signatures:
- 4321 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day after the day on which the election officer rejects the ballot; and
- 4323 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business day after the day on which the ballot rejection is resolved.
- 4325 (b) An election officer shall include, in the canvass report, a final report of the disposition of all rejected and resolved ballots, including, for ballots rejected, the following:
- 4328 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
- 4329 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do not correspond.
- 4331 (10) Willful failure to comply with this section constitutes willful neglect of duty under Section 20A-5-701.
- 4333

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(11) The director of elections within the [~~Office of the Lieutenant Governor~~] office shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

- 4336 (a) criteria and processes for use by poll workers in determining if a signature corresponds with the
signature on file for the voter under Subsections (3)(a) and (4)(a)(i)(A);
- 4339 (b) training and certification requirements for election officers and employees of election officers
regarding the criteria and processes described in Subsection (11)(a); and
- 4341 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Secs. 12131
through 12165, an alternative means of verifying the identity of an individual who checks the box
described in Subsection (5)(c)(v).

4344 (12) Subject to Subsection (13), if, in response to a request, and in accordance with the requirements of
law, an election officer discloses the name or address of voters whose ballots have been rejected and
not yet resolved, the election officer shall:

- 4347 (a) make the disclosure within two business days after the day on which the request is made;
- 4349 (b) respond to each request in the order the requests were made; and
- 4350 (c) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to one
requestor over another.

4352 (13) A disclosure described in Subsection (12) may not include the name or address of a protected
individual, as defined in Subsection 20A-2-104(1).

4354 ~~{Section 61. Section 20A-3a-401.1 is amended to read: }~~

4355 **20A-3a-401.1. Ballot chain of custody.**

4356 (1) As used in this section:

4357 (a) "Batch" means a grouping of a specified number of ballots:

- 4358 (i) that is assembled by poll workers, and given a number to distinguish the grouping from other
groupings, when the ballots are first received for processing;
- 4360 (ii) that is kept together in the same grouping, and kept separate from other groupings, throughout ballot
processing; and
- 4362 (iii) for which a log is kept to document the chain of custody of the grouping.

4363 (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a return envelope that
a poll worker has not separated from a ballot, as follows:

- 4365 (i) starting with receiving the ballot;
- 4366 (ii) each step taken in relation to a ballot as part of conducting an election; and

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- 4367 (iii) ending after the ballots are counted and stored.
- 4368 (2) An election officer shall preserve the chain of custody of all ballots in accordance with this section.
- 4370 (3) An election officer shall maintain an accurate, updated count of the number of ballots that the
election officer:
- 4372 (a) mails or otherwise provides to a voter;
- 4373 (b) receives from a voter;
- 4374 (c) counts;
- 4375 (d) rejects;
- 4376 (e) resolves after rejecting; or
- 4377 (f) does not resolve after rejecting.
- 4378 (4) Upon receiving ballots cast by voters, the election officer shall ensure that poll workers immediately
count the number of ballots received and divide the ballots into batches.
- 4380 (5) The election officer shall ensure that:
- 4381 (a) ballots in each batch are kept separate from the ballots in other batches;
- 4382 (b) a ballot is not separated from a batch, except as necessary to the election process;
- 4383 (c) if a ballot is separated from a batch, the batch log indicates:
- 4384 (i) the ballot number;
- 4385 (ii) the date and time of removal;
- 4386 (iii) the identity of the individual who removes the ballot; and
- 4387 (iv) the reason the ballot is removed;
- 4388 (d) poll workers shall keep for each batch a log that includes:
- 4389 (i) a unique identifying code or number for the batch;
- 4390 (ii) the number of ballots in the batch;
- 4391 (iii) the date that the ballots were received; and
- 4392 (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:
- 4394 (A) the date and time that the ballots are handled;
- 4395 (B) a description of what is done with the ballots;
- 4396 (C) the identity of the poll workers who handle the ballots; and
- 4397 (D) any other information required by rule under Subsection (7);
- 4398 (e) an election official who performs a ballot processing function performs the function in the presence
of at least one other election official;

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- 4400 (f) to the extent reasonably possible, the poll workers who perform a ballot processing function for a
batch complete performing that function for the entire batch; and
- 4402 (g) each part of the processing of all ballots is monitored by recorded video, without audio.
- 4404 (6) An election officer shall:
- 4405 (a) keep the recordings described in Subsection (5)(g) until the later of:
- 4406 (i) the end of the calendar year in which the election was held; or
- 4407 (ii) if the election is contested, when the contest is resolved; and
- 4408 (b) ensure that a camera, a video, or a recording of a video described in Subsection (5)(g) may only be
accessed:
- 4410 (i) by the election officer;
- 4411 (ii) by a custodian of the camera, video, or recording;
- 4412 (iii) by the [~~lieutenant governor~~] director;
- 4413 (iv) by the legislative auditor general, when performing an audit; or
- 4414 (v) by, or pursuant to an order of, a court of competent jurisdiction.
- 4415 (7) An individual may not view a video, or a recording of a video, described in Subsection (5)(g):
- 4417 (a) unless the individual is an individual described in Subsection (6)(b); and
- 4418 (b) the individual views the video to the extent necessary to:
- 4419 (i) ensure compliance with Subsection (5)(g) or (6); or
- 4420 (ii) investigate a concern relating to the processing of ballots.
- 4421 (8) The [~~director of elections within the Office of the Lieutenant Governor~~] office may make rules, in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing specific
requirements and procedures for an election officer or poll worker to:
- 4425 (a) fulfill the chain of custody requirements described in this section;
- 4426 (b) perform the signature verification audits described in Section 20A-3a-402.5; and
- 4427 (c) comply with the reconciliation requirements described in Subsection 20A-4-304(2)(h).
- 4429 ~~{Section 62. Section 20A-3a-401.5 is amended to read: }~~
- 4430 **20A-3a-401.5. Ballot tracking system.**
- 4431 (1) As used in this section:
- 4432 (a) "Ballot tracking system" means the system described in this section to track and confirm the status
of trackable ballots.
- 4434 (b) "Change in the status" includes:

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- 4435 (i) when a trackable ballot is mailed to a voter;
- 4436 (ii) when an election official receives a voted trackable ballot; and
- 4437 (iii) when a voted trackable ballot is counted.
- 4438 (c) "Trackable ballot" means a manual ballot that is:
- 4439 (i) mailed to a voter in accordance with Section 20A-3a-202;
- 4440 (ii) deposited in the mail by a voter in accordance with Section 20A-3a-204; or
- 4441 (iii) deposited in a ballot drop box by a voter in accordance with Section 20A-3a-204.
- 4442 (d) "Voter registration database" means the database, as defined in Section 20A-2-501.
- 4443 (2) The ~~[lieutenant governor]~~ director shall operate and maintain a statewide or locally based system to track and confirm when there is a change in the status of a trackable ballot.
- 4445 (3) If a voter elects to receive electronic notifications regarding the status of the voter's trackable ballot, the ballot tracking system shall, when there is a change in the status of the voter's trackable ballot:
- 4448 (a) send a text message notification to the voter if the voter's information in the voter registration database includes a mobile telephone number;
- 4450 (b) send an email notification to the voter if the voter's information in the voter registration database includes an email address; and
- 4452 (c) send a notification by another electronic means directed by the ~~[lieutenant governor]~~ director.
- 4454 (4) The ~~[lieutenant governor]~~ director shall ensure that the ballot tracking system and the state-provided website described in Section 20A-7-801 automatically share appropriate information to ensure that a voter is able to confirm the status of the voter's trackable ballot via the state-provided website free of charge.
- 4458 (5) The ballot tracking system shall include a toll-free telephone number or other offline method by which a voter can confirm the status of the voter's trackable ballot.
- 4460 (6) The ~~[lieutenant governor]~~ director shall ensure that the ballot tracking system:
- 4461 (a) is secure from unauthorized use by employing data encryption or other security measures; and
- 4463 (b) is only used for the purposes described in this section.
- 4464 ~~{Section 63. Section 20A-3a-402 is amended to read: }~~
- 4465 **20A-3a-402. Custody of ballots voted at a polling place -- Disposition -- Counting ballots -- Release of tally.**
- 4467 (1)
- [~~(a)~~] For ballots voted at a polling place:

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- 4468 [(b)] (a) the election officer shall deliver all return envelopes containing valid ballots and valid provisional ballots that are in the election officer's custody to the counting center before noon on the day of the official canvass following the election;
- 4471 [(e)] (b) valid ballots, including valid provisional ballots, may be processed and counted:
- 4472 (i) by the election officer, or poll workers acting under the supervision of the election officer, before the date of the canvass; and
- 4474 (ii) at the canvass, by the election officer or poll workers, acting under the supervision of the official canvassers of the election;
- 4476 [(d)] (c) when processing ballots, the election officer and poll workers shall comply with the procedures and requirements of Section 20A-3a-401 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing ballots in preparation for counting; and
- 4480 [(e)] (d) all valid ballots, including valid provisional ballots have been deposited, the ballots shall be counted in the usual manner.
- 4482 (2)
- (a) After the polls close on the date of the election, the election officer shall publicly release the results of all ballots, including provisional ballots, that have been counted on or before the date of the election.
- 4485 (b) Except as provided in Subsection (2)(c), on each day, beginning on the day after the date of the election and ending on the day before the date of the canvass, the election officer shall publicly release the results of all ballots, including provisional ballots, counted on that day.
- 4489 (c)
- (i) If complying with Subsection (2)(b) on a particular day will likely result in disclosing a vote cast by an individual voter, the election officer shall request permission from the [~~lieutenant governor~~] director to delay compliance for the minimum number of days necessary to protect against disclosure of the voter's vote.
- 4494 (ii) The [~~lieutenant governor~~] director shall grant a request made under Subsection (2)(c)(i) if the [~~lieutenant governor~~] director finds that the delay is necessary to protect against disclosure of a voter's vote.
- 4497 (d) On the date of the canvass, the election officer shall provide a tally of all ballots, including provisional ballots, counted, and the resulting tally shall be added to the official canvass of the election.

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4500 ~~{Section 64. Section 20A-3a-402.5 is amended to read: }~~

4501 **20A-3a-402.5. Signature verification audits.**

- 4502 (1) An election officer shall, in accordance with this section and rules made under Section 20A-3a-106,
conduct regular audits of signature comparisons made between signatures on envelopes and voter
signatures maintained by the election officer.
- 4505 (2) An individual who conducts an audit of signature comparisons may not audit the individual's own
work.
- 4507 (3) Before separating ballots from return envelopes, the election officer shall:
- 4508 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine the accuracy of
the comparisons made; and
- 4510 (b) provide additional training or staff reassignments, as needed, based on the results of the audit.
- 4512 (4) An election officer shall submit to the ~~[lieutenant governor]~~ director and the board of canvassers a
record of:
- 4514 (a) the audits performed under this section;
- 4515 (b) the results of the audits; and
- 4516 (c) any remedial action taken.

4517 ~~{Section 65. Section 20A-3a-404 is amended to read: }~~

4518 **20A-3a-404. Rules regarding ballot security -- Affidavit of compliance.**

- 4519 (1) The ~~[director of elections within the Office of the Lieutenant Governor]~~ office shall make rules,
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing
requirements for election officials regarding ballot security, including the custody, documentation of
custody, handling, processing, disposition, and tabulation of ballots.
- 4524 (2) Beginning in November 2022, an election officer shall include, with all election returns provided to
a board of canvassers, an affidavit, signed by the election officer, certifying:
- 4526 (a) compliance with the rules described in Subsection (1); and
- 4527 (b) that the county clerk maintains the voter registration database in accordance with federal and state
laws and rules.

4529 ~~{Section 66. Section 20A-3a-601 is amended to read: }~~

4530 **20A-3a-601. Early voting.**

- 4531 (1) Except as provided in Section 20A-7-609.5:

4532

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- (a) an individual who is registered to vote may vote at a polling place before the election date in accordance with this section; and
- 4534 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), an individual who is not registered to vote may register to vote and vote at a polling place before the election date in accordance with this section if the individual:
- 4537 (i) is otherwise legally entitled to vote the ballot; and
- 4538 (ii) casts a provisional ballot in accordance with Section 20A-2-207.
- 4539 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:
- 4540 (a) begins on the date that is 14 days before the date of the election; and
- 4541 (b) continues through the Friday before the election if the election date is a Tuesday.
- 4542 (3)
- (a) An election officer may extend the end of the early voting period to the day before the election date if the election officer provides notice of the extension in accordance with Section 20A-3a-604.
- 4545 (b) For a municipal election, the municipal clerk may reduce the early voting period described in this section if:
- 4547 (i) the municipal clerk conducts early voting on at least four days;
- 4548 (ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and
- 4550 (iii) the municipal clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.
- 4552 (c) For a county election, the county clerk may reduce the early voting period described in this section if:
- 4554 (i) the county clerk conducts early voting on at least four days;
- 4555 (ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and
- 4557 (iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.
- 4559 (4) Except as provided in Section 20A-1-308, during the early voting period, the election officer:
- 4561 (a) for a local special election, a municipal primary election, and a municipal general election:
- 4563 (i) shall conduct early voting on a minimum of four days during each week of the early voting period; and

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- 4565 (ii) shall conduct early voting on the last day of the early voting period; and
4566 (b) for all other elections:
4567 (i) shall conduct early voting on each weekday; and
4568 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
4569 (5) Except as specifically provided in this [~~Part 6, Early Voting,~~] this part or Section 20A-1-308, early
voting shall be administered in accordance with the requirements of this title.
- 4572 ~~{Section 67. Section 20A-3a-603 is amended to read: }~~
- 4573 **20A-3a-603. Early voting polling places.**
- 4574 (1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the election officer shall designate one or
more polling places for early voting, as follows:
4576 (a) at least one polling place shall be open on each day that polls are open during the early voting
period;
4578 (b) each polling place shall comply with the requirements for polling places under Chapter 5, Election
Administration;
4580 (c) for all elections other than local special elections, municipal primary elections, and municipal
general elections, at least 10% of the voting devices at a polling place shall be accessible for
individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of
2002; and
4584 (d) each polling place shall be located in a government building or office, unless the election officer
determines that, in the area designated by the election officer, there is no government building or
office available that:
4587 (i) can be scheduled for use during early voting hours;
4588 (ii) has the physical facilities necessary to accommodate early voting requirements;
4589 (iii) has adequate space for voting equipment, poll workers, and voters; and
4590 (iv) has adequate security, public accessibility, and parking.
4591 (2)
(a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in
Section 20A-3a-604:
4593 (i) if necessary, change the location of an early voting place; or
4594

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(ii) if the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, designate additional polling places during the early voting period.

4597 (b) Except as provided in Section 20A-1-308, if an election officer changes the location of an early voting polling place or designates an additional early voting polling place, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the changed early voting polling place or the additional early voting polling place:

4602 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Voter Information Website;

4604 (ii) by posting the information on the website of the election officer, if available; and

4605 (iii) by posting notice:

4606 (A) for a change in the location of an early voting polling place, at the new location and, if possible, the old location; and

4608 (B) for an additional early voting polling place, at the additional early voting polling place.

4610 (3) Except as provided in Section 20A-1-308, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

4614 ~~{Section 68. Section 20A-3a-703 is amended to read: }~~

4615 **20A-3a-703. Election day voting centers as polling places -- Location -- Notification.**

4617 (1) The election officer may designate one or more polling places as an election day voting center if:

4619 (a) except as provided in Subsection (2), the election officer notifies the [~~lieutenant governor~~] director of the designation and location of the election day voting center at least 15 days before the election;

4622 (b) the polling place meets the requirements for a polling place under Chapter 5, Election Administration; and

4624 (c) the polling place is located in a government building or office, unless the election officer determines that there is no government building or office available, in the area designated by the election officer, that:

4627 (i) can be scheduled for use during election day voting hours;

4628 (ii) has the physical facilities necessary to accommodate election day voting requirements;

4630 (iii) has adequate space for voting equipment, poll workers, and voters; and

4631 (iv) has adequate security, public accessibility, and parking.

4632 (2)

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- 4633 (a) The election officer may, after the deadline described in Subsection (1)(a):
- 4634 (i) if necessary, change the location of an election day voting center; or
- 4634 (ii) if the election officer determines that the number of election day voting centers is insufficient due to the number of registered voters who are voting, designate additional election day voting centers.
- 4637 (b) Except as provided in Section 20A-1-308, if an election officer changes the location of an election day voting center or designates an additional election day voting center, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the changed election day voting center or the additional election day voting center:
- 4642 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Electronic Voter Information Website;
- 4644 (ii) by posting the information on the website of the election officer, if available; and
- 4645 (iii) by posting notice:
- 4646 (A) of a change in the location of an election day voting center, at the new location and, if possible, the old location; and
- 4648 (B) of an additional election day voting center, at the additional election day voting center.
- 4650 ~~{Section 69. Section 20A-3a-801 is amended to read: }~~
- 4651 **20A-3a-801. Watchers.**
- 4652 (1) As used in this section, "administering election officer" means:
- 4653 (a) the election officer; or
- 4654 (b) if the election officer is the [~~lieutenant governor~~] director, the county clerk of the county in which an individual will act as a watcher.
- 4656 (2)
- 4656 (a) Any individual who is registered or preregistered to vote in Utah may become a watcher in an election at any time by registering as a watcher with the administering election officer.
- 4659 (b) An individual who registers under Subsection (2)(a) is not required to be certified by a person under Subsection (3) in order to act as a watcher.
- 4661 (c) An individual who registers as a watcher shall notify the administering election officer of the dates, times, and locations that the individual intends to act as a watcher.
- 4663 (d) An election official may not prohibit a watcher from performing a function described in Subsection (4) because the watcher did not provide the notice described in Subsection (2)(c).

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- 4666 (e) An administering election officer shall provide a copy of this section, or instructions on how to access an electronic copy of this section, to a watcher at the time the watcher registers under this Subsection (2).
- 4669 (3)
- (a) A person that is a candidate whose name will appear on the ballot, a qualified write-in candidate for the election, a registered political party, or a political issues committee may certify an individual as an official watcher for the person:
- 4672 (i) by filing an affidavit with the administering election officer responsible to designate an individual as an official watcher for the certifying person; and
- 4674 (ii) if the individual registers as a watcher under Subsection (2)(a).
- 4675 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the same function described in Subsection (4) at the same time and in the same location as another watcher who is certified by that person.
- 4678 (c) A watcher who is certified by a person under Subsection (3)(a) may designate another individual to serve in the watcher's stead during the watcher's temporary absence by filing with a poll worker an affidavit that designates the individual as a temporary replacement.
- 4682 (4) A watcher may:
- 4683 (a) observe the setup or takedown of a polling place;
- 4684 (b) observe a voter checking in at a polling place;
- 4685 (c) observe the collection, receipt, and processing of a ballot, including a provisional ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
- 4687 (d) observe the transport or transmission of a ballot that is in an election official's custody;
- 4689 (e) observe the opening and inspection of a manual ballot;
- 4690 (f) observe ballot replication;
- 4691 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
- 4692 (h) observe ballot tabulation;
- 4693 (i) observe the process of storing and securing a ballot;
- 4694 (j) observe a post-election audit;
- 4695 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;
- 4697 (l) observe the certification of the results of an election;

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- 4698 (m) observe a recount; or
- 4699 (n) observe signature verification.
- 4700 (5) An administering election officer shall:
- 4701 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an election process;
- 4703 (b) establish locations for a watcher to observe an event described in Subsection (4), other than an event described in Subsection (4)(d) or (k), from no further than six feet away; and
- 4706 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or upload of votes from a voting machine or scanner, that is conducted on a computer screen, project the activity onto a screen that is large enough to be viewed by each watcher.
- 4710 (6)
- 4711 (a) A watcher may not:
- 4713 (i) record an activity described in Subsection (4) if the recording would reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
- 4715 (ii) interfere with an activity described in Subsection (4), except to challenge an individual's eligibility to vote under Section 20A-3a-803; or
- 4718 (iii) divulge information related to the number of votes counted, tabulated, or cast for a candidate or ballot proposition until after the election officer makes the information public.
- 4719 (b) A person who violates Subsection (6)(a)(iii) is guilty of a third degree felony.
- 4722 (7)
- 4723 (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working environment for an election official or to protect the safety or security of a ballot, an administering election officer may take reasonable action to:
- 4724 (i) limit the number of watchers at a single location;
- 4725 (ii) remove a watcher for violating a provision of this section;
- 4727 (iii) remove a watcher for interfering with an activity described in Subsection (4);
- 4728 (iv) designate areas for a watcher to reasonably observe the activities described in Subsection (4);
- or
- 4729 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
- 4730 (b) If an administering election officer limits the number of watchers at a single location under Subsection [(6)(a)(i)] (7)(a)(i), the administering election officer shall give preferential access to the location to a watcher designated under Subsection (3).

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- 4731 (c) An administering election officer may provide a watcher a badge that identifies the watcher and
require the watcher to wear the badge while acting as a watcher.
- 4733 ~~{Section 70. Section 20A-4-101 is amended to read: }~~
- 4734 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at polling place
on day of election before polls close.**
- 4736 (1) Each county legislative body, municipal legislative body, and each poll worker shall comply with
the requirements of this section when counting manual ballots on the day of an election, if:
- 4739 (a) the ballots are cast at a polling place; and
- 4740 (b) the ballots are counted at the polling place before the polls close.
- 4741 (2)
- 4742 (a) Each county legislative body or municipal legislative body shall provide:
- 4744 (i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have
been appointed; and
- 4746 (ii) a counting room for the use of the poll workers counting the ballots during the day.
- 4748 (b) At any election in any voting precinct in which both receiving and counting judges have been
appointed, when at least 20 votes have been cast, the receiving judges shall:
- 4749 (i) close the first ballot box and deliver it to the counting judges; and
- 4750 (ii) prepare and use another ballot box to receive voted ballots.
- 4752 (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting judges shall:
- 4753 (i) take the ballot box to the counting room;
- 4754 (ii) count the votes on the regular ballots in the ballot box;
- 4756 (iii) place the provisional ballot envelopes in the envelope or container provided for them for return to
the election officer; and
- 4758 (iv) when they have finished counting the votes in the ballot box, return the emptied box to the
receiving judges.
- 4761 (d)
- 4763 (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the
receiving judges shall deliver that ballot box to the counting judges for counting; and
- 4761 (ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots
contained in that box.

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(e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.

4765 (f)

(i) The [~~director of elections within the Office of the Lieutenant Governor~~] office shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, describing the procedures that a counting judge is required to follow for counting ballots in an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project.

4770 (ii) When counting ballots in an instant runoff voting race described in Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the procedures established under Subsection (2)(f)(i) and Part 6, Municipal Alternate Voting Methods Pilot Project.

4774 (3) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:

4776 (a) to the extent applicable, Section 20A-4-105; and

4777 (b) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

4779 ~~{Section 71. Section 20A-4-102 is amended to read: }~~

4780 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at polling place on day of election after polls close.**

4782 (1)

(a) This section governs counting manual ballots on the day of an election, if:

4783 (i) the ballots are cast at a polling place; and

4784 (ii) the ballots are counted at the polling place after the polls close.

4785 (b) Except as provided in Subsection (2) or a rule made under Subsection 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

4789 (c) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:

4791 (i) to the extent applicable, Section 20A-4-105; and

4792 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

4794 (2)

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- 4795 (a) First, the election judges shall count the number of ballots in the ballot box.
- 4797 (b)
- 4800 (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.
- 4803 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.
- 4805 (c)
- 4807 (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.
- 4809 (ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.
- 4812 (iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.
- 4813 (d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.
- 4814 (3) The judges shall:
- 4816 (a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and
- 4817 (b) seal that envelope or container.
- 4818 (4) The judges shall:
- 4819 (a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and
- 4820 (b) seal that envelope or container.
- 4821 (5)
- 4822 (a) In counting the votes, the election judges shall read and count each ballot separately.
- 4823 (b) In regular primary elections the judges shall:
- 4824 (i) count the number of ballots cast for each party;
- 4825 (ii) place the ballots cast for each party in separate piles; and
- 4826 (iii) count all the ballots for one party before beginning to count the ballots cast for other parties.
- 4827 (6)

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(a) In all elections, the counting judges shall, except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection 20A-4-101(2)(f)(i):

- 4827 (i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;
- 4829 (ii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;
- 4831 (iii) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;
- 4833 (iv) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;
- 4835 (v) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and
- 4837 (vi) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.

4839 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

4841 (c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

4843 (d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.

4845 (7)

(a) Except as provided in Subsection (7)(b), only an election judge and a watcher may be present at the place where counting is conducted until the count is completed.

4847 (b)

(i) An auditor conducting an audit described in Section 36-12-15.2 may be present at the place where counting is conducted, regardless of whether the count is completed.

4850 (ii) The [lieutenant governor] director may be present at the place where counting is conducted, regardless of whether the count is completed.

4852 ~~{Section 72. Section 20A-4-104 is amended to read: }~~

4853 **20A-4-104. Counting ballots electronically -- Notice of testing tabulating equipment.**

4855 (1)

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- (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.
- 4858 (b) The election officer shall provide public notice of the time and place of the test by publishing the notice, as a class A notice under Section 63G-30-102, for the county, municipality, or jurisdiction where the equipment is used, for at least 10 days before the day of the test.
- 4862 (c) The election officer shall conduct the test by processing a preaudited group of ballots.
- 4863 (d) The election officer shall ensure that:
- 4864 (i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;
- 4866 (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
- 4869 (iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.
- 4871 (e) If any error is detected, the election officer shall determine the cause of the error and correct it.
- 4873 (f) The election officer shall ensure that:
- 4874 (i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and
- 4876 (ii) before the election returns are approved as official , the automatic [~~tabulating~~] tabulating equipment passes a post election audit conducted in accordance with the rules described in Subsection 20A-1-108(1).
- 4879 (2)
- (a) The election officer or the election officer's designee shall supervise and direct all proceedings at the counting center.
- 4881 (b)
- (i) Proceedings at the counting center are public and may be observed by interested persons.
- 4883 (ii) Only those persons authorized to participate in the count may touch any ballot or return.
- 4885 (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.
- 4888 (3)

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- 4891 (a) If any ballot is damaged or defective so that it cannot properly be counted by the automatic
4892 tabulating equipment, the election officer shall ensure that two counting judges jointly:
4893 (i) make a true replication of the ballot with an identifying serial number;
4894 (ii) substitute the replicated ballot for the damaged or defective ballot;
4895 (iii) label the replicated ballot "replicated"; and
4896 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 4897 (b) The [~~lieutenant governor~~] director shall provide to each election officer a standard form on which
4898 the election officer shall maintain a log of all replicated ballots, that includes, for each ballot:
4899 (i) the serial number described in Subsection (3)(a);
4900 (ii) the identification of the individuals who replicated the ballot;
4901 (iii) the reason for the replication; and
4902 (iv) any other information required by the [~~lieutenant governor~~] director.
- 4903 (c) An election officer shall:
4904 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as ballots are
4905 replicated;
4906 (ii) at the end of each day during which one or more ballots are replicated, make an electronic copy of
4907 the log; and
4908 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.
- 4909 (4) The election officer may:
4910 (a) conduct an unofficial count before conducting the official count in order to provide early unofficial
4911 returns to the public;
4912 (b) release unofficial returns from time to time after the polls close; and
4913 (c) report the progress of the count for each candidate during the actual counting of ballots.
- 4914 (5) Beginning on the day after the date of the election, if an election officer releases early unofficial
4915 returns or reports the progress of the count for each candidate under Subsection (4), the election
4916 officer shall, with each release or report, disclose an estimate of the total number of voted ballots in
4917 the election officer's custody that have not yet been counted.
- 4918 (6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid
4919 provisional ballots for counting as provided in Section 20A-4-107.
- 4920 (7)
4921 (a) The election officer or the election officer's designee shall:

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- 4922 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
4923 (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- 4925 (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.
- 4928 (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.
- 4931 (b) Upon completion of the count, the election officer shall make official returns open to the public.
- 4933 (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.
- 4936 (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.
- 4938 ~~{Section 73. Section 20A-4-106 is amended to read: }~~
- 4939 **20A-4-106. Manual ballots -- Sealing.**
- 4940 (1) After the official canvas of an election, the election officer shall store all election returns in
containers that identify the containers' contents.
- 4942 (2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except
as follows:
- 4944 (a) when examined during a recount conducted under the authority of Section 20A-4-401 or [Title 20A,
Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project] Chapter 4, Part 6, Municipal
Alternate Voting Methods Pilot Project;
- 4947 (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the ballots:
- 4949 (i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy of the results of
an election, the auditor may examine the ballots until the later of:
- 4952 (A) the end of the calendar year in which the election was held; or
- 4953 (B) if the election is contested, when the contest is resolved; or
- 4954 (ii) at any time via a subpoena or other legal process; or
- 4955 (c) the [~~lieutenant governor~~] director may examine the ballots:
- 4956 (i) until the later of:

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- 4957 (A) the end of the calendar year in which the election was held; or
4958 (B) if the election is contested, when the contest is resolved; or
4959 (ii) at any time via a subpoena or other legal process.

4960 ~~{Section 74. Section 20A-4-109 is amended to read: }~~

20A-4-109. Ballot reconciliation -- Rulemaking authority.

- 4962 (1) In accordance with this section and rules made under Subsection (2), an election officer whose office processes ballots shall:
- 4964 (a) conduct ballot reconciliations every time ballots are tabulated;
- 4965 (b) conduct a final ballot reconciliation when an election officer concludes processing all ballots;
- 4967 (c) document each ballot reconciliation;
- 4968 (d) publicly release the results of each ballot reconciliation; and
- 4969 (e) in conducting ballot reconciliations:
- 4970 (i) ensure that the sum of the number of uncounted verified ballots and the number of ballots tabulated is equal to the number of voters given credit for voting; or
- 4972 (ii) if the sum described in Subsection (1)(e)(i) is not equal to the number of voters given credit for voting, account for and explain the differences in the numbers.
- 4974 (2) The ~~[director of elections within the Office of the Lieutenant Governor]~~ office may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures and requirements for conducting, documenting, and publishing a ballot reconciliation.

4978 ~~{Section 75. Section 20A-4-202 is amended to read: }~~

20A-4-202. Election officers -- Disposition of ballots -- Release of number of provisional ballots cast.

- 4981 (1) Upon receipt of the election returns from the poll workers, the election officer shall:
- 4982 (a) ensure that the poll workers have provided all of the ballots and election returns;
- 4983 (b) inspect the ballots and election returns to ensure that they are sealed;
- 4984 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and secure place;
- 4986 (d) for mechanical ballots:
- 4987 (i) count the ballots; and
- 4988 (ii) deposit and lock the ballots and election returns in a safe and secure place; and
- 4989 (e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.

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- 4991 (2) Each election officer shall:
- 4992 (a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots
cast within the election officer's jurisdiction and make that number available to the public;
- 4995 (b) preserve ballots for 22 months after the election or until the time has expired during which the
ballots could be used in an election contest;
- 4997 (c) preserve all other official election returns for at least 22 months after an election; and
- 4998 (d) after that time, destroy them without opening or examining them.
- 4999 (3)
- (a) The election officer shall package and retain all tabulating cards and other materials used in the
programming of the automatic tabulating equipment.
- 5001 (b) The election officer:
- 5002 (i) may access these tabulating cards and other materials;
- 5003 (ii) may make copies of these materials and make changes to the copies;
- 5004 (iii) may not alter or make changes to the materials themselves; and
- 5005 (iv) within 22 months after the election in which they were used, may dispose of those materials or
retain them.
- 5007 (4)
- (a) If an election contest is begun within 12 months, the election officer shall, except as provided in
Subsection (4)(c):
- 5009 (i) keep the ballots and election returns unopened and unaltered until the contest is complete; or
- 5011 (ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the
contest when ordered or subpoenaed to do so by that court.
- 5013 (b) Except as provided in Subsection (4)(c), when all election contests arising from an election are
complete, the election officer shall either:
- 5015 (i) retain the ballots and election returns until the time for preserving them under this section has run; or
- 5017 (ii) destroy the ballots and election returns remaining in the election officer's custody without opening
or examining them if the time for preserving them under this section has run.
- 5020 (c)
- (i) An auditor conducting an audit described in Section 36-12-15.2 may examine the ballots and
election returns described in this Subsection (4).
- 5022

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(ii) The [~~lieutenant governor~~] director may examine the ballots and election returns described in this Subsection (4).

5024 (5)

(a) Notwithstanding the provisions of this section, the legislative auditor general:

5025 (i) may make and keep copies of ballots or election returns as part of a legislative audit; and

5027 (ii) may not examine, make copies, or keep copies, of a ballot in a manner that identifies a ballot with the voter who casts the ballot.

5029 (b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure, under Title 63G, Chapter 2, Government Records Access and Management Act.

5031 ~~{Section 76. Section 20A-4-304 is amended to read: }~~

5032 **20A-4-304. Declaration of results -- Canvassers' report.**

5033 (1)

(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:

5035 (i) had the highest number of votes; and

5036 (ii) sought election or nomination to an office completely within the board's jurisdiction.

5038 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare a "tie vote" if:

5040 (i) two or more candidates for an office receive an equal and the highest number of votes for that office; or

5042 (ii) in a race for an at-large office:

5043 (A) two or more candidates receive an equal number of votes; and

5044 (B) a recount is necessary to determine which candidates are elected to the at-large office.

5046 (c) A board of canvassers shall declare:

5047 (i) "approved" those ballot propositions that:

5048 (A) had more "yes" votes than "no" votes; and

5049 (B) were submitted only to the voters within the board's jurisdiction; or

5050 (ii) "rejected" those ballot propositions that:

5051 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

5053 (B) were submitted only to the voters within the board's jurisdiction.

5054 (d) A board of canvassers shall:

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- 5055 (i) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the [~~lieutenant governor~~] director; and
- 5058 (ii) if applicable, certify the results of each special district election to the special district clerk.
- 5060 (2) The election officer shall submit a report to the board of canvassers that includes the following information:
- 5062 (a) the total number of votes cast in the board's jurisdiction;
- 5063 (b) the names of each candidate whose name appeared on the ballot;
- 5064 (c) the title of each ballot proposition that appeared on the ballot;
- 5065 (d) each office that appeared on the ballot;
- 5066 (e) from each voting precinct:
- 5067 (i) the number of votes for each candidate;
- 5068 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each ballot-counting phase; and
- 5072 (iii) the number of votes for and against each ballot proposition;
- 5073 (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
- 5075 (g) standardized statistics, on a form provided by the [~~lieutenant governor~~] director, disclosing:
- 5077 (i) the number of ballots counted;
- 5078 (ii) provisional ballots; and
- 5079 (iii) the number of ballots rejected;
- 5080 (h) a final ballot reconciliation report;
- 5081 (i) other information required by law to be provided to the board of canvassers; and
- 5082 (j) a statement certifying that the information contained in the report is accurate.
- 5083 (3) The election officer and the board of canvassers shall:
- 5084 (a) review the report to ensure that the report is correct; and
- 5085 (b) sign the report.
- 5086 (4) The election officer shall:
- 5087 (a) record or file the certified report in a book kept for that purpose;
- 5088

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- (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
- 5090 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 5091 (d) file a copy of the certified report with the [~~lieutenant governor~~] director.
- 5092 (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days.
- 5096 (6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:
- 5098 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and
- 5101 (b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:
- 5103 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5104 (ii) the physical address for the jurisdiction; and
- 5105 (iii) a mailing address and telephone number.
- 5106 (7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:
- 5109 (a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and
- 5111 (b) transmit the separate report by registered mail to the [~~lieutenant governor~~] director.
- 5112 (8) In each county election, municipal election, school election, special district election, and local special election, the election officer shall transmit the reports to the [~~lieutenant governor~~] director within 14 days after the date of the election.
- 5115 (9) In a regular primary election and in a presidential primary election, the board shall transmit to the [~~lieutenant governor~~] director:
- 5117 (a) the county totals for multi-county races, to be telephoned or faxed to the [~~lieutenant governor~~] director not later than the second Tuesday after the election; and
- 5119

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(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the [~~lieutenant governor~~] director on or before the third Friday following the primary election.

5122 ~~{Section 77. Section 20A-4-306 is amended to read: }~~

5123 **20A-4-306. Statewide canvass.**

5124 (1)

(a) The state board of canvassers shall convene:

5125 (i) on the fourth Monday of November, at noon; or

5126 (ii) at noon on the day following the receipt by the [~~lieutenant governor~~] director of the last of the returns of a statewide special election.

5128 (b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.

5130 (c) Attendance of all members of the state board of canvassers is required to constitute a quorum for conducting the canvass.

5132 (2)

(a) The state board of canvassers shall:

5133 (i) meet [~~in the lieutenant governor's~~] at the office; and

5134 (ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.

5137 (b) The [~~lieutenant governor~~] director, as secretary of the board shall file a report [~~in the lieutenant governor's~~] with the office that details:

5139 (i) for each statewide officer and ballot proposition:

5140 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

5142 (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;

5144 (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;

5146 (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and

5148 (E) the total number of votes cast statewide; and

5149 (ii) for each officer or ballot proposition voted on in two or more counties:

5150 (A) the name of each of those offices and ballot propositions that appeared on the ballot;

5152 (B) the candidates for those offices, plus any recorded write-in candidates;

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- 5153 (C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and
- 5155 (D) the total number of votes cast for each candidate and for and against each ballot proposition.
- 5157 (c) Except as provided in Subsection (2)(d), the [~~lieutenant governor~~] director shall:
- 5158 (i) prepare certificates of election for:
- 5159 (A) each successful candidate; and
- 5160 (B) each of the presidential electors of the candidate for president who received a majority of the votes;
- 5162 (ii) authenticate each certificate with the [~~lieutenant governor's~~] director's seal; and
- 5163 (iii) deliver a certificate of election to:
- 5164 (A) each candidate who had the highest number of votes for each office; and
- 5165 (B) each of the presidential electors of the candidate for president who received a majority of the votes.
- 5167 (d) The [~~lieutenant governor~~] director shall, in the report described in Subsection (2)(b), declare a tie vote if:
- 5169 (i) two or more officers receive an equal and the highest number of votes for an office; or
- 5171 (ii) in a race for an at-large office:
- 5172 (A) two or more candidates receive an equal number of votes; and
- 5173 (B) a recount is necessary to determine which candidates are elected to the at-large office.
- 5175 (3) If the [~~lieutenant governor~~] director has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the [~~lieutenant governor~~] director shall:
- 5178 (a) send a messenger to the clerk of the board of county canvassers of the delinquent county;
- 5180 (b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and
- 5182 (c) pay the messenger the per diem provided by law as compensation.
- 5183 (4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.
- 5187 (5)
- (a) At noon on the fourth Monday after the regular primary election, the [~~lieutenant governor~~] director shall:

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- 5189 (i) canvass the returns for all multicounty candidates required to file with the office of the
[lieutenant governor] director; and
- 5191 (ii) publish and file the results of the canvass [~~in the lieutenant governor's~~] at the office.
- 5193 (b) Not later than the August 1 after the primary election, the [lieutenant governor] director shall certify
the results of the primary canvass to the county clerks.
- 5195 (6)
- (a) At noon on the fourth Tuesday in March of a year in which a presidential election will be held, the
[lieutenant governor] director shall:
- 5197 (i) canvass the returns of the presidential primary election; and
- 5198 (ii) publish and file the results of the canvass [~~in the lieutenant governor's~~] at the office.
- 5200 (b) The [lieutenant governor] director shall certify the results of the presidential primary election
canvass to each registered political party that participated in the primary not later than the April 15
after the primary election.
- 5203 ~~{Section 78. Section 20A-4-401 is amended to read: }~~
- 5204 **20A-4-401. Recounts -- Procedure.**
- 5205 (1) This section does not apply to a race conducted by instant runoff voting under [~~Chapter 4, Part 6,~~
~~Municipal Alternate Voting Methods Pilot Project~~] Part 6, Municipal Alternate Voting Methods
Pilot Project.
- 5208 (2) The election officer shall conduct a recount of votes cast in a race if:
- 5209 (a) two or more candidates for an office receive an equal and the highest number of votes for that office;
or
- 5211 (b) in a race for an at-large office, two or more candidates receive an equal number of votes and at least
one of the candidates must be eliminated to determine which candidates are elected.
- 5214 (3)
- (a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if the difference
between the number of votes cast for a winning candidate in the race and a losing candidate in the
race is equal to or less than .25% of the total number of votes cast for all candidates in the race, the
losing candidate may file a request for a recount in accordance with Subsection (4).
- 5219 (b) Except as provided in Subsection (2), for a race between candidates where the total of all votes cast
in the race is 400 or less, if the difference between the number of votes cast for a winning candidate

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in the race and a losing candidate in the race is one vote, the losing candidate may file a request for a recount in accordance with Subsection (4).

- 5224 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall file the request:
- 5226 (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later than three days after the day on which the canvass is completed; or
- 5228 (b) for all other elections, before 5 p.m., no later than seven days after the day on which the canvass is completed, with:
- 5230 (i) the municipal clerk, if the election is a municipal general election;
- 5231 (ii) the special district clerk, if the election is a special district election;
- 5232 (iii) the county clerk, for a race voted on entirely within a single county; or
- 5233 (iv) the [~~lieutenant governor~~] director, for a statewide race or multi-county race.
- 5234 (5)
- (a) The election officer shall conduct the recount:
- 5235 (i) for a race described in Subsection (2), no later than 10 days after the day on which the board of canvassers certifies the vote totals; or
- 5237 (ii) for a race described in Subsection (3), no later than seven days after the day on which the losing candidate requests the recount.
- 5239 (b) In conducting the recount, the election officer shall:
- 5240 (i) supervise the recount;
- 5241 (ii) recount all ballots cast in the race;
- 5242 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
- 5244 (iv)
- (A) for a race between candidates for a single office, declare elected the candidate who receives the highest number of votes on the recount;
- 5246 (B) for a race for an at-large office, declare elected the candidate who receives the highest number of votes on the recount, until all offices are filled by the candidates who received the highest number of votes;
- 5249 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more candidates receive an equal and the highest number of votes, declare a tie vote; or

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- 5252 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more candidates receive an equal
number of votes, declare a tie vote if the selection of the winning candidate by lot under Section
20A-1-304 is necessary to determine which candidate is elected to the at-large office.
- 5256 (6) The cost of a recount under Subsection (5) shall be paid by:
- 5257 (a) for a statewide race or multi-county race, the state; or
- 5258 (b) for all other races:
- 5259 (i) the political subdivision that conducts the election; or
- 5260 (ii) the political subdivision that enters into a contract or interlocal agreement under Title 11, Chapter
13, Interlocal Cooperation Act, with a provider election officer to conduct the election.
- 5263 (7)
- (a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond proposition, if the
proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for
or against the proposition, any 10 voters who voted in the election where the proposition was on the
ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass
with the person described in Subsection (8).
- 5269 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the
proposition is 400 or less, if the difference between the number of votes cast for the proposition and
the number of votes cast against the proposition is one vote, any 10 voters who voted in the election
where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
days after the day of the canvass with the person described in Subsection (8).
- 5275 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file the request
with:
- 5277 (a) the municipal clerk, if the election is a municipal election;
- 5278 (b) the special district clerk, if the election is a special district election;
- 5279 (c) the county clerk, for a proposition voted on entirely within a single county; or
- 5280 (d) the [~~lieutenant governor~~] director, for a statewide proposition or multi-county proposition.
- 5282 (9)
- (a) In conducting the recount, the election officer shall:
- 5283 (i) supervise the recount;
- 5284 (ii) recount all ballots cast for the ballot proposition or bond proposition;
- 5285

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- (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
- 5287 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.
- 5289 (b) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.
- 5291 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the recount.
- 5293 (11)
- (a) Upon completing a recount described in Subsection (5) or (9), the election officer shall immediately convene the board of canvassers.
- 5295 (b) The board of canvassers shall:
- 5296 (i) canvass the election returns for the race or proposition that was the subject of the recount; and
- 5298 (ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.
- 5300 (c) If the recount is for a statewide race, multi-county race, or a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the [~~lieutenant governor~~] director as required by Subsection 20A-4-304(7).
- 5303 (d) The canvassers' report prepared as provided in this Subsection (11) is the official result of the race or proposition that is the subject of the recount.
- 5305 ~~{Section 79. Section 20A-4-602 is amended to read: }~~
- 5306 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation -- Participation.**
- 5308 (1) There is created the Municipal Alternate Voting Methods Pilot Project.
- 5309 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.
- 5310 (3)
- (a) A municipality may participate in the pilot project, in accordance with the requirements of this section and all other applicable provisions of law, during any odd-numbered year that the pilot project is in effect, if, before May 1 of the odd-numbered year, the legislative body of the municipality:
- 5314 (i) votes to participate; and
- 5315 (ii) provides written notice to the [~~lieutenant governor~~] director and the county clerk stating that the municipality intends to participate in the pilot project for the year specified in the notice.

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- 5318 (b) The legislative body of a municipality that provides the notice of intent described in Subsection (3)
(a) may withdraw the notice of intent, and not participate in the pilot project, if the legislative body
of the municipality provides written notice of withdrawal to the [~~lieutenant governor~~] director and
the county clerk before May 1.
- 5322 (4) The [~~lieutenant governor~~] director shall maintain, in a prominent place on the [~~lieutenant
governor's~~] office's website, a current list of the municipalities that are participating in the pilot
project.
- 5325 (5)
(a) An election officer of a participating municipality shall, in accordance with the provisions of this
part, conduct a multi-candidate race during the municipal general election using instant runoff
voting.
- 5328 (b) Except as provided in Subsection 20A-4-603(9), an election officer of a participating municipality
that will conduct a multi-candidate race under Subsection (5)(a) may not conduct a municipal
primary election relating to that race.
- 5331 (c) A municipality that has in effect an ordinance described in Subsection 20A-9-404(3) or (4) may not
participate in the pilot project.
- 5333 (6) Except for an election described in Subsection 20A-4-603(9), an individual who files a declaration
of candidacy or a nomination petition, for a candidate who will run in an election described in this
part, shall file the declaration of candidacy or nomination petition during the office hours described
in Section 10-3-301 and not later than the close of those office hours, no sooner than the second
Tuesday in August and no later than the third Tuesday in August of an odd-numbered year.
- 5339 ~~{Section 80. Section 20A-5-101 is amended to read: }~~
- 5340 **20A-5-101. Notice of election.**
- 5341 (1) On or before November 15 in the year before each regular general election year, the [~~lieutenant
governor~~] director shall prepare and transmit a written notice to each county clerk that:
- 5344 (a) designates the offices to be filled at the next year's regular general election;
- 5345 (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
- 5348 (c) contains a description of any ballot propositions to be decided by the voters that have qualified for
the ballot as of that date.

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- 5350 (2)
- (a) No later than seven business days after the day on which the [~~lieutenant governor~~] director transmits the written notice described in Subsection (1), each county clerk shall provide notice for the county, as a class A notice under Section 63G-30-102, for seven days before the day of the election and in accordance with Subsection (3).
- 5354 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a), showing a copy of the notice and the places where the notice was posted.
- 5356 (3) The notice described in Subsection (2) shall:
- 5357 (a) designate the offices to be voted on in that election; and
- 5358 (b) identify the dates for filing a declaration of candidacy for those offices.
- 5359 (4) Except as provided in Subsection (6), before each election, the election officer shall give printed notice of the following information:
- 5361 (a) the date of election;
- 5362 (b) the hours during which the polls will be open;
- 5363 (c) the polling places for each voting precinct, early voting polling place, and election day voting center;
- 5365 (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;
- 5369 (e) a phone number that a voter may call to obtain information regarding the location of a polling place;
- 5371 (f) the qualifications for persons to vote in the election: and
- 5372 (g) instructions regarding how an individual with a disability, who is not able to vote a manual ballot by mail, may obtain information on voting in an accessible manner.
- 5374 (5) The election officer shall provide the notice described in Subsection (4) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days before the day of the election.
- 5377 (6) Instead of including the information described in Subsection (4) in the notice, the election officer may give printed notice that:
- 5379 (a) is entitled "Notice of Election";
- 5380

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(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

5384 (c) specifies the following sources where an individual may view or obtain the information described in Subsection (4):

5386 (i) if the jurisdiction has a website, the jurisdiction's website;

5387 (ii) the physical address of the jurisdiction offices; and

5388 (iii) a mailing address and telephone number.

5389 ~~{Section 81. Section 20A-5-302 is amended to read: }~~

5390 **20A-5-302. Automated voting system.**

5391 (1)

(a) Any county or municipal legislative body or special district board may:

5392 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

5394 (ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with manual ballots.

5396 (b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections.

5398 (2) Each automated voting system shall:

5399 (a) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3a-208;

5401 (b) permit each voter at any election to:

5402 (i) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

5404 (ii) vote for as many persons for an office as that voter is entitled to vote; and

5405 (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

5406 (c) permit each voter, at presidential elections, by one mark, to vote for the candidates of that party for president, vice president, and for their presidential electors;

5408 (d) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

5410 (e) at primary elections:

5411 (i) permit each voter to vote for candidates of the political party of the voter's choice; and

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- 5413 (ii) reject any votes cast for candidates of another party;
- 5414 (f) prevent the voter from voting for the same person more than once for the same office;
- 5415 (g) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;
- 5418 (h) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;
- 5421 (i) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;
- 5423 (j) when properly operated, record correctly and count accurately each vote cast;
- 5424 (k) for voting equipment certified after January 1, 2005, produce a permanent paper record that:
- 5426 (i) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;
- 5428 (ii)
- (A) shall be available for the voter's inspection prior to the voter leaving the polling place; and
- 5430 (B) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the [~~lieutenant governor~~] director;
- 5434 (iii) shall include, at a minimum, human readable printing that shows a record of the voter's selections;
- 5436 (iv) may also include machine readable printing which may be the same as the human readable printing; and
- 5438 (v) allows a watcher to observe the election process to ensure the integrity of the election process; and
- 5440 (1) meet the requirements of Section 20A-5-802.
- 5441 (3) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.
- 5445 (4) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

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5449 ~~{Section 82. Section 20A-5-400.1 is amended to read: }~~

5450 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees -- Contracts
and interlocal agreements -- Private providers.**

5452 (1)

(a) In accordance with this section, a local political subdivision may enter into a contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election.

5455 (b) If the boundaries of a local political subdivision holding the election extend beyond a single local political subdivision, the local political subdivision may have more than one provider election officer conduct an election.

5458 (c) Upon approval by the ~~[lieutenant governor]~~ director, a municipality may enter into a contract or agreement under Subsection (1)(a) with any local political subdivision in the state, regardless of whether the municipality is located in, next to, or near, the local political subdivision, to conduct an election during which the municipality is participating in the Municipal Alternate Voting Methods Pilot Project.

5463 (d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a local political subdivision other than a county within which the municipality exists, the municipality, the local political subdivision, and the county within which the municipality exists shall enter into a cooperative agreement to ensure the proper functioning of the election.

5468 (2) A provider election officer shall conduct an election:

5469 (a) under the direction of the contracting election officer; and

5470 (b) in accordance with a contract or interlocal agreement.

5471 (3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:

5473 (a) are consistent with the contract or interlocal agreement; and

5474 (b) do not exceed the actual costs incurred by the provider election officer.

5475 (4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of days before the election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.

5479 (5) An election officer conducting an election may appoint or employ an agent or professional service to assist in conducting the election.

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- 5481 ~~{Section 83. Section 20A-5-403 is amended to read: }~~
- 5482 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Arrangements.**
- 5484 (1) Except as provided in Section 20A-7-609.5, each election officer shall:
- 5485 (a) designate polling places for each voting precinct in the jurisdiction; and
- 5486 (b) obtain the approval of the county or municipal legislative body or special district governing board
for those polling places.
- 5488 (2)
- 5489 (a) For each polling place, the election officer shall provide:
- 5490 (i) an American flag;
- 5491 (ii) a sufficient number of voting booths or compartments;
- 5492 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and supplies
necessary to enable a voter to vote;
- 5493 (iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;
- 5495 (v) the instructions required by Section 20A-5-102; and
- 5496 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter identification
is required for every voter before the voter may vote and listing the forms of identification that
constitute valid voter identification.
- 5499 (b) Each election officer shall ensure that:
- 5500 (i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare
the voter's ballot screened from observation;
- 5502 (ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that
polling place; and
- 5504 (iii) there is at least one voting booth or voting device that is configured to accommodate persons with
disabilities.
- 5506 (c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly
receive and hold the ballots to be cast.
- 5508 (3)
- 5509 (a) All polling places shall be physically inspected by each county clerk to ensure access by a person
with a disability.
- 5510 (b) Any issues concerning inaccessibility to polling places by a person with a disability discovered
during the inspections referred to in Subsection (3)(a) or reported to the county clerk shall be:

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- 5513 (i) forwarded to the [~~Office of the Lieutenant Governor~~] office; and
- 5514 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be either:
- 5516 (A) remedied at the particular location by the county clerk;
- 5517 (B) the county clerk shall designate an alternative accessible location for the particular precinct; or
- 5519 (C) if no practical solution can be identified, file with the [~~Office of the Lieutenant Governor~~] office a written explanation identifying the reasons compliance cannot reasonably be met.
- 5522 (4)
- (a) The municipality in which the election is held shall pay the cost of conducting each municipal election, including the cost of printing and supplies.
- 5524 (b)
- (i) Costs assessed by a county clerk to a municipality under this section may not exceed the actual costs incurred by the county clerk.
- 5526 (ii) The actual costs shall include:
- 5527 (A) costs of or rental fees associated with the use of election equipment and supplies; and
- 5529 (B) reasonable and necessary administrative costs.
- 5530 (5) The county clerk shall make detailed entries of all proceedings had under this chapter.
- 5531 (6)
- (a) Each county clerk shall, to the extent possible, ensure that the amount of time that an individual waits in line before the individual can vote at a polling place in the county does not exceed 30 minutes.
- 5534 (b) The [~~lieutenant governor~~] director may require a county clerk to submit a line management plan before the next election if an individual waits in line at a polling place in the county longer than 30 minutes before the individual can vote.
- 5537 (c) The [~~lieutenant governor~~] director may consider extenuating circumstances in deciding whether to require the county clerk to submit a plan described in Subsection (6)(b).
- 5540 (d) The [~~lieutenant governor~~] director shall review each plan submitted under Subsection (6)(b) and consult with the county clerk submitting the plan to ensure, to the extent possible, that the amount of time an individual waits in line before the individual can vote at a polling place in the county does not exceed 30 minutes.

5544 ~~{Section 84. Section 20A-5-403.5 is amended to read: }~~

5545 **20A-5-403.5. Ballot drop boxes -- Notice.**

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- 5546 (1)
- 5547 (a) An election officer:
- 5549 (i) shall designate at least one ballot drop box in each municipality and reservation located in the
jurisdiction to which the election relates;
- 5550 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;
- 5552 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the election officer's
jurisdiction;
- 5554 (iv) shall provide 24-hour recorded video surveillance, without audio, of each unattended ballot
drop box;
- 5556 (v) shall post a sign on or near each unattended ballot drop box indicating that the ballot drop box is
under 24-hour video surveillance; and
- 5558 (vi) shall ensure that a camera, a video, or a recording of a video described in Subsection (1)(a)(iv)
may only be accessed:
- 5559 (A) by the election officer;
- 5560 (B) by a custodian of the camera, video, or recording;
- 5561 (C) by the [~~lieutenant-governor~~] director;
- 5562 (D) by the legislative auditor general, when performing an audit; or
- 5563 (E) by, or pursuant to an order of, a court of competent jurisdiction.
- 5565 (b) An individual may not view a video, or a recording of a video, described in Subsection (1)(a)(iv),
unless the individual:
- 5566 (i) is an individual described in Subsection (1)(a)(vi); and
- 5567 (ii) views the video to the extent necessary to:
- 5568 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or
- 5569 (B) investigate a concern relating to ballots or the ballot box.
- 5571 (c) The election officer, or the custodian of the recording, shall keep a recording described in
Subsection (1)(a)(iv) until the later of:
- 5572 (i) the end of the calendar year in which the election was held; or
- 5573 (ii) if the election is contested, when the contest is resolved.
- 5573 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at least 28
days before the date of the election, provide notice of the location of each ballot drop box designated

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under Subsection (1), by publishing notice for the jurisdiction holding the election, as a class A notice under Section 63G-30-102, for at least 28 days before the day of the election.

- 5578 (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:
- 5581 (a) the jurisdiction's website;
- 5582 (b) the physical address of the jurisdiction's offices; and
- 5583 (c) a mailing address and telephone number.
- 5584 (4) The election officer shall include in the notice described in Subsection (2):
- 5585 (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
- 5590 (b) a phone number that a voter may call to obtain information regarding the location of a ballot drop
box.
- 5592 (5)
- (a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in
Subsection (2):
- 5594 (i) if necessary, change the location of a ballot drop box; or
- 5595 (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.
- 5598 (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:
- 5602 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Voter Information Website;
- 5604 (ii) by posting the information on the website of the election officer, if available; and
- 5605 (iii) by posting notice:
- 5606 (A) for a change in the location of a ballot drop box, at the new location and, if possible, the old
location; and
- 5608 (B) for an additional ballot drop box location, at the additional ballot drop box location.

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- 5610 (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.
- 5613 (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.
- 5616 (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.
- 5620 ~~{Section 85. Section 20A-5-405 is amended to read: }~~
- 5621 **20A-5-405. Election officer to provide ballots -- Notice of sample ballot.**
- 5622 (1) An election officer shall:
- 5623 (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;
- 5625 (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;
- 5627 (c) cause any ballot proposition that has qualified for the ballot as provided by law to be included on
each ballot;
- 5629 (d) ensure that the ballots are prepared and in the possession of the election officer at least seven days
before the commencement of early voting as described in Section 20A-3a-601;
- 5632 (e) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the
official ballot to inspect the ballots;
- 5634 (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:
- 5637 (i) posting a copy of the sample ballot in the election officer's office;
- 5638 (ii) sending a copy of the sample ballot to:
- 5639 (A) each candidate listed on the ballot; and
- 5640 (B) the ~~[lieutenant governor]~~ director; and
- 5641 (iii) providing a copy of the sample ballot for the jurisdiction holding the election, as a class A notice
under Section 63G-30-102, for at least seven days;
- 5643 (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

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- 5645 (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.
- 5648 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the election officer may post
a statement that:
- 5650 (a) is entitled, "sample ballot";
- 5651 (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
- 5654 (c) specifies the following sources where an individual may view or obtain a copy of the sample ballot:
- 5656 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5657 (ii) the physical address of the jurisdiction's offices; and
- 5658 (iii) a mailing address and telephone number.
- 5659 (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.
- 5662 (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.
- 5666 (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.
- 5671 (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:
- 5674 (i) an error or omission has occurred in:
- 5675 (A) the publication of the name or description of a candidate;
- 5676 (B) the preparation or display of an electronic ballot; or
- 5677 (C) the posting of sample ballots or the printing of official manual ballots; and
- 5678 (ii) the election officer has failed to correct or provide for the correction of the error or omission.
- 5680

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(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.

5684 (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.

5687 ~~{Section 86. Section 20A-5-409 is amended to read: }~~

5688 **20A-5-409. Certification of candidates to county clerks.**

No later than August 31 of each regular general election year, the [~~lieutenant governor~~] director shall certify to each county clerk the name of each candidate qualified to be printed on the regular general election ballot for that county clerk's county.

5692 ~~{Section 87. Section 20A-5-802 is amended to read: }~~

5693 **20A-5-802. Certification of voting equipment.**

5694 (1) For the voting equipment used in the jurisdiction over which an election officer has authority, the election officer shall:

5696 (a) before each election, use logic and accuracy tests to ensure that the voting equipment performs the voting equipment's functions accurately;

5698 (b) develop and implement a procedure to protect the physical security of the voting equipment; and

5700 (c) ensure that the voting equipment is certified by the [~~lieutenant governor~~] director under Subsection (2) as having met the requirements of this section.

5702 (2)

(a) Except as provided in Subsection (2)(b)(ii):

5703 (i) the [~~lieutenant governor~~] director shall ensure that all voting equipment used in the state is independently tested using security testing protocols and standards that:

5705 (A) are generally accepted in the industry at the time the [~~lieutenant governor~~] director reviews the voting equipment for certification; and

5707 (B) meet the requirements of Subsection (2)(a)(ii);

5708 (ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require that a voting system:

5710 (A) is accurate and reliable;

5711 (B) possesses established and maintained access controls;

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- 5712 (C) has not been fraudulently manipulated or tampered with;
- 5713 (D) is able to identify fraudulent or erroneous changes to the voting equipment; and
- 5715 (E) protects the secrecy of a voter's ballot; and
- 5716 (iii) The ~~[lieutenant governor]~~ director may comply with the requirements of Subsection (2)(a) by certifying voting equipment that has been certified by:
- 5718 (A) the United States Election Assistance Commission; or
- 5719 (B) a laboratory that has been accredited by the United States Election Assistance Commission to test voting equipment.
- 5721 (b)
- (i) Voting equipment used in the state may include technology that allows for ranked-choice voting.
- 5723 (ii) The ~~[lieutenant governor]~~ director may, for voting equipment used for ranked-choice voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify voting equipment that has been successfully used within the United States or a territory of the United States for ranked-choice voting for a race for federal office.
- 5728 ~~{Section 88. Section 20A-5-803 is amended to read: }~~
- 5729 **20A-5-803. Voting Equipment Selection Committee.**
- 5730 (1) Before selecting or purchasing a new voting equipment system, the ~~[lieutenant governor]~~ director shall:
- 5732 (a) appoint a Voting Equipment Selection Committee; and
- 5733 (b) ensure that the committee includes persons having experience in:
- 5734 (i) election procedures and administration;
- 5735 (ii) computer technology;
- 5736 (iii) data security;
- 5737 (iv) auditing; and
- 5738 (v) access for persons with disabilities.
- 5739 (2) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 5741 (a) Section 63A-3-106;
- 5742 (b) Section 63A-3-107; and
- 5743 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 5745 (3) The ~~[lieutenant governor]~~ director shall select a chair from the committee membership.

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- 5746 (4) The ~~[lieutenant governor]~~ director may fill any vacancies that occur on the committee.
- 5747 (5) The ~~[Office of the Lieutenant Governor]~~ office shall provide staffing for the committee.
- 5748 (6) The Voting Equipment Selection Committee shall:
- 5749 (a) evaluate new voting equipment systems proposed for purchase by the state; and
- 5750 (b) provide information and recommendations to assist the ~~[lieutenant governor]~~ director with the purchase of new voting equipment systems.
- 5752 (7) The ~~[lieutenant governor]~~ director may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of new voting equipment systems under consideration for purchase.
- 5755 (8) Before making any selection or purchase, the ~~[lieutenant governor]~~ director shall provide for a period of public review and comment on new voting equipment systems under consideration for purchase by the state.
- 5758 ~~{Section 89. Section 20A-5-901 is amended to read: }~~
- 5759 **20A-5-901. Voter registration audit.**
- 5760 (1) The ~~[lieutenant governor]~~ director shall, on at least an annual basis, conduct an audit of the voter registration database.
- 5762 (2) The audit shall include:
- 5763 (a) a random selection of at least .02% of the active registered voters statewide; and
- 5764 (b) at least one active registered voter from each county.
- 5765 (3) For each voter selected for the audit, the auditor shall:
- 5766 (a) verify that the voter is eligible for registration;
- 5767 (b) verify that the voter's registration information is accurate and supported by the documentation on file;
- 5769 (c) verify that there is a signature on file for the voter;
- 5770 (d) check for duplicate voter registrations; and
- 5771 (e) search available resources to determine whether the voter is deceased.
- 5772 (4) The audit report shall identify areas of concern or training needed in response to the audit findings.
- 5774 (5) The ~~[lieutenant governor]~~ director shall:
- 5775 (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
- 5777

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

5779 ~~{Section 90. Section 20A-5-905 is amended to read: }~~

5780 **20A-5-905. Software validation -- Database security.**

5781 (1) ~~[Before November 2022, the director of elections within the Office of the Lieutenant Governor]~~ The
office shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act, establishing software validation procedures that an election officer is required to comply with
to verify that voting system files have not been tampered with.

5786 (2) The ~~[lieutenant governor]~~ director and each county clerk shall ensure that a record is made, and
stored for at least 22 months, of each time a voter database is accessed by a person, including:

5789 (a) the name of the person accessing the voter database;

5790 (b) the date and time of the access; and

5791 (c) any changes made to the voter database.

5792 ~~{Section 91. Section 20A-6-105 is amended to read: }~~

5793 **20A-6-105. Provisional ballot envelopes.**

5794 (1) Each election officer shall ensure that provisional ballot envelopes are printed in substantially the
following form:

5796 "AFFIRMATION

5797 Are you a citizen of the United States of America? Yes No

5798 Will you be 18 years old on or before election day? Yes No

5799 If you checked "no" in response to either of the two above questions, do not complete this form.

5801 Name of Voter _____

5802 First Middle Last

5803 Driver License or Identification Card Number _____

5804 State of Issuance of Driver License or Identification Card Number _____

5805 Date of Birth _____

5806 Street Address of Principal Place of Residence

5807 _____

5808 City County State Zip Code

5809 Telephone Number (optional) _____

5810 Email Address (optional) _____

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5811 Last four digits of Social Security Number _____

5812 Last former address at which I was registered to vote (if known)

5813 _____

5814 City County State Zip Code

5815 Voting Precinct (if known) _____

5816 I, (please print your full name) _____ do solemnly swear or affirm:

5818 That I am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in this precinct; and

5821 Subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 days immediately before this election.

5825 Signed _____

5827 Dated _____

5829 In accordance with Section 20A-3a-506, wilfully providing false information above is a class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

5831 PRIVACY INFORMATION

5832 Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

5836 Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

5840 You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

5843 _____ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

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5846 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

5847 In addition to the protections provided above, you may request that identifying information on
your voter registration records be withheld from all political parties, candidates for public office,
and their contractors, employees, and volunteers, by submitting a withholding request form, and any
required verification, as described in the following paragraphs.

5852 A person may request that identifying information on the person's voter registration records be
withheld from all political parties, candidates for public office, and their contractors, employees,
and volunteers, by submitting a withholding request form with this registration record, or to the
[lieutenant governor] director or a county clerk, if the person is or is likely to be, or resides with a
person who is or is likely to be, a victim of domestic violence or dating violence.

5858 A person may request that identifying information on the person's voter registration records be
withheld from all political parties, candidates for public office, and their contractors, employees,
and volunteers, by submitting a withholding request form and any required verification with this
registration form, or to the [lieutenant governor] director or a county clerk, if the person is, or
resides with a person who is, a law enforcement officer, a member of the armed forces, a public
figure, or protected by a protective order or a protection order.

5865 CITIZENSHIP AFFIDAVIT

5866 Name:

5867 Name at birth, if different:

5868 Place of birth:

5869 Date of birth:

5870 Date and place of naturalization (if applicable):

5871 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen
and that to the best of my knowledge and belief the information above is true and correct.

5874

5875 _____
Signature of Applicant

5876 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing
yourself to be registered to vote if you know you are not entitled to register to vote is up to one year
in jail and a fine of up to \$2,500."

5879 (2) The provisional ballot envelope shall include:

5880 (a) a unique number;

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- 5881 (b) a detachable part that includes the unique number;
- 5882 (c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted; and
- 5885 (d) an insert containing written instructions on how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.
- 5887 ~~{Section 92. Section 20A-6-107 is amended to read: }~~
- 5888 **20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of election officer and director.**
- 5890 (1)
- (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall be listed on the ballot under the heading "Proposition #___", with the number of the ballot proposition placed in the blank.
- 5893 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot under the heading "Constitutional Amendment ___", with a letter placed in the blank.
- 5895 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.
- 5897 (2)
- (a) When an election officer or other person given authority to prepare or number ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they shall ask the ~~[lieutenant governor]~~ director to assign a number to the ballot proposition.
- 5901 (b)
- (i) Upon request from an election officer or other person given authority to prepare or number ballot propositions, the ~~[lieutenant governor]~~ director shall assign each ballot proposition a unique number, except as provided under Subsection (2)(b)(iii).
- 5905 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for ballot proposition numbers are received.
- 5907 (iii) The same ballot proposition number may be assigned to multiple ballot propositions if:
- 5909 (A) the sponsors of each ballot proposition agree, in writing, to share the number; and
- 5911 (B) the ballot propositions sharing the same number are identical in their terms, purpose, and effect, with jurisdiction being the only significant difference between the ballot propositions.
- 5914 ~~{Section 93. Section 20A-6-108 is amended to read: }~~

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- 5915 **20A-6-108. Requirements for printing and mailing ballots.**
- 5916 (1) Before January 2023, the [~~director of elections within the Office of the Lieutenant Governor~~] office
shall, in consultation with county clerks, make rules, in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, establishing minimum requirements that a vendor must meet to be
eligible to print ballots to be used in an election.
- 5921 (2) Beginning on the effective date of the rules described in Subsection (1), an election officer shall
ensure that, when the bulk of ballots are initially mailed to voters, the ballots are mailed from a
location in Utah.
- 5924 {~~Section 94. Section 20A-6-203 is amended to read: }~~}
- 5925 **20A-6-203. Ballots for regular primary elections.**
- 5926 (1) The [~~lieutenant governor~~] director, together with county clerks, suppliers of election materials, and
representatives of registered political parties, shall:
- 5928 (a) develop ballots to be used in Utah's regular primary election;
- 5929 (b) ensure that the ballots comply generally, where applicable, with the requirements of Title 20A,
Chapter 6, Part 1, General Requirements for All Ballots, and this section; and
- 5932 (c) provide voting booths, election records and supplies, ballot boxes, and as applicable, voting devices,
for each voting precinct as required by Section 20A-5-403.
- 5934 (2)
- (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1,
General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and 20A-6-401.1, the
[~~lieutenant governor~~] director, together with county clerks, suppliers of election materials, and
representatives of registered political parties shall ensure that the ballots, voting booths, election
records and supplies, and ballot boxes:
- 5940 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all voters are
authorized to vote for a party's candidate;
- 5942 (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
- 5944 (iii) minimize the possibility of spoiled ballots due to voter confusion; and
- 5945 (iv) protect against fraud.
- 5946 (b) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~] director, county
clerks, suppliers of election materials, and representatives of registered political parties shall:
- 5949 (i) mark ballots as being for a particular registered political party; and

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5950 (ii) instruct individuals counting the ballots to count only those votes for candidates from the registered
political party whose ballot the voter received.

5952 ~~{Section 95. Section 20A-6-305 is amended to read: }~~

5953 **20A-6-305. Master ballot position list -- Random selection -- Procedures -- Publication --
Surname -- Exemptions -- Ballot order.**

5955 (1) As used in this section, "master ballot position list" means an official list of the 26 characters in the
alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).

5958 (2) The ~~[lieutenant governor]~~ director shall:

5959 (a) within 30 days after the candidate filing deadline in each even-numbered year, conduct a random
selection to create a master ballot position list for all elections in accordance with procedures
established under Subsection (2)(c);

5962 (b) publish the master ballot position list on the ~~[lieutenant governor's]~~ office's election website no later
than 15 days after creating the list; and

5964 (c) establish written procedures for:

5965 (i) the election official to use the master ballot position list; and

5966 (ii) the ~~[lieutenant governor]~~ director in:

5967 (A) conducting the random selection in a fair manner; and

5968 (B) providing a record of the random selection process used.

5969 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer
shall use the master ballot position list for the current year to determine the order in which to list
candidates on the ballot for an election held during the year.

5972 (4) To determine the order in which to list candidates on the ballot required under Subsection (3), the
election officer shall apply the randomized alphabet using:

5974 (a) the candidate's surname;

5975 (b) for candidates with a surname that has the same spelling, the candidate's given name; and

5977 (c) the surname of the president and the surname of the governor for an election for the offices of
president and vice president and governor and lieutenant governor.

5979 (5) Subsections (1) through (4) do not apply to:

5980 (a) an election for an office for which only one candidate is listed on the ballot; or

5981 (b) a judicial retention election under Section 20A-12-201.

5982

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(6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately, in the following order:

- 5984 (a) for federal office:
 - 5985 (i) president and vice president of the United States;
 - 5986 (ii) United States Senate office; and
 - 5987 (iii) United States House of Representatives office;
- 5988 (b) for state office:
 - 5989 (i) governor and lieutenant governor;
 - 5990 (ii) attorney general;
 - 5991 (iii) state auditor;
 - 5992 (iv) state treasurer;
 - 5993 (v) state Senate office;
 - 5994 (vi) state House of Representatives office; and
 - 5995 (vii) State Board of Education member;
- 5996 (c) for county office:
 - 5997 (i) county executive office;
 - 5998 (ii) county legislative body member;
 - 5999 (iii) county assessor;
 - 6000 (iv) county or district attorney;
 - 6001 (v) county auditor;
 - 6002 (vi) county clerk;
 - 6003 (vii) county recorder;
 - 6004 (viii) county sheriff;
 - 6005 (ix) county surveyor;
 - 6006 (x) county treasurer; and
 - 6007 (xi) local school board member;
- 6008 (d) for municipal office:
 - 6009 (i) mayor; and
 - 6010 (ii) city or town council member;
- 6011 (e) elected planning and service district council member;
- 6012 (f) judicial retention questions; and

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- 6013 (g) ballot propositions not described in Subsection (6)(f).
6014 (7)
- (a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest ballot ticket position that is reserved for an office that is subsumed in the combined office.
- 6017 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
- 6018 (i) each candidate in accordance with Subsections (1) through (4); and
6019 (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.
- 6021 ~~{Section 96. Section 20A-7-103 is amended to read: }~~
- 6022 **20A-7-103. Constitutional amendments and other questions submitted by the Legislature --
Publication -- Ballot title -- Procedures for submission to popular vote.**
- 6024 (1) The procedures contained in this section govern when the Legislature submits a proposed constitutional amendment or other question to the voters.
- 6026 (2) The ~~[lieutenant governor]~~ director shall, not more than 60 days or less than 14 days before the date of the election, publish the full text of the amendment, question, or statute for the state, as a class A notice under Section 63G-30-102, through the date of the election.
- 6030 (3) The presiding officers shall:
- 6031 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___" and assign a letter to the constitutional amendment in accordance with the requirements of Section 20A-6-107;
- 6034 (b) entitle each proposed question "Proposition Number ___" with the number assigned to the proposition under Section 20A-6-107 placed in the blank;
- 6036 (c) draft and designate a ballot title for each proposed amendment or question submitted by the Legislature that:
- 6038 (i) summarizes the subject matter of the amendment or question; and
6039 (ii) for a proposed constitutional amendment, summarizes any legislation that is enacted and will become effective upon the voters' adoption of the proposed constitutional amendment; and
- 6042 (d) deliver each letter or number and ballot title to the ~~[lieutenant governor]~~ director.
- 6043 (4) The ~~[lieutenant governor]~~ director shall certify the letter or number and ballot title of each amendment or question to the county clerk of each county no later than 65 days before the date of the election.
- 6046 (5) The county clerk of each county shall:

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- 6047 (a) ensure that the letter or number and the ballot title of each amendment and question prepared in
accordance with this section are included in the sample ballots and official ballots; and
- 6050 (b) publish the sample ballots and official ballots as provided by law.
- 6051 ~~{Section 97. Section 20A-7-104 is amended to read: }~~
- 6052 **20A-7-104. Signature gatherers -- Payments -- Badges -- Information -- Requirement to
provide initiative or referendum for reading.**
- 6054 (1) A person may not pay a person to gather signatures under this chapter based on a rate per signature,
on a rate per verified signature, or on the initiative or referendum qualifying for the ballot.
- 6057 (2) A person that pays a person to gather signatures under this section shall base the payment solely on
an hourly rate.
- 6059 (3) A person may not accept payment made in violation of this section.
- 6060 (4) An individual who is paid to gather signatures for a petition described in this chapter shall, while
gathering signatures, wear a badge on the front of the individual's torso that complies with the
following, ensuring that the information on the badge is clearly visible to the individual from whom
a signature is sought:
- 6064 (a) the badge shall be printed in black ink on white cardstock and laminated; and
- 6065 (b) the information on the badge shall be in at least 24-point type and include the following information:
- 6067 (i) an identification number that is unique to the individual gathering signatures, assigned by:
- 6069 (A) for a statewide initiative or referendum, the ~~[lieutenant governor]~~ director; or
- 6070 (B) for a local initiative or referendum, the local clerk;
- 6071 (ii) the title of the initiative or referendum;
- 6072 (iii) the words "Paid Signature Gatherer"; and
- 6073 (iv) the name of the entity paying the signature gatherer.
- 6074 (5) An individual who gathers signatures under this chapter shall offer a paper document to each
individual who signs the petition that:
- 6076 (a) is printed in black ink on white paper, white cardstock, or a white sticker, in at least 12-point type;
and
- 6078 (b)
- 6079 (i) for an initiative, includes the name of the initiative and the following statement:

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"You may view the initiative, its fiscal impact, and information on removing your signature from the petition at [list a uniform resource locator that links directly to the information described in Section 20A-7-202.7 or 20A-7-502.6, as applicable]."; or

6082 (ii) for a referendum, includes the name of the referendum and the following statement:

6083 "You may view the referendum and information on removing your signature from the petition at [list a uniform resource locator that links directly to the information described in Section 20A-7-304.5 or 20A-7-604.5, as applicable]."

6086 (6) An individual who gathers signatures under this chapter shall, before collecting a signature from an individual, present to the individual a printed or digital copy of the initiative or referendum and wait for the individual to read the initiative or referendum.

6089 (7) A person who violates this section is guilty of a class B misdemeanor.

6090 ~~{Section 98. Section 20A-7-105 is amended to read: }~~

6091 **20A-7-105. Manual petition processes -- Obtaining signatures -- Verification -- Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor -- Removal of signature.**

6094 (1) This section applies only to the manual initiative process and the manual referendum process.

6096 (2) As used in this section:

6097 (a) "Local petition" means:

6098 (i) a manual local initiative petition described in Part 5, Local Initiatives - Procedures; or

6100 (ii) a manual local referendum petition described in Part 6, Local Referenda - Procedures.

6102 (b) "Packet" means an initiative packet or referendum packet.

6103 (c) "Petition" means a local petition or statewide petition.

6104 (d) "Statewide petition" means:

6105 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or

6106 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.

6107 (3)

(a) A Utah voter may sign a statewide petition if the voter is a legal voter.

6108 (b) A Utah voter may sign a local petition if the voter:

6109 (i) is a legal voter; and

6110 (ii) resides in the local jurisdiction.

6111 (4)

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- 6113 (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:
- 6114 (i) is at least 18 years old;
- 6116 (ii) verifies each signature sheet by completing the verification printed on the last page of each packet; and
- 6117 (iii) is informed that each signer is required to read and understand:
- 6118 (A) for an initiative petition, the law proposed by the initiative; or
- 6119 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 6121 (b) An individual may not sign the verification printed on the last page of a packet if the individual signed a signature sheet in the packet.
- 6121 (5)
- 6124 (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
- 6125 (i) for a statewide initiative:
- 6126 (A) 30 days after the day on which the first individual signs the initiative packet;
- 6128 (B) 316 days after the day on which the application for the initiative petition is filed; or
- 6130 (C) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202;
- 6131 (ii) for a statewide referendum:
- 6133 (A) 30 days after the day on which the first individual signs the referendum packet; or
- 6135 (B) 40 days after the day on which the legislative session at which the law passed ends;
- 6136 (iii) for a local initiative:
- 6137 (A) 30 days after the day on which the first individual signs the initiative packet;
- 6138 (B) 316 days after the day on which the application is filed;
- 6141 (C) the April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502, if the local initiative is a county initiative; or
- 6144 (D) the April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502, if the local initiative is a municipal initiative; or
- 6145 (iv) for a local referendum:
- 6147 (A) 30 days after the day on which the first individual signs the referendum packet; or
- 6147 (B) 45 days after the day on which the sponsors receive the items described in Subsection 20A-7-604(3) from the local clerk.

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- 6149 (b) A person may not submit a packet after the applicable deadline described in Subsection (5)(a).
- 6151 (c) Before delivering an initiative packet to the county clerk under this Subsection (5), the sponsors shall send an email to each individual who provides a legible, valid email address on the signature sheet that includes the following:
- 6154 (i) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and
- 6156 (ii) the body of the email shall include the following statement in 12-point type:
- 6157 "You signed a petition for the following initiative:
- 6158 [insert title of initiative]
- 6159 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the ~~lieutenant governor's~~ office's or county clerk's website that includes the information referred to in the email]."
- 6164 (d) For a statewide initiative, the sponsors shall, no later than 5 p.m. on the day on which the sponsors submit the last initiative packet to the county clerk, submit to the lieutenant governor:
- 6167 (i) a list containing:
- 6168 (A) the name and email address of each individual the sponsors sent, or caused to be sent, the email described in Subsection (5)(c); and
- 6170 (B) the date the email was sent;
- 6171 (ii) a copy of the email described in Subsection (5)(c); and
- 6172 (iii) the following written verification, completed and signed by each of the sponsors:
- 6173 "Verification of initiative sponsor State of Utah, County of _____ I, _____, of _____, hereby state, under penalty of perjury, that:
- 6175 I am a sponsor of the initiative petition entitled _____; and
- 6176 I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature sheet submitted to the county clerk in relation to the initiative petition, the email described in Utah Code Subsection 20A-7-105(5)(c).
- 6179 _____
- 6180 (Name) (Residence Address) (Date)".
- 6181

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- (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the sponsors submit the last initiative packet to the local clerk, submit to the local clerk the items described in Subsection (5)(d).
- 6184 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not comply with Subsection (5)(c), (d), or (e).
- 6186 (6)
- (a) Within 21 days after the day on which the county clerk receives the packet, the county clerk shall:
- 6188 (i) use the procedures described in Section 20A-1-1002, or 20A-7-106 if applicable, to determine whether each signer is a legal voter and, as applicable, the jurisdiction where the signer is registered to vote;
- 6191 (ii) for a statewide initiative or a statewide referendum:
- 6192 (A) certify on the petition whether each name is that of a legal voter;
- 6193 (B) post the name, voter identification number, and date of signature of each legal voter certified under Subsection (6)(a)(ii)(A) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director; and
- 6197 (C) deliver the verified packet to the [~~lieutenant governor~~] director;
- 6198 (iii) for a local initiative or a local referendum:
- 6199 (A) certify on the petition whether each name is that of a legal voter who is registered in the jurisdiction to which the initiative or referendum relates;
- 6201 (B) post the name, voter identification number, and date of signature of each legal voter certified under Subsection (6)(a)(iii)(A) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director; and
- 6205 (C) deliver the verified packet to the local clerk.
- 6206 (b) For a local initiative or local referendum, the local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection (6)(a)(iii)(B):
- 6209 (i) for a local initiative, during the period of time described in Subsection 20A-7-507(3)(a); or
- 6211 (ii) for a local referendum, during the period of time described in Subsection 20A-7-607(2)(a)(i).
- 6213 (7) The county clerk may not certify a signature under Subsection (6):
- 6214 (a) on a packet that is not verified in accordance with Subsection (4); or
- 6215 (b) that does not have a date of signature next to the signature.
- 6216 (8)

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- (a) A voter who signs a statewide initiative petition may have the voter's signature removed from the petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:
- 6220 (i) for an initiative packet received by the county clerk before December 1:
- 6221 (A) 30 days after the day on which the voter signs the signature removal statement; or
- 6223 (B) 90 days after the day on which the [~~lieutenant-governor~~] director posts the voter's name under Subsection 20A-7-207(2); or
- 6225 (ii) for an initiative packet received by the county clerk on or after December 1:
- 6226 (A) 30 days after the day on which the voter signs the signature removal statement; or
- 6228 (B) 45 days after the day on which the [~~lieutenant-governor~~] director posts the voter's name under Subsection 20A-7-207(2).
- 6230 (b) A voter who signs a statewide referendum petition may have the voter's signature removed from the petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:
- 6234 (i) 30 days after the day on which the voter signs the statement requesting removal; or
- 6235 (ii) 45 days after the day on which the [~~lieutenant-governor~~] director posts the voter's name under Subsection 20A-7-307(2).
- 6237 (c) A voter who signs a local initiative petition may have the voter's signature removed from the petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:
- 6241 (i) 30 days after the day on which the voter signs the signature removal statement;
- 6242 (ii) 90 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-507(2);
- 6244 (iii) 316 days after the day on which the application is filed; or
- 6245 (iv)
- (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or
- 6248 (B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.
- 6251

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(d) A voter who signs a local referendum petition may have the voter's signature removed from the petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:

6255 (i) 30 days after the day on which the voter signs the statement requesting removal; or

6256 (ii) 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)
(a).

6258 (e) In order for the signature to be removed, the county clerk must receive the statement described in this Subsection (8) before 5 p.m. no later than the applicable deadline described in this Subsection (8).

6261 (f) A county clerk shall analyze a signature, for purposes of removing a signature from a petition, in accordance with Subsection 20A-1-1003(3).

6263 (9)

(a) If the county clerk timely receives a statement requesting signature removal under Subsection (8) and determines that the signature should be removed from the petition under Subsection 20A-1-1003(3), the county clerk shall:

6266 (i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and

6268 (ii) remove the voter's signature from the signature packets and signature packet totals.

6270 (b) The county clerk shall comply with Subsection (9)(a) before the later of:

6271 (i) the deadline described in Subsection (6)(a); or

6272 (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection (8).

6274 (10) A person may not retrieve a packet from a county clerk, or make any alterations or corrections to a packet, after the packet is submitted to the county clerk.

6276 ~~{Section 99. Section 20A-7-106 is amended to read: }~~

6277 **20A-7-106. Petition signature or removal for an individual with a disability.**

6278 (1) If a voter who desires to sign a petition is, due to a qualifying disability under the Americans with Disabilities Act, unable to fill out the signature sheet or to sign the voter's name consistently, the voter may:

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(a) inform the individual gathering signatures that, due to a qualifying disability under the Americans with Disabilities Act, the voter is unable to fill out the signature sheet or to sign the voter's name consistently; and

6284 (b) direct the individual gathering signatures to:

6285 (i) fill out the form on the signature sheet with the information provided by the voter; and

6287 (ii) in place of the registered voter's signature:

6288 (A) place the initials "AV" to indicate that the county clerk must use an alternate verification process to verify the validity of the voter's signature; and

6290 (B) place next to the initials described in Subsection (1)(b)(ii)(A) a phone number, email address, or other method that the county clerk may use to contact the voter to verify the identity of the voter.

6293 (2) If a voter who desires to remove the voter's signature from a petition is, due to a qualifying disability under the Americans with Disabilities Act, unable to sign the voter's name consistently, the voter may, instead of signing the statement described in Section 20A-1-1003:

6297 (a) place the initials "AV" to indicate that the county clerk must use an alternate verification process to verify the validity of the voter's signature; and

6299 (b) include in the statement a phone number, email address, or other method that the county clerk may use to contact the voter to verify the identity of the voter.

6301 (3) The alternate verification process described in this section includes:

6302 (a) the process described in Subsection 20A-3a-401(7)(b); or

6303 (b) another process established by rule, made by the [~~director of elections within the Office of the Lieutenant Governor~~] office, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6306 ~~{Section 100. Section 20A-7-201 is amended to read: }~~

6307 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the Legislature or to a vote of the people.**

6309 (1)

(a) A person seeking to have an initiative submitted to the Legislature for approval or rejection shall, after filing an initiative application, obtain:

6311 (i) legal signatures equal to 4% of the number of active voters in the state on January 1 immediately following the last regular general election; and

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- (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the number of active voters in that district on January 1 immediately following the last regular general election.
- 6316 (b) If, at any time not less than 10 days before the beginning of the next annual general session of the Legislature, the [~~lieutenant governor~~] director declares that an initiative petition designated under Subsection 20A-7-202(2)(c)(i) for submission to the Legislature is signed by a sufficient number of voters to meet the requirements of Subsection (1)(a), the [~~lieutenant governor~~] director shall deliver a copy of the initiative petition, the text of the proposed law, and the cover sheet described in Subsection (1)(c) to the president of the Senate, the speaker of the House, and the director of the Office of Legislative Research and General Counsel.
- 6324 (c) The [~~lieutenant governor~~] director shall prepare a cover sheet for a petition declared sufficient under Subsection (1)(b) that contains:
- 6326 (i) the number of active voters in the state on January 1 immediately following the last regular general election;
- 6328 (ii) the number of active voters in each Utah State Senate district on January 1 immediately following the last regular general election;
- 6330 (iii) the total number of certified signatures obtained for the initiative petition; and
- 6331 (iv) the total number of certified signatures obtained from each Utah State Senate district for the initiative petition.
- 6333 (2)
- (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall, after filing an initiative application, obtain:
- 6335 (i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and
- 6337 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the number of active voters in that district on January 1 immediately following the last regular general election.
- 6340 (b) If an initiative petition meets the requirements of this part and the [~~lieutenant governor~~] director declares that the initiative petition is signed by a sufficient number of voters to meet the requirements of Subsection (2)(a), the [~~lieutenant governor~~] director shall submit the proposed law to a vote of the people at the next regular general election:
- 6345 (i) immediately after the application is filed under Section 20A-7-202; and
- 6346 (ii) specified on the petition under Section 20A-7-203.

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- 6347 (3) The [~~lieutenant governor~~] director shall provide the following information to any interested person:
- 6349 (a) the number of active voters in the state on January 1 immediately following the last regular general election; and
- 6351 (b) for each Utah State Senate district, the number of active voters in that district on January 1 immediately following the last regular general election.
- 6353 ~~{Section 101. Section 20A-7-202 is amended to read: }~~
- 6354 **20A-7-202. Statewide initiative process -- Initiative application procedures -- Time to gather signatures -- Grounds for rejection.**
- 6356 (1) Individuals wishing to circulate an initiative petition shall file an initiative application with the [~~lieutenant governor~~] director.
- 6358 (2) The initiative application shall include:
- 6359 (a) the name and residence address of at least five sponsors of the initiative petition;
- 6360 (b) a statement indicating that each of the sponsors is registered to vote in Utah;
- 6361 (c) a statement indicating whether the initiative will be presented to:
- 6362 (i) the Legislature under Subsection 20A-7-201(1); or
- 6363 (ii) a vote of the people under Subsection 20A-7-201(2);
- 6364 (d) the signature of each of the sponsors, attested to by a notary public;
- 6365 (e) a copy of the proposed law that includes, in the following order:
- 6366 (i) the title of the proposed law, that clearly expresses the subject of the law;
- 6367 (ii) a description of all proposed sources of funding for the costs associated with the proposed law, including the proposed percentage of total funding from each source; and
- 6370 (iii) the text of the proposed law;
- 6371 (f) if the initiative proposes a tax increase, the following statement, "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."; and
- 6375 (g) a statement indicating whether persons gathering signatures for the initiative petition may be paid for gathering signatures.
- 6377 (3)
- 6379 (a) An individual's status as a resident, under Subsection (2), is determined in accordance with Section 20A-2-105.

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(b) The initiative application and the initiative application's contents are public when filed with the [lieutenant governor] director.

6381 (4) If the initiative petition fails to qualify for the ballot of the election described in Subsection
20A-7-201(2)(b), the sponsors shall:

6383 (a) submit a new initiative application;

6384 (b) obtain new signature sheets; and

6385 (c) collect signatures again.

6386 (5) The [lieutenant governor] director shall reject an initiative application or an initiative application
addendum filed under Subsection 20A-7-204.1(5) and not issue signature sheets if:

6389 (a) the proposed law:

6390 (i) is patently unconstitutional;

6391 (ii) is nonsensical;

6392 (iii) could not become law if passed;

6393 (iv) contains more than one subject as evaluated in accordance with Subsection (6); or

6394 (v) is identical or substantially similar to a law proposed by an initiative for which signatures were
submitted to the county clerks and [lieutenant governor] director for certification within two years
preceding the date on which the initiative application for the new initiative is filed; or

6398 (b) the subject of the proposed law is not clearly expressed in the law's title.

6399 (6) To evaluate whether the proposed law contains more than one subject under Subsection (5)(a)(iv),
the [lieutenant governor] director shall apply the same standard provided in

6401 Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more
than one subject.

6403 ~~{Section 102. Section 20A-7-202.5 is amended to read: }~~

6404 **20A-7-202.5. Initial fiscal impact statement -- Preparation of statement -- Challenge to
statement.**

6406 (1) Within three working days after the day on which the [lieutenant governor] director receives
an initiative application, the [lieutenant governor] director shall submit a copy of the initiative
application to the Office of the Legislative Fiscal Analyst.

6409 (2)

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- (a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith initial fiscal impact statement for the proposed law, not exceeding 100 words plus 100 words per revenue source created or impacted by the proposed law, that contains:
- 6412 (i) a description of the total estimated fiscal impact of the proposed law over the time period or
time periods determined by the Office of the Legislative Fiscal Analyst to be most useful in
understanding the estimated fiscal impact of the proposed law;
- 6415 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a dollar amount
representing the total estimated increase or decrease for each type of tax affected under the
proposed law, a dollar amount showing the estimated amount of a new tax, and a dollar amount
representing the total estimated increase or decrease in taxes under the proposed law;
- 6420 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage difference and
the tax percentage increase for each tax or tax rate increased;
- 6422 (iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or
other debt instruments, a dollar amount representing the total estimated increase or decrease in
public debt under the proposed law;
- 6425 (v) a dollar amount representing the estimated cost or savings, if any, to state or local government
entities under the proposed law;
- 6427 (vi) if the proposed law would increase costs to state government, a listing of all sources of funding
for the estimated costs; and
- 6429 (vii) a concise description and analysis titled "Funding Source," not to exceed 100 words for each
funding source, of the funding source information described in Subsection 20A-7-202(2)(e)(ii).
- 6432 (b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative Fiscal Analyst
shall include a summary statement in the initial fiscal impact statement in substantially the following
form:
- 6435 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this initiative
would have no significant fiscal impact and would not result in either an increase or decrease in
taxes or debt."
- 6438 (3) Within 25 calendar days after the day on which the [~~lieutenant governor~~] director delivers a copy of
the initiative application, the Office of the Legislative Fiscal Analyst shall:
- 6441 (a) send a copy of the initial fiscal impact statement to the [~~lieutenant governor's~~] office; and
- 6443

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(b) send a copy of the initial fiscal impact statement to the first five sponsors named in the initiative application.

6445 (4)

(a)

(i) Three or more of the sponsors of the initiative petition may, within 20 calendar days after the day on which the Office of the Legislative Fiscal Analyst delivers the initial fiscal impact statement to the [lieutenant governor's] office, file a petition with the appropriate court, alleging that the initial fiscal impact statement, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

6451 (ii) After receipt of the appeal, the court shall direct the [lieutenant governor] director to send notice of the petition filed with the court to:

6453 (A) any person or group that has filed an argument with the lieutenant governor's office for or against the initiative that is the subject of the challenge; and

6455 (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the [lieutenant governor] director that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

6459 (b)

(i) There is a presumption that the initial fiscal impact statement prepared by the Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

6463 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal impact statement unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal impact statement, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.

6468 (iii) The court may refer an issue related to the initial fiscal impact statement to a master to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule 53.

6471 (c) The court shall certify to the [lieutenant governor] director a fiscal impact statement for the initiative that meets the requirements of this section.

6473 ~~{Section 103. Section 20A-7-202.7 is amended to read: }~~

6474 **20A-7-202.7. Posting initiative information.**

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- 6475 (1) Within one business day after the day on which the [~~lieutenant governor~~] director receives the initial
fiscal impact statement under Subsection 20A-7-202.5(3)(a), the [~~lieutenant governor~~] director shall
post the following information together in a conspicuous place on the [~~lieutenant governor's~~] office's
website:
- 6479 (a) the initiative application;
- 6480 (b) the initiative petition;
- 6481 (c) the text of the proposed law;
- 6482 (d) the initial fiscal impact statement; and
- 6483 (e) information describing how an individual may remove the individual's signature from the initiative
petition.
- 6485 (2) The [~~lieutenant governor~~] director shall:
- 6486 (a) promptly update the information described in Subsection (1) if the information changes; and
- 6488 (b) maintain the information described in Subsection (1) on the [~~lieutenant governor's~~] office's website
until the initiative fails to qualify for the ballot or is passed or defeated at an election.
- 6491 ~~{Section 104. Section 20A-7-203 is amended to read: }~~
- 6492 **20A-7-203. Manual initiative process -- Form of initiative petition and signature sheets.**
- 6494 (1) This section applies only to the manual initiative process.
- 6495 (2)
- 6496 (a) Each proposed initiative petition shall be printed in substantially the following form:
- 6497 "INITIATIVE PETITION To the [~~Honorable _____, Lieutenant Governor~~] director of the
Elections Office:
- 6498 We, the undersigned citizens of Utah, respectfully demand that the following proposed law be
submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular
general election/session to be held/ beginning on _____(month\day\year);
- 6501 Each signer says:
- 6502 I have personally signed this initiative petition or, if I am an individual with a qualifying
disability, I have signed this initiative petition by directing the signature gatherer to enter the initials
"AV" as my signature;
- 6505 The date next to my signature correctly reflects the date that I actually signed the initiative
petition;
- 6507 I have personally read the entire statement included with this packet;

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- 6508 I am registered to vote in Utah; and
- 6509 My residence and post office address are written correctly after my name.
- 6510 NOTICE TO SIGNERS:
- 6511 Public hearings to discuss this initiative were held at: (list dates and locations of public hearings.)".
- 6513 (b) If the initiative proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (2)(a):
- 6515 "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."
- 6518 (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.
- 6520 (3) Each initiative signature sheet shall:
- 6521 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 6522 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;
- 6524 (c) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;
- 6526 (d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:
- 6528 (i) the first column shall be .5 inch wide and include three rows;
- 6529 (ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;
- 6531 (iii) the second row of the first column shall be .35 inch tall;
- 6532 (iv) the third row of the first column shall be .5 inch tall;
- 6533 (v) the second column shall be 2.75 inches wide;
- 6534 (vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- 6537 (vii) the second row of the second column shall be .5 inch tall;
- 6538 (viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;
- 6540 (ix) the fourth row of the second column shall be .5 inch tall;

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- 6541 (x) the third column shall be 2.75 inches wide;
- 6542 (xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;
- 6544 (xii) the second row of the third column shall be .5 inch tall;
- 6545 (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
- 6547 (xiv) the fourth row of the third column shall be .5 inch tall;
- 6548 (xv) the fourth column shall be one inch wide;
- 6549 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
- 6551 (xvii) the second row of the fourth column shall be .5 inch tall;
- 6552 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
- 6554 (xix) the fourth row of the third column shall be .5 inch tall; and
- 6555 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following statement, "By signing this initiative petition, you are stating that you have read and understand the law proposed by this initiative petition." in 12-point type;
- 6559 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (3)(f); and
- 6561 (f) at the bottom of the sheet, include in the following order:
- 6562 (i) the words "Fiscal Impact of" followed by the title of the initiative, in at least 12-point, bold type;
- 6564 (ii) except as provided in Subsection (5), the initial fiscal impact statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5), in not less than 12-point type;
- 6568 (iii) if the initiative proposes a tax increase, the following statement in 12-point, bold type:
- 6569 "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."; and
- 6572 (iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:
- 6574

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"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

6578 Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

6582 (4) The final page of each initiative packet shall contain the following printed or typed statement:

6584 Verification of signature collector

6585 State of Utah, County of ____

6586 I, _____, of _____, hereby state, under penalty of perjury, that:

6587 I am at least 18 years old;

6588 All the names that appear in this initiative packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence or, in the case of an individual with a qualifying disability, I have signed this initiative petition on the individual's behalf, at the direction of the individual and in the individual's presence, by entering the initials "AV" as the individual's signature;

6594 I certify that, for each individual whose signature is represented in this initiative packet by the initials "AV":

6596 I obtained the individual's voluntary direction or consent to sign the initiative petition on the individual's behalf;

6598 I do not believe, or have reason to believe, that the individual lacked the mental capacity to give direction or consent;

6600 I do not believe, or have reason to believe, that the individual did not understand the purpose or nature of my signing the initiative petition on the individual's behalf;

6602 I did not intentionally or knowingly deceive the individual into directing me to, or consenting for me to, sign the initiative petition on the individual's behalf; and

6604 I did not intentionally or knowingly enter false information on the signature sheet;

6606 I did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;

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6608 I believe that each individual's name, post office address, and residence is written correctly, that
each signer has read the law proposed by the initiative, and that each signer is registered to vote in
Utah;

6611 The correct date of signature appears next to each individual's name; and

6612 I have not paid or given anything of value to any individual who signed this initiative packet to
encourage that individual to sign it.

6614 _____
6615 (Name) (Residence Address) (Date)

6616 (5) If the initial fiscal impact statement described in Subsection (3)(f)(ii), as updated in accordance with
Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall
prepare a shorter summary statement, for the purpose of inclusion on an initiative signature sheet,
that does not exceed 200 words.

6620 (6) If the forms described in this section are substantially followed, the initiative petitions are sufficient,
notwithstanding clerical and merely technical errors.

6622 ~~{Section 105. Section 20A-7-204 is amended to read: }~~

6623 **20A-7-204. Manual initiative process -- Circulation requirements -- Lieutenant governor to
provide sponsors with materials.**

6625 (1) This section applies only to the manual initiative process.

6626 (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent
of the sponsors shall, after the sponsors receive the documents described in Subsection (3), circulate
initiative packets that meet the form requirements of this part.

6629 (3) The ~~[lieutenant governor]~~ director shall provide the sponsors with a copy of the initiative petition
and a signature sheet within three days after the day on which the following conditions are fulfilled:

6632 (a) the sponsors hold the final hearing required under Section 20A-7-204.1;

6633 (b) the sponsors provide to the ~~[Office of the Lieutenant Governor]~~ office the video tape, audio tape, or
comprehensive minutes described in Subsection 20A-7-204.1(4) for each public hearing described
in Section 20A-7-204.1;

6636 (c)

(i) the sponsors give written notice to the ~~[Office of the Lieutenant Governor]~~ office that the sponsors
waive the opportunity to change the text of the proposed law under Subsection 20A-7-204.1(5);

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- (ii) the deadline, described in Subsection 20A-7-204.1(5)(a), for changing the text of the proposed law passes without the sponsors filing an application addendum in accordance with Subsection 20A-7-204.1(5); or
- 6642 (iii) if the sponsors file an application addendum in accordance with Subsection 20A-7-204.1(5), the
Office of the Legislative Fiscal Analyst provides to the [~~Office of the Lieutenant Governor~~] office:
- 6645 (A) an updated initial fiscal impact statement, in accordance with Subsection 20A-7-204.1(5)(b); or
- 6647 (B) a written notice indicating that no changes to the initial fiscal impact statement are necessary;
- 6649 (d)
- (i) the sponsors give written notice to the [~~Office of the Lieutenant Governor~~] office that the sponsors waive the opportunity to:
- 6651 (A) challenge the initial fiscal impact statement in court; and
- 6652 (B) if applicable, challenge the updated initial fiscal impact statement in court;
- 6653 (ii) the deadline, described in Subsection 20A-7-202.5(4)(a)(i), for:
- 6654 (A) challenging the initial fiscal impact statement in court passes without the sponsors filing a petition to challenge; and
- 6656 (B) if applicable, challenging the updated initial fiscal impact statement in court passes without the sponsors filing a petition to challenge; or
- 6658 (iii) if the sponsors timely file a petition challenging the initial fiscal impact statement in court or, if applicable, the updated initial fiscal impact statement in court, and the court's decision becomes final; [~~and~~]
- 6661 (e) the sponsors sign an agreement, under Subsection (6)(a), with the [~~Office of the Lieutenant Governor~~] office; and
- 6663 (f) specifying the range of numbers that the sponsors will use to number the initiative packets.
- 6665 (4) The sponsors of the initiative shall:
- 6666 (a) arrange and pay for the printing of all documents that are part of the initiative packets; and
- 6668 (b) ensure that the initiative packets and the documents described in Subsection (4)(a) meet the requirements of this part.
- 6670 (5)
- (a) The sponsors or an agent of the sponsors may prepare the initiative packets for circulation by creating multiple initiative packets.

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(b) The sponsors or an agent of the sponsors shall create the initiative packets by binding a copy of the initiative petition with the text of the proposed law, including any modification made under Subsection 20A-7-204.1(5) and no more than 50 signature sheets together at the top in a manner that the initiative packets may be conveniently opened for signing.

6677 (c) An initiative packet is not required to have a uniform number of signature sheets.

6678 (6)

(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

6679 (i) contact the~~lieutenant governor's~~ office to receive a range of numbers that the sponsors may use to number initiative packets;

6681 (ii) sign an agreement with the ~~Office of the Lieutenant Governor~~ office, specifying the range of numbers that the sponsors will use to number the initiative packets; and

6684 (iii) number each initiative packet, sequentially, within the range of numbers provided by the~~lieutenant governor's~~ office, starting with the lowest number in the range.

6687 (b) The sponsors or an agent of the sponsors may not:

6688 (i) number an initiative packet in a manner not directed by the~~lieutenant governor's~~ office; or

6690 (ii) circulate or submit an initiative packet that is not numbered in the manner directed by the~~lieutenant governor's~~ office.

6692 ~~{Section 106. Section 20A-7-204.1 is amended to read: }~~

6693 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated -- Changes to a proposed law or an initial fiscal impact statement.**

6695 (1)

(a) After issuance of the initial fiscal impact statement by the Office of the Legislative Fiscal Analyst and before circulating initiative packets for signature statewide, sponsors of the initiative shall hold at least seven public hearings throughout Utah as follows:

6699 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

6700 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;

6702 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

6703 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

6705 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

6706 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

6707 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber County.

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- 6709 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of the public
hearings in a first or second class county, but not in the same county.
- 6711 (c) The sponsors may not hold a public hearing described in this section until the later of:
- 6712 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact statement under
Subsection 20A-7-202.5(3)(b); or
- 6714 (ii) if three or more sponsors file a petition for an action challenging the accuracy of the initial fiscal
impact statement under Section 20A-7-202.5, the day after the day on which the action is final.
- 6717 (2)
- (a) The sponsors shall, before 5 p.m. at least 10 calendar days before the date of the public hearing,
provide written notice of the public hearing, including the date, time, and location of the public
hearing:
- 6720 (i) to the [~~lieutenant governor~~] director;
- 6721 (ii) to the county clerk of each county in the region where the public hearing will be held;
- 6723 (iii) each state senator, state representative, and county commission or county council member who
is elected in whole or in part from the region where the public hearing will be held; and
- 6726 (iv) in accordance with Section 45-1-101, for at least three calendar days before the day of the
public hearing.
- 6728 (b) The [~~lieutenant governor~~] director shall post the notice described in Subsection (2)(a) on the
[~~lieutenant governor's~~] office's website for at least three days before the day of the public hearing.
- 6731 (c) The county clerk of each county in the region where the public hearing will be held:
- 6732 (i) shall post the notice described in Subsection (2)(a) for the county, as a class A notice under Section
63G-30-102, for at least three days before the day of the public hearing; and
- 6735 (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and posting the notice
described in Subsection (2)(c)(i).
- 6737 (3) If the initiative proposes a tax increase, the written notice described in Subsection (2) shall include
the following statement, in bold, in the same font and point size as the largest font and point size
appearing in the notice:
- 6740 "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."
- 6743 (4)

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- 6744 (a) During the public hearing, the sponsors shall either:
- 6745 (i) video tape or audio tape the public hearing; or
- 6747 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker
and summarizing each speaker's comments.
- 6749 (b) The [~~lieutenant governor~~] director shall make copies of the tapes or minutes available to the public.
- 6750 (c) For each public hearing, the sponsors shall:
- 6753 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal impact statement
in a conspicuous location at the entrance to the room where the sponsors hold the public hearing;
and
- 6756 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to public hearing
attendees, in a conspicuous location at the entrance to the room where the sponsors hold the public
hearing.
- 6757 (d) Regardless of whether an individual is present to observe or speak at a public hearing:
- 6759 (i) the sponsors may not end the public hearing until at least one hour after the public hearing begins;
and
- 6761 (ii) the sponsors shall provide at least one hour at the public hearing that is open for public comment.
- 6765 (5)
- 6766 (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the seventh public hearing
described in Subsection (1)(a), and before circulating an initiative signature packet for signatures,
the sponsors of the initiative may change the text of the proposed law if:
- 6768 (i) a change to the text is:
- 6769 (A) germane to the text of the proposed law filed with the [~~lieutenant governor~~] director under Section
20A-7-202; and
- 6771 (B) consistent with the requirements of Subsection 20A-7-202(5); and
- 6771 (ii) each sponsor signs, attested to by a notary public, an application addendum to change the text of
the proposed law.
- 6771 (b)
- (i) Within three working days after the day on which the [~~lieutenant governor~~] director receives an
application addendum to change the text of the proposed law for an initiative, the [~~lieutenant
governor~~] director shall submit a copy of the application addendum to the Office of the Legislative
Fiscal Analyst.

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- 6775 (ii) The Office of the Legislative Fiscal Analyst shall:
- 6776 (A) update the initial fiscal impact statement, by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law ; or
- 6779 (B) provide written notice to the [~~Office of the Lieutenant Governor~~] office indicating that no changes to the initial fiscal impact statement are necessary.
- 6781 ~~{Section 107. Section 20A-7-206.1 is amended to read: }~~
- 6782 **20A-7-206.1. Provisions relating only to process for submitting an initiative to the Legislature for approval or rejection.**
- 6784 (1) This section relates only to the process, described in Subsection 20A-7-201(1), for submitting an initiative to the Legislature for approval or rejection.
- 6786 (2) Notwithstanding Section 20A-7-105, in order to qualify an initiative petition for submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each signed and verified initiative packet to the county clerk of the county in which the initiative packet was circulated before 5 p.m. no later than November 15 before the next annual general session of the Legislature immediately after the initiative application is filed under Section 20A-7-202.
- 6792 (3) Notwithstanding Section 20A-7-105, no later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative for submission to the Legislature:
- 6795 (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-105;
- 6797 (b) certify on the initiative packet whether each name is that of a registered voter; and
- 6798 (c) deliver the verified packets to the [~~lieutenant governor~~] director.
- 6799 (4) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-105.
- 6801 (5) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.
- 6804 ~~{Section 108. Section 20A-7-207 is amended to read: }~~
- 6805 **20A-7-207. Evaluation by the director.**
- 6806 (1) In relation to the manual initiative process, when the [~~lieutenant governor~~] director receives an initiative packet from a county clerk, the [~~lieutenant governor~~] director shall record the number of the initiative packet received.
- 6809 (2) The county clerk shall:

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- 6810 (a) in relation to the manual initiative process:
- 6811 (i) post the names, voter identification numbers, and dates of signatures described in Subsection
20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a conspicuous location
designated by the [~~lieutenant governor~~] director:
- 6814 (A) for an initiative packet received by the county clerk before December 1, for at least 90 days; or
- 6816 (B) for an initiative packet received by the county clerk on or after December 1, for at least 45 days; and
- 6818 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures certified as of the
date of the update; or
- 6820 (b) in relation to the electronic initiative process:
- 6821 (i) post the names, voter identification numbers, and dates of signatures described in Subsection
20A-7-217(4) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated
by the [~~lieutenant governor~~] director:
- 6824 (A) for a signature received by the county clerk before December 1, for at least 90 days; or
- 6826 (B) for a signature received by the county clerk on or after December 1, for at least 45 days; and
- 6828 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures certified as of the
date of the update.
- 6830 (3) The [~~lieutenant governor~~] director:
- 6831 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be sufficient or
insufficient on April 30 before the regular general election described in Subsection 20A-7-201(2)
(b); or
- 6834 (b) may declare the initiative petition to be insufficient before the day described in Subsection (3)(a) if:
- 6836 (i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully
submitted initiative packets that have been certified by the county clerks, plus the number of
signatures on timely and lawfully submitted initiative packets that have not yet been evaluated for
certification, is less than the number of names required under Section 20A-7-201;
- 6841 (ii) in relation to the electronic initiative process, the total of all timely and lawfully submitted valid
signatures that have been certified by the county clerks, plus the number of timely and lawfully
submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been
evaluated for certification, is less than the number of names required under Section 20A-7-201; or
- 6846 (iii) a requirement of this part has not been met.
- 6847 (4)

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- 6851 (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-201, and the requirements of this part are met, the [lieutenant governor] director shall mark upon the front of the initiative petition the word "sufficient."
- 6855 (b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-201 or a requirement of this part is not met, the [lieutenant governor] director shall mark upon the front of the initiative petition the word "insufficient."
- 6857 (c) The [lieutenant governor] director shall immediately notify any one of the sponsors of the [lieutenant governor's] director's finding.
- 6859 (5) After an initiative petition is declared insufficient, a person may not submit additional signatures to qualify the initiative for the ballot.
- 6863 (6)
- 6867 (a) If the [lieutenant governor] director refuses to declare an initiative petition sufficient that a voter believes is legally sufficient, the voter may, no later than May 15, apply to the appropriate court for an order finding the initiative petition legally sufficient.
- 6870 (b) If the court determines that the initiative petition is legally sufficient, the [lieutenant governor] director shall mark the petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the initiative petition should have been declared sufficient by the [lieutenant governor's office] director.
- 6872 (c) If the court determines that the initiative petition is not legally sufficient, the court may enjoin the [lieutenant governor] director and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.
- 6873 (7) An initiative petition determined to be sufficient in accordance with this section is qualified for the ballot.

{Section 109. Section 20A-7-208 is amended to read: }

20A-7-208. Disposition of initiative petitions by the Legislature.

- 6874 (1)
- 6878 (a) Except as provided in Subsection (1)(b), when the [lieutenant governor] director delivers an initiative petition to the Legislature, the law proposed by that initiative petition shall be either enacted or rejected without change or amendment by the Legislature.
- (b) The speaker of the House and the president of the Senate may direct legislative staff to make technical corrections authorized by Section 36-12-12.

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- 6880 (c) If any law proposed by an initiative petition is enacted by the Legislature, the law is subject to
referendum the same as other laws.
- 6882 (2) If any law proposed by an [~~initiative~~] initiative petition is not enacted by the Legislature, that
proposed law shall be submitted to a vote of the people at the next regular general election if:
- 6885 (a) sufficient additional signatures to the petition are first obtained to bring the total number of
signatures up to the number required by Subsection 20A-7-201(2); and
- 6887 (b) those additional signatures are verified, certified by the county clerks, and declared sufficient by the
[~~lieutenant governor~~] director as provided in Section 20A-7-105 and this part.
- 6890 {~~Section 110. Section 20A-7-209 is amended to read: }~~
- 6891 **20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor and Office
of Legislative Research and General Counsel.**
- 6893 (1) On or before June 5 before the regular general election, the [~~lieutenant governor~~] director 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.
- 6896 (2)
- 6897 (a) The Office of Legislative Research and General Counsel shall:
- 6899 (i) entitle each statewide initiative that has qualified for the ballot "Proposition Number ___" and
give it a number as assigned under Section 20A-6-107;
- 6900 (ii) prepare for each initiative:
- 6902 (A) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative;
and
- 6904 (B) an impartial summary of the contents of the initiative, not exceeding 125 words; and
- 6906 (iii) provide each short title, and summary to the [~~lieutenant governor~~] director on or before June
26.
- 6907 (b) The short title and summary may be distinct from the title of the proposed law.
- 6909 (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:
- 6912 "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."

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

6914 (i) the number of the initiative, determined in accordance with Section 20A-6-107;

6915 (ii) the short title;

6916 (iii) except as provided in Subsection (2)(e):

6917 (A) the summary;

6918 (B) the text of the proposed law; and

6919 (C) a link to a location on the [~~lieutenant governor's~~ office's] website where a voter may review additional information relating to each initiative, including the information described in Subsection 20A-7-202(2), the initial fiscal impact statement 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

6925 (iv) the initial fiscal impact statement prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1.

6927 (e) 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 on the ballot and a link to a location on the [~~lieutenant governor's~~ office's] website where a voter may review the additional information described in Subsection (2)(d)(iii)(C).

6932 (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."

6939 (3) On or before June 27, the [~~lieutenant governor~~ director] shall send a copy of the short title and summary to any sponsor of the petition.

6941 (4)

(a)

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- (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.
- 6944 (ii) After receipt of the challenge, the court shall direct the [~~lieutenant governor~~] director to send notice of the challenge to:
- 6946 (A) any person or group that has filed an argument for or against the initiative that is the subject of the challenge; or
- 6948 (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the [~~lieutenant governor~~] director 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.
- 6952 (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.
- 6955 (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.
- 6958 (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.
- 6961 (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.
- 6964 (c) The court shall:
- 6965 (i) examine the short title and summary;
- 6966 (ii) hear arguments; and
- 6967 (iii) enter an order consistent with the requirements of this section.
- 6968 (d) The [~~lieutenant governor~~] director 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.
- 6971 ~~{Section 111. Section 20A-7-211 is amended to read: }~~
- 6972 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on proclamation.**
- 6974 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

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- 6976 (2) After the state board of canvassers completes the canvass, the [lieutenant governor] director shall
certify to the governor the vote for and against the law proposed by the initiative petition.
- 6979 (3)
- 6980 (a) The governor shall immediately issue a proclamation that:
- 6982 (i) gives the total number of votes cast in the state for and against each law proposed by an initiative
petition; and
- 6985 (ii) declares those laws proposed by an initiative petition that are approved by majority vote to be in
full force and effect on the date described in Subsection 20A-7-212(2).
- 6989 (b) When the governor believes that two proposed laws, or that parts of two proposed laws approved
by the people at the same election are entirely in conflict, the governor shall proclaim as law the
initiative that receives the greatest number of affirmative votes, regardless of the difference in the
majorities which those initiatives receive.
- 6993 (c) Within 10 days after the day of the governor's proclamation, any qualified voter who signed the
initiative petition proposing the law that is declared by the governor to be superseded by another
initiative approved at the same election may bring an action in the appropriate court to review the
governor's decision.
- 6995 (4) Within 10 days after the day on which the court issues an order in an action described in Subsection
(3)(c), the governor shall:
- 6997 (a) proclaim as law all initiatives approved by the people that the court determines are not entirely in
conflict; and
- 7001 (b) of the initiatives approved by the people that the court determines to be entirely in conflict, proclaim
as law, regardless of the difference in majorities, the law that receives the greatest number of
affirmative votes, to be in full force and effect on the date described in Subsection 20A-7-212(2).

{Section 112. Section 20A-7-215 is amended to read: }

20A-7-215. Electronic initiative process -- Form of initiative petition -- Circulation requirements -- Signature collection.

- 7004 (1) This section applies only to the electronic initiative process.
- 7005 (2)
- 7006 (a) The first screen presented on the approved device shall include the following statement:
"This INITIATIVE PETITION is addressed to the [Honorable _____, Lieutenant
Governor] director of the Elections Office:

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- 7008 The citizens of Utah who sign this petition respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/beginning on _____(month\day\year)."
- 7012 (b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."
- 7015 (3)
- 7017 (a) The second screen presented on the approved device shall include the following statement:
 "Public hearings to discuss this initiative were held at: (list dates and locations of public hearings.)".
- 7019 (b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."
- 7022 (4)
- 7025 (a) The third screen presented on the approved device shall include the title of proposed law, described in Subsection 20A-7-202(2)(e)(i), followed by the entire text of the proposed law.
- 7028 (b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the third screen stating, "By clicking here, I attest that I have read and understand the entire text of the proposed law."
- 7032 (5) Subsequent screens shall be presented on the device in the following order, with the individual viewing the device being required, before advancing to the next screen, to click a link at the bottom of the screen with the following statement: "By clicking here, I attest that I have read and understand the information presented on this screen.":
- 7034 (a) a description of all proposed sources of funding for the costs associated with the proposed law, including the proposed percentage of total funding from each source;
- 7038 (b)
- 7038 (i) if the initiative proposes a tax increase, the following statement, "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."; or
- 7038 (ii) if the initiative does not propose a tax increase, the following statement, "This initiative does not propose a tax increase.";

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- 7040 (c) the initial fiscal impact statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection [20A-7-204.1(5)(b)] 20A-7-204.1(5);
- 7043 (d) a statement indicating whether persons gathering signatures for the initiative petition may be paid for gathering signatures; and
- 7045 (e) the following statement, followed by links where the individual may click "yes" or "no":
- 7046 "I have personally read the entirety of each statement presented on this device;
- 7047 I am personally signing this initiative petition;
- 7048 I am registered to vote in Utah; and
- 7049 All information I enter on this device, including my residence and post office address, is accurate.
- 7051 It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.
- 7055 WARNING
- 7056 Even if your voter registration record is classified as private, your name, voter identification number, and date of signature in relation to signing this initiative petition will be made public.
- 7059 Do you wish to continue and sign this initiative petition?"
- 7060 (6)
- (a) If the individual clicks "no" in response to the question described in Subsection (5)(e), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."
- 7063 (b) If the individual clicks "yes" in response to the question described in Subsection (5)(e), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the initiative petition through the signature process described in Section 20A-21-201.
- 7067 ~~{Section 113. Section 20A-7-216 is amended to read: }~~
- 7068 **20A-7-216. Electronic initiative process -- Obtaining signatures -- Request to remove signature.**
- 7070 (1) This section applies to the electronic initiative process.
- 7071 (2) A Utah voter may sign an initiative petition if the voter is a legal voter.

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- 7072 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:
- 7074 (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and
- 7076 (b) is informed that each signer is required to read and understand the law proposed by the initiative.
- 7078 (4) A voter who signs an initiative petition may have the voter's signature removed from the initiative petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
- 7082 (a) for an electronic signature gathered before December 1:
- 7083 (i) 30 days after the day on which the voter signs the signature removal statement; or
- 7084 (ii) 90 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4); or
- 7086 (b) for an electronic signature gathered on or after December 1:
- 7087 (i) 30 days after the day on which the voter signs the signature removal statement; or
- 7088 (ii) 45 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4).
- 7090 (5)
- (a) A voter may not submit a signature removal statement described in Subsection (4) by email or other electronic means, unless the [~~lieutenant governor~~] director establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.
- 7094 (b) A person may only remove an electronic signature from an initiative petition in accordance with this section.
- 7096 (c) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from an initiative petition, in accordance with Subsection 20A-1-1003(3).
- 7099 ~~{Section 114. Section 20A-7-217 is amended to read: }~~
- 7100 **20A-7-217. Electronic initiative process -- Collecting signatures -- Email notification --**
- Removal of signatures.**
- 7102 (1) This section applies only to the electronic initiative process.
- 7103 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:
- 7104 (a) 316 days after the day on which the initiative application [-]is filed; or
- 7105 (b) the February 15 immediately before the next regular general election immediately after the initiative application is filed under Section 20A-7-202.

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- 7107 (3) The ~~[lieutenant governor]~~ director shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:
- 7110 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and
- 7112 (b) the body of the email shall include the following statement in 12-point type:
- 7113 "You signed a petition for the following initiative:
- 7114 [insert title of initiative]
- 7115 To access a copy of the initiative petition, the text of the law proposed by the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the initiative petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the ~~[lieutenant governor's]~~ office's website that includes the information referred to in the email]."
- 7120 (4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs an initiative petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the ~~[lieutenant governor's]~~ office's website, in a conspicuous location designated by the ~~[lieutenant governor]~~ director.
- 7125 (5)
- (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-216(4), the county clerk shall:
- 7127 (i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and
- 7129 (ii) remove the voter's signature from the initiative petition and the initiative petition signature totals.
- 7131 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
- 7132 (i) the deadline described in Subsection (4); or
- 7133 (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-216(4).
- 7135 ~~{Section 115. Section 20A-7-301 is amended to read: }~~
- 7136 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**
- 7137 (1)

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(a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall, after filing a referendum application, obtain:

7139 (i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and

7141 (ii) from at least 15 Senate districts, legal signatures equal to 8% of the number of active voters in that Senate district on January 1 immediately following the last regular general election.

7144 (b) When the [~~lieutenant governor~~] director declares that a referendum petition is signed by a sufficient number of voters to meet the requirements of Subsection (1)(a), the governor shall issue an executive order that:

7147 (i) directs that the referendum be submitted to the voters at the next regular general election; or

7149 (ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.

7151 (2) When the [~~lieutenant governor~~] director declares that a referendum petition is signed by a sufficient number of voters, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.

7155 (3) The [~~lieutenant governor~~] director shall provide the following information to any interested person:

7157 (a) the number of active voters in the state on January 1 immediately following the last regular general election; and

7159 (b) for each county, the number of active voters in that Senate district on January 1 immediately following the last regular general election.

7161 ~~{Section 116. Section 20A-7-302 is amended to read: }~~

7162 **20A-7-302. Referendum process -- Application procedures.**

7163 (1) Individuals wishing to circulate a referendum petition shall file a referendum application with the [~~lieutenant governor~~] director before 5 p.m. within five calendar days after the day on which the legislative session at which the law passed ends.

7166 (2) The referendum application shall include:

7167 (a) the name and residence address of at least five sponsors of the referendum petition;

7168 (b) a statement indicating that each of the sponsors is registered to vote in Utah;

7169 (c) a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures;

7171 (d) the signature of each of the sponsors, attested to by a notary public; and

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- 7172 (e) a copy of the law that is the subject of the proposed referendum.
- 7173 ~~{Section 117. Section 20A-7-303 is amended to read: }~~
- 7174 **20A-7-303. Manual referendum process -- Form of referendum petition and signature sheets.**
- 7176 (1) This section applies only to the manual referendum process.
- 7177 (2)
- (a) Each proposed referendum petition shall be printed in substantially the following form:
- 7178 "REFERENDUM PETITION To the [~~Honorable _____, Lieutenant Governor~~] director of the Elections Office:
- 7180 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the Legislature of the state of Utah during the _____ Session, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;
- 7185 Each signer says:
- 7186 I have personally signed this referendum petition or, if I am an individual with a qualifying disability, I have signed this referendum petition by directing the signature gatherer to enter the initials "AV" as my signature;
- 7189 The date next to my signature correctly reflects the date that I actually signed the referendum petition;
- 7191 I have personally read the entire statement included with this referendum packet;
- 7192 I am registered to vote in Utah; and
- 7193 My residence and post office address are written correctly after my name."
- 7194 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.
- 7196 (3) Each referendum signature sheet shall:
- 7197 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 7198 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;
- 7200 (c) include the title of the referendum printed below the horizontal line, in at least 14-point, bold type;
- 7202

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(d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

- 7204 (i) the first column shall be .5 inch wide and include three rows;
- 7205 (ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;
- 7207 (iii) the second row of the first column shall be .35 inch tall;
- 7208 (iv) the third row of the first column shall be .5 inch tall;
- 7209 (v) the second column shall be 2.75 inches wide;
- 7210 (vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- 7213 (vii) the second row of the second column shall be .5 inch tall;
- 7214 (viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;
- 7216 (ix) the fourth row of the second column shall be .5 inch tall;
- 7217 (x) the third column shall be 2.75 inches wide;
- 7218 (xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;
- 7220 (xii) the second row of the third column shall be .5 inch tall;
- 7221 (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
- 7223 (xiv) the fourth row of the third column shall be .5 inch tall;
- 7224 (xv) the fourth column shall be one inch wide;
- 7225 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
- 7227 (xvii) the second row of the fourth column shall be .5 inch tall;
- 7228 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
- 7230 (xix) the fourth row of the third column shall be .5 inch tall; and
- 7231 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words "By signing this referendum petition, you are stating that you have read and understand the law that this referendum petition seeks to overturn." in 12-point type;

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7235 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of
the sheet for the information described in Subsection (3)(f); and

7237 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the
following statement in not less than eight-point type:

7239 "It is a class A misdemeanor for an individual to sign a referendum petition with a name other
than the individual's own name, or to knowingly sign the individual's name more than once for
the same referendum petition, or to sign a referendum petition when the individual knows that the
individual is not a registered voter.

7243 Birth date or age information is not required, but it may be used to verify your identity with
voter registration records. If you choose not to provide it, your signature may not be verified
as a valid signature if you change your address before petition signatures are verified or if the
information you provide does not match your voter registration records."

7247 (4) The final page of each referendum packet shall contain the following printed or typed statement:

7249 Verification of signature collector

7250 State of Utah, County of ____

7251 I, _____, of _____, hereby state, under penalty of perjury, that:

7252 I am at least 18 years old;

7253 All the names that appear in this referendum packet were signed by individuals who professed
to be the individuals whose names appear in it, and each of the individuals signed the individual's
name on it in my presence or, in the case of an individual with a qualifying disability, I have signed
this referendum petition on the individual's behalf, at the direction of the individual and in the
individual's presence, by entering the initials "AV" as the individual's signature;

7259 I certify that, for each individual whose signature is represented in this referendum packet
by the initials "AV":

7261 I obtained the individual's voluntary direction or consent to sign the referendum
petition on the individual's behalf;

7263 I do not believe, or have reason to believe, that the individual lacked the mental
capacity to give direction or consent;

7265 I do not believe, or have reason to believe, that the individual did not understand the
purpose or nature of my signing the referendum petition on the individual's behalf;

7268

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I did not intentionally or knowingly deceive the individual into directing me to, or consenting for me to, sign the referendum petition on the individual's behalf; and

7270 I did not intentionally or knowingly enter false information on the signature sheet;

7272 I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

7274 I believe that each individual's name, post office address, and residence is written correctly, that each signer has read the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah;

7277 The correct date of signature appears next to each individual's name; and

7278 I have not paid or given anything of value to any individual who signed this referendum packet to encourage that individual to sign it.

7280

7281 _____
(Name) (Residence Address) (Date).

7282 (5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

7284 ~~{Section 118. Section 20A-7-304 is amended to read: }~~

7285 **20A-7-304. Manual referendum process -- Circulation requirements -- Director to provide sponsors with materials.**

7287 (1) This section applies only to the manual referendum process.

7288 (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsection (3), circulate referendum packets that meet the form requirements of this part.

7291 (3) The ~~[lieutenant governor]~~ director shall provide the sponsors with

7292 a copy of the referendum petition and

7293 a signature sheet within three days after the day on which the sponsors sign an agreement, under Subsection (6)(a), with the ~~[Office of the Lieutenant Governor]~~ office specifying the range of numbers that the sponsors will use to number the referendum packets.

7296 (4) The sponsors of the referendum petition shall:

7297 (a) arrange and pay for the printing of all documents that are part of the referendum packets; and

7299 (b) ensure that the referendum packets and the documents described in Subsection (4)(a) meet the form requirements of this section.

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- 7301 (5)
- (a) The sponsors or an agent of the sponsors may prepare the referendum packets for circulation by creating multiple referendum packets.
- 7303 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding a copy of the referendum petition with the text of the law that is the subject of the referendum and no more than 50 signature sheets together at the top in a manner that the referendum packets may be conveniently opened for signing.
- 7307 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 7308 (6)
- (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 7309 (i) contact the~~lieutenant governor's~~ office to receive a range of numbers that the sponsors may use to number referendum packets;
- 7311 (ii) sign an agreement with the ~~Office of the Lieutenant Governor~~ office, specifying the range of numbers that the sponsor will use to number the referendum packets; and
- 7314 (iii) number each referendum packet, sequentially, within the range of numbers provided by the~~lieutenant governor's~~ office, starting with the lowest number in the range.
- 7317 (b) The sponsors or an agent of the sponsors may not:
- 7318 (i) number a referendum packet in a manner not directed by the~~lieutenant governor's~~ office; or
- 7320 (ii) circulate or submit a referendum packet that is not numbered in the manner directed by the~~lieutenant governor's~~ office.
- 7322 ~~{Section 119. Section 20A-7-304.5 is amended to read: }~~
- 7323 **20A-7-304.5. Posting referendum information.**
- 7324 (1) On the day on which the ~~lieutenant governor~~ director complies with Subsection 20A-7-304(3), or provides the sponsors with access to the website defined in Section 20A-21-101, the ~~lieutenant governor~~ director shall post the following information together in a conspicuous place on the ~~lieutenant governor's~~ office's website:
- 7328 (a) the referendum petition;
- 7329 (b) a copy of the law that is the subject of the referendum petition; and
- 7330 (c) information describing how an individual may remove the individual's signature from the referendum petition.
- 7332 (2) The ~~lieutenant governor~~ director shall:

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- 7333 (a) promptly update the information described in Subsection (1) if the information changes; and
- 7335 (b) maintain the information described in Subsection (1) on the [~~lieutenant governor's~~] office's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.
- 7338 ~~{Section 120. Section 20A-7-307 is amended to read: }~~
- 7339 **20A-7-307. Evaluation by the director.**
- 7340 (1) In relation to the manual referendum process, when the [~~lieutenant governor~~] director receives a referendum packet from a county clerk, the [~~lieutenant governor~~] director shall record the number of the referendum packet received.
- 7343 (2) The county clerk shall:
- 7344 (a) in relation to the manual referendum process:
- 7345 (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days; and
- 7349 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures certified as of the date of the update; or
- 7351 (b) in relation to the electronic referendum process:
- 7352 (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-315(4) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days; and
- 7356 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures certified as of the date of the update.
- 7358 (3) The [~~lieutenant governor~~] director:
- 7359 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient 106 days after the end of the legislative session at which the law passed; or
- 7362 (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:
- 7364 (i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted referendum packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-301;
- 7369

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- (ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-301; or
- 7374 (iii) a requirement of this part has not been met.
- 7375 (4)
- (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-301, and the requirements of this part are met, the [~~lieutenant governor~~] director shall mark upon the front of the referendum petition the word "sufficient."
- 7379 (b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-301 or a requirement of this part is not met, the [~~lieutenant governor~~] director shall mark upon the front of the referendum petition the word "insufficient."
- 7383 (c) The [~~lieutenant governor~~] director shall immediately notify any one of the sponsors of the [~~lieutenant governor's~~] director's finding.
- 7385 (d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.
- 7387 (5)
- (a) If the [~~lieutenant governor~~] director refuses to declare a referendum petition sufficient that a voter believes is legally sufficient, the voter may, no later than 10 days after the day on which the [~~lieutenant governor~~] director declares the petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.
- 7392 (b) If the court determines that the referendum petition is legally sufficient, the [~~lieutenant governor~~] director shall mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition should have been declared sufficient by the [~~lieutenant governor's office~~] director.
- 7397 (c) If the court determines that a referendum petition filed is not legally sufficient, the court may enjoin the [~~lieutenant governor~~] director and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.
- 7401 (6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.
- 7403 {~~Section 121. Section 20A-7-308 is amended to read: }~~

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- 7404 **20A-7-308. Short title and summary of referendum -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**
- 7406 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the [~~lieutenant governor~~] director shall deliver a copy of the referendum petition and the law to which the referendum relates to the Office of Legislative Research and General Counsel.
- 7410 (2)
- 7411 (a) The Office of Legislative Research and General Counsel shall:
- 7413 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number ___" and assign a number to the referendum in accordance with Section 20A-6-107;
- 7414 (ii) prepare for each referendum:
- 7414 (A) an impartial short title, not exceeding 25 words, that generally describes the law to which the referendum relates; and
- 7416 (B) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words; and
- 7418 (iii) submit the short title and summary to the [~~lieutenant governor~~] director within 15 days after the day on which the Office of Legislative Research and General Counsel receives the petition under Subsection (1).
- 7421 (b) The short title and summary may be distinct from the title of the law that is the subject of the referendum.
- 7423 (c) Subject to Subsection (4), for each statewide referendum, the official ballot shall show, in the following order:
- 7425 (i) the number of the referendum, determined in accordance with Section 20A-6-107;
- 7426 (ii) the short title; and
- 7427 (iii) except as provided in Subsection (2)(d):
- 7428 (A) the summary;
- 7429 (B) a copy of the law; and
- 7430 (C) a link to a location on the [~~lieutenant governor's~~] office'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.
- 7434

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- (d) 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 referendum on the ballot and a link to a location on the [~~lieutenant governor's~~] office's website where a voter may review the additional information described in Subsection (2)(c)(iii)(C).
- 7439 (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."
- 7446 (3) Immediately after the Office of Legislative Research and General Counsel submits the short title and summary to the [~~lieutenant governor~~] director, the [~~lieutenant governor~~] director shall mail or email a copy of the short title and summary to any of the sponsors of the referendum petition.
- 7450 (4)
- (a)
- (i) At least three of the sponsors of the referendum petition may, within 15 days after the day on which the [~~lieutenant governor~~] director sends 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.
- 7454 (ii) After receipt of the appeal, the court shall direct the [~~lieutenant governor~~] director to send notice of the appeal to:
- 7456 (A) any person or group that has filed an argument for or against the law to which the referendum relates; and
- 7458 (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the [~~lieutenant governor~~] director 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.
- 7462 (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.

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- 7465 (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.
- 7468 (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 law to which the referendum relates.
- 7471 (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.
- 7474 (c) The court shall:
- 7475 (i) examine the short title and summary;
- 7476 (ii) hear arguments; and
- 7477 (iii) enter an order consistent with the requirements of this section.
- 7478 (d) The [~~lieutenant governor~~] director 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.

7481 ~~{Section 122. Section 20A-7-309 is amended to read: }~~

7482 **20A-7-309. Form of ballot -- Manner of voting.**

- 7483 (1) A county clerk shall ensure that the number and ballot title certified by the [~~lieutenant governor~~] director are presented upon the official ballot with, immediately adjacent to the number and ballot title, the words "For" and "Against," each word presented with an adjacent square in which a voter may indicate the voter's vote.
- 7487 (2)
- (a)
- (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."
- 7489 (ii) The law that is the subject of the referendum takes effect if a majority of voters mark "For."
- 7491 (b)
- (i) A voter desiring to vote against the law that is the subject of the referendum shall mark the square adjacent to the word "Against."
- 7493 (ii) The law that is the subject of the referendum does not take effect if a majority of voters mark "Against."

7495 ~~{Section 123. Section 20A-7-310 is amended to read: }~~

7496 **20A-7-310. Return and canvass -- Conflicting measures.**

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- 7497 (1) The votes on the law that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- 7500 (2) After the state board of canvassers completes its canvass, the [~~lieutenant governor~~] director shall certify to the governor the vote for and against the law that is the subject of the referendum petition.
- 7503 (3)
- 7504 (a) The governor shall immediately issue a proclamation that:
- 7506 (i) gives the total number of votes cast in the state for and against each law that is the subject of a referendum petition; and
- 7506 (ii) declares those laws that are the subject of a referendum petition that are approved by majority vote to be in full force and effect as the law of Utah on the effective date described in Section 20A-7-311.
- 7509 (b) When the governor determines that two laws, or that parts of two laws approved by the people at the same election are entirely in conflict, the governor shall proclaim to be law the law that received the greatest number of affirmative votes, regardless of the difference in the majorities which those approved laws received.
- 7513 (4)
- 7513 (a) Within 10 days after the day on which the governor issues the proclamation described in Subsection (3), any qualified voter who signed the referendum petition for the law that is declared by the governor to be superseded by another law approved at the same election may apply to the appropriate court to review the governor's decision.
- 7518 (b) The court shall:
- 7519 (i) consider the matter and decide whether the approved laws are in conflict; and
- 7520 (ii) enter an order consistent with the court's decision.
- 7521 (5) Within 10 days after the day on which the court enters an order described in Subsection (4)(b)(ii), the governor shall:
- 7523 (a) proclaim as law all those laws approved by the people that the court determines are not in conflict; and
- 7525 (b) of all those laws approved by the people as law that the court determines to be in conflict, proclaim as law the one that receives the greatest number of affirmative votes, regardless of difference in majorities.
- 7528 {~~Section 124. Section 20A-7-311 is amended to read: }~~

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- 7529 **20A-7-311. Temporary stay -- Effective date -- Effect of repeal by Legislature.**
- 7530 (1) If, at the time during the counting period described in Section 20A-7-307, the [lieutenant
governor] director determines that, at that point in time, an adequate number of signatures are
certified to comply with the signature requirements, the [lieutenant-governor] director shall:
- 7534 (a) issue an order temporarily staying the law from going into effect; and
- 7535 (b) continue the process of certifying signatures and removing signatures as required by this part.
- 7537 (2) The temporary stay described in Subsection (1) remains in effect, regardless of whether a future
count falls below the signature threshold, until the day on which:
- 7539 (a) if the [lieutenant-governor] director declares the referendum petition insufficient, five days after the
day on which the [lieutenant-governor] director declares the referendum petition insufficient; or
- 7542 (b) if the [lieutenant-governor] director declares the referendum petition sufficient, the day on which
governor issues the proclamation described in Section 20A-7-310.
- 7544 (3) A law submitted to the people by referendum that is approved by the voters at an election takes
effect the later of:
- 7546 (a) five days after the date of the official proclamation of the vote by the governor; or
- 7547 (b) the effective date specified in the approved law.
- 7548 (4) If, after the [lieutenant-governor] director issues a temporary stay order under Subsection (1)(a),
the [lieutenant-governor] director declares the referendum petition insufficient, the law that is the
subject of the referendum petition takes effect the later of:
- 7551 (a) five days after the day on which the [lieutenant-governor] director declares the referendum petition
insufficient; or
- 7553 (b) the effective date specified in the law that is the subject of the referendum petition.
- 7554 (5)
- 7555 (a) The governor may not veto a law approved by the people.
- 7555 (b) The Legislature may amend any laws approved by the people at any legislative session after the
people approve the law.
- 7557 (6) If the Legislature repeals a law challenged by referendum petition under this part, the referendum
petition is void and no further action on the referendum petition is required.
- 7559 ~~{Section 125. Section 20A-7-313 is amended to read: }~~
- 7560 **20A-7-313. Electronic referendum process -- Form of referendum petition -- Circulation
requirements -- Signature collection.**

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- 7562 (1) This section applies only to the electronic referendum process.
- 7563 (2)
- 7564 (a) The first screen presented on the approved device shall include the following statement:
"This REFERENDUM PETITION is addressed to the [Honorable _____, Lieutenant Governor] director of the Elections Office:
- 7566 The citizens of Utah who sign this petition respectfully order that Senate (or House) Bill No. _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the Legislature of the state of Utah during the _____ Session, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election."
- 7571 (b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."
- 7574 (3)
- 7576 (a) The second screen presented on the approved device shall include the entire text of the law that is the subject of the referendum petition.
- 7576 (b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the entire text of the law that is the subject of the referendum petition."
- 7580 (4)
- 7583 (a) The third screen presented on the approved device shall include a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures.
- 7583 (b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."
- 7586 (5) The fourth screen presented on the approved device shall include the following statement, followed by links where the individual may click "yes" or "no":
- 7588 "I have personally read the entirety of each statement presented on this device;
- 7589 I am personally signing this referendum petition;
- 7590 I am registered to vote in Utah; and
- 7591

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All information I enter on this device, including my residence and post office address, is accurate.

7593 It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

7597 WARNING

7598 Even if your voter registration record is classified as private, your name, voter identification number, and date of signature in relation to signing this referendum petition will be made public.

7601 Do you wish to continue and sign this referendum petition?"

7602 (6)

(a) If the individual clicks "no" in response to the question described in Subsection (5), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."

7605 (b) If the individual clicks "yes" in response to the question described in Subsection (5), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the referendum petition through the signature process described in Section 20A-21-201.

7609 ~~{Section 126. Section 20A-7-314 is amended to read: }~~

7610 **20A-7-314. Electronic referendum process -- Obtaining signatures -- Request to remove signature.**

7612 (1) This section applies to the electronic referendum process.

7613 (2) A Utah voter may sign a referendum petition if the voter is a legal voter.

7614 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

7616 (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

7618 (b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.

7620 (4) A voter who signs a referendum petition may have the voter's signature removed from the referendum petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

7624 (a) 30 days after the day on which the voter signs the statement requesting removal; or

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- 7625 (b) 45 days after the day on which the [~~lieutenant governor~~] director posts the voter's name under Subsection 20A-7-315(4).
- 7627 (5)
- (a) A voter may not submit a signature removal statement described in Subsection (4) by email or other electronic means, unless the [~~lieutenant governor~~] director establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.
- 7631 (b) A person may only remove an electronic signature from a referendum petition in accordance with this section.
- 7633 (c) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from a referendum petition, in accordance with Subsection 20A-1-1003(3).
- 7636 ~~{Section 127. Section 20A-7-315 is amended to read: }~~
- 7637 **20A-7-315. Electronic referendum process -- Collecting signatures -- Removal of signatures.**
- 7639 (1) This section applies only to the electronic referendum process.
- 7640 (2) A signature-gatherer may not collect a signature after 5 p.m., 40 days after the day on which the legislative session at which the law passed ends.
- 7642 (3) The [~~lieutenant governor~~] director shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:
- 7645 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and
- 7647 (b) the body of the email shall include the following statement in 12-point type:
- 7648 "You signed a petition for the following referendum:
- 7649 [insert title of referendum]
- 7650 To access a copy of the referendum petition, the law that is the subject of the referendum petition, and information on the deadline for removing your signature from the referendum petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the [~~lieutenant governor's~~] office's website that includes the information referred to in the email]."
- 7655 (4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs a referendum petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on

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the [lieutenant governor's] office's website, in a conspicuous location designated by the [lieutenant governor] director.

- 7660 (5)
- (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-314(4), the county clerk shall:
- 7662 (i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and
- 7664 (ii) remove the voter's signature from the referendum petition and the signature totals.
- 7665 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
- 7666 (i) the deadline described in Subsection (4); or
- 7667 (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-314(4).

7669 ~~{Section 128. Section 20A-7-406 is amended to read: }~~

7670 **20A-7-406. Informational materials.**

The [lieutenant governor] director shall create and publish to the [lieutenant governor's] office's website instructions on how a person may:

- 7673 (1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures; or
- 7674 (2) qualify a local referendum for the ballot under Part 6, Local Referenda - Procedures.

7675 ~~{Section 129. Section 20A-7-507 is amended to read: }~~

7676 **20A-7-507. Evaluation by the local clerk.**

- 7677 (1) In relation to the manual initiative process, when a local clerk receives an initiative packet from a county clerk, the local clerk shall record the number of the initiative packet received.
- 7680 (2) The county clerk shall:
- 7681 (a) in relation to the manual initiative process:
- 7682 (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the [lieutenant governor's] office's website, in a conspicuous location designated by the [lieutenant governor] director, for at least 90 days; and
- 7686 (ii) update on the local government's website the number of signatures certified as of the date of the update; or
- 7688 (b) in relation to the electronic initiative process:
- 7689

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- (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-516(4) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director, for at least 90 days; and
- 7693 (ii) update on the local government's website the number of signatures certified as of the date of the update.
- 7695 (3) The local clerk:
- 7696 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be sufficient or insufficient:
- 7698 (i) in relation to the manual initiative process, no later than 21 days after the day of the applicable deadline described in Subsection 20A-7-105(5)(a)(iii); or
- 7700 (ii) in relation to the electronic initiative process, no later than 21 days after the day of the applicable deadline described in Subsection 20A-7-516(2); or
- 7702 (b) may declare the initiative petition to be insufficient before the day described in Subsection (3)(a) if:
- 7704 (i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully submitted initiative packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted initiative packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501;
- 7709 (ii) in relation to the electronic initiative process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501; or
- 7714 (iii) a requirement of this part has not been met.
- 7715 (4)
- (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required by Section 20A-7-501 and the requirements of this part are met, the local clerk shall mark upon the front of the initiative petition the word "sufficient."
- 7719 (b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the initiative petition the word "insufficient."
- 7723 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
- 7725

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(d) After an initiative petition is declared insufficient, a person may not submit additional signatures to qualify the initiative for the ballot.

7727 (5) If the local clerk finds the total number of certified signatures for the initiative petition to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures collected for the initiative petition in the presence of any sponsor.

7731 (6) An initiative petition determined to be sufficient in accordance with this section is qualified for the ballot.

7733 ~~{Section 130. Section 20A-7-515 is amended to read: }~~

7734 **20A-7-515. Electronic initiative process -- Obtaining signatures -- Request to remove signature.**

7736 (1) This section applies to the electronic initiative process.

7737 (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

7739 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

7741 (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

7743 (b) is informed that each signer is required to read and understand the law proposed by the initiative.

7745 (4)

(a) A voter who signs an initiative petition may have the voter's signature removed from the initiative petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

7749 (i) 30 days after the day on which the voter signs the signature removal statement;

7750 (ii) 90 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-516(4);

7752 (iii) 316 days after the day on which the initiative application is filed; or

7753 (iv)

(A) for a county initiative, April 15 immediately before the next regular general election immediately after the initiative application is filed under Section 20A-7-502; or

7756 (B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the initiative application is filed under Section 20A-7-502.

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(b) A voter may not submit a signature removal statement described in Subsection (4)(a) by email or other electronic means, unless the [~~lieutenant governor~~] director establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

7763 (c) A person may only remove an electronic signature from an initiative petition in accordance with this section.

7765 (d) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from an initiative petition, in accordance with Subsection 20A-1-1003(3).

7768 {~~Section 131. Section 20A-7-516 is amended to read:~~ }

7769 **20A-7-516. Electronic initiative process -- Collecting signatures -- Email notification --
Removal of signatures.**

7771 (1) This section applies only to the electronic initiative process.

7772 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

7773 (a) 316 days after the day on which the initiative application is filed; or

7774 (b)

(i) for a county initiative, April 15 immediately before the next regular general election immediately after the initiative application is filed under Section 20A-7-502; or

7777 (ii) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the initiative application is filed under Section 20A-7-502.

7780 (3) The local clerk shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:

7782 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

7784 (b) the body of the email shall include the following statement in 12-point type:

7785 "You signed a petition for the following initiative:

7786 [insert title of initiative]

7787 To access a copy of the initiative petition, the text of the law proposed by the initiative, the initial fiscal impact and legal statement, and information on the deadline for removing your signature from the initiative petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the [~~lieutenant governor's~~] office's website that includes the information referred to in the email]."

7792

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(4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs an initiative petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director.

7797 (5)

(a) If the local clerk timely receives a statement requesting signature removal under Subsection 20A-7-515(4), the local clerk shall:

7799 (i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and

7801 (ii) remove the voter's signature from the initiative petition and the initiative petition signature totals.

7803 (b) The local clerk shall comply with Subsection (5)(a) before the later of:

7804 (i) the deadline described in Subsection (4); or

7805 (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-515(4).

7807 ~~{Section 132. Section 20A-7-607 is amended to read: }~~

7808 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.**

7810 (1) In relation to the manual referendum process, when the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.

7813 (2) The county clerk shall:

7814 (a) in relation to the manual referendum process:

7815 (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days; and

7819 (ii) update on the local clerk's website the number of signatures certified as of the date of the update; or

7821 (b) in relation to the electronic referendum process:

7822 (i) post the names, voter identification numbers, and dates of signatures described in Subsection [~~20A-7-616(3)]~~ 20A-7-616(4) on the [~~lieutenant governor's~~] office's website, in a conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days; and

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- 7826 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures certified as of the date of the update.
- 7828 (3) The local clerk:
- 7829 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient:
- 7831 (i) in relation to the manual referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to the county clerk; or
- 7834 (ii) in relation to the electronic referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or
- 7837 (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:
- 7839 (i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted referendum packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;
- 7844 (ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or
- 7849 (iii) a requirement of this part has not been met.
- 7850 (4)
- (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."
- 7854 (b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the referendum petition the word "insufficient."
- 7858 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
- 7860 (d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.
- 7862 (5)

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- 7866 (a) If the local clerk refuses to declare a referendum petition sufficient, any voter may, no later than 10 days after the day on which the local clerk declares the referendum petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.
- 7870 (b) If the court determines that the referendum petition is legally sufficient, the local clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition should have been declared sufficient by the local clerk's office.
- 7872 (c) If the court determines that a referendum petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:
- 7874 (i) certifying or printing the ballot title and numbers of that referendum on the official ballot for the next election; or
- 7877 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.
- 7879 (6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.
- 7883 (7)
- 7887 (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.
- 7888 (b) The election officer may place a referendum described in Subsection (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on that ballot:
- 7889 (i) the local clerk;
- 7890 (ii) the county clerk; and
- 7894 (iii) the attorney for the county or municipality that took the legislative action.
- 7895 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election ballot for:
- 7895 (i) the next general election; or
- 7895 (ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:

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- 7897 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
7899 (B) the local clerk;
7900 (C) the county clerk; and
7901 (D) the attorney for the county or municipality that took the legislative action.

7902 ~~{Section 133. Section 20A-7-615 is amended to read: }~~

7903 **20A-7-615. Electronic referendum process -- Obtaining signatures -- Request to remove signature.**

- 7905 (1) This section applies to the electronic referendum process described in Section 20A-21-201.
7907 (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.
7909 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:
7911 (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and
7913 (b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.
7915 (4)
(a) A voter who signs a referendum petition may have the voter's signature removed from the referendum petition by, in accordance with Section 20A-1-1003, submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
7919 (i) 30 days after the day on which the voter signs the statement requesting removal; or
7920 (ii) 45 days after the day on which the local clerk posts the voter's name under Subsection ~~[20A-7-616(3)]~~ 20A-7-616(4).
7922 (b) A voter may not submit a signature removal statement described in Subsection (4)(a) by email or other electronic means, unless the ~~[lieutenant governor]~~ director establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.
7926 (c) A person may only remove an electronic signature from a referendum petition in accordance with this section.
7928 (d) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from a referendum petition, in accordance with Subsection 20A-1-1003(3).

7931 ~~{Section 134. Section 20A-7-616 is amended to read: }~~

7932 **20A-7-616. Electronic referendum process -- Collecting signatures -- Removal of signatures.**

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- 7934 (1) This section applies only to the electronic referendum process.
- 7935 (2) A signature-gatherer may not collect a signature after 5 p.m. 45 days after the day on which the first three sponsors receive notice, under Section 20A-7-602.7 or 20A-7-602.8, that the referendum is legally referable to voters.
- 7938 (3) The local clerk shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:
- 7940 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and
- 7942 (b) the body of the email shall include the following statement in 12-point type:
- 7943 "You signed a petition for the following referendum:
- 7944 [insert title of referendum]
- 7945 To access a copy of the referendum petition, the law that is the subject of the referendum petition, and information on the deadline for removing your signature from the referendum petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the [lieutenant governor's] office's website that includes the information referred to in the email]."
- 7950 (4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs a referendum petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the [lieutenant governor's] office's website, in a conspicuous location designated by the [lieutenant governor] director, for at least 45 days.
- 7955 (5)
- 7957 (a) If the local clerk timely receives a statement requesting signature removal under Subsection 20A-7-615(4), the local clerk shall:
- 7959 (i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and
- 7960 (ii) remove the voter's signature from the referendum petition and the signature totals.
- 7960 (b) The local clerk shall comply with Subsection (5)(a) before the later of:
- 7961 (i) the deadline described in Subsection (4); or
- 7962 (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-615(4).

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7964 ~~{Section 135. Section 20A-7-701 is amended to read: }~~

7965 **20A-7-701. Voter information pamphlet to be prepared.**

- 7966 (1) The ~~[lieutenant governor]~~ director shall cause to be prepared a voter information pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters by the Legislature or by a statewide initiative or referendum petition.
- 7970 (2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process.
- 7972 (3) Voter information pamphlets prepared in association with a local initiative or a local referendum shall be prepared in accordance with the procedures and requirements of Section 20A-7-402.

7975 ~~{Section 136. Section 20A-7-702 is amended to read: }~~

7976 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

The voter information pamphlet shall contain the following items in this order:

- 7978 (1) a cover title page;
- 7979 (2) an introduction to the pamphlet by the ~~[lieutenant governor]~~ director;
- 7980 (3) a table of contents;
- 7981 (4) a list of all candidates for constitutional offices;
- 7982 (5) a list of candidates for each legislative district;
- 7983 (6) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the ~~[lieutenant governor's]~~ office before 5 p.m. on the first business day in August before the date of the election;
- 7987 (7) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:
- 7989 (a) a copy of the number and ballot title of the measure;
- 7990 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;
- 7992 (c)
- (i) for a measure other than a measure described in Section 20A-7-103, the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel; or

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- (ii) for a measure described in Section 20A-7-103, the analysis of the measure prepared by the presiding officers;
- 7997 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;
- 8001 (e) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;
- 8004 (f) for each initiative qualified for the ballot:
- 8005 (i) a copy of the initiative as certified by the [~~lieutenant governor~~] director and a copy of the initial fiscal impact statement prepared according to Section 20A-7-202.5; and
- 8008 (ii) if the initiative proposes a tax increase, the following statement in bold type:
- 8009 **"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.";** and
- 8012 (g) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;
- 8015 (8) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:
- 8017 (a) a description of the judicial selection process;
- 8018 (b) a description of the judicial performance evaluation process;
- 8019 (c) a description of the judicial retention election process;
- 8020 (d) a list of the criteria of the judicial performance evaluation and the certification standards;
- 8022 (e) the names of the judges standing for retention election; and
- 8023 (f) for each judge:
- 8024 (i) a list of the counties in which the judge is subject to retention election;
- 8025 (ii) a short biography of professional qualifications and a recent photograph;
- 8026 (iii) a narrative concerning the judge's performance;
- 8027 (iv) for each certification standard under Section 78A-12-205, a statement identifying whether, under Section 78A-12-205, the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

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- 8030 (v) a statement that the Judicial Performance Evaluation Commission:
- 8031 (A) has determined that the judge meets or exceeds minimum performance standards;
- 8033 (B) has determined that the judge does not meet or exceed minimum performance standards; or
- 8035 (C) has not made a determination regarding whether the judge meets or exceeds minimum performance standards;
- 8037 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge whom the Judicial Performance Evaluation Commission determines does not meet or exceed minimum performance standards;
- 8040 (vii) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and
- 8043 (viii) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;
- 8045 (9) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;
- 8052 (10) an explanation of ballot marking procedures prepared by the [~~lieutenant governor~~] director, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;
- 8055 (11) voter registration information, including information on how to obtain a ballot;
- 8056 (12) a list of all county clerks' offices and phone numbers;
- 8057 (13) the address of the Statewide Electronic Voter Information 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;
- 8060 (14) a phone number that a voter may call to obtain information regarding the location of a polling place; and
- 8062 (15) on the back cover page, a printed copy of the following statement signed by the [~~lieutenant governor~~] director:

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8064 "I, _____ (print name), [~~Lieutenant Governor of Utah~~] director of the Elections
8065 Office, certify that the measures contained in this pamphlet will be submitted to the voters of Utah
at the election to be held throughout the state on ____ (date of election), and that this pamphlet is
complete and correct according to law.

8068 SEAL

8069 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____
(month), ____ (year)

8071 (signed) _____

8072 [~~Lieutenant Governor~~] Elections Office Director".

8073 ~~{Section 137. Section 20A-7-702.5 is amended to read: }~~

8074 **20A-7-702.5. Publication of voter information pamphlet.**

8075 (1) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the
[~~lieutenant governor~~] director shall make all information provided in the voter information pamphlet
available on the Statewide Electronic Voter Information Website Program described in Section
20A-7-801.

8079 (2) The [~~lieutenant governor~~] director may distribute a voter information pamphlet at a location
frequented by a person who cannot easily access the Statewide Electronic Voter Information
Website authorized by Section 20A-7-801.

8082 ~~{Section 138. Section 20A-7-703 is amended to read: }~~

8083 **20A-7-703. Analysis of initiative or referendum -- Determination of fiscal effects.**

8084 (1) The director of the Office of Legislative Research and General Counsel, after the approval of the
legislative general counsel as to legal sufficiency, shall:

8086 (a) prepare an impartial analysis of each measure submitted to the voters by initiative or referendum
petition; and

8088 (b) submit the impartial analysis to the [~~lieutenant governor~~] director no later than the day that falls 90
days before the date of the election in which the measure will appear on the ballot.

8091 (2) The director shall ensure that the impartial analysis:

8092 (a) is not more than 1,000 words long;

8093 (b) is prepared in clear and concise language that will easily be understood by the average voter;

8095 (c) avoids the use of technical terms as much as possible;

8096 (d) shows the effect of the measure on existing law;

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- 8097 (e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;
- 8099 (f) fairly describes the operation of the measure;
- 8100 (g) identifies the measure's fiscal effects over the time period or time periods determined by the director
to be most useful in understanding the estimated fiscal impact of the proposed law; and
- 8103 (h) identifies the amount of any increase or decrease in revenue or cost to state or local government.
- 8105 (3)
- (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.
- 8107 (b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.
- 8110 (4) If the director requests the assistance of any state department, agency, or official in preparing the director's analysis, that department, agency, or official shall assist the director.
- 8113 ~~{Section 139. Section 20A-7-703.1 is amended to read: }~~
- 8114 **20A-7-703.1. Analysis of measure submitted to voters by Legislature -- Determination of fiscal effects.**
- 8116 (1) The presiding officers shall:
- 8117 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is submitted to the voters by the Legislature; and
- 8119 (b) submit the analysis to the [~~lieutenant governor~~] director no later than the day that falls 90 days before the date of the election in which the measure will appear on the ballot.
- 8121 (2) The presiding officers shall ensure that the analysis:
- 8122 (a) is not more than 1,000 words long;
- 8123 (b) is prepared in clear and concise language that will easily be understood by the average voter;
- 8125 (c) to the extent possible, avoids the use of technical terms;
- 8126 (d) shows the effect of the measure on existing law;
- 8127 (e) describes the measure;
- 8128 (f) identifies the measure's fiscal effects over the time period or time periods determined by the presiding officers to be most useful in understanding the estimated fiscal impact of the measure; and
- 8131 (g) identifies the amount of any increase or decrease in revenue or cost to state or local government.
- 8133

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(3) The presiding officers shall analyze the measure as the measure is proposed to be adopted, without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.

8137 (4)

(a) In determining the fiscal effects of a measure, the presiding officers shall confer with the legislative fiscal analyst.

8139 (b) The presiding officers shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.

8143 (5) If the presiding officers request the assistance of any state department, agency, or official in preparing the analysis described in this section, that department, agency, or official shall assist the presiding officers.

8146 ~~{Section 140. Section 20A-7-704 is amended to read: }~~

8147 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests for argument -- Ballot arguments.**

8149 (1)

(a) Before 5 p.m. no later than July 1 of the regular general election year, a sponsor of any initiative petition that has been declared sufficient by the [~~lieutenant governor~~] director may deliver to the [~~lieutenant governor~~] director a written notice that the sponsor intends to submit a written argument for adoption of the measure.

8153 (b) If two or more sponsors timely submit a notice described in Subsection (1)(a), the [~~lieutenant governor~~] director shall designate one of the sponsors to submit the argument for the sponsor's side of the measure.

8156 (2)

(a) Before 5 p.m. no later than July 1 of the regular general election year, a member of the Legislature may deliver to the speaker of the House and the president of the Senate a written notice that the legislator intends to submit a written argument against adoption of an initiative petition that has been declared sufficient by the [~~lieutenant governor~~] director.

8161 (b) If two or more legislators timely submit a notice described in Subsection (2)(a), the speaker of the House and the president of the Senate shall, no later than July 5, jointly designate one of the legislators to submit the argument to the [~~lieutenant governor~~] director.

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- 8165 (3) The sponsors and the legislators submitting arguments shall ensure that each argument:
8166 (a) does not exceed 500 words in length, not counting the information described in Subsection (5); and
8168 (b) is delivered to the [~~lieutenant governor~~] director before 5 p.m. no later than July 10.
8169 (4)
(a) If an argument for or against a measure to be submitted to the voters by initiative petition has not
been filed within the time required under Subsection (3)(b):
8171 (i) the [~~Office of the Lieutenant Governor~~] office shall immediately:
8172 (A) send an electronic notice that complies with the requirements of Subsection (4)(b) to each
individual in the state for whom the [~~Office of the Lieutenant Governor~~] office has an email address;
or
8175 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home page of the
[~~lieutenant governor's~~] office's website;
8177 (ii) any voter may, before 5 p.m. no later than July 15, deliver written notice to the [~~lieutenant~~
~~governor~~] director that the voter intends to submit a written argument for the side on which no
argument has been filed; and
8180 (iii) if two or more voters timely submit the notice described in Subsection (4)(a)(ii) in relation to
the same side of a measure, the [~~lieutenant governor~~] director shall designate one of the voters
to write the argument.
8183 (b) A notice described in Subsection (4)(a)(i) shall contain:
8184 (i) the ballot title for the measure;
8185 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
8186 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(c).
8187 (c) Any argument prepared under this Subsection (4) shall be submitted to the [~~lieutenant~~
~~governor~~] director before 5 p.m. no later than July 20.
8189 (5) The [~~lieutenant governor~~] director may not accept a ballot argument submitted under this section
unless the argument lists:
8191 (a) the name and address of the individual submitting the argument, if the argument is submitted by an
individual voter; or
8193 (b) the name and address of the organization and the names and addresses of at least two of the
organization's principal officers, if the argument is submitted on behalf of an organization.
8196 (6)

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(a) Except as provided in Subsection (6)(c) or (d), the authors may not amend or change the arguments after they are submitted to the ~~[lieutenant governor]~~ director.

8198 (b) Except as provided in Subsection (6)(c) or (d), the ~~[lieutenant governor]~~ director may not alter the arguments in any way.

8200 (c) The ~~[lieutenant governor]~~ director and the authors of an argument described in this section may jointly modify the argument after the argument is submitted if:

8202 (i) the ~~[lieutenant governor]~~ director and the authors jointly agree that changes to:

8203 (A) the argument must be made to correct spelling or grammatical errors; or

8204 (B) properly characterize the position of a state entity, if the argument mischaracterizes the position of a state entity; and

8206 (ii) the argument has not yet been submitted for typesetting.

8207 (d) If, after the ~~[lieutenant governor]~~ director determines that an argument described in this section mischaracterizes the position of a state entity, the ~~[lieutenant governor]~~ director and the authors of the argument cannot jointly agree on a change to the argument, the ~~[lieutenant governor]~~ director:

8211 (i) shall publish the argument with the mischaracterization; and

8212 (ii) may, immediately following the argument, publish a brief description of the position of the state entity.

8214 ~~{Section 141. Section 20A-7-705 is amended to read: }~~

8215 **20A-7-705. Measures to be submitted to voters and referendum measures -- Preparation of argument of adoption.**

8217 (1)

(a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.

8222 (b)

(i) The argument may not exceed 500 words in length, not counting the information described in Subsection (4)(e).

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- 8228 (ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words, not counting the information described in Subsection (4)(e).
- 8228 (2)
- (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.
- 8233 (b)
- (i) The argument may not exceed 500 words, not counting the information described in Subsection (4)(e).
- 8235 (ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words, not counting the information described in Subsection (4)(e).
- 8240 (3)
- (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit the arguments to the [~~lieutenant governor~~] director not later than the day that falls 150 days before the date of the election.
- 8244 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the arguments after they are submitted to the [~~lieutenant governor~~] director.
- 8246 (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] director may not alter the arguments in any way.
- 8248 (d) The [~~lieutenant governor~~] director and the authors of an argument may jointly modify an argument after it is submitted if:
- 8250 (i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and
- 8252 (ii) the argument has not yet been submitted for typesetting.
- 8253 (4)

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- (a) If an argument for or an argument against a measure submitted to the voters by the Legislature or by referendum petition has not been filed by a member of the Legislature within the time required by this section:
- 8256 (i) the [~~lieutenant governor~~] director shall immediately:
- 8257 (A) send an electronic notice that complies with the requirements of Subsection (4)(b) to each individual in the state for whom the [~~Office of the Lieutenant Governor~~] office has an email address; or
- 8260 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home page of the [~~lieutenant governor's~~] office's website; and
- 8262 (ii) any voter may, before 5 p.m. no later than seven days after the day on which the [~~lieutenant governor~~] director provides the notice described in Subsection (4)(a)(i), submit a written request to the presiding officer of the house in which the measure originated for permission to prepare and file an argument for the side on which no argument has been filed by a member of the Legislature.
- 8267 (b) A notice described in Subsection (4)(a)(i) shall contain:
- 8268 (i) the ballot title for the measure;
- 8269 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
- 8270 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
- 8271 (c)
- (i) The presiding officer of the house of origin shall grant permission unless two or more voters timely request permission to submit arguments on the same side of a measure.
- 8274 (ii) If two or more voters timely request permission to submit arguments on the same side of a measure, the presiding officer shall, no later than four calendar days after the day of the deadline described in Subsection (4)(a)(ii), designate one of the voters to write the argument.
- 8278 (d) Any argument prepared under this Subsection (4) shall be submitted to the [~~lieutenant governor~~] director before 5 p.m. no later than seven days after the day on which the presiding officer grants permission to submit the argument.
- 8281 (e) The [~~lieutenant governor~~] director may not accept a ballot argument submitted under this section unless the ballot argument lists:
- 8283 (i) the name and address of the individual submitting the argument, if the argument is submitted by an individual voter; or

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- 8285 (ii) the name and address of the organization and the names and addresses of at least two of the organization's principal officers, if the argument is submitted on behalf of an organization.
- 8288 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the arguments after they are submitted to the ~~[lieutenant-governor]~~ director.
- 8290 (g) Except as provided in Subsection (4)(h), the ~~[lieutenant-governor]~~ director may not alter the arguments in any way.
- 8292 (h) The ~~[lieutenant-governor]~~ director and the authors of an argument may jointly modify an argument after it is submitted if:
- 8294 (i) they jointly agree that changes to the argument must be made to:
- 8295 (A) correct spelling or grammatical errors; or
- 8296 (B) properly characterize the position of a state entity, if the argument mischaracterizes the position of a state entity; and
- 8298 (ii) the argument has not yet been submitted for typesetting.
- 8299 (i) If, after the ~~[lieutenant-governor]~~ director determines that an argument described in this section mischaracterizes the position of a state entity, the ~~[lieutenant-governor]~~ director and the authors of the argument cannot jointly agree on a change to the argument, the ~~[lieutenant-governor]~~ director:
- 8303 (i) shall publish the argument with the mischaracterization; and
- 8304 (ii) may, immediately following the argument, publish a brief description of the position of the state entity.
- 8306 ~~{Section 142. Section 20A-7-706 is amended to read: }~~
- 8307 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal arguments.**
- 8309 (1) When the ~~[lieutenant-governor]~~ director has received the arguments for and against a measure to be submitted to the voters, the ~~[lieutenant-governor]~~ director shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.
- 8314 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words, not counting the information described in Subsection 20A-7-705(4)(e).
- 8316 (3)
- (a) The rebuttal arguments shall be filed with the ~~[lieutenant-governor]~~ director:
- 8317 (i) for constitutional amendments and referendum petitions, before 5 p.m. no later than 120 days before the date of the election; and

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- 8319 (ii) for initiatives, before 5 p.m. no later than July 30.
- 8320 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the rebuttal arguments after they are submitted to the [~~lieutenant governor~~] director.
- 8322 (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] director may not alter the arguments in any way.
- 8324 (d) The [~~lieutenant governor~~] director and the authors of a rebuttal argument may jointly modify a rebuttal argument after it is submitted if:
- 8326 (i) they jointly agree that changes to the rebuttal argument must be made to correct spelling or grammatical errors; and
- 8328 (ii) the rebuttal argument has not yet been submitted for typesetting.
- 8329 (4) The [~~lieutenant governor~~] director shall ensure that:
- 8330 (a) rebuttal arguments are printed in the same manner as the direct arguments; and
- 8331 (b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

8333 ~~{Section 143. Section 20A-7-801 is amended to read: }~~

8334 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the director -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.**

- 8337 (1) There is established the Statewide Electronic Voter Information Website Program administered by the [~~lieutenant governor~~] director in cooperation with the county clerks for general elections and municipal authorities for municipal elections.
- 8340 (2) In accordance with this section, and as resources become available, the [~~lieutenant governor~~] director, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:
- 8344 (a) the offices and candidates up for election;
- 8345 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters; and
- 8347 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5, accessible only by the voter.
- 8349 (3) Except as provided under Subsection (6), the website shall include:
- 8350

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- 8354 (a) all information currently provided in the Utah voter information pamphlet under Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Performance Evaluation Commission describing the judicial selection and retention process;
- 8356 (b) on the homepage of the website, a link to the Judicial Performance Evaluation Commission's website, judges.utah.gov;
- 8360 (c) a link to the retention recommendation made by the Judicial Performance Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance Evaluation, for each judicial appointee to a court that is subject to a retention election, in accordance with Section 20A-12-201, for the upcoming general election;
- 8362 (d) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;
- 8365 (e) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3a-703 and the location of the election day voting center;
- 8368 (f) other information determined appropriate by the [~~lieutenant governor~~] director that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions;
- 8370 (g) any differences in voting method, time, or location designated by the [~~lieutenant governor~~] director under Subsection 20A-1-308(2); and
- 8372 (h) an online ballot tracking system by which a voter can view the status of the voter's trackable ballot, in accordance with Section 20A-3a-401.5, including:
- 8373 (i) when a ballot has been mailed to the voter;
- 8374 (ii) when an election official has received the voter's ballot; and
- 8375 (iii) when the voter's ballot has been counted.
- (4)
- (a) An election official shall submit the following information for each ballot under the election official's direct responsibility under this title:
- 8377 (i) a list of all candidates for each office;
- 8378 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later than 45 days before the primary election or before 5 p.m. no later than 60 days before the general election:
- 8381 (A) a statement of qualifications, not exceeding 200 words in length, for each candidate;
- 8383 (B) the following current biographical information if desired by the candidate, current:
- 8385 (I) age;

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- 8386 (II) occupation;
- 8387 (III) city of residence;
- 8388 (IV) years of residence in current city; and
- 8389 (V) email address; and
- 8390 (C) a single web address where voters may access more information about the candidate and the candidate's views; and
- 8392 (iii) factual information pertaining to all ballot propositions submitted to the voters, including:
- 8394 (A) a copy of the number and ballot title of each ballot proposition;
- 8395 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the vote was required to place the ballot proposition on the ballot;
- 8397 (C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and
- 8399 (D) other factual information determined helpful by the election official.
- 8400 (b) The information under Subsection (4)(a) shall be submitted to the [~~lieutenant governor~~] director no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.
- 8403 (c) The [~~lieutenant governor~~] director shall:
- 8404 (i) review the information submitted under this section, to determine compliance under this section, prior to placing it on the website;
- 8406 (ii) refuse to post information submitted under this section on the website if it is not in compliance with the provisions of this section; and
- 8408 (iii) organize, format, and arrange the information submitted under this section for the website.
- 8410 (d) The [~~lieutenant governor~~] director may refuse to include information the [~~lieutenant governor~~] director determines is not in keeping with:
- 8412 (i) Utah voter needs;
- 8413 (ii) public decency; or
- 8414 (iii) the purposes, organization, or uniformity of the website.
- 8415 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).
- 8417 (5)
- (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the [~~lieutenant~~

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~~governor~~ director before 5 p.m. within 10 business days after the date of the determination. A notice of appeal submitted under this Subsection (5)(a) shall contain:

- 8422 (i) a listing of each objection to the [~~lieutenant governor's~~] director's determination; and
- 8424 (ii) the basis for each objection.
- 8425 (b) The [~~lieutenant governor~~] director shall review the notice of appeal and shall issue a written response within 10 business days after the day on which the notice of appeal is submitted.
- 8428 (c) An appeal of the response of the [~~lieutenant governor~~] director shall be made to the district court, which shall review the matter de novo.
- 8430 (6)
- (a) The [~~lieutenant governor~~] director shall ensure that each voter will be able to conveniently enter the voter's address information on the website to retrieve information on which offices, candidates, and ballot propositions will be on the voter's ballot at the next general election or municipal election.
- 8434 (b) The information on the website will anticipate and answer frequent voter questions including the following:
- 8436 (i) what offices are up in the current year for which the voter may cast a vote;
- 8437 (ii) who is running for what office and who is the incumbent, if any;
- 8438 (iii) what address each candidate may be reached at and how the candidate may be contacted;
- 8440 (iv) for partisan races only, what, if any, is each candidate's party affiliation;
- 8441 (v) what qualifications have been submitted by each candidate;
- 8442 (vi) where additional information on each candidate may be obtained;
- 8443 (vii) what ballot propositions will be on the ballot; and
- 8444 (viii) what judges are up for retention election.
- 8445 (7) The [~~lieutenant governor~~] director shall ensure that each voter may conveniently enter the voter's name, date of birth, and address information on the website to retrieve information on the status of the voter's ballot if the voter's ballot is trackable under Section 20A-3a-401.5.
- 8449 (8) As resources are made available and in cooperation with the county clerks, the [~~lieutenant governor~~] director may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

8453 ~~{Section 144. Section 20A-8-103 is amended to read: }~~

8454 **20A-8-103. Petition procedures -- Criminal penalty -- Removal of signature.**

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- (1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.
- 8459 (2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:
- 8461 (a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending before 5 p.m. no later than November 30 of the year before the year in which the next regular general election will be held;
- 8465 (b) file a petition with the [~~lieutenant-governor~~] director that is signed, with a holographic signature, by at least 2,000 registered voters before 5 p.m. no later than November 30 of the year in which a regular general election will be held; and
- 8468 (c) file, with the petition described in Subsection (2)(b), a document certifying:
- 8469 (i) the identity of one or more registered political parties whose members may vote for the organization's candidates;
- 8471 (ii) whether unaffiliated voters may vote for the organization's candidates; and
- 8472 (iii) whether, for the next election, the organization intends to nominate the organization's candidates in accordance with the provisions of Section 20A-9-406.
- 8474 (3) The petition shall:
- 8475 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;
- 8476 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
- 8478 (c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;
- 8480 (d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);
- 8482 (e) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:
- 8484 "It is a class A misdemeanor for anyone to knowingly sign a political party registration petition signature sheet with any name other than the individual's own name or more than once for the same party or if the individual is not registered to vote in this state and does not intend to become

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registered to vote in this state before the petition is submitted to the [~~lieutenant governor~~] director of the Elections Office.";

8489 (f) contain the following statement directly under the statement described in Subsection (3)(e):

8490 "POLITICAL PARTY REGISTRATION PETITION To the [~~Honorable _____, Lieutenant Governor~~] director of the Elections Office:

8492 We, the undersigned citizens of Utah, seek registered political party status for _____ (name);

8494 Each signer says:

8495 I have personally signed this petition with a holographic signature;

8496 I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to the [~~lieutenant governor~~] director of the Elections Office;

8498 I am or desire to become a member of the political party; and

8499 My street address is written correctly after my name.";

8500 (g) be vertically divided into columns as follows:

8501 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

8504 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

8506 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";

8508 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

8509 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

8511 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be certified as a valid signature if you change your address before petition signatures are certified or if the information you provide does not match your voter registration records.";

8517 (h) have a final page bound to one or more signature sheets that are bound together that contains the following printed statement:

8519 "Verification

8520 State of Utah, County of _____

8521 I, _____, of _____, hereby state that:

8522 I am a Utah resident and am at least 18 years old;

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8523 All the names that appear on the signature sheets bound to this page were signed by individuals
who professed to be the individuals whose names appear on the signature sheets, and each
individual signed the individual's name on the signature sheets in my presence;

8526 I believe that each individual has printed and signed the individual's name and written the
individual's street address correctly, and that each individual is registered to vote in Utah or will
register to vote in Utah before the petition is submitted to the [~~lieutenant-governor~~] director of the
Elections Office.

8530 _____
8531 (Signature) (Residence Address) (Date)"; and

- 8532 (i) be bound to a cover sheet that:
- 8533 (i) identifies the political party's name, which may not exceed four words, and the emblem of the party;
- 8535 (ii) states the process that the organization will follow to organize and adopt a constitution and bylaws;
and
- 8537 (iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.
- 8539 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in whose
presence each signature sheet is signed:
- 8541 (a) is at least 18 years old;
- 8542 (b) meets the residency requirements of Section 20A-2-105; and
- 8543 (c) verifies each signature sheet by completing the verification bound to one or more signature sheets
that are bound together.
- 8545 (5) An individual may not sign the verification if the individual signed a signature sheet bound to the
verification.
- 8547 (6) The [~~lieutenant-governor~~] director shall:
- 8548 (a) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered
voter;
- 8550 (b) review the proposed name and emblem to determine if they are "distinguishable" from the names
and emblems of other registered political parties; and
- 8552 (c) certify the [~~lieutenant-governor's~~] director's findings to the filing officer described in Subsection (3)
(i)(iii) within 30 days of the filing of the petition.
- 8554 (7)

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- 8558 (a) If the [~~lieutenant governor~~] director determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the [~~lieutenant governor~~] director shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.
- 8562 (b) If the [~~lieutenant governor~~] director finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the [~~lieutenant governor~~] director shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the [~~lieutenant governor~~] director.
- 8564 (8) A registered political party may not change its name or emblem during the regular general election cycle.
- 8565 (9)
- 8566 (a) It is unlawful for an individual to:
- 8567 (i) knowingly sign a political party registration petition:
- 8568 (A) with any name other than the individual's own name;
- 8571 (B) more than once for the same political party; or
- 8573 (C) if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the [~~lieutenant governor~~] director; or
- 8574 (ii) sign the verification of a political party registration petition signature sheet if the individual:
- 8576 (A) does not meet the residency requirements of Section 20A-2-105;
- 8577 (B) has not witnessed the signing by those individuals whose names appear on the political party registration petition signature sheet; or
- 8578 (C) knows that an individual whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
- 8579 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.
- 8580 (10)
- 8585 (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the [~~lieutenant governor~~] director, submitting to the [~~lieutenant governor~~] director a statement requesting that the voter's signature be removed.

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(b) A statement described in Subsection (10)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

8587 (c) The [~~lieutenant governor~~] director shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

8590 ~~{Section 145. Section 20A-8-106 is amended to read: }~~

8591 **20A-8-106. Organization as a political party -- Certification procedures.**

8592 (1) Before 5 p.m. no later than March 1 of the regular general election year, the prospective political party's officers or governing board shall file the names of the party officers or governing board with the [~~lieutenant governor~~] director.

8595 (2) After reviewing the information and determining that all proper procedures have been completed, the [~~lieutenant governor~~] director shall:

8597 (a) issue a certificate naming the organization as a registered political party in Utah and designating its official name; and

8599 (b) inform each county clerk that the organization is a registered political party in Utah.

8600 (3) All election officers and state officials shall consider the organization to be and shall treat the organization as a registered political party.

8602 (4) The newly registered political party shall comply with all the provisions of Utah law governing political parties.

8604 (5)

(a) If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States and the names of the party's presidential electors to the [~~lieutenant governor~~] director before 5 p.m. no later than August 15.

8609 (b) If the party chooses to designate names, the governing board shall certify those names.

8611 ~~{Section 146. Section 20A-8-401 is amended to read: }~~

8612 **20A-8-401. Registered political parties -- Bylaws -- Report name of midterm vacancy candidate.**

8614 (1)

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- (a) Each new or unregistered state political party that seeks to become a registered political party under the authority of this chapter shall file a copy of the party's proposed constitution and bylaws at the time the party files the party's registration information.
- 8618 (b) Each registered state political party shall file revised copies of the party's constitution or bylaws with the [~~lieutenant governor~~] director before 5 p.m. within 15 days after the day on which the constitution or bylaws are adopted or amended.
- 8621 (2) Each state political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that the party's constitution or bylaws contain:
- 8624 (a) provisions establishing party organization, structure, membership, and governance that include:
- 8626 (i) a description of the position, selection process, qualifications, duties, and terms of each party officer and committees defined by constitution and bylaws;
- 8628 (ii) a provision requiring a designated party officer to serve as liaison with:
- 8629 (A) the [~~lieutenant governor~~] director on all matters relating to the political party's relationship with the state; and
- 8631 (B) each county legislative body on matters relating to the political party's relationship with a county;
- 8633 (iii) a description of the requirements for participation in party processes;
- 8634 (iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other conclaves; and
- 8636 (v) a mechanism for making the names of delegates, candidates, and elected party officers available to the public shortly after they are selected;
- 8638 (b) a procedure for selecting party officers that allows active participation by party members;
- 8640 (c) a procedure for selecting party candidates at the federal, state, and county levels that allows active participation by party members;
- 8642 (d)
- (i) a procedure for selecting electors who are pledged to cast their votes in the electoral college for the party's candidates for president and vice president of the United States; and
- 8645 (ii) a procedure for filling vacancies in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause;
- 8647 (e) a procedure for filling vacancies in the office of representative or senator or a county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;
- 8650 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;

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- 8651 (g) a procedure for replacing party candidates who die, acquire a disability that prevents the candidate
from continuing the candidacy, or are disqualified before a primary or regular general election;
- 8654 (h) provisions governing the deposit and expenditure of party funds, and governing the accounting for,
reporting, and audit of party financial transactions;
- 8656 (i) provisions governing access to party records;
- 8657 (j) a procedure for amending the constitution or bylaws that allows active participation by party
members or their representatives;
- 8659 (k) a process for resolving grievances against the political party; and
- 8660 (l) if desired by the political party, a process for consulting with, and obtaining the opinion of, the
political party's Utah Senate and Utah House of Representatives members about:
- 8663 (i) the performance of the two United States Senators from Utah, including specifically:
- 8665 (A) their views and actions regarding the defense of state's rights and federalism; and
- 8667 (B) their performance in representing Utah's interests;
- 8668 (ii) the members' opinion about, or rating of, and support or opposition to the policy positions of any
candidates for United States Senate from Utah, including incumbents, including specifically:
- 8671 (A) their views and actions regarding the defense of state's rights and federalism; and
- 8673 (B) their performance in representing Utah's interests; and
- 8674 (iii) the members' collective or individual endorsement or rating of a particular candidate for United
States Senate from Utah.
- 8676 (3) If, in accordance with a political party's constitution or bylaws, a person files a declaration or
otherwise notifies the party of the person's candidacy as a legislative office candidate or state office
candidate, as defined in Section 20A-11-101, to be appointed and fill a midterm vacancy in the
office of representative or senator in the Legislature, as described in Section 20A-1-503, or in a
state office as described in Section 20A-1-504, the party shall forward a copy of that declaration or
notification to the [lieutenant governor] director before 5 p.m. no later than the day following the
day on which the party receives the declaration or notification.

8684 {Section 147. Section 20A-8-402 is amended to read: }

8685 **20A-8-402. Political party officers -- Submission of names of officers to the director.**

- 8687 (1) Each state political party shall:
- 8688 (a) designate a party officer to act as liaison with:
- 8689 (i) the[lieutenant governor's] office; and

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8690 (ii) each county legislative body; and
8691 (b) before 5 p.m. no later than seven days after the day on which the party makes a change in the party liaison, submit the name of the new liaison to the ~~[lieutenant-governor]~~ director.

8694 (2) Each state political party and each county political party shall:

8695 (a) submit the name, address, and phone number of each officer to the ~~[lieutenant-governor]~~ director within seven days after the officers are selected; and

8697 (b) before 5 p.m. no later than seven days after the day on which the party makes a change in party officers, submit the name, address, and phone number of each new officer to the ~~[lieutenant-governor]~~ director.

8700 ~~{Section 148. Section 20A-8-402.5 is amended to read: }~~

8701 **20A-8-402.5. Notification of political convention dates.**

8702 (1) Before 5 p.m. no later than the first Monday of October of each odd-numbered year, a registered political party shall notify the ~~[lieutenant-governor]~~ director of the dates of each political convention that will be held by the registered political party the following year.

8706 (2) If, after providing the notice described in Subsection (1), a registered political party changes the date of a political convention, the registered political party shall notify the ~~[lieutenant-governor]~~ director of the change before 5 p.m. no later than one business day after the day on which the registered political party makes the change.

8710 ~~{Section 149. Section 20A-8-403 is amended to read: }~~

8711 **20A-8-403. Political parties -- Certification.**

When this title requires that a registered political party certify information to the [~~lieutenant-governor]~~ director, the registered political party has met that requirement if the information is signed by the registered political party's designated liaison or the registered political party's chair.

8716 ~~{Section 150. Section 20A-9-101 is amended to read: }~~

8717 **20A-9-101. Definitions.**

As used in this chapter:

8719 (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.

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- 8722 (b) "Candidates for elective office" does not mean candidates for:
- 8723 (i) justice or judge of court of record or not of record;
- 8724 (ii) presidential elector;
- 8725 (iii) any political party offices; and
- 8726 (iv) municipal or special district offices.
- 8727 (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
- 8729 (3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.
- 8731 (4)
- (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.
- 8733 (b) "County office" does not mean:
- 8734 (i) the office of justice or judge of any court of record or not of record;
- 8735 (ii) the office of presidential elector;
- 8736 (iii) any political party offices;
- 8737 (iv) any municipal or special district offices; and
- 8738 (v) the office of United States Senator and United States Representative.
- 8739 (5) "Electronic candidate qualification process" means:
- 8740 (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:
- 8743 (i) Section 20A-9-403;
- 8744 (ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and
- 8745 (iii) Section 20A-21-201; and
- 8746 (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:
- 8748 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
- 8749 (ii) Section 20A-9-408; and
- 8750 (iii) Section 20A-21-201.
- 8751 (6) "Federal office" means an elective office for United States Senator and United States Representative.

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- 8753 (7) "Filing officer" means:
- 8754 (a) the [~~lieutenant governor~~] director, for:
- 8755 (i) the office of United States Senator and United States Representative; and
- 8756 (ii) all constitutional offices;
- 8757 (b) for the office of a state senator, state representative, or the state school board, the [~~lieutenant governor~~] director or the applicable clerk described in Subsection (7)(c) or (d);
- 8760 (c) the county clerk, for county offices and local school district offices;
- 8761 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 8762 (e) the city or town clerk, for municipal offices; or
- 8763 (f) the special district clerk, for special district offices.
- 8764 (8) "Local government office" includes county offices, municipal offices, and special district offices and other elective offices selected by the voters from a political division entirely within one county.
- 8767 (9) "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.
- 8770 (10)
- (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.
- 8772 (b) "Multicounty office" does not mean:
- 8773 (i) a county office;
- 8774 (ii) a federal office;
- 8775 (iii) the office of justice or judge of any court of record or not of record;
- 8776 (iv) the office of presidential elector;
- 8777 (v) any political party offices; or
- 8778 (vi) any municipal or special district offices.
- 8779 (11) "Municipal office" means an elective office in a municipality.
- 8780 (12)
- (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.
- 8782 (b) "Political division" includes a county, a city, a town, a special district, a school district, a legislative district, and a county prosecution district.

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- 8784 (13) "Qualified political party" means a registered political party that:
- 8785 (a)
- 8787 (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or
- 8789 (ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;
- 8791 (b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;
- 8794 (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:
- 8796 (i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or
- 8798 (ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and
- 8803 (d)
- 8808 (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~~] director 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
- 8813 (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.
- 8814 (14) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered political party, means:
- 8815 (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
- 8813 (b) when using the electronic candidate qualification process:
- 8814 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or
- 8815 (ii) a holographic signature collected electronically under Subsection 20A-21-201(6)(c)(ii)(B).

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8817 (15) "Special district office" means an elected office in a special district.

8818 ~~{Section 151. Section 20A-9-201 is amended to read: }~~

8819 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.**

8822 (1) Before filing a declaration of candidacy for election to any office, an individual shall:

8823 (a) be a United States citizen;

8824 (b) meet the legal requirements of that office; and

8825 (c) if seeking a registered political party's nomination as a candidate for elective office, state:

8827 (i) the registered political party of which the individual is a member; or

8828 (ii) that the individual is not a member of a registered political party.

8829 (2)

(a) Except as provided in Subsection (2)(b), an individual may not:

8830 (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;

8832 (ii) appear on the ballot as the candidate of more than one political party; or

8833 (iii) file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise in the registered political party's bylaws.

8836 (b)

(i) An individual may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the individual resigns the individual's candidacy for the other office after the individual is officially nominated for president or vice president of the United States.

8841 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.

8843 (iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

8848 (3)

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- (a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:
- 8850 (i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking;
- 8852 (ii) require the individual to state whether the individual meets the requirements described in Subsection (3)(a)(i);
- 8854 (iii) if the declaration of candidacy is for a county office, inform the individual that an individual who holds a county elected office may not, at the same time, hold a municipal elected office; and
- 8857 (iv) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.
- 8861 (b) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the individual filing that declaration of candidacy is:
- 8863 (i) a United States citizen;
- 8864 (ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
- 8866 (iii) a registered voter in the county in which the individual is seeking office; and
- 8867 (iv) a current resident of the county in which the individual is seeking office and either has been a resident of that county for at least one year before the date of the election or was appointed and is currently serving as county attorney and became a resident of the county within 30 days after appointment to the office.
- 8871 (c) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the individual filing that declaration of candidacy is:
- 8874 (i) a United States citizen;
- 8875 (ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
- 8877 (iii) a registered voter in the prosecution district in which the individual is seeking office; and
- 8879 (iv) a current resident of the prosecution district in which the individual is seeking office and either will have been a resident of that prosecution district for at least one year before the date of the election or

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was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.

- 8884 (d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the individual filing the declaration:
- 8886 (i) is a United States citizen;
- 8887 (ii) is a registered voter in the county in which the individual seeks office;
- 8888 (iii)
- (A) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
- 8891 (B) has met the waiver requirements in Section 53-6-206;
- 8892 (iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and
- 8894 (v) before the date of the election, will have been a resident of the county in which the individual seeks office for at least one year.
- 8896 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure that the individual filing the declaration of candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.
- 8901 (4) If an individual who files a declaration of candidacy does not meet the qualification requirements for the office the individual is seeking, the filing officer may not accept the individual's declaration of candidacy.
- 8904 (5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:
- 8906 (a) inform the individual that:
- 8907 (i) the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;
- 8909 (ii) the individual may be required to comply with state or local campaign finance disclosure laws; and
- 8911 (iii) the individual is required to file a financial statement before the individual's political convention under:
- 8913 (A) Section 20A-11-204 for a candidate for constitutional office;
- 8914 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 8915 (C) local campaign finance disclosure laws, if applicable;

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- 8916 (b) except for a presidential candidate, provide the individual with a copy of the current campaign financial disclosure laws for the office the individual is seeking and inform the individual that failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;
- 8920 (c)
- 8923 (i) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 8925 (ii) inform the individual that the individual must provide the filing officer with an email address that the individual actively monitors:
- 8926 (A) to receive a communication from a filing officer or an election officer; and
- 8926 (B) if the individual wishes to display a candidate profile on the Statewide Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 8930 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act; and
- 8933 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 8934 (d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
- 8936 (i) signing the pledge is voluntary; and
- 8937 (ii) signed pledges shall be filed with the filing officer;
- 8938 (e) accept the individual's declaration of candidacy; and
- 8939 (f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.
- 8942 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- 8944 (a) accept the candidate's pledge; and
- 8945 (b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- 8948 (7)
- (a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:

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- 8950 (i) be substantially as follows:
- 8951 "State of Utah, County of ____
- 8952 I, _____, declare my candidacy for the office of _____, seeking the nomination of the ____ party. I do solemnly swear, under penalty of perjury, that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is _____.
- 8962 _____
- 8963 Subscribed and sworn before me this _____(month\day\year).
- 8964 Notary Public (or other officer qualified to administer oath)."; and
- 8965 (ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):
- 8967 (A) the registered political party of which the candidate is a member; or
- 8968 (B) that the candidate is not a member of a registered political party.
- 8969 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.
- 8972 (8)
- (a) Except for a candidate for president or vice president of the United States, the fee for filing a declaration of candidacy is:
- 8974 (i) \$50 for candidates for the local school district board; and
- 8975 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.
- 8977 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:
- 8979 (i) who is disqualified; or
- 8980 (ii) who the filing officer determines has filed improperly.
- 8981 (c)
- (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.
- 8983 (ii) The [~~lieutenant governor~~] director shall:

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- 8984 (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and
- 8986 (B) ensure that each county receives that proportion of the total amount paid to the [~~lieutenant governor~~] director from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.
- 8991 (d)
- (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.
- 8996 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 8997 (iii)
- (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
- 9001 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).
- 9004 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:
- 9006 "Affidavit of Impecuniosity
- 9007 Individual Name _____ Address _____
- 9009 Phone Number _____
- 9010 I, _____ (name), do solemnly [swear] [affirm], under penalty of law for false statements, that, owing to my poverty, I am unable to pay the filing fee required by law.
- 9013 Date _____ Signature _____
- Affiant
- 9015 Subscribed and sworn to before me on _____ (month\day\year)
- 9016 _____
- 9017 (signature)
- 9018 Name and Title of Officer Authorized to Administer Oath _____".

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9019 (v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a
statement printed in substantially the following form, which may be included on the affidavit of
impecuniosity:

9022 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
candidate who is found guilty of filing a false statement, in addition to being subject to criminal
penalties, will be removed from the ballot."

9025 (vi) The filing officer may request that a person who makes a claim of impecuniosity under this
Subsection (8)(d) file a financial statement on a form prepared by the election official.

9028 (9) An individual who fails to file a declaration of candidacy or certificate of nomination within the
time provided in this chapter is ineligible for nomination to office.

9030 (10) A declaration of candidacy filed under this section may not be amended or modified after the final
date established for filing a declaration of candidacy.

9032 ~~{Section 152. Section 20A-9-202 is amended to read: }~~

9033 **20A-9-202. Declarations of candidacy for regular general elections.**

9034 (1)

(a) An individual seeking to become a candidate for an elective office that is to be filled at the next
regular general election shall:

9036 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person with the filing
officer on or after January 1 of the regular general election year, and, if applicable, before the
individual circulates nomination petitions under Section 20A-9-405; and

9040 (ii) pay the filing fee.

9041 (b) Unless expressly provided otherwise in this title, for a registered political party that is not a qualified
political party, the deadline for filing a declaration of candidacy for an elective office that is to be
filled at the next regular general election is 5 p.m. on the first Monday after the fourth Saturday in
April.

9045 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file a declaration of
candidacy with the filing officer if:

9047 (i) the individual is located outside of the state during the entire filing period;

9048 (ii) the designated agent appears in person before the filing officer;

9049 (iii) the individual communicates with the filing officer using an electronic device that allows the
individual and filing officer to see and hear each other; and

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- 9051 (iv) the individual provides the filing officer with an email address to which the filing officer may send
the individual the copies described in Subsection 20A-9-201(5).
- 9053 (d) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office
shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the [~~lieutenant
governor~~] director within one business day after the candidate files the declaration of candidacy.
- 9057 (e) Each day during the filing period, each county clerk shall notify the [~~lieutenant governor~~] director
electronically or by telephone of candidates who have filed a declaration of candidacy with the
county clerk.
- 9060 (f) Each individual seeking the office of lieutenant governor, the office of district attorney, or the office
of president or vice president of the United States shall comply with the specific declaration of
candidacy requirements established by this section.
- 9063 (2)
- (a) Each individual intending to become a candidate for the office of district attorney within a
multicounty prosecution district that is to be filled at the next regular general election shall:
- 9066 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the
prosecution district on or after January 1 of the regular general election year, and before the
individual circulates nomination petitions under Section 20A-9-405; and
- 9070 (ii) pay the filing fee.
- 9071 (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a
certified copy of each declaration of candidacy filed for the office of district attorney.
- 9074 (3)
- (a) Before the deadline described in Subsection (1)(b), each lieutenant governor candidate shall:
- 9076 (i) file a declaration of candidacy with the [~~lieutenant governor~~] director;
- 9077 (ii) pay the filing fee; and
- 9078 (iii) submit a letter from a candidate for governor who has received certification for the primary-
election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-
ticket running mate.
- 9081 (b)
- (i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 9082 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to replace the
disqualified candidate.

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- 9084 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 9085 (a) certify the names of the political party's candidates for president and vice president of the United States to the [~~lieutenant governor~~] director; or
- 9087 (b) provide written authorization for the [~~lieutenant governor~~] director to accept the certification of candidates for president and vice president of the United States from the national office of the registered political party.
- 9090 (5)
- (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or [~~lieutenant governor~~] the director before 5 p.m. on the last business day that is at least 10 days before the deadline described in Subsection 20A-9-409(4)(c).
- 9094 (b) If an objection is made, the clerk or [~~lieutenant governor~~] the director shall:
- 9095 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- 9097 (ii) decide any objection within 48 hours after it is filed.
- 9098 (c) If the clerk or [~~lieutenant governor~~] the director sustains the objection, the candidate may cure the problem by amending the declaration or petition before 5 p.m. within three days after the day on which the objection is sustained or by filing a new declaration before 5 p.m. within three days after the day on which the objection is sustained.
- 9103 (d)
- (i) The clerk's or [~~lieutenant governor's~~] the director's decision upon objections to form is final.
- 9105 (ii) The clerk's or [~~lieutenant governor's~~] the director's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.
- 9107 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- 9109 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.
- 9111 (7)
- (a) Except for a candidate who is certified by a registered political party under Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than August 31 of a general election year, each individual running as a candidate for vice president of the United States shall:
- 9115 (i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the [~~lieutenant governor~~] director, that:

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- 9117 (A) contains the individual's name, address, and telephone number;
- 9118 (B) states that the individual meets the qualifications for the office of vice president of the United States;
- 9120 (C) names the presidential candidate, who has qualified for the general election ballot, with which the individual is running as a joint-ticket running mate;
- 9122 (D) states that the individual agrees to be the running mate of the presidential candidate described in Subsection (7)(a)(i)(C); and
- 9124 (E) contains any other necessary information identified by the [~~lieutenant governor~~] director;
- 9126 (ii) pay the filing fee; and
- 9127 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice presidential candidate.
- 9130 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of candidacy.
- 9132 (c) A vice presidential candidate who fails to meet the requirements described in this Subsection (7) may not appear on the general election ballot.
- 9134 (8) An individual filing a declaration of candidacy for president or vice president of the United States shall pay a filing fee of \$500.

9136 ~~{Section 153. Section 20A-9-202.5 is amended to read: }~~

9137 **20A-9-202.5. Declaration of candidacy -- Presidential primary election.**

- 9138 (1) As used in this section:
- 9139 (a) "Presidential candidate" means a person seeking nomination for President of the United States from a Utah registered political party.
- 9141 (b) "Utah registered political party" means a political party that has complied with the requirements of Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.
- 9144 (2) Each presidential candidate, or the candidate's designated agent, shall file a declaration of candidacy with the [~~lieutenant governor~~] director as provided in Section 20A-9-803, for participation in the presidential primary election.

9147 ~~{Section 154. Section 20A-9-203 is amended to read: }~~

9148 **20A-9-203. Declarations of candidacy -- Municipal general elections -- Nomination petition -- Removal of signature.**

- 9150 (1) An individual may become a candidate for any municipal office if:

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- 9151 (a) the individual is a registered voter; and
9152 (b)
- (i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or
9155 (ii) the territory in which the individual resides was annexed into the municipality, the individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.
- 9158 (2)
- (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.
9162 (b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.
- 9165 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
- 9169 (3)
- (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:
9172 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
9177 (ii) pay the filing fee, if one is required by municipal ordinance.
- 9178 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with the city recorder or town clerk if:
9180 (i) the individual is located outside of the state during the entire filing period;
9181 (ii) the designated agent appears in person before the city recorder or town clerk;

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- 9182 (iii) the individual communicates with the city recorder or town clerk using an electronic device that
allows the individual and city recorder or town clerk to see and hear each other; and
- 9185 (iv) the individual provides the city recorder or town clerk with an email address to which the city
recorder or town clerk may send the individual the copies described in Subsection (4).
- 9188 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 9189 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing a
nomination petition with the city recorder or town clerk during the office hours described in Section
10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-
numbered year that includes signatures in support of the nomination petition of the lesser of at least:
- 9194 (A) 25 registered voters who reside in the municipality; or
- 9195 (B) 20% of the registered voters who reside in the municipality; and
- 9196 (ii) paying the filing fee, if one is required by municipal ordinance.
- 9197 (4)
- (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing
officer shall:
- 9199 (i) read to the prospective candidate or individual filing the petition the constitutional and statutory
qualification requirements for the office that the candidate is seeking;
- 9201 (ii) require the candidate or individual filing the petition to state whether the candidate meets the
requirements described in Subsection (4)(a)(i); and
- 9203 (iii) inform the candidate or the individual filing the petition that an individual who holds a
municipal elected office may not, at the same time, hold a county elected office.
- 9206 (b) If the prospective candidate does not meet the qualification requirements for the office, the filing
officer may not accept the declaration of candidacy or nomination petition.
- 9209 (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer
shall:
- 9211 (i) inform the candidate that the candidate's name will appear on the ballot as it is written on the
declaration of candidacy;
- 9213 (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the
office the candidate is seeking and inform the candidate that failure to comply will result in
disqualification as a candidate and removal of the candidate's name from the ballot;
- 9217

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- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- 9220 (iv) inform the candidate that the candidate must provide the filing officer with an email address that the candidate actively monitors:
- 9222 (A) to receive a communication from a filing officer or an election officer; and
- 9223 (B) if the candidate wishes to display a candidate profile on the Statewide Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 9227 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act;
- 9230 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 9231 (vii) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
- 9233 (A) signing the pledge is voluntary; and
- 9234 (B) signed pledges shall be filed with the filing officer; and
- 9235 (viii) accept the declaration of candidacy or nomination petition.
- 9236 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- 9238 (i) accept the candidate's pledge; and
- 9239 (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- 9242 (5)
- 9243 (a) The declaration of candidacy shall be in substantially the following form:
- "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name

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from the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

- 9252 _____
- 9252 Subscribed and sworn to (or affirmed) before me by ____ on this _____(month\day\year).
- 9254 (Signed) _____ (Clerk or other officer qualified to administer oath)."
- 9255 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).
- 9257 (c)
- 9257 (i) A nomination petition shall be in substantially the following form:
- 9258 "NOMINATION PETITION
- 9259 The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."
- 9261 (ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.
- 9263 (6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.
- 9266 (7)
- 9266 (a)
- 9266 (i) The clerk shall verify with the county clerk that all candidates are registered voters.
- 9268 (b) With the assistance of the county clerk, and using the procedures described in Section 20A-1-1002, the municipal clerk shall determine whether the required number of signatures of registered voters appears on a nomination petition.
- 9271 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
- 9273 (a) publicize a list of the names of the candidates as they will appear on the ballot by publishing the list for the municipality, as a class A notice under Section 63G-30-102, for seven days; and
- 9276 (b) notify the [~~lieutenant-governor~~] director of the names of the candidates as they will appear on the ballot.
- 9278 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.
- 9281 (10)

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(a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk before 5 p.m. within 10 days after the last day for filing.

9284 (b) If a person files an objection, the clerk shall:

9285 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and

9287 (ii) decide any objection within 48 hours after the objection is filed.

9288 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.

9292 (d)

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

9293 (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

9295 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

9297 (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.

9299 (12)

(a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the city recorder or municipal clerk, submitting to the municipal clerk a statement requesting that the voter's signature be removed.

9303 (b) A statement described in Subsection (12)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

9305 (c) With the assistance of the county clerk and using the procedures described in Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

9309 ~~{Section 155. Section 20A-9-402 is amended to read: }~~

9310 **20A-9-402. General requirements for all primary elections.**

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(1) Except as provided in Subsection (2), the [~~lieutenant governor~~] director, county clerks, and election judges shall follow the procedures and requirements of this title in administering primary elections.

9314 (2) If there is any conflict between any provision of this part and any other sections in [~~Title 20A, Election Code~~] this title, this part takes precedence.

9316 ~~{Section 156. Section 20A-9-403 is amended to read: }~~

9317 **20A-9-403. Regular primary elections.**

9318 (1)

(a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

9325 (b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

9330 (c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

9334 (d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

9336 (2)

(a) Each registered political party, in a statement filed with the [~~lieutenant governor~~] director, shall:

9338 (i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and

9342 (ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political

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party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.

- 9347 (b)
- (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the [~~lieutenant governor~~] director no later than 5 p.m. on November 30 of each odd-numbered year.
- 9350 (ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.
- 9354 (3)
- (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a nomination petition that was:
- 9359 (i) circulated and completed in accordance with Section 20A-9-405; and
- 9360 (ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.
- 9362 (b)
- (i) A candidate for elective office shall submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.
- 9365 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
- 9367 (c)
- (i) The [~~lieutenant governor~~] director shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.
- 9373 (ii) The [~~lieutenant governor~~] director shall publish the determination for each elective office no later than November 30 of each odd-numbered year.
- 9375 (d) The filing officer shall:

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- 9376 (i) except as otherwise provided in Section 20A-21-201, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;
- 9379 (ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);
- 9382 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 9383 (iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and
- 9387 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).
- 9392 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).
- 9396 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the [~~Office of the Lieutenant Governor~~] office, may make rules that:
- 9399 (i) provide for the use of statistical sampling procedures that:
- 9400 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and
- 9402 (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and
- 9404 (ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.
- 9406 (g) The county clerk shall:
- 9407 (i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
- 9409

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- (ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and
- 9412 (iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.
- 9414 (4)
- (a) Before the deadline described in Subsection 20A-9-409(4)(c), the [~~lieutenant governor~~] director shall provide to the county clerks:
- 9416 (i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and
- 9420 (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.
- 9423 (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.
- 9425 (c) After the county clerk receives the certified list from the [~~lieutenant governor~~] director under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:
- 9428 "Notice is given that a primary election will be held Tuesday, June ____, ____ (year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."
- 9433 (5)
- (a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:
- 9435 (i) nominated for that office by the candidate's registered political party; or
- 9436 (ii) for a nonpartisan local school board position, nominated for that office.
- 9437

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

9441 (c)

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

9442 (A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

9445 (B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

9449 (ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

9452 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

9456 (7) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

9459 ~~{Section 157. Section 20A-9-405 is amended to read: }~~

9460 **20A-9-405. Nomination petitions for regular primary elections.**

9461 (1) This section applies to the form and circulation of nomination petitions for regular primary elections described in Subsection 20A-9-403(3)(a).

9463 (2) A candidate for elective office, and the agents of the candidate, may not circulate nomination petitions until the candidate has submitted a declaration of candidacy in accordance with Subsection 20A-9-202(1).

9466 (3) For the manual candidate qualification process, the nomination petitions shall be in substantially the following form:

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- 9468 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;
- 9469 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for purposes of binding;
- 9471 (c) the petition shall be headed by a caption stating the purpose of the petition and the name of the proposed candidate;
- 9473 (d) the petition shall feature the word "Warning" followed by the following statement in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to knowingly sign a nomination petition with any name other than the person's own name, or more than once for the same candidate, or if the person is not registered to vote in this state.";
- 9478 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively numbered one through 10;
- 9480 (f) the signature portion of the petition shall be divided into columns headed by the following titles:
- 9482 (i) Registered Voter's Printed Name;
- 9483 (ii) Signature of Registered Voter;
- 9484 (iii) Party Affiliation of Registered Voter;
- 9485 (iv) Birth Date or Age (Optional);
- 9486 (v) Street Address, City, Zip Code; and
- 9487 (vi) Date of Signature; and
- 9488 (g) a photograph of the candidate may appear on the nomination petition.
- 9489 (4) For the electronic candidate qualification process, the [~~Heutenant-governor~~] director shall design an electronic form, using progressive screens, that includes:
- 9491 (a) the following warning:
- 9492 "Warning: It is a class A misdemeanor for anyone to knowingly sign a nomination petition with any name other than the person's own name, or more than once for the same candidate, or if the person is not registered to vote in this state."; and
- 9495 (b) the following information for each individual who signs the petition:
- 9496 (i) name;
- 9497 (ii) party affiliation;
- 9498 (iii) date of birth or age, (optional);
- 9499 (iv) street address, city, zip code;
- 9500 (v) date of signature;

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- 9501 (vi) other information required under Section 20A-21-201; and
9502 (vii) other information required by the [~~lieutenant governor~~] director.
- 9503 (5) For the manual candidate qualification process, if one or more nomination petitions are bound together, a page shall be bound to the nomination petition(s) that features the following printed verification statement to be signed and dated by the petition circulator:
- 9506 "Verification
9507 State of Utah, County of ____
9508 I, ____, of ____, hereby state that:
9509 I am a Utah resident and am at least 18 years old;
9510 All the names that appear on the signature sheets bound to this page were, to the best of my knowledge, signed by the persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;
9514 I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah."
- 9516 (6) The [~~lieutenant governor~~] director shall prepare and make public model nomination petition forms and associated instructions.
- 9518 (7) A nomination petition circulator must be at least 18 years old and a resident of the state, but may affiliate with any political party.
- 9520 (8) It is unlawful for any person to:
- 9521 (a) knowingly sign the nomination petition described in this section or Section 20A-9-408:
- 9523 (i) with any name other than the person's own name;
9524 (ii) more than once for the same candidate; or
9525 (iii) if the person is not registered to vote in this state;
- 9526 (b) sign the verification of a signature for a nomination petition if the person:
- 9527 (i) does not meet the residency requirements of Section 20A-2-105;
9528 (ii) has not witnessed the signing by those persons whose names appear on the nomination petition; or
9530 (iii) knows that a person whose signature appears on the nomination petition is not registered to vote in this state;
- 9532 (c) pay compensation to any person to sign a nomination petition; or
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(d) pay compensation to any person to circulate a nomination petition, if the compensation is based directly on the number of signatures submitted to a filing officer rather than on the number of signatures verified or on some other basis.

9536 (9) Any person violating Subsection (8) is guilty of a class A misdemeanor.

9537 (10) Withdrawal of petition signatures is prohibited.

9538 ~~{Section 158. Section 20A-9-406 is amended to read: }~~

9539 **20A-9-406. Qualified political party -- Requirements and exemptions.**

The following provisions apply to a qualified political party:

9541 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of October of each odd-numbered year, certify to the ~~[lieutenant governor]~~ director the identity of one or more registered political parties whose members may vote for the qualified political party's candidates and whether unaffiliated voters may vote for the qualified political party's candidates;

9546 (2) the following provisions do not apply to a nomination for the qualified political party:

9547 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);

9548 (b) Subsection 20A-9-403(5)(c); and

9549 (c) Section 20A-9-405;

9550 (3) an individual may only seek the nomination of the qualified political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both;

9552 (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;

9554 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated by a qualified political party:

9557 (a) under the qualified political party's name[-], if any; or

9558 (b) under the title of the qualified registered political party as designated by the qualified political party in the certification described in Subsection (1), or, if none is designated, then under some suitable title;

9561 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for ballots in regular general elections, that each candidate who is nominated by the qualified political party is listed by party;

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- (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is displayed adjacent to the candidate's name on a mechanical ballot;
- 9567 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office;
- 9571 (9) an individual who is nominated by, or seeking the nomination of, the qualified political party is not required to comply with Subsection 20A-9-201(1)(c);
- 9573 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;
- 9577 (11) notwithstanding Subsection 20A-9-403(4)(a), the [~~lieutenant-governor~~] director shall include on the list provided by the [~~lieutenant-governor~~] director to the county clerks:
- 9579 (a) the names of all candidates of the qualified political party for federal, constitutional, multicounty, and county offices; and
- 9581 (b) the names of unopposed candidates for elective office who have been nominated by the qualified political party and instruct the county clerks to exclude such candidates from the primary-election ballot;
- 9584 (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot; and
- 9587 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election.
- 9590 ~~{Section 159. Section 20A-9-407 is amended to read: }~~
- 9591 **20A-9-407. Convention process to seek the nomination of a qualified political party.**
- 9593 (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of a qualified political party for an elective office through the qualified political party's convention process.

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- (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.
- 9600 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election, shall:
- 9604 (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in person with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and
- 9607 (b) pay the filing fee.
- 9608 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:
- 9612 (a) file a declaration of candidacy with the county clerk designated in the interlocal agreement creating the prosecution district during the declaration of candidacy filing period described in Section 20A-9-201.5; and
- 9615 (b) pay the filing fee.
- 9616 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, during the declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- 9622 (6)
- (a) A qualified political party that nominates a candidate under this section shall certify the name of the candidate to the [~~lieutenant governor~~] director before the deadline described in Subsection 20A-9-202(1)(b).
- 9625 (b) The [~~lieutenant governor~~] director shall include, in the primary ballot certification or, for a race where a primary is not held because the candidate is unopposed, in the general election ballot certification, the name of each candidate nominated by a qualified political party under this section.

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- 9629 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by
a qualified political party under this section, designate the qualified political party that nominated
the candidate.
- 9632 ~~{Section 160. Section 20A-9-408 is amended to read: }~~
- 9633 **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party**
-- Removal of signature.
- 9635 (1) This section describes the requirements for a member of a qualified political party who is seeking
the nomination of the qualified political party for an elective office through the signature-gathering
process described in this section.
- 9638 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a
member of a qualified political party who is nominated by, or who is seeking the nomination
of, the qualified political party under this section shall be substantially as described in Section
20A-9-408.5.
- 9642 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4),
a member of a qualified political party who, under this section, is seeking the nomination of the
qualified political party for an elective office that is to be filled at the next general election shall:
- 9646 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before
gathering signatures under this section, file with the filing officer on a form approved by the
[lieutenant governor] director a notice of intent to gather signatures for candidacy that includes:
- 9650 (i) the name of the member who will attempt to become a candidate for a registered political party
under this section;
- 9652 (ii) the name of the registered political party for which the member is seeking nomination;
- 9654 (iii) the office for which the member is seeking to become a candidate;
- 9655 (iv) the address and telephone number of the member; and
- 9656 (v) other information required by the [lieutenant governor] director;
- 9657 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with
the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5;
and
- 9660 (c) pay the filing fee.
- 9661 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under
this section, is seeking the nomination of the qualified political party for the office of district

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attorney within a multicounty prosecution district that is to be filled at the next general election shall:

- 9665 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before
gathering signatures under this section, file with the filing officer on a form approved by the
[lieutenant governor] director a notice of intent to gather signatures for candidacy that includes:
- 9669 (i) the name of the member who will attempt to become a candidate for a registered political party
under this section;
- 9671 (ii) the name of the registered political party for which the member is seeking nomination;
- 9673 (iii) the office for which the member is seeking to become a candidate;
- 9674 (iv) the address and telephone number of the member; and
- 9675 (v) other information required by the [lieutenant governor] director;
- 9676 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with
the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5;
and
- 9679 (c) pay the filing fee.
- 9680 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the
joint-ticket running mate of an individual who is nominated by a qualified political party, under this
section, for the office of governor shall, during the declaration of candidacy filing period described
in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for
governor that names the lieutenant governor candidate as a joint-ticket running mate.
- 9686 (6) The [lieutenant governor] director shall ensure that the certification described in Subsection
20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
under this section.
- 9689 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by
a qualified political party under this section, designate the qualified political party that nominated
the candidate.
- 9692 (8) A member of a qualified political party may seek the nomination of the qualified political party for
an elective office by:
- 9694 (a) complying with the requirements described in this section; and
- 9695 (b) collecting signatures, on a form approved by the [lieutenant governor] director that complies with
Subsection 20A-9-405(3), during the period beginning on the day on which the member files a

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notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

- 9700 (i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 9703 (ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 9706 (iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 9709 (iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 9712 (v) for a State Board of Education race, the lesser of:
- 9713 (A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or
- 9716 (B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and
- 9718 (vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.
- 9722 (9)
- (a) This Subsection (9) applies only to the manual candidate qualification process.
- 9723 (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:
- 9726 (i) collect the signatures on a form approved by the [~~lieutenant governor~~] director, using the same circulation and verification requirements described in Sections 20A-7-105 and 20A-7-204; and
- 9729

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- (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.
- 9733 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:
 - 9738 (i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;
 - 9741 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
 - 9744 (iii) with the assistance of the county clerk as applicable, determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-1-1002, used to verify a signature on a petition; and
 - 9748 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.
- 9750 (d)
 - (i) A registered voter who physically signs a form under Subsections (8) and (9)(b) may have the voter's signature removed from the form by, no later than three business days after the day on which the member submits the signature form to the election officer, submitting to the election officer a statement requesting that the voter's signature be removed.
 - 9755 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).
 - 9757 (iii) With the assistance of the county clerk as applicable, the election officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature after receiving a timely, valid statement requesting removal of the signature.
- 9761 (10)
 - (a) This Subsection (10) applies only to the electronic candidate qualification process.
 - 9763 (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's

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convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

- 9769 (i) in accordance with Section 20A-21-201; and
- 9770 (ii) using progressive screens, in a format approved by the [~~lieutenant governor~~] director, that complies with Subsection 20A-9-405(4).
- 9772 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:
- 9777 (i) check the name of each individual who completes the verification for a signature to determine whether each individual is a resident of Utah and is at least 18 years old; and
- 9780 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney.
- 9783 (11)
- (a) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.
- 9786 (b) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:
- 9789 (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and
- 9791 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (11)(b)(i).
- 9794 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the [~~lieutenant governor~~] director of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.
- 9801 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the [~~lieutenant governor~~] director shall post the notice of intent to gather signatures for candidacy on the

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[lieutenant governor's] office's website in the same location that the [lieutenant governor] director posts a declaration of candidacy.

9805 ~~{Section 161. Section 20A-9-409 is amended to read: }~~

9806 **20A-9-409. Primary election provisions relating to qualified political party.**

9807 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.

9808 (2)

(a) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.

9812 (b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.

9816 (c) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.

9820 (d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.

9824 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election for a county commission office if:

9827 (a) there is more than one:

9828 (i) open position as defined in Section 17-52a-201; or

9829 (ii) midterm vacancy as defined in Section 17-52a-201; and

9830 (b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.

9833 (4)

(a) As used in this Subsection (4), a candidate is "unopposed" if:

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- 9837 (i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
- 9837 (ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.
- 9842 (b) Before the deadline described in Subsection (4)(c), the [~~lieutenant governor~~] director shall:
- 9844 (i) provide to the county clerks:
- 9845 (A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and
- 9850 (B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and
- 9852 (ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.
- 9854 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the fourth Saturday in April.

9856 ~~{Section 162. Section 20A-9-410 is amended to read: }~~

9857 **20A-9-410. Rulemaking authority.**

The [~~director of elections, within the Office of the Lieutenant Governor,~~] office shall make rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, relating to procedures for complying with, and verifying compliance with, the candidate nominating process described in this part.

9862 ~~{Section 163. Section 20A-9-601 is amended to read: }~~

9863 **20A-9-601. Qualifying as a write-in candidate.**

- 9864 (1)
- (a) Except as provided in Subsection (1)(b), an individual who wishes to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer

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before 5 p.m. no later than 65 days before the date of the regular general election or the municipal general election in which the individual intends to be a write-in candidate.

9870

(b)

(i) The provisions of this Subsection (1)(b) do not apply to an individual who files a declaration of candidacy for president of the United States.

9872

(ii) Subject to Subsection (2)(d), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:

9874

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

9875

(B) the designated agent appears in person before the filing officer; and

9876

(C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

9878

(2)

(a) The form of the declaration of candidacy for a write-in candidate for all offices, except president or vice president of the United States, is substantially as follows:

9880

"State of Utah, County of ____

9881

I, _____, declare my intention of becoming a candidate for the office of ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and rejection of any votes cast for me. The mailing address that I designate for receiving official election notices is _____.

9891

Subscribed and sworn before me this _____(month\day\year).

9892

9893

Notary Public (or other officer qualified to administer oath)."

9894

(b) The form of the declaration of candidacy for a write-in candidate for president of the United States is substantially as follows:

9896

"State of Utah, County of ____

9897

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I, _____, declare my intention of becoming a candidate for the office of the president of the United States. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate for receiving official election notices is _____. I designate _____ as my vice presidential candidate.

9904

Subscribed and sworn before me this _____(month\day\year).

9905

9906

Notary Public (or other officer qualified to administer oath.)"

9907

(c) A declaration of candidacy for a write-in candidate for vice president of the United States shall be in substantially the same form as a declaration of candidacy described in Subsection 20A-9-202(7).

9910

(d) An agent described in Subsection (1)(a) or (b) may not sign the form described in Subsection (2)(a) or (b).

9912

(3)

(a) The filing officer shall:

9913

(i) read to the candidate the constitutional and statutory requirements for the office;

9914

(ii) ask the candidate whether the candidate meets the requirements; and

9915

(iii) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.

9919

(b) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

9921

(4)

(a) Except as provided in Subsection (4)(b), a write-in candidate is subject to Subsection 20A-9-201(8).

9923

(b) A write-in candidate for president of the United States is subject to Subsection 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

9925

(5) By November 1 of each regular general election year, the [~~lieutenant-governor~~] director shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the [~~lieutenant-governor~~] director.

9928

{Section 164. ~~Section 20A-9-701 is amended to read:~~}

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- 9929 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**
- 9930 (1) No later than August 31 of each regular general election year, the [~~lieutenant governor~~] director shall certify to each county clerk, for offices to be voted upon at the regular general election in that county clerk's county:
- 9933 (a) the names of each candidate nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and
- 9935 (b) the names of the candidates for president and vice president that are certified by the registered political party as the party's nominees.
- 9937 (2) The names shall be certified by the [~~lieutenant governor~~] director and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy. No other names may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered political party, political party, or other political group.
- 9941 ~~{Section 165. Section 20A-9-802 is amended to read: }~~
- 9942 **20A-9-802. Presidential primary election established -- Other ballot items prohibited.**
- 9944 (1)
- 9946 (a) There is established a presidential primary election held on the first Tuesday in March in the year in which a presidential election will be held.
- 9949 (b) Except as otherwise specifically provided in this chapter, county clerks shall administer the presidential primary election according to the provisions of this title, including:
- 9950 (i) Chapter 1, General Provisions;
- 9951 (ii) Chapter 2, Voter Registration;
- 9952 (iii) Chapter 3a, Voting;
- 9953 (iv) Chapter 4, Election Returns and Election Contests;
- 9954 (v) Chapter 5, Election Administration; and
- 9955 (vi) Chapter 6, Ballot Form.
- 9958 (c)
- 9960 (i) The county clerks shall ensure that the ballot voted by the voters at the presidential primary election contains only the names of candidates for [~~President~~] president of the United States who have qualified as provided in this part.
- 9958 (ii) The county clerks may not present any other items to the voters to be voted upon at this election.

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(2) Registered political parties, and candidates for [~~President~~] president of the United States who are affiliated with a registered political party, may participate in the presidential primary election established by this part.

9963 (3) As a condition for using the state's election system, each registered political party wishing to participate in the presidential primary election held under this section shall:

9965 (a) declare the political party's intent to participate in the presidential primary election;

9966 (b) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates; and

9970 (c) certify that information to the [~~lieutenant governor~~] director no later than 5 p.m. on August 10 of the year before the year in which the presidential primary election will be held.

9973 ~~{Section 166. Section 20A-9-803 is amended to read: }~~

9974 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

9975 (1) Candidates for president of the United States who are affiliated with a registered political party that has elected to participate in the presidential primary election and who wish to participate in the primary election shall:

9978 (a) file a declaration of candidacy, in person or via a designated agent, with the [~~lieutenant governor~~] director between August 15 of the year before the primary election will be held and 5 p.m. on December 1 of the year before the primary election will be held;

9982 (b) identify the registered political party whose nomination the candidate is seeking;

9983 (c) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and

9986 (d) pay the filing fee of \$500.

9987 (2) The [~~lieutenant governor~~] director shall develop a declaration of candidacy form for presidential candidates participating in the primary.

9989 (3) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (2).

9991 ~~{Section 167. Section 20A-9-805 is amended to read: }~~

9992 **20A-9-805. Closed primary -- Determining party affiliation -- Changing party affiliation.**

9994 (1) If a registered political party has restricted voting for its presidential candidates as authorized by Subsection 20A-9-802(3)(b), the [~~lieutenant governor~~] director shall direct the county clerks and

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other election officials to allow only those voters meeting the registered political party's criteria to vote for that party's presidential candidates.

9998

(2)

(a) For each individual who registers to vote, the county clerk shall:

9999

(i) record the party affiliation designated by the individual on the voter registration form as the individual's party affiliation; or

10001

(ii) if no political party affiliation is designated by the individual on the voter registration form, record the individual's party affiliation as "unaffiliated."

10003

(b) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of Section 20A-2-107 or Section 20A-9-808.

10006

~~{Section 168. Section 20A-9-806 is amended to read: }~~

10007

20A-9-806. Ballots.

10008

(1) The ~~[lieutenant governor]~~ director, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

10010

(a) develop manual ballots, mechanical ballots, return envelopes and provisional ballot envelopes to be used in a presidential primary election;

10012

(b) ensure that the ballots, return envelopes, and provisional ballot envelopes comply generally with the requirements of Chapter 6, Part 1, General Requirements for All Ballots; and

10015

(c) provide voting booths, election records and supplies, and ballot boxes for each voting precinct as required by Section 20A-5-403.

10017

(2)

(a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the ~~[lieutenant governor]~~ director, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, return envelopes, provisional ballot envelopes, voting booths, election records and supplies, and ballot boxes:

10023

(i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

10024

(ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;

10026

(iii) minimize the possibility of spoiled ballots due to voter confusion; and

10027

(iv) protect against fraud.

10028

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(b) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~] director, county clerks, suppliers of election materials, and representatives of registered political parties shall:

10031 (i) mark ballots as being for a particular registered political party; and

10032 (ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

10034 (c) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~] director, county clerks, suppliers of election materials, and representatives of registered political parties may:

10037 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ballots for each registered political party;

10039 (ii) place ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or

10042 (iii) consider other means of accomplishing the objectives described in Subsection (2)(a).

10044 ~~{Section 169. Section 20A-9-809 is amended to read: }~~

10045 **20A-9-809. Counting votes -- Canvass -- Certification of results to parties.**

10046 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and retained, returns canvassed, and recounts and election contests conducted as provided in Chapter 4, Election Returns and Election Contests.

10049 (2) After the canvass is complete and the report is prepared, the [~~lieutenant governor~~] director shall transmit a copy of the report to each registered political party that participated in the presidential primary election.

10052 ~~{Section 170. Section 20A-11-101 is amended to read: }~~

10053 **20A-11-101. Definitions.**

As used in this chapter:

10055 (1)

(a) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

10057 (b) "Address" does not include a post office box.

10058 (2) "Agent of a reporting entity" means:

10059 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

10060 (b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;

10062 (c) the personal campaign committee of a candidate or officeholder;

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- 10063 (d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or
- 10066 (e) a political consultant of a reporting entity.
- 10067 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.
- 10070 (4) "Candidate" means any person who:
- 10071 (a) files a declaration of candidacy for a public office; or
- 10072 (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.
- 10075 (5) "Chief election officer" means:
- 10076 (a) the [~~lieutenant governor~~] director for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and
- 10080 (b) the county clerk for local school board candidates.
- 10081 (6)
- 10082 (a) "Contribution" means any of the following when done for political purposes:
- 10084 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
- 10087 (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
- 10088 (iii) any transfer of funds from another reporting entity to the filing entity;
- 10089 (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
- 10090 (v) remuneration from:
- 10091 (A) any organization or its directly affiliated organization that has a registered lobbyist; or
- 10093 (B) any agency or subdivision of the state, including school districts;
- 10094 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

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- 10095 (vii) in-kind contributions.
- 10096 (b) "Contribution" does not include:
- 10097 (i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;
- 10100 (ii) money lent to the filing entity by a financial institution in the ordinary course of business;
- 10102 (iii) goods or services provided for the benefit of a political entity at less than fair market value that are not authorized by or coordinated with the political entity; or
- 10104 (iv) data or information described in Subsection (24)(b).
- 10105 (7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:
- 10107 (a) with the political entity's prior knowledge, if the political entity does not object;
- 10108 (b) by agreement with the political entity;
- 10109 (c) in coordination with the political entity; or
- 10110 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 10111 (8)
- (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:
- 10114 (i) the purpose of expressly advocating for political purposes; or
- 10115 (ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.
- 10117 (b) "Corporation" does not mean:
- 10118 (i) a business organization's political action committee or political issues committee; or
- 10120 (ii) a business entity organized as a partnership or a sole proprietorship.
- 10121 (9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.
- 10124 (10) "County political party officer" means a person whose name is required to be submitted by a county political party to the [~~lieutenant governor~~] director in accordance with Section 20A-8-402.
- 10127 (11) "Detailed listing" means:
- 10128 (a) for each contribution or public service assistance:
- 10129

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(i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

10132 (ii) the amount or value of the contribution or public service assistance; and

10133 (iii) the date the contribution or public service assistance was made; and

10134 (b) for each expenditure:

10135 (i) the amount of the expenditure;

10136 (ii) the goods or services acquired by the expenditure; and

10137 (iii) the date the expenditure was made.

10138 (12)

(a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

10141 (b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.

10143 (13) "Election" means each:

10144 (a) regular general election;

10145 (b) regular primary election; and

10146 (c) special election at which candidates are eliminated and selected.

10147 (14) "Electioneering communication" means a communication that:

10148 (a) has at least a value of \$10,000;

10149 (b) clearly identifies a candidate or judge; and

10150 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

10153 (15)

(a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

10155 (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

10157 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

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(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

10162 (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

10164 (v) a transfer of funds between the filing entity and a candidate's personal campaign committee;

10166 (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or

10168 (vii) an independent expenditure, as defined in Section 20A-11-1702.

10169 (b) "Expenditure" does not include:

10170 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

10172 (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or

10174 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

10176 (16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.

10178 (17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

10180 (18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

10184 (19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

10187 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city or town.

10190 (21) "Incorporation election" means the election conducted under Section 10-2a-210.

10191 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

10192 (23) "Individual" means a natural person.

10193 (24)

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(a) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

10195 (b) "In-kind contribution" does not include survey results, voter lists, voter contact information, demographic data, voting trend data, or other information that:

10197 (i) is not commissioned for the benefit of a particular candidate or officeholder; and

10198 (ii) is offered at no cost to a candidate or officeholder.

10199 (25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

10201 (26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

10204 (27) "Legislative office candidate" means a person who:

10205 (a) files a declaration of candidacy for the office of state senator or state representative;

10206 (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

10209 (c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

10212 (28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:

10214 (a) an expenditure made using any form of payment;

10215 (b) money or funds received by the filing entity;

10216 (c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or

10218 (d) use of any line of credit.

10219 (29) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.

10221 (30) "Officeholder" means a person who holds a public office.

10222 (31) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

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- 10224 (32) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.
- 10228 (33) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.
- 10230 (34) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.
- 10232 (35)
- (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
- 10234 (i) solicit or receive contributions from any other person, group, or entity for political purposes; or
- 10236 (ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.
- 10239 (b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.
- 10242 (c) "Political action committee" does not mean:
- 10243 (i) a party committee;
- 10244 (ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;
- 10247 (iii) an individual;
- 10248 (iv) individuals who are related and who make contributions from a joint checking account;
- 10250 (v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or
- 10252 (vi) a personal campaign committee.
- 10253 (36)
- (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.
- 10256 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where the person:
- 10258 (i) has already been paid, with money or other consideration;
- 10259 (ii) expects to be paid in the future, with money or other consideration; or

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- 10260 (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.
- 10263 (37) "Political convention" means a county or state political convention held by a registered political party to select candidates.
- 10265 (38) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.
- 10267 (39)
- (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
- 10269 (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- 10273 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or
- 10277 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.
- 10279 (b) "Political issues committee" does not mean:
- 10280 (i) a registered political party or a party committee;
- 10281 (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
- 10284 (iii) an individual;
- 10285 (iv) individuals who are related and who make contributions from a joint checking account;
- 10287 (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or
- 10289 (vi) a group of individuals who:
- 10290 (A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, special district, special service district, or other local political subdivision of the state;
- 10294

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(B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;

10296 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;

10298 (D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and

10301 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection (39)(b)(vi)(A).

10303 (40)

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

10304 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

10306 (ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

10309 (iii) any transfer of funds received by a political issues committee from a reporting entity;

10311 (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

10313 (v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

10315 (b) "Political issues contribution" does not include:

10316 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

10318 (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

10320 (41)

(a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:

10323 (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:

10325 (A) a ballot proposition; or

10326 (B) an incorporation petition or incorporation election;

10327 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:

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- 10329 (A) a ballot proposition; or
- 10330 (B) an incorporation petition or incorporation election;
- 10331 (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
- 10333 (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or
- 10335 (v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.
- 10337 (b) "Political issues expenditure" does not include:
- 10338 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
- 10340 (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.
- 10342 (42) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
- 10345 (a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or
- 10347 (b) judge standing for retention at any election.
- 10348 (43)
- (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.
- 10352 (b) "Poll" does not include:
- 10353 (i) a ballot; or
- 10354 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 10355 (A) the focus group consists of more than three, and less than thirteen, individuals; and
- 10357 (B) all individuals in the focus group are present during the interview.
- 10358 (44) "Primary election" means any regular primary election held under the election laws.
- 10359 (45) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or

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political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

10364 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

10368 (47)

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

10371 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

10373 (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

10375 (b) "Public service assistance" does not include:

10376 (i) anything provided by the state;

10377 (ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

10379 (iii) money lent to an officeholder by a financial institution in the ordinary course of business;

10381 (iv) news coverage or any publication by the news media; or

10382 (v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

10385 (48) "Receipts" means contributions and public service assistance.

10386 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

10388 (50) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the ~~[Office of the Lieutenant Governor]~~ office.

10391 (51) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the ~~[Office of the Lieutenant Governor]~~ office.

10394 (52) "Registered political party" means an organization of voters that:

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(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

10398 (b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.

10400 (53)

(a) "Remuneration" means a payment:

10401 (i) made to a legislator for the period the Legislature is in session; and

10402 (ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

10405 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

10406 (i) the legislator's primary employer in the ordinary course of business; or

10407 (ii) a person or entity in the ordinary course of business:

10408 (A) because of the legislator's ownership interest in the entity; or

10409 (B) for services rendered by the legislator on behalf of the person or entity.

10410 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

10414 (55) "School board office" means the office of state school board.

10415 (56)

(a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

10417 (b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

10420 (57) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

10422 (58) "State office candidate" means a person who:

10423 (a) files a declaration of candidacy for a state office; or

10424

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

10427 (59) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

10429 (60) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

10431 ~~{Section 171. Section 20A-11-101.3 is amended to read: }~~

10432 **20A-11-101.3. Detailed listing and report requirements -- Rulemaking authority.**

10433 (1) As used in this section:

10434 (a) "Advertising" includes:

10435 (i) website development and maintenance;

10436 (ii) social media;

10437 (iii) television, newspaper, or radio; or

10438 (iv) a convention booth.

10439 (b) "Association expense" means a membership fee for:

10440 (i) a political association; or

10441 (ii) an association related to an activity of a candidate or an officeholder.

10442 (c) "Campaign Expense" includes:

10443 (i) district mapping;

10444 (ii) voter data;

10445 (iii) a phone bank;

10446 (iv) fund-raising expenses;

10447 (v) campaign assistance or consulting;

10448 (vi) campaign technology;

10449 (vii) campaign management;

10450 (viii) campaign interns; or

10451 (ix) food, and related expenses, purchased:

10452 (A) for a campaign event; or

10453 (B) for consumption by a candidate or campaign staff while conducting work relating to a campaign.

10455 (d) "Donations" includes giving to a charitable organization.

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- 10456 (e) "Loans" includes repaying loans.
- 10457 (f) "Office expense" includes:
- 10458 (i) an email server;
- 10459 (ii) phones;
- 10460 (iii) phone service;
- 10461 (iv) computers;
- 10462 (v) printers;
- 10463 (vi) furniture;
- 10464 (vii) tools and hardware; or
- 10465 (viii) food, and related expenses, purchased for consumption during an officeholder activity.
- 10467 (g) "Political support" includes contributions made to other candidates or political action committees.
- 10469 (h) "Supplies" includes:
- 10470 (i) signs;
- 10471 (ii) sign holders;
- 10472 (iii) parade supplies;
- 10473 (iv) t-shirts;
- 10474 (v) other campaign goods;
- 10475 (vi) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or an officeholder;
- 10477 (vii) printed materials; or
- 10478 (viii) postage.
- 10479 (i) "Travel expenses" includes:
- 10480 (i) political conference registration;
- 10481 (ii) airfare;
- 10482 (iii) hotels;
- 10483 (iv) food, and related expenses, purchased for consumption during travel;
- 10484 (v) vehicle mileage reimbursement; or
- 10485 (vi) incidental expenses while traveling.
- 10486 (2) As it relates to an expenditure, a detailed listing includes identifying the expenditure as falling within one of the following categories:
- 10488 (a) advertising;

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- 10489 (b) association expense;
- 10490 (c) campaign expense;
- 10491 (d) constituent services;
- 10492 (e) donations;
- 10493 (f) loans;
- 10494 (g) office;
- 10495 (h) political support;
- 10496 (i) return of a contribution;
- 10497 (j) signature gathering;
- 10498 (k) supplies;
- 10499 (l) travel expenses; or
- 10500 (m) other expenditures that do not fall within a category described in Subsections (2)(a) through (l), followed by a description of the expenditure.
- 10502 (3) The [~~director of elections, within the Lieutenant Governor's Office,~~] office may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to the form, type, and level of detail required in a detailed listing or a financial disclosure form.
- 10506 ~~{Section 172. Section 20A-11-103 is amended to read: }~~
- 10507 **20A-11-103. Notice of pending interim and summary reports -- Form of submission -- Public availability -- Notice of reporting and filing requirements.**
- 10509 (1)
- (a) Except as provided under Subsection (1)(b), 10 days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by electronic mail unless postal mail is requested:
- 10513 (i) that the financial statement is due;
- 10514 (ii) of the date that the financial statement is due; and
- 10515 (iii) of the penalty for failing to file the financial statement.
- 10516 (b) The chief election officer is not required to provide notice:
- 10517 (i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;
- 10519 (ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or

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- 10521 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- 10522 (2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.
- 10524 (3)
- (a) A financial statement is considered timely filed if the financial statement is received by the chief election officer's office before midnight, Mountain Time, at the end of the day on which the financial statement is due.
- 10527 (b) For a county clerk's office that is not open until midnight at the end of the day on which a financial statement is due, the county clerk shall permit a candidate to file the financial statement via email or another electronic means designated by the county clerk.
- 10531 (c) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.
- 10534 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the ~~[lieutenant governor]~~ director shall:
- 10536 (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
- 10538 (b) post on a website established by the ~~[lieutenant governor]~~ director:
- 10539 (i) an electronic copy or the contents of each summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date on which the summary report or interim report is electronically filed; or
- 10543 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208, for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or county website that hosts the campaign finance statement, no later than seven business days after the date on which the ~~[lieutenant governor]~~ director receives the link from:
- 10548 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208(10)(b)(ii); or
- 10550 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).
- 10551 (5) Between January 1 and January 15 of each year, the chief election officer shall provide notice, by postal mail or email, to each filing entity for which the chief election officer has a physical or email address, of the reporting and filing requirements described in this chapter.
- 10555 ~~{Section 173. Section 20A-11-104 is amended to read: }~~

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- 10556 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of campaign funds**
-- Enforcement -- Penalties.
- 10558 (1)
- 10559 (a) As used in this chapter, "personal use expenditure" means an expenditure that:
- 10561 (i)
- 10565 (A) is not excluded from the definition of personal use expenditure by Subsection (2); and
- 10561 (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or
- 10565 (ii) would likely cause the candidate or officeholder to recognize the expenditure as taxable income under federal or state law.
- 10567 (b) "Personal use expenditure" includes:
- 10568 (i) a mortgage, rent, utility, or vehicle payment;
- 10569 (ii) a household food item or supply;
- 10570 (iii) a clothing expense, except:
- 10571 (A) clothing bearing the candidate's name or campaign slogan or logo that is used in the candidate's campaign;
- 10573 (B) clothing bearing the logo or name of a jurisdiction, district, government organization, government entity, caucus, or political party that the officeholder represents or of which the officeholder is a member; or
- 10576 (C) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or officeholder;
- 10578 (iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;
- 10580 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 10581 (vi) a salary payment made to:
- 10582 (A) a candidate or officeholder; or
- 10583 (B) a person who has not provided a bona fide service to a candidate or officeholder;
- 10585 (vii) a vacation;
- 10586 (viii) a vehicle expense;
- 10587 (ix) a meal expense;
- 10588 (x) a travel expense;

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- 10589 (xi) a payment of an administrative, civil, or criminal penalty;
- 10590 (xii) a satisfaction of a personal debt;
- 10591 (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
- 10593 (xiv) a membership fee for a professional or service organization; and
- 10594 (xv) a payment in excess of the fair market value of the item or service purchased.
- 10595 (2) As used in this chapter, "personal use expenditure" does not include an expenditure made:
- 10597 (a) for a political purpose;
- 10598 (b) for candidacy for public office;
- 10599 (c) to fulfill a duty or activity of an officeholder;
- 10600 (d) for a donation to a registered political party;
- 10601 (e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
- 10604 (f) to return all or a portion of a contribution to a contributor;
- 10605 (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
- 10607 (i)
- 10609 (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or
- 10610 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 10611 (ii) a food expense, including food or beverages:
- 10612 (A) served at a campaign event;
- 10613 (B) served at a charitable event;
- 10615 (C) consumed, or provided to others, by a candidate while the candidate is engaged in campaigning;
- 10617 (D) consumed, or provided to others, by an officeholder while the officeholder is acting in the capacity of an officeholder; or
- 10619 (E) provided as a gift to an individual who works on a candidate's campaign or who assists an officeholder in the officeholder's capacity as an officeholder;
- 10619 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses incidental to the travel;

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- 10622 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of the travel by the individual is to assist the candidate with the candidate's campaign, including an expense described in Subsection (2)(g)(iii);
- 10625 (v) a travel expense of an officeholder, if the primary purpose of the travel is related to an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
- 10628 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose of the travel by the individual is to assist the officeholder in an activity or duty of an officeholder, including an expense described in Subsection (2)(g)(iii);
- 10631 (vii) a payment for a service provided by an attorney or accountant;
- 10632 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 10633 (ix) a gift;
- 10634 (x) a payment for the following items in connection with an office space:
- 10635 (A) rent;
- 10636 (B) utilities;
- 10637 (C) a supply; or
- 10638 (D) furnishing;
- 10639 (xi) a booth at a meeting or event;
- 10640 (xii) educational material; or
- 10641 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of an officeholder;
- 10643 (h) to purchase or mail informational material, a survey, or a greeting card;
- 10644 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
- 10647 (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
- 10649 (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
- 10651 (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community;
- 10654

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(m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2), including related travel expenses and other expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv) or (vi); or

10658 (n) to pay childcare expenses of:

10659 (i) a candidate while the candidate is engaging in campaign activity; or

10660 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.

10661 (3)

(a) The ~~[lieutenant governor]~~ director shall enforce this chapter prohibiting a personal use expenditure by:

10663 (i) evaluating a financial statement to identify a personal use expenditure; and

10664 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the ~~[lieutenant governor]~~ director has probable cause to believe a candidate or officeholder has made a personal use expenditure.

10668 (b) Following the proceeding, the ~~[lieutenant governor]~~ director may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:

10670 (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the ~~[lieutenant governor]~~ director; and

10672 (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.

10674 (c) The ~~[lieutenant governor]~~ director shall deposit money received under Subsection (3)(b)(i) ~~[in]~~ into the General Fund.

10676 ~~{Section 174. Section 20A-11-105 is amended to read: }~~

10677 **20A-11-105. Deadline for payment of fine.**

A person against whom the ~~[lieutenant governor]~~ director imposes a fine under this chapter shall pay the fine before 5 p.m. within 30 days after the day on which the ~~[lieutenant governor]~~ director imposes the fine.

10681 ~~{Section 175. Section 20A-11-201 is amended to read: }~~

10682 **20A-11-201. State office -- Separate bank account for campaign funds -- No personal use -- State office candidate reporting deadline -- Report other accounts -- Anonymous contributions.**

10685 (1)

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(a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

10688 (b) A state office candidate or a candidate's personal campaign committee may not use money deposited in a campaign account for:

10690 (i) a personal use expenditure; or

10691 (ii) an expenditure prohibited by law.

10692 (c) Each state officeholder or the state officeholder's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.

10695 (d) A state officeholder or a state officeholder's personal campaign committee may not use money deposited in a campaign account for:

10697 (i) a personal use expenditure; or

10698 (ii) an expenditure prohibited by law.

10699 (2)

(a) A state office candidate or the candidate's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.

10701 (b) A state officeholder or the state officeholder's personal campaign committee may not deposit or mingle any contributions or public service assistance received into a personal or business account.

10704 (3) If a person who is no longer a state office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by Section 20A-11-205 are filed with the [~~lieutenant-governor~~] director.

10709 (4)

(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a state office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law.

10713 (b) A person who is no longer a state office candidate may transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

10717 (5)

HB0369 compared with HB0369S02

(a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection 20A-11-204(1)(b).

10719 (b) Each state office candidate shall report to the [~~lieutenant governor~~] director each contribution received by the state office candidate:

10721 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which the contribution is received; or

10723 (ii) within seven business days after the day on which the contribution is received, if:

10724 (A) the state office candidate is contested in a convention and the contribution is received within 30 days before the day on which the convention is held;

10726 (B) the state office candidate is contested in a primary election and the contribution is received within 30 days before the day on which the primary election is held; or

10729 (C) the state office candidate is contested in a general election and the contribution is received within 30 days before the day on which the general election is held.

10732 (c) Except as provided in Subsection (5)(d), for each contribution that a state office candidate fails to report within the time period described in Subsection (5)(b), the [~~lieutenant governor~~] director shall impose a fine against the state office candidate in an amount equal to:

10736 (i) 10% of the amount of the contribution, if the state office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or

10739 (ii) 20% of the amount of the contribution, if the state office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends.

10742 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection (5)(c) and issue a warning to the state office candidate if:

10744 (i) the contribution that the state office candidate fails to report is paid by the state office candidate from the state office candidate's personal funds;

10746 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation to a contribution paid by the state office candidate from the state office candidate's personal funds; and

10749 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the contribution is due to the state office candidate not understanding that the reporting requirement includes a contribution paid by a state office candidate from the state office candidate's personal funds.

10753 (e) The [~~lieutenant governor~~] director shall:

10754 (i) deposit money received under Subsection (5)(c) into the General Fund; and

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- 10755 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports relating to each state office candidate are available for public access:
- 10757 (A) each fine imposed by the [~~lieutenant governor~~] director against the state office candidate;
- 10759 (B) the amount of the fine;
- 10760 (C) the amount of the contribution to which the fine relates; and
- 10761 (D) the date of the contribution.
- 10762 (6)
- (a) As used in this Subsection (6), "account" means an account in a financial institution:
- 10764 (i) that is not described in Subsection (1)(a); and
- 10765 (ii) into which or from which a person who, as a candidate for an office, other than the state office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a state office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
- 10770 (b) A state office candidate shall include on any financial statement filed in accordance with this part:
- 10772 (i) a contribution deposited in an account:
- 10773 (A) since the last campaign finance statement was filed; or
- 10774 (B) that has not been reported under a statute or ordinance that governs the account; or
- 10776 (ii) an expenditure made from an account:
- 10777 (A) since the last campaign finance statement was filed; or
- 10778 (B) that has not been reported under a statute or ordinance that governs the account.
- 10780 (7) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse the amount of the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- 10784 ~~{Section 176. Section 20A-11-202 is amended to read: }~~
- 10785 **20A-11-202. State office candidate -- Personal campaign committee required -- Candidate as a political action committee officer.**
- 10787 (1)
- (a)

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(i) Each state office candidate shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.

10790 (ii) A state office candidate may serve as the candidate's own campaign committee.

10791 (iii) A state office candidate may be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

10794 (b) Except for expenses made by a registered political party to benefit a party's candidates generally, a state office candidate or other person acting in concert with or with the knowledge of the state office candidate may not receive any contributions or make any expenditures on behalf of a state office candidate other than through:

10798 (i) a personal campaign committee established under this section; and

10799 (ii) a political action committee established under Part 6, Political Action Committee Registration and Financial Reporting Requirements.

10801 (2)

(a) The state office candidate shall file a written statement signed by the candidate or authorized member of the candidate's personal campaign committee with the [~~lieutenant governor~~] director that:

10804 (i) informs the [~~lieutenant governor~~] director that the state office candidate's personal campaign committee has been selected; and

10806 (ii) provides the name and address of each member and the secretary of the committee.

10808 (b) A state office candidate or the candidate's personal campaign committee may not make any expenditures on behalf of the candidate until the statement has been filed.

10810 (c) A state office candidate may revoke the selection of any member of the campaign committee by:

10812 (i) revoking that individual's appointment or election in writing;

10813 (ii) personally serving the written revocation on the member whose selection is revoked; and

10815 (iii) filing a copy of the written revocation with the [~~lieutenant governor~~] director.

10816 (d)

(i) The state office candidate may select a replacement to fill any vacancy on the campaign committee.

10818 (ii) The state office candidate shall file that replacement's name and address with the [~~lieutenant governor~~] director.

10820

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(3) A member of a state office candidate's personal campaign committee may not make an expenditure of more than \$1,000 unless the state office candidate or the secretary of the personal campaign committee authorizes the expenditure in writing.

10823 (4) A state office candidate or the candidate's personal campaign committee may not make any expenditures prohibited by law.

10825 ~~{Section 177. Section 20A-11-204 is amended to read: }~~

10826 **20A-11-204. State office candidate and state officeholder -- Financial reporting requirements -- Interim reports.**

10828 (1) As used in this section:

10829 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1) (a) or (c).

10831 (b) "Received" means:

10832 (i) for a cash contribution, that the cash is given to a state office candidate or a member of the state office candidate's personal campaign committee;

10834 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated;

10836 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

10838 (A) the day on which the state office candidate or a member of the state office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

10841 (B) the day on which the state office candidate or a member of the state office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or

10844 (C) 31 days after the day on which the direct deposit occurs; or

10845 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.

10847 (2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

10850 (a)

(i) seven days before the candidate's political convention; or

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- 10851 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 10852 (b) seven days before the regular primary election date;
- 10853 (c) September 30; and
- 10854 (d) seven days before the regular general election date.
- 10855 (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the state office candidate:
- 10857 (a) shall file an interim report:
- 10858 (i)
- (A) no later than seven days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-504; and
- 10862 (B) two days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i); or
- 10865 (ii) if a state office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the party meets; and
- 10869 (b) is not required to file an interim report at the times described in Subsection (1).
- 10870 (4) Each interim report shall include the following information:
- 10871 (a) the net balance of the last summary report, if any;
- 10872 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- 10874 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- 10876 (d) a detailed listing of:
- 10877 (i) for a state office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
- 10879 (ii) for a state officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- 10882 (e) for each nonmonetary contribution:

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- 10883 (i) the fair market value of the contribution with that information provided by the contributor; and
10885 (ii) a specific description of the contribution;
- 10886 (f) a detailed listing of each expenditure made since the last summary report that has not been reported
in detail on a prior interim report;
- 10888 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10889 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all
receipts since the last summary report minus all expenditures since the last summary report;
- 10892 (i) a summary page in the form required by the [~~lieutenant governor~~] director that identifies:
- 10894 (i) beginning balance;
- 10895 (ii) total contributions and public service assistance received during the period since the last statement;
- 10897 (iii) total contributions and public service assistance received to date;
- 10898 (iv) total expenditures during the period since the last statement; and
- 10899 (v) total expenditures to date; and
- 10900 (j) the name of a political action committee for which the state office candidate or state officeholder is
designated as an officer who has primary decision-making authority under Section 20A-11-601.
- 10903 (5)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days
before the required filing date of the report.
- 10905 (b) Any negotiable instrument or check received by a state office candidate or state officeholder more
than five days before the required filing date of a report required by this section shall be included in
the interim report.
- 10908 ~~{Section 178. Section 20A-11-205 is amended to read: }~~
- 10909 **20A-11-205. State office candidate -- Financial reporting requirements -- Termination of
duty to report.**
- 10911 (1) Each state office candidate and the candidate's personal campaign committee is active and subject to
interim reporting requirements until:
- 10913 (a) the candidate withdraws or is eliminated in a convention or primary; or
- 10914 (b) if seeking appointment as a midterm vacancy state office candidate:
- 10915 (i) the political party liaison fails to forward the person's name to the governor; or
- 10916 (ii) the governor fails to appoint the person to fill the vacancy.
- 10917

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(2) Each state office candidate and the candidate's personal campaign committee is active and subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the ~~[lieutenant governor]~~ director stating that:

10920 (a) the state office candidate or the personal campaign committee is no longer receiving contributions and is no longer making expenditures;

10922 (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-201 is zero; and

10924 (c) a final summary report in the form required by Section 20A-11-203 showing a zero balance is attached to the statement of dissolution.

10926 (3) A statement of dissolution and a final summary report may be filed at any time.

10927 (4) Each state office candidate and the candidate's personal campaign committee shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by this section are filed with the ~~[lieutenant governor]~~ director.

10931 ~~{Section 179. Section 20A-11-206 is amended to read: }~~

10932 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

10933 (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.

10935 (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]~~ director 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:

10939 (a) that the state office candidate failed to timely file the report; and

10940 (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.

10943 (3)

(a) The ~~[lieutenant governor]~~ director 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.

10948 (b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.

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- 10950 (4) If a state office candidate is disqualified under Subsection (3)(a), the election officer shall:
- 10952 (a) notify every opposing candidate for the state office that the state office candidate is disqualified;
- 10954 (b) send an email notification to each voter who is eligible to vote in the state office race for whom the [~~lieutenant governor~~] office 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;
- 10958 (c) post notice of the disqualification on the [~~lieutenant governor's~~] office's website; and
- 10959 (d) if practicable, remove the state office candidate's name from the ballot.
- 10960 (5) An election officer may fulfill the requirement described in Subsection (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 the [~~lieutenant governor's~~] office's website to inform the voter whether a candidate on the ballot is disqualified.
- 10964 (6) A state office candidate is not disqualified if:
- 10965 (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;
- 10968 (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
- 10971 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.
- 10973 (7)
- (a) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant governor~~] director shall review each filed summary report to ensure that:
- 10975 (i) each state office candidate that is required to file a summary report has filed one; and
- 10977 (ii) each summary report contains the information required by this part.
- 10978 (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~~] director has received a written complaint alleging a violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] director 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.
- 10985 (c)

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(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] director described in this Subsection (7).

10988 (ii) Each state office candidate who violates Subsection[-] (7)(c)(i) is guilty of a class B misdemeanor.

10990 (iii) The [lieutenant governor] director shall report all violations of Subsection (7)(c)(i) to the attorney general.

10992 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the [lieutenant governor] director shall impose a civil fine of \$100 against a state office candidate who violates Subsection (7)(c)(i).

10995 {Section 180. Section 20A-11-301 is amended to read: }

10996 **20A-11-301. Legislative office -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.**

10999 (1)

(a)

(i) Each legislative office candidate shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

11002 (ii) A legislative office candidate may:

11003 (A) receive a contribution from a political action committee registered under Section 20A-11-601; and

11005 (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

11007 (b) A legislative office candidate or the candidate's personal campaign committee may not use money deposited in an account described in Subsection (1)(a)(i) for:

11009 (i) a personal use expenditure; or

11010 (ii) an expenditure prohibited by law.

11011 (c)

(i) Each legislative officeholder shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

11014 (ii) A legislative officeholder may:

11015 (A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and

11017

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(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

11019 (d) A legislative officeholder or the legislative officeholder's personal campaign committee may not use money deposited in an account described in Subsection (1)(c)(i) for:

11022 (i) a personal use expenditure; or

11023 (ii) an expenditure prohibited by law.

11024 (2)

(a) A legislative office candidate may not deposit or mingle any contributions received into a personal or business account.

11026 (b) A legislative officeholder may not deposit or mingle any contributions or public service assistance received into a personal or business account.

11028 (3) If a person who is no longer a legislative candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by Section 20A-11-304 are filed with the [~~lieutenant governor~~] director.

11033 (4)

(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a legislative office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law.

11037 (b) A person who is no longer a legislative office candidate may transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

11041 (5)

(a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection 20A-11-303(1)(b).

11043 (b) Each legislative office candidate shall report to the [~~lieutenant governor~~] director each contribution received by the legislative office candidate:

11045 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which the contribution is received; or

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- 11047 (ii) within seven business days after the day on which the contribution is received, if:
- 11048 (A) the legislative office candidate is contested in a convention and the contribution is received within
30 days before the day on which the convention is held;
- 11051 (B) the legislative office candidate is contested in a primary election and the contribution is received
within 30 days before the day on which the primary election is held; or
- 11054 (C) the legislative office candidate is contested in a general election and the contribution is received
within 30 days before the day on which the general election is held.
- 11057 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative office candidate fails
to report within the time period described in Subsection (5)(b), the [~~lieutenant governor~~] director
shall impose a fine against the legislative office candidate in an amount equal to:
- 11061 (i) 10% of the amount of the contribution, if the legislative office candidate reports the contribution
within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
- 11064 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to report the
contribution within 60 days after the day on which the time period described in Subsection (5)(b)
ends.
- 11067 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection (5)(c) and issue a
warning to the legislative office candidate if:
- 11069 (i) the contribution that the legislative office candidate fails to report is paid by the legislative office
candidate from the legislative office candidate's personal funds;
- 11071 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in relation to a
contribution paid by the legislative office candidate from the legislative office candidate's personal
funds; and
- 11074 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the contribution is
due to the legislative office candidate not understanding that the reporting requirement includes a
contribution paid by a legislative office candidate from the legislative office candidate's personal
funds.
- 11078 (e) The [~~lieutenant governor~~] director shall:
- 11079 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 11080 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports relating to each
legislative office candidate are available for public access:
- 11082 (A) each fine imposed by the [~~lieutenant governor~~] director against the legislative office candidate;

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- 11084 (B) the amount of the fine;
- 11085 (C) the amount of the contribution to which the fine relates; and
- 11086 (D) the date of the contribution.
- 11087 (6) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall disburse the amount of the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- 11091 (7)
- 11093 (a) As used in this Subsection (7), "account" means an account in a financial institution:
- 11094 (i) that is not described in Subsection (1)(a)(i); and
- (ii) into which or from which a person who, as a candidate for an office, other than a legislative office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a legislative office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
- 11099 (b) A legislative office candidate shall include on any financial statement filed in accordance with this part:
- 11101 (i) a contribution deposited in an account:
- 11102 (A) since the last campaign finance statement was filed; or
- 11103 (B) that has not been reported under a statute or ordinance that governs the account; or
- 11105 (ii) an expenditure made from an account:
- 11106 (A) since the last campaign finance statement was filed; or
- 11107 (B) that has not been reported under a statute or ordinance that governs the account.
- 11109 ~~{Section 181. Section 20A-11-303 is amended to read: }~~
- 11110 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial reporting requirements -- Interim reports.**
- 11112 (1) As used in this section:
- 11113 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-301(1) (a)(i) or (c)(i).
- 11115 (b) "Received" means:
- 11116 (i) for a cash contribution, that the cash is given to a legislative office candidate or a member of the legislative office candidate's personal campaign committee;

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- 11118 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated;
- 11120 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:
- 11122 (A) the day on which the legislative office candidate or a member of the legislative office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;
- 11125 (B) the day on which the legislative office candidate or a member of the legislative office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or
- 11129 (C) 31 days after the day on which the direct deposit occurs; or
- 11130 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the legislative office candidate.
- 11132 (2) Except as provided in Subsection (3), each legislative office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
- 11135 (a)
- 11136 (i) seven days before the candidate's political convention; or
- 11137 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 11137 (b) seven days before the regular primary election date;
- 11138 (c) September 30; and
- 11139 (d) seven days before the regular general election date.
- 11140 (3) If a legislative office candidate is a legislative office candidate seeking appointment for a midterm vacancy, the legislative office candidate:
- 11142 (a) shall file an interim report:
- 11143 (i)
- 11147 (A) seven days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; and
- (B) two days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; or

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- 11150 (ii) if the legislative office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, two days before the day on which the party meets; and
- 11154 (b) is not required to file an interim report at the times described in Subsection (2)(a).
- 11155 (4) Each interim report shall include the following information:
- 11156 (a) the net balance of the last summary report, if any;
- 11157 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- 11159 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- 11161 (d) a detailed listing of:
- 11162 (i) for a legislative office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
- 11164 (ii) for a legislative officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- 11167 (e) for each nonmonetary contribution:
- 11168 (i) the fair market value of the contribution with that information provided by the contributor; and
- 11170 (ii) a specific description of the contribution;
- 11171 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- 11173 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11174 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
- 11177 (i) a summary page in the form required by the [~~lieutenant governor~~] director that identifies:
- 11179 (i) beginning balance;
- 11180 (ii) total contributions and public service assistance received during the period since the last statement;
- 11182 (iii) total contributions and public service assistance received to date;
- 11183 (iv) total expenditures during the period since the last statement; and
- 11184 (v) total expenditures to date; and
- 11185

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(j) the name of a political action committee for which the legislative office candidate or legislative officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

11188 (5)

(a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

11190 (b) Any negotiable instrument or check received by a legislative office candidate or legislative officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

11193 ~~{Section 182. Section 20A-11-304 is amended to read: }~~

11194 **20A-11-304. Legislative office candidate -- Financial reporting requirements -- Termination of duty to report.**

11196 (1) Each legislative office candidate is subject to interim reporting requirements until:

11197 (a) the candidate withdraws or is eliminated in a convention or primary; or

11198 (b) if seeking appointment as a midterm vacancy legislative office candidate:

11199 (i) the political party liaison fails to forward the person's name to the governor; or

11200 (ii) the governor fails to appoint the person to fill the vacancy.

11201 (2) Each legislative office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the [~~lieutenant governor~~] director stating that:

11204 (a) the legislative office candidate is no longer receiving contributions and is no longer making expenditures;

11206 (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-301 is zero; and

11208 (c) a final summary report in the form required by Section 20A-11-302 showing a zero balance is attached to the statement of dissolution.

11210 (3) A statement of dissolution and a final summary report may be filed at any time.

11211 (4) Each legislative office candidate shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by this section are filed with the [~~lieutenant governor~~] director.

11214 ~~{Section 183. Section 20A-11-305 is amended to read: }~~

11215 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

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- 11216 (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.
- 11218 (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~~] director 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:
- 11222 (a) that the legislative office candidate failed to timely file the report; and
- 11223 (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.
- 11226 (3)
- (a) The [~~lieutenant governor~~] director 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.
- 11231 (b) The political party of a legislative office candidate who is disqualified under Subsection (3)(a) may not replace the legislative office candidate.
- 11233 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the election officer shall:
- 11235 (a) notify every opposing candidate for the legislative office that the legislative office candidate is disqualified;
- 11237 (b) send an email notification to each voter who is eligible to vote in the legislative office 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;
- 11241 (c) post notice of the disqualification on the election officer's website; and
- 11242 (d) if practicable, remove the legislative office candidate's name from the ballot.
- 11243 (5) An election officer may fulfill the requirement described in Subsection (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 the election officer's website to inform the voter whether a candidate on the ballot is disqualified.
- 11247 (6) A legislative office candidate is not disqualified if:
- 11248

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- (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;
- 11251 (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
- 11254 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.
- 11256 (7)
- (a) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant governor~~] director shall review each filed summary report to ensure that:
- 11258 (i) each legislative office candidate that is required to file a summary report has filed one; and
- 11260 (ii) each summary report contains the information required by this part.
- 11261 (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~~] director has received a written complaint alleging a violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] director 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.
- 11269 (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~~] director described in this Subsection (7).
- 11272 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a class B misdemeanor.
- 11274 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection (7)(c)(i) to the attorney general.
- 11276 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the [~~lieutenant governor~~] director shall impose a civil fine of \$100 against a legislative office candidate who violates Subsection (7)(c)(i).

{Section 184. Section 20A-11-402 is amended to read: }

20A-11-402. Officeholder financial reporting requirements -- Statement of dissolution.

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(1) An officeholder or former officeholder is active and subject to reporting requirements until the officeholder or former officeholder has filed a statement of dissolution with the [~~lieutenant governor~~] director stating that:

11285 (a) the officeholder or former officeholder is no longer receiving contributions or public service assistance and is no longer making expenditures;

11287 (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301 is zero; and

11290 (c) a final summary report in the form required by Section 20A-11-401 showing a zero balance is attached to the statement of dissolution.

11292 (2) A statement of dissolution and a final summary report may be filed at any time.

11293 (3)

(a) Each officeholder shall report to the [~~lieutenant governor~~] director each contribution or public service assistance received by the state officeholder within 31 days after the day on which the officeholder receives the contribution or public service assistance.

11297 (b) For each contribution or public service assistance that an officeholder fails to report within the time period described in Subsection (3)(a), the [~~lieutenant governor~~] director shall impose a fine against the officeholder in an amount equal to:

11300 (i) 10% of the amount of the contribution or public service assistance if the officeholder reports the contribution or public service assistance within 60 days after the day on which the time period described in Subsection (3)(a) ends; or

11303 (ii) 20% of the amount of the contribution or public service assistance if the officeholder fails to report the contribution or public service assistance within 60 days after the day on which the time period described in Subsection (3)(a) ends.

11306 (c) Each officeholder or former officeholder shall continue to file the year-end summary report required by Section 20A-11-401 until the statement of dissolution and final summary report required by this section are filed with the [~~lieutenant governor~~] director.

11310 (4) An officeholder or former officeholder may not use a contribution or public service assistance deposited in an account in accordance with this chapter for:

11312 (a) a personal use expenditure; or

11313 (b) an expenditure prohibited by law.

11314 (5)

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(a) Except as provided in Subsection (5)(b), a former officeholder may not expend or transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law.

11317 (b) A former officeholder may transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

11320 {Section 185. Section 20A-11-403 is amended to read: }

11321 20A-11-403. Failure to file -- Penalties.

11322 (1) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant governor~~] director shall review each filed summary report to ensure that:

11324 (a) each officeholder that is required to file a summary report has filed one; and

11325 (b) each summary report contains the information required by this part.

11326 (2) If it appears that any officeholder 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~~] director has received a written complaint alleging a violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] director shall, if the [~~lieutenant governor~~] director determines that a violation has occurred:

11331 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

11332 (b) within five days of discovery of a violation or receipt of a written complaint, notify the officeholder of the violation or written complaint and direct the officeholder to file a summary report correcting the problem.

11335 (3)

(a) It is unlawful for any officeholder to fail to file or amend a summary report within seven days after receiving notice from the [~~lieutenant governor~~] director under this section.

11338 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.

11339 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (3)(a) to the attorney general.

11341 (d) In addition to the criminal penalty described in Subsection (3)(b), the [~~lieutenant governor~~] director shall impose a civil fine of \$100 against an officeholder who violates Subsection (3)(a).

11344 {Section 186. Section 20A-11-507 is amended to read: }

11345 20A-11-507. Political party financial reporting requirements -- Interim reports.

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- 11346 (1) The party committee of each registered political party shall file an interim report at the following
times in any year in which there is a regular general election:
- 11348 (a) seven days before the registered political party's political convention;
- 11349 (b) seven days before the regular primary election date;
- 11350 (c) September 30; and
- 11351 (d) seven days before the general election date.
- 11352 (2) Each interim report shall include the following information:
- 11353 (a) the net balance of the last financial statement, if any;
- 11354 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any,
during the calendar year in which the interim report is due;
- 11356 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any,
filed during the calendar year in which the interim report is due;
- 11358 (d) a detailed listing of each contribution received since the last summary report that has not been
reported in detail on a prior interim report;
- 11360 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 11361 (f) a detailed listing of each expenditure made since the last summary report that has not been reported
in detail on a prior interim report;
- 11363 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11364 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all
receipts since the last summary report minus all expenditures since the last summary report; and
- 11367 (i) a summary page in the form required by the [~~lieutenant governor~~] director that identifies:
- 11369 (i) beginning balance;
- 11370 (ii) total contributions during the period since the last statement;
- 11371 (iii) total contributions to date;
- 11372 (iv) total expenditures during the period since the last statement; and
- 11373 (v) total expenditures to date.
- 11374 (3)
- (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without
separate detailed listings.
- 11376 (b) Two or more contributions from the same source that have an aggregate total of more than \$50 may
not be reported in the aggregate, but shall be reported separately.

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- 11378 (4) In preparing each interim report, all receipts and expenditures shall be reported as of five days
before the required filing date of the report.
- 11380 ~~{Section 187. Section 20A-11-508 is amended to read: }~~
- 11381 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**
- 11382 (1)
- (a) Each registered political party that fails to file a financial statement by the deadline is subject to a
fine imposed in accordance with Section 20A-11-1005.
- 11384 (b) Each registered political party that fails to file an interim report described in Subsections
20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.
- 11386 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (1)(b) to the attorney
general.
- 11388 (2) Within 60 days after a deadline for the filing of a summary report required by this part, the
~~[lieutenant governor]~~ director shall review each filed report to ensure that:
- 11390 (a) each political party that is required to file a report has filed one; and
- 11391 (b) each report contains the information required by this part.
- 11392 (3) If it appears that any political party has failed to file a report required by law, if it appears that
a filed report does not conform to the law, or if the ~~[lieutenant governor]~~ director has received
a written complaint alleging a violation of the law or the falsity of any report, the ~~[lieutenant
governor]~~ director shall, within five days of discovery of a violation or receipt of a written
complaint, notify the political party of the violation or written complaint and direct the political
party to file a summary report correcting the problem.
- 11399 (4)
- (a) It is unlawful for any political party to fail to file or amend a summary report within seven days after
receiving notice from the ~~[lieutenant governor]~~ director under this section.
- 11402 (b) Each political party who violates Subsection (4)(a) is guilty of a class B misdemeanor.
- 11404 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (4)(a) to the attorney
general.
- 11406 (d) In addition to the criminal penalty described in Subsection (4)(b), the ~~[lieutenant governor]~~ director
shall impose a civil fine of \$1,000 against a political party that violates Subsection (4)(a).
- 11409 ~~{Section 188. Section 20A-11-511 is amended to read: }~~
- 11410 **20A-11-511. County political party financial reporting requirements -- Interim reports.**

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- 11412 (1)
- (a) A county political party officer of a county political party that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year shall file an interim report at the following times in any year in which there is a regular general election:
- 11416 (i) seven days before the county political party's convention;
- 11417 (ii) seven days before the regular primary election date;
- 11418 (iii) September 30; and
- 11419 (iv) seven days before the general election date.
- 11420 (b) A county political party officer need not file an interim report if it received no contributions or made no expenditures during the reporting period.
- 11422 (2) Each interim report shall include the following information:
- 11423 (a) the net balance of the last financial statement, if any;
- 11424 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- 11426 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- 11428 (d) a detailed listing of each contribution received since the last summary report that has not been reported in detail on a prior interim report;
- 11430 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 11431 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- 11433 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11434 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and
- 11437 (i) a summary page in the form required by the [~~lieutenant governor~~] director that identifies:
- 11439 (i) beginning balance;
- 11440 (ii) total contributions during the period since the last statement;
- 11441 (iii) total contributions to date;
- 11442 (iv) total expenditures during the period since the last statement; and
- 11443 (v) total expenditures to date.
- 11444 (3)

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(a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

11446 (b) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

11448 (4) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

11450 ~~{Section 189. Section 20A-11-512 is amended to read: }~~

11451 **20A-11-512. County political party -- Criminal penalties -- Fines.**

11452 (1) A county political party that fails to file an interim report described in Subsections 20A-11-511(1) (a)(i) through (iv) before the deadline is subject to a fine in accordance with Section 20A-11-1005, which the chief election officer shall deposit ~~[in]~~ into the General Fund.

11456 (2) Within 60 days after a deadline for the filing of the January 10 statement required by Section 20A-11-510, the ~~[lieutenant governor]~~ director shall review each filed statement to ensure that:

11459 (a) a county political party officer who is required to file a statement has filed one; and

11460 (b) each statement contains the information required by Section 20A-11-510.

11461 (3) If it appears that any county political party officer has failed to file a financial statement before the deadline, if it appears that a filed financial statement does not conform to the law, or if the ~~[lieutenant governor]~~ director has received a written complaint alleging a violation of the law or the falsity of any financial statement, the ~~[lieutenant governor]~~ director shall, within five days after the day on which the ~~[lieutenant governor]~~ director discovers the violation or receives the written complaint, notify the county political party officer of the violation or written complaint and direct the county political party officer to file a financial statement correcting the problem.

11469 (4)

(a) A county political party that fails to file or amend a financial statement within seven days after the day on which the county political party receives notice from the ~~[lieutenant governor]~~ director under this section is subject to a fine of the lesser of:

11472 (i) 10% of the total contributions received, and the total expenditures made, by the county political party during the reporting period for the financial statement that the county political party failed to file or amend; or

11475 (ii) \$1,000.

11476

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(b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into the General Fund.

~~{Section 190. Section 20A-11-513 is amended to read: }~~

20A-11-513. Termination of duty to report.

(1) A registered political party or county political party is subject to year-end summary reporting requirements until the registered political party or county political party has filed a statement of dissolution with the ~~[lieutenant governor]~~ director stating that:

(a) the political party is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero; and

(c) a final summary report in the form required by this part showing a zero balance is filed with the statement of dissolution.

(2) A statement of dissolution and a final summary report may be filed at any time.

(3) A registered political party or county political party shall continue to file the year-end summary report required by this part until the statement of dissolution and final summary report required by this section are filed with the ~~[lieutenant governor]~~ director.

~~{Section 191. Section 20A-11-601 is amended to read: }~~

20A-11-601. Political action committees -- Registration -- Name or acronym used by political action committee -- Criminal penalty for providing false information or accepting unlawful contribution.

(1)

(a) A political action committee shall file an initial statement of organization with the ~~[lieutenant governor's]~~ office no later than 5 p.m. seven days after the day on which the political action committee:

(i) receives contributions totaling at least \$750; or

(ii) distributes expenditures for political purposes totaling at least \$750.

(b) Unless the political action committee has filed a notice of dissolution under Subsection (7), after filing an initial statement of organization, a political action committee shall file an updated statement of organization with the ~~[lieutenant governor's]~~ office each year after the year in which the political action committee files an initial statement of organization:

(i) before 5 p.m. on January 10; or

(ii) electronically, before midnight on January 10.

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- 11508 (c) After filing an initial statement of organization, a political action committee shall, before January
11510 10 each year after the year in which the political action committee files an initial statement of
11511 organization, file an updated statement of organization with the [~~lieutenant governor's~~] office.
- 11512 (2) A statement of organization described in Subsection (1) shall include:
- 11513 (a) the full name of the political action committee, a second name, if any, and an acronym, if any;
- 11515 (b) the address and phone number of the political action committee;
- 11516 (c) the name, address, telephone number, title, and occupation of:
- 11517 (i) the two officers described in Subsection (5) and the treasurer of the political action committee;
- 11519 (ii) all other officers, advisory members, and governing board members of the political action
11520 committee; and
- 11521 (iii) each individual or entity represented by, or affiliated with, the political action committee; and
- 11523 (d) other relevant information requested by the [~~lieutenant governor~~] director.
- 11524 (3)
- 11525 (a) A political action committee may not use a name or acronym:
- 11526 (i) other than a name or acronym disclosed in the political action committee's latest statement of
11527 organization;
- 11528 (ii) that is the same, or deceptively similar to, the name or acronym of another political action
11529 committee; or
- 11530 (iii) that is likely to mislead a potential donor regarding the individuals or entities represented by, or
11531 affiliated with, the political action committee.
- 11531 (b) Within seven days after the day on which a political action committee files an initial statement of
11532 organization, the [~~lieutenant governor's~~] office shall:
- 11533 (i) review the statement and determine whether a name or acronym used by the political action
11534 committee violates Subsection (3)(a)(ii) or (iii); and
- 11535 (ii) if the [~~lieutenant governor's~~] office determines that a name or acronym used by the political action
11536 committee violates Subsection (3)(a)(ii) or (iii), order, in writing, that the political action committee:
- 11538 (A) immediately cease and desist use of the name or acronym; and
- 11539 (B) within seven days after the day of the order, file an updated statement of organization with a name
11540 and acronym that does not violate Subsection (3)(a)(ii) or (iii).
- 11542 (c) If a political action committee uses a name or acronym that is the same, or deceptively similar to,
11543 the name or acronym of another political action committee, the [~~lieutenant governor~~] director shall

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determine which political action committee has been using the name the longest and shall order, in writing, any other political action committee using the same, or a deceptively similar, name or acronym to:

- 11547 (i) immediately cease and desist use of the name or acronym; and
- 11548 (ii) within seven days after the day of the order, file an updated statement of organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).
- 11551 (d) If a political action committee uses a name or acronym other than a name or acronym disclosed in the political action committee's latest statement of organization:
- 11553 (i) the [~~lieutenant governor~~] director shall order, in writing, that the political action committee cease and desist use of the name or acronym; and
- 11555 (ii) the political action committee shall immediately comply with the order described in Subsection (3)(d)(i).
- 11557 (4)
- (a) The [~~lieutenant governor~~] director may, in addition to any other penalty provided by law, impose a \$100 fine against a political action committee, or against an individual who forms a political action committee, that:
- 11560 (i) fails to timely file a complete and accurate statement of organization or subsequent statement of organization; or
- 11562 (ii) fails to comply with an order described in Subsection (3).
- 11563 (b) If the [~~lieutenant governor~~] director imposes a fine described in Subsection (4)(a)(i):
- 11564 (i) the person against whom the fine is imposed shall, within seven days after the day on which the [~~lieutenant governor~~] director imposes the fine:
- 11566 (A) pay the fine; and
- 11567 (B) file a complete and accurate statement, or subsequent statement, of organization, as applicable; and
- 11569 (ii) the [~~lieutenant governor~~] director shall provide written notice to the person against whom the fine is imposed:
- 11571 (A) of the requirements described in Subsection (4)(b)(i); and
- 11572 (B) that failure to timely comply with the requirement described in Subsection (4)(b)(i)(B) is a class B misdemeanor.
- 11574 (c) The attorney general, or a political action committee that is harmed by the action of a political action committee in violation of this section, may bring an action for an injunction against the violating

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political action committee, or an officer of the violating political action committee, to enforce the provisions of this section.

- 11578 (d) A political action committee may bring an action for damages against another political action committee that uses a name or acronym that is the same, or deceptively similar to, the name or acronym of the political action committee bringing the action.
- 11582 (5)
- (a) Each political action committee shall designate two officers who have primary decision-making authority for the political action committee.
- 11584 (b) An individual may not exercise primary decision-making authority for a political action committee if the individual is not designated under Subsection (5)(a).
- 11586 (6) A political action committee shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose.
- 11588 (7)
- (a) A registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the ~~lieutenant governor's~~ office.
- 11590 (b) A notice of dissolution filed by a political action committee does not exempt the political action committee from complying with the financial reporting requirements described in this chapter in relation to all contributions received, and all expenditures made, before, at, or after dissolution.
- 11594 (c) A political action committee shall, before filing a notice of dissolution, dispose of any money remaining in an account described in Subsection (6) by:
- 11596 (i) returning the money to the donors;
- 11597 (ii) donating the money to the campaign account of a candidate or officeholder;
- 11598 (iii) donating the money to another political action committee;
- 11599 (iv) donating the money to a political party;
- 11600 (v) donating the money to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; or
- 11602 (vi) making another lawful expenditure of the money for a political purpose.
- 11603 (d) A political action committee shall report all money donated or expended in a financial report to the ~~lieutenant governor~~ director, in accordance with the financial reporting requirements described in this chapter.
- 11606 (8)

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(a) Unless the political action committee has filed a notice of dissolution under Subsection (7), a political action committee shall file, with the ~~lieutenant governor's~~ office, notice of any change of an officer described in Subsection (5)(a).

11609 (b) A political action committee may not accept a contribution from a political issues committee, but may donate money to a political issues committee.

11611 (c) A political action committee shall:

11612 (i) file a notice of a change of a primary officer described in Subsection (5)(a) before 5 p.m. within 10 days after the day on which the change occurs; and

11614 (ii) include in the notice of change the name and title of the officer being replaced, and the name, address, occupation, and title of the new officer.

11616 (9)

(a) A person is guilty of providing false information in relation to a political action committee if the person intentionally or knowingly gives false or misleading material information in a statement of organization or the notice of change of primary officer.

11619 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting an unlawful contribution if the political action committee knowingly or recklessly accepts a contribution from a corporation that:

11622 (i) was organized less than 90 days before the date of the general election; and

11623 (ii) at the time the political action committee accepts the contribution, has failed to file a statement of organization with the ~~lieutenant governor's~~ office as required by Section 20A-11-704.

11626 (c) A violation of this Subsection (9) is a third degree felony.

11627 ~~{Section 192. Section 20A-11-602 is amended to read: }~~

11628 **20A-11-602. Political action committees -- Financial reporting.**

11629 (1)

(a) Each registered political action committee that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year shall file a verified financial statement with the ~~lieutenant governor's~~ office:

11632 (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

11634 (ii) seven days before the state political convention of each major political party;

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(iii) seven days before the county political convention of a political party, if the political action committee makes an expenditure on or before the day described in Subsection (1)(b)(ii) in relation to a candidate that the party may nominate at the convention;

11639 (iv) seven days before the regular primary election date;

11640 (v) on September 30; and

11641 (vi) seven days before:

11642 (A) the municipal general election; and

11643 (B) the regular general election.

11644 (b) The registered political action committee shall report:

11645 (i) a detailed listing of all contributions received and expenditures made since the last statement; and

11647 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all contributions and expenditures as of five days before the required filing date of the financial statement.

11650 (c) The registered political action committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

11652 (2)

(a) The verified financial statement shall include:

11653 (i) the name and address of any individual who makes a contribution to the reporting political action committee, if known, and the amount of the contribution;

11655 (ii) the identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, if known, and the amount of the contribution;

11658 (iii) the name and address of any political action committee, group, or entity, if known, that makes a contribution to the reporting political action committee, and the amount of the contribution;

11661 (iv) for each nonmonetary contribution, the fair market value of the contribution;

11662 (v) the name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;

11664 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

11665 (vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;

11667 (viii) a statement by the political action committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial report is accurate; and

11670 (ix) a summary page in the form required by the [~~lieutenant governor~~] director that identifies:

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- 11672 (A) beginning balance;
- 11673 (B) total contributions during the period since the last statement;
- 11674 (C) total contributions to date;
- 11675 (D) total expenditures during the period since the last statement; and
- 11676 (E) total expenditures to date.
- 11677 (b)
- (i) Contributions received by a political action committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.
- 11680 (ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 11683 (c) A political action committee is not required to report an independent expenditure under Part 17, Independent Expenditures, if, in the financial statement described in this section, the political action committee:
- 11686 (i) includes the independent expenditure;
- 11687 (ii) identifies the independent expenditure as an independent expenditure; and
- 11688 (iii) provides the information, described in Section 20A-11-1704, in relation to the independent expenditure.
- 11690 (3) A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.
- 11694 (4)
- (a) As used in this Subsection (4), "received" means:
- 11695 (i) for a cash contribution, that the cash is given to a political action committee;
- 11696 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
- 11698 (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political action committee.
- 11700 (b) A political action committee shall report each contribution to the [~~Heutenant-governor~~] director within 31 days after the contribution is received.
- 11702 (5) A political action committee may not expend a contribution for political purposes if the contribution:

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- 11704 (a) is cash or a negotiable instrument;
- 11705 (b) exceeds \$50; and
- 11706 (c) is from an unknown source.
- 11707 (6) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a political action committee shall disburse the amount of the contribution to:
- 11710 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- 11712 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- 11714 ~~{Section 193. Section 20A-11-603 is amended to read: }~~
- 11715 **20A-11-603. Criminal penalties -- Fines.**
- 11716 (1)
- 11717 (a) As used in this Subsection (1), "completed" means that:
- 11720 (i) the financial statement accurately and completely details the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
- 11723 (ii) the political action committee corrects the omissions, errors, or inaccuracies described in Subsection ~~[(1)(a)]~~ (1)(a)(i) in an amended report or the next scheduled report.
- 11726 (b) Each political action committee that fails to file a completed financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- 11729 (c) Each political action committee that fails to file a completed financial statement described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B misdemeanor.
- 11731 (d) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (1)(c) to the attorney general.
- 11734 (2) Within 60 days after a deadline for the filing of the January 10 statement required by this part, the ~~[lieutenant governor]~~ director shall review each filed statement to ensure that:
- 11736 (a) each political action committee that is required to file a statement has filed one; and
- 11737 (b) each statement contains the information required by this part.
- 11738 (3) If it appears that any political action committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the ~~[lieutenant governor]~~ director has received a written complaint alleging a violation of the law or the falsity of any statement,

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the ~~[lieutenant governor]~~ director shall, within five days after the day on which the ~~[lieutenant governor]~~ director discovers the violation or receives the written complaint, notify the political action committee of the violation or written complaint and direct the political action committee to file a statement correcting the problem.

- 11744 (4)
- (a) It is unlawful for any political action committee to fail to file or amend a statement within seven days after the day on which the political action committee receives notice from the ~~[lieutenant governor]~~ director under this section.
- 11747 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B misdemeanor.
- 11749 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (4)(a) to the attorney general.
- 11751 (d) In addition to the criminal penalty described in Subsection (4)(b), the ~~[lieutenant governor]~~ director shall impose a civil fine of \$1,000 against a political action committee that violates Subsection (4)(a).
- 11754 (5)
- (a) It is unlawful for a person to fail to file a complete and accurate statement of organization, or a complete and accurate subsequent statement of organization, within seven days after the day on which the person receives the notice described in Subsection 20A-11-601(4)(b)(ii).
- 11758 (b) A violation of Subsection (5)(a) is a class B misdemeanor.
- 11759 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (5)(a) to the attorney general.

~~{Section 194. Section 20A-11-701.5 is amended to read: }~~

20A-11-701.5. Campaign financial reporting by corporations -- Filing requirements -- Statement contents.

- 11764 (1)
- (a) Each corporation that has made expenditures for political purposes that total at least \$750 during a calendar year shall file a verified financial statement with the ~~[lieutenant governor's]~~ office:
- 11767 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 11768 (ii) seven days before the state political convention for each major political party;
- 11769 (iii) seven days before the regular primary election date;
- 11770 (iv) on September 30; and

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- 11771 (v) seven days before the regular general election date.
- 11772 (b) The corporation shall report:
- 11773 (i) a detailed listing of all expenditures made since the last financial statement;
- 11774 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all expenditures as of five days before the required filing date of the financial statement; and
- 11777 (iii) whether the [-]corporation, including an officer of the [-]corporation, director of the [-]corporation, or person with at least 10% ownership in the [-]corporation:
- 11779 (A) has bid since the last financial statement on a contract, as defined in Section 63G-6a-103, in excess of \$100,000;
- 11781 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of \$100,000; or
- 11783 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.
- 11785 (c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.
- 11787 (d) The corporation is not required to report an expenditure made to, or on behalf of, a reporting entity that the reporting entity is required to include in a financial statement described in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section 10-3-208, or Section 17-16-6.5.
- 11791 (2) The financial statement shall include:
- 11792 (a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;
- 11794 (b) the total amount of expenditures disbursed by the corporation; and
- 11795 (c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.
- 11797 ~~{Section 195. Section 20A-11-702 is amended to read: }~~
- 11798 **20A-11-702. Campaign financial reporting of political issues expenditures by corporations --**
- Financial reporting.**
- 11800 (1)
- (a) Each corporation that has made political issues expenditures on current or proposed ballot issues that total at least \$750 during a calendar year shall file a verified financial statement with the[-lieutenant governor's] office:
- 11803 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 11804 (ii) seven days before the state political convention of each major political party;

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- 11805 (iii) seven days before the regular primary election date;
- 11806 (iv) on September 30; and
- 11807 (v) seven days before the regular general election date.
- 11808 (b) The corporation shall report:
- 11809 (i) a detailed listing of all expenditures made since the last financial statement; and
- 11810 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), expenditures as of five days before the required filing date of the financial statement.
- 11813 (c) The corporation need not file a statement under this section if it made no expenditures during the reporting period.
- 11815 (2) That statement shall include:
- 11816 (a) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the corporation, and the amount of each political issues expenditure;
- 11819 (b) the total amount of political issues expenditures disbursed by the corporation; and
- 11820 (c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the verified financial statement.

11822 ~~{Section 196. Section 20A-11-703 is amended to read: }~~

11823 **20A-11-703. Criminal penalties -- Fines.**

- 11824 (1) Within 60 days after a deadline for the filing of any statement required by this part, the [~~lieutenant governor~~] director shall review each filed statement to ensure that:
- 11826 (a) each corporation that is required to file a statement has filed one; and
- 11827 (b) each statement contains the information required by this part.
- 11828 (2) If it appears that any corporation has failed to file any statement, if it appears that a filed statement does not conform to the law, or if the [~~lieutenant governor~~] director has received a written complaint alleging a violation of the law or the falsity of any statement, the [~~lieutenant governor~~] director shall:
- 11832 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and
- 11833 (b) within five days of discovery of a violation or receipt of a written complaint, notify the corporation of the violation or written complaint and direct the corporation to file a statement correcting the problem.
- 11836 (3)

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(a) It is unlawful for any corporation to fail to file or amend a statement within seven days after receiving notice from the ~~[lieutenant governor]~~ director under this section.

11838 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

11839 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (3)(a) to the attorney general.

11841 (d) In addition to the criminal penalty described in Subsection (3)(b), the ~~[lieutenant governor]~~ director shall impose a civil fine of \$1,000 against a corporation that violates Subsection (3)(a).

11844 ~~{Section 197. Section 20A-11-704 is amended to read: }~~

11845 **20A-11-704. Statement of organization required for certain new corporations.**

11846 (1) A corporation that is incorporated, organized, or otherwise created less than 90 days before the date of a general election shall file a statement of organization with the ~~[lieutenant governor's]~~ office before making a contribution to a political action committee or a political issues committee in association with the election.

11850 (2) The statement of organization shall include:

11851 (a) the name and street address of the corporation;

11852 (b) the name, street address, phone number, occupation, and title of one or more individuals that have primary decision-making authority for the corporation;

11854 (c) the name, street address, phone number, occupation, and title of the corporation's chief financial officer;

11856 (d) the name, street address, occupation, and title of all other officers or managers of the corporation; and

11858 (e) the name, street address, and occupation of each member of the corporation's governing and advisory boards, if any.

11860 (3)

(a) A corporation shall file with the ~~[lieutenant governor's]~~ office a notice of intent to cease making contributions, if the corporation:

11862 (i) has made a contribution described in Subsection (1); and

11863 (ii) intends to permanently cease making contributions described in Subsection (1).

11864 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from complying with the financial reporting requirements described in this chapter.

11866 ~~{Section 198. Section 20A-11-801 is amended to read: }~~

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- 11867 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.**
- 11869 (1)
- 11872 (a) Unless the political issues committee has filed a notice of dissolution under Subsection (4), each political issues committee shall file a statement of organization with the[~~lieutenant governor's~~] office:
- 11873 (i) before 5 p.m. on January 10 of each year; or
- 11874 (ii) electronically, before midnight on January 10 of each year.
- 11874 (b) If a political issues committee is organized after the filing deadline described in Subsection (1)(a), the political issues committee shall file an initial statement of organization no later than seven days after the day on which the political issues committee:
- 11878 (i) receives political issues contributions totaling at least \$750; or
- 11879 (ii) distributes political issues expenditures totaling at least \$750.
- 11880 (c) Each political issues committee shall deposit each contribution received into one or more separate accounts in a financial institution that are dedicated only to that purpose.
- 11883 (2)
- 11885 (a) Each political issues committee shall designate two officers that have primary decision-making authority for the political issues committee.
- 11887 (b) An individual may not exercise primary decision-making authority for a political issues committee if the individual is not designated under Subsection (2)(a).
- 11887 (3) The statement of organization shall include:
- 11888 (a) the name and address of the political issues committee;
- 11889 (b) the name, address, phone number, occupation, and title of the two primary officers designated under Subsection (2);
- 11891 (c) the name, address, occupation, and title of all other officers of the political issues committee;
- 11893 (d) the name and address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;
- 11895 (e) the name and address of all affiliated or connected organizations and their relationships to the political issues committee;
- 11897 (f) the name, residential address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;

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- 11899 (g) the name, address, and occupation of each member of the supervisory and advisory boards, if any;
and
- 11901 (h) the ballot proposition whose outcome they wish to affect, and whether they support or oppose it.
- 11903 (4)
- (a) A registered political issues committee that intends to permanently cease operations during a calendar year shall:
- 11905 (i) dispose of all remaining funds by returning the funds to donors or donating the funds to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; and
- 11908 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the [~~lieutenant governor's~~] office.
- 11910 (b) A political issues committee may not donate money to a political action committee, but may accept a contribution from a political action committee.
- 11912 (c) Any notice of dissolution filed by a political issues committee does not exempt that political issues committee from complying with the financial reporting requirements of this chapter in relation to all contributions received, and all expenditures made, before, at, or after dissolution.
- 11916 (d) A political issues committee shall report all money donated or expended under Subsection (4)(a) in a financial report to the [~~lieutenant governor~~] director, in accordance with the financial reporting requirements described in this chapter.
- 11919 (5)
- (a) Unless the political issues committee has filed a notice of dissolution under Subsection (4), a political issues committee shall file, with the [~~lieutenant governor's~~] office, notice of any change of an officer described in Subsection (2).
- 11922 (b) A political issues committee shall:
- 11923 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5 p.m. within 10 days after the day on which the change occurs; and
- 11925 (ii) include in the notice of change the name and title of the officer being replaced and the name, address, occupation, and title of the new officer.
- 11927 (6)

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(a) A person is guilty of providing false information in relation to a political issues committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer.

11931 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting an unlawful contribution if the political issues committee knowingly or recklessly accepts a contribution from a corporation that:

11934 (i) was organized less than 90 days before the date of the general election; and

11935 (ii) at the time the political issues committee accepts the contribution, has failed to file a statement of organization with the [~~lieutenant governor's~~] office as required by Section 20A-11-704.

11938 (c) A violation of this Subsection (6) is a third degree felony.

11939 (7)

(a) As used in this Subsection (7), "received" means:

11940 (i) for a cash contribution, that the cash is given to a political issues committee;

11941 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

11943 (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.

11945 (b) Each political issues committee shall report to the [~~lieutenant governor~~] director each contribution received by the political issues committee within seven business days after the day on which the contribution is received if the contribution is received within 30 days before the last day on which the sponsors of the initiative or referendum described in Subsection 20A-11-801(3)(h) may submit signatures to qualify the initiative or referendum for the ballot.

11951 (c) For each contribution that a political issues committee fails to report within the period described in Subsection (7)(b), the [~~lieutenant governor~~] director shall impose a fine against the political issues committee in an amount equal to:

11954 (i) 10% of the amount of the contribution, if the political issues committee reports the contribution within 60 days after the last day on which the political issues committee should have reported the contribution under Subsection (7)(b); or

11957 (ii) 20% of the amount of the contribution, if the political issues committee fails to report the contribution within 60 days after the last day on which the political issues committee should have reported the contribution under Subsection (7)(b).

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- 11960 (d) The ~~[lieutenant governor]~~ director shall:
- 11961 (i) deposit money received under Subsection (7)(c) into the General Fund; and
- 11962 (ii) report on the ~~[lieutenant governor's]~~ office's website, in the location where reports relating to each political issues committee are available for public access:
- 11964 (A) each fine imposed by the ~~[lieutenant governor]~~ director against the political issues committee;
- 11966 (B) the amount of the fine;
- 11967 (C) the amount of the contribution to which the fine relates; and
- 11968 (D) the date of the contribution.

11969 ~~{Section 199. Section 20A-11-802 is amended to read: }~~

20A-11-802. Political issues committees -- Financial reporting.

- 11971 (1)
- (a) Each registered political issues committee that has received political issues contributions totaling at least \$750, or disbursed political issues expenditures totaling at least \$750, during a calendar year, shall file a verified financial statement with the ~~[lieutenant governor's]~~ office:
- 11975 (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;
- 11977 (ii) seven days before the state political convention of each major political party;
- 11978 (iii) seven days before the regular primary election date;
- 11979 (iv) seven days before the date of an incorporation election, if the political issues committee has received or expended funds to affect an incorporation;
- 11981 (v) at least three days before the first public hearing held as required by Section 20A-7-204.1;
- 11983 (vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, five days before the deadline for the initiative or referendum sponsors to submit:
- 11986 (A) the verified and certified initiative packets under Section 20A-7-105; or
- 11987 (B) the signed and verified referendum packets under Section 20A-7-105;
- 11988 (vii) on September 30; and
- 11989 (viii) seven days before:
- 11990 (A) the municipal general election; and
- 11991 (B) the regular general election.
- 11992 (b) The political issues committee shall report:
- 11993 (i) a detailed listing of all contributions received and expenditures made since the last statement; and
- 11995

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- (ii) all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.
- 11997 (c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.
- 11999 (2)
- (a) That statement shall include:
- 12000 (i) the name and address, if known, of any individual who makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- 12003 (ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- 12006 (iii) the name and address, if known, of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- 12009 (iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- 12012 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 12013 (vi) except as provided in Subsection (2)(c), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the reporting political issues committee, and the amount of each political issues expenditure;
- 12017 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 12018 (viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;
- 12020 (ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and
- 12023 (x) a summary page in the form required by the [~~lieutenant governor~~] director that identifies:
- 12025 (A) beginning balance;
- 12026 (B) total contributions during the period since the last statement;
- 12027 (C) total contributions to date;
- 12028 (D) total expenditures during the period since the last statement; and

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- 12029 (E) total expenditures to date.
- 12030 (b)
- (i) Political issues contributions received by a political issues committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.
- 12033 (ii) Two or more political issues contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 12036 (c) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:
- 12038 (i) need only report the amount paid to each initiative petition circulator; and
- 12039 (ii) need not report the name or address of the circulator.
- 12040 (3)
- (a) As used in this Subsection (3), "received" means:
- 12041 (i) for a cash contribution, that the cash is given to a political issues committee;
- 12042 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
- 12044 (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.
- 12046 (b) A political issues committee shall report each contribution to the [~~lieutenant governor~~] director within 31 days after the contribution is received.
- 12048 (4) A political issues committee may not expend a contribution for a political issues expenditure if the contribution:
- 12050 (a) is cash or a negotiable instrument;
- 12051 (b) exceeds \$50; and
- 12052 (c) is from an unknown source.
- 12053 (5) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a political issues committee shall disburse the amount of the contribution to:
- 12056 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- 12058 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

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{Section 200. Section 20A-11-803 is amended to read: }

20A-11-803. Criminal penalties -- Fines.

- (1)
- (a) As used in this Subsection (1), "completed" means that:
- (i) the financial statement accurately and completely details the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
- (ii) the political issues committee corrects the omissions, errors, or inaccuracies described in Subsection ~~[(1)(a)]~~ (1)(a)(i) in an amended report or the next scheduled report.
- (b) Each political issues committee that fails to file a completed financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- (c) Each political issues committee that fails to file a completed financial statement described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.
- (d) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (1)(c) to the attorney general.
- (2) Within 60 days after a deadline for the filing of the January 10 statement, the ~~[lieutenant governor]~~ director shall review each filed statement to ensure that:
- (a) each political issues committee that is required to file a statement has filed one; and
- (b) each statement contains the information required by this part.
- (3) If it appears that any political issues committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the ~~[lieutenant governor]~~ director has received a written complaint alleging a violation of the law or the falsity of any statement, the ~~[lieutenant governor]~~ director shall, within five days after the day on which the ~~[lieutenant governor]~~ director discovers the violation or receives the written complaint, notify the political issues committee of the violation or written complaint and direct the political issues committee to file a statement correcting the problem.
- (4)
- (a) It is unlawful for any political issues committee to fail to file or amend a statement within seven days after the day on which the political issues committee receives notice from the ~~[lieutenant governor]~~ director under this section.
- (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B misdemeanor.

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(c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (4)(a) to the attorney general.

12096 (d) In addition to the criminal penalty described in Subsection (4)(b), the ~~[lieutenant governor]~~ director shall impose a civil fine of \$1,000 against a political issues committee that violates Subsection (4)(a).

12099 ~~{Section 201. Section 20A-11-901 is amended to read: }~~

12100 **20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to director -- Unauthorized use of endorsements.**

12103 (1)

~~[(a)]~~ Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating for the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

12108 ~~[(i)]~~ (a) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign committee;

12111 ~~[(ii)]~~ (b) if paid for by another person but authorized by a candidate or the candidate's campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or

12114 ~~[(iii)]~~ (c) if not authorized by a candidate or a candidate's campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.

12117 (2)

(a) A person that makes an expenditure for the purpose of financing an advertisement related to a ballot proposition shall ensure that the advertisement complies with Subsection (2)(b) if the advertisement expressly advocates:

12120 (i) for placing a ballot proposition on the ballot;

12121 (ii) for keeping a ballot proposition off the ballot;

12122 (iii) that a voter refrain from voting on a ballot proposition; or

12123 (iv) that a voter vote for or against a ballot proposition.

12124 (b) An advertisement described in Subsection (2)(a) shall:

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- 12125 (i) if paid for by a political issues committee, clearly state that the advertisement was paid for by the political issues committee;
- 12127 (ii) if paid for by another person but authorized by a political issues committee, clearly state who paid for the advertisement and that the political issues committee authorized the advertisement; or
- 12130 (iii) if not authorized by a political issues committee, clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any political issues committee.
- 12133 (3) The requirements of Subsections (1) and (2) do not apply to:
- 12134 (a) lawn signs with dimensions of four by eight feet or smaller;
- 12135 (b) bumper stickers;
- 12136 (c) campaign pins, buttons, and pens; or
- 12137 (d) similar small items upon which the disclaimer cannot be conveniently printed.
- 12138 (4)
- (a) A person who is not a reporting entity and pays for an electioneering communication shall file a report with the [~~Heutenant-governor~~] director within 24 hours of making the payment or entering into a contract to make the payment.
- 12141 (b) The report shall include:
- 12142 (i) the name and address of the person described in Subsection (4)(a);
- 12143 (ii) the name and address of each person contributing at least \$100 to the person described in Subsection (4)(a) for the purpose of disseminating the electioneering communication;
- 12146 (iii) the amount spent on the electioneering communication;
- 12147 (iv) the name of the identified referenced candidate; and
- 12148 (v) the medium used to disseminate the electioneering communication.
- 12149 (5) A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person.
- 12154 (6)
- (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any newspaper or other periodical to induce the owner, editor, publisher, or agent to advocate or oppose editorially any candidate for nomination or election.

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12157 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to advocate or oppose
editorially any candidate for nomination or election.

12159 ~~{Section 202. Section 20A-11-905 is amended to read: }~~

12160 **20A-11-905. Election polls -- Disclosure required.**

12161 (1) A person who conducts a poll shall disclose to the person being surveyed who paid for the poll
before or at the conclusion of the poll.

12163 (2) The ~~[lieutenant governor]~~ director shall:

12164 (a) impose a \$100 fine on a person who fails to make the disclosure required under Subsection (1); and

12166 (b) deposit the fine described in Subsection (2)(a) ~~[in]~~ into the General Fund.

12167 (3) A person does not violate Subsection (1) if the person is prevented from making the disclosure at the
conclusion of the poll, because the person being surveyed terminates the survey before the survey is
completed.

12170 ~~{Section 203. Section 20A-11-1004 is amended to read: }~~

12171 **Part 10. Administration of Campaign Finance Laws - Responsibilities of Office**

12172 **20A-11-1004. Summary of financial reports of political action committees and corporations.**

12174 (1) The ~~[lieutenant governor's]~~ office shall prepare a summary of each financial report submitted by
each corporation, political action committee, and political issues committee.

12177 (2) Each summary shall include the following information:

12178 (a) for each candidate:

12179 (i) the name of each political action committee and corporation that made expenditures to the candidate;
and

12181 (ii) the aggregate total of expenditures made by each political action committee and corporation to the
candidate;

12183 (b) for each political action committee:

12184 (i) the name of each individual or organization listed on the financial report that made contributions to
the political action committee and the aggregate total of contributions made by each individual or
organization listed on the financial report to the political action committee; and

12188 (ii) the name of each candidate, personal campaign committee, and political action committee that
received expenditures from a political action committee and the aggregate total of expenditures
made to each candidate, personal campaign committee, and political action committee;

12192 (c) for each corporation:

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- 12193 (i) the name of each candidate, personal campaign committee, and political action committee that received expenditures from the corporation, and the aggregate total of expenditures made by the corporation to each candidate, personal campaign committee, and political action committee; and
- 12197 (ii) the name of each individual, entity, or group of individuals or entities that received disbursements from the corporation, and the aggregate total of disbursements made by the corporation to each individual, entity, or group of individuals or entities; and
- 12201 (d) for each political issues committee:
- 12202 (i) the name of each individual or organization listed on the financial report that made political issues contributions to the political issues committee and the aggregate total of political issues contributions made by each individual or organization listed on the financial report to the political issues committee; and
- 12206 (ii) the name of each individual, entity, or group of individuals or entities that received political issues expenditures from a political issues committee and the aggregate total of political issues expenditures made to each individual, entity, or group of individuals or entities.
- 12210 ~~{Section 204. Section 20A-11-1202 is amended to read: }~~
- 12211 **20A-11-1202. Definitions.**
- As used in this part:
- 12213 (1) "Applicable election officer" means:
- 12214 (a) a county clerk, if the email relates only to a local election; or
- 12215 (b) the ~~[lieutenant governor]~~ director, if the email relates to an election other than a local election.
- 12217 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.
- 12220 (3) "Campaign contribution" means any of the following when done for a political purpose or to advocate for or against a ballot proposition:
- 12222 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value given to a filing entity;
- 12224 (b) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything of value to a filing entity;
- 12227 (c) any transfer of funds from another reporting entity to a filing entity;

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- 12228 (d) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
- 12230 (e) remuneration from:
- 12231 (i) any organization or the organization's directly affiliated organization that has a registered lobbyist; or
- 12233 (ii) any agency or subdivision of the state, including a school district; or
- 12234 (f) an in-kind contribution.
- 12235 (4)
- (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.
- 12237 (b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation agency that receives some or all of its revenues from:
- 12239 (i) government appropriations;
- 12240 (ii) taxes;
- 12241 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 12242 (iv) interest earned on public funds or other returns on investment of public funds.
- 12243 (5) "Expenditure" means:
- 12244 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;
- 12246 (b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;
- 12249 (c) a transfer of funds between a public entity and a candidate's personal campaign committee;
- 12251 (d) a transfer of funds between a public entity and a political issues committee; or
- 12252 (e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.
- 12255 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.
- 12256 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:
- 12258 (a) government appropriations;
- 12259 (b) taxes;
- 12260 (c) government fees imposed for regulatory or revenue raising purposes; or
- 12261 (d) interest earned on public funds or other returns on investment of public funds.

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- 12262 (8) "Influence" means to campaign or advocate for or against a ballot proposition.
- 12263 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 12265 (10) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
- 12268 (a) candidate for public office at any caucus, political convention, primary, or election; or
- 12269 (b) judge standing for retention at any election.
- 12270 (11) "Proposed initiative" means an initiative proposed in an application filed under Section 20A-7-202 or 20A-7-502.
- 12272 (12) "Proposed referendum" means a referendum proposed in an application filed under Section 20A-7-302 or 20A-7-602.
- 12274 (13)
- (a) "Public entity" includes the state, each state agency, each county, municipality, school district, special district, governmental interlocal cooperation agency, and each administrative subunit of each of them.
- 12277 (b) "Public entity" does not include a commercial interlocal cooperation agency.
- 12278 (c) "Public entity" includes local health departments created under Title 26A, Local Health Authorities.
- 12280 (14)
- (a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.
- 12282 (b) "Public funds" does not include money donated to a public entity by a person or entity.
- 12284 (15)
- (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.
- 12286 (b) "Public official" includes the person or group that:
- 12287 (i) has supervisory authority over the personnel and affairs of a public entity; and
- 12288 (ii) approves the expenditure of funds for the public entity.
- 12289 (16) "Reporting entity" means the same as that term is defined in Section 20A-11-101.
- 12290 (17)
- (a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.

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- 12292 (b) "Special district" includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- 12294 (18)
- (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- 12297 (b) "State agency" includes the legislative branch, the Utah Board of Higher Education, each institution of higher education board of trustees, and each higher education institution.
- 12300 ~~{Section 205. Section 20A-11-1205 is amended to read: }~~
- 12301 **20A-11-1205. Use of public email for a political purpose.**
- 12302 (1) Except as provided in Subsection (5), a person may not send an email using the email of a public entity:
- 12304 (a) for a political purpose;
- 12305 (b) to advocate for or against a proposed initiative, initiative, proposed referendum, referendum, a proposed bond, a bond, or any ballot proposition; or
- 12307 (c) to solicit a campaign contribution.
- 12308 (2)
- (a) The ~~[lieutenant governor]~~ director shall, after giving the person and the complainant notice and an opportunity to be heard, impose a civil fine against a person who violates Subsection (1) as follows:
- 12311 (i) up to \$250 for a first violation; and
- 12312 (ii) except as provided in Subsection (3), for each subsequent violation committed after the ~~[lieutenant governor]~~ director imposes a fine against the person for a first violation, \$1,000 multiplied by the number of violations committed by the person.
- 12315 (b) A person may, within 30 days after the day on which the ~~[lieutenant governor]~~ director imposes a fine against the person under this Subsection (2), appeal the fine to a district court.
- 12318 (3) The ~~[lieutenant governor]~~ director shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.
- 12321 (4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.
- 12323 (5) A person does not violate this section if:

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- 12324 (a) the [~~lieutenant governor~~] director finds that the email described in Subsection (1) was inadvertently sent by the person using the email of a public entity;
- 12326 (b) the person is directly providing information solely to another person or a group of people in response to a question asked by the other person or group of people;
- 12328 (c) the information the person emails is an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal argument that:
- 12331 (i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and
- 12333 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- 12334 (d) the person is engaging in:
- 12335 (i) an internal communication solely within the public entity;
- 12336 (ii) a communication solely with another public entity;
- 12337 (iii) a communication solely with legal counsel;
- 12338 (iv) a communication solely with the sponsors of an initiative or referendum;
- 12339 (v) a communication solely with a land developer for a project permitted by a local land use law that is challenged by a proposed referendum or a referendum; or
- 12341 (vi) a communication solely with a person involved in a business transaction directly relating to a project described in Subsection (5)(d)(v).
- 12343 (6) A violation of this section does not invalidate an otherwise valid election.
- 12344 (7) An email sent in violation of Subsection (1), as determined by the records officer, constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any applicability of Subsection 63G-2-103(25)(b)(i).

12348 ~~{Section 206. Section 20A-11-1301 is amended to read: }~~

12349 **20A-11-1301. School board office -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.**

12352 (1)

(a)

- (i) Each school board office candidate shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

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- 12355 (ii) A school board office candidate may:
- 12356 (A) receive a contribution from a political action committee registered under Section 20A-11-601; and
- 12358 (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
- 12360 (b) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:
- 12362 (i) a personal use expenditure; or
- 12363 (ii) an expenditure prohibited by law.
- 12364 (c)
- (i) Each school board officeholder shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.
- 12367 (ii) A school board officeholder may:
- 12368 (A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and
- 12370 (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
- 12372 (d) A school board officeholder may not use money deposited in an account described in Subsection (1) (a)(i) or (1)(c)(i) for:
- 12374 (i) a personal use expenditure; or
- 12375 (ii) an expenditure prohibited by law.
- 12376 (2)
- (a) A school board office candidate may not deposit or mingle any contributions received into a personal or business account.
- 12378 (b) A school board officeholder may not deposit or mingle any contributions or public service assistance received into a personal or business account.
- 12380 (3) A school board office candidate or school board officeholder may not make any political expenditures prohibited by law.
- 12382 (4) If a person who is no longer a school board office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by Section 20A-11-1304 are filed with the [~~lieutenant governor~~] director.

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- 12387 (5)
- (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is no longer a school board office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law.
- 12391 (b) A person who is no longer a school board office candidate may transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- 12395 (6)
- (a) As used in this Subsection (6), "received" means the same as that term is defined in Subsection 20A-11-1303(1)(a).
- 12397 (b) Except as provided in Subsection (6)(d), each school board office candidate shall report to the chief election officer each contribution received by the school board office candidate:
- 12400 (i) except as provided in Subsection (6)(b)(ii), within 31 days after the day on which the contribution is received; or
- 12402 (ii) within seven business days after the day on which the contribution is received, if:
- 12403 (A) the school board office candidate is contested in a convention and the contribution is received within 30 days before the day on which the convention is held;
- 12406 (B) the school board office candidate is contested in a primary election and the contribution is received within 30 days before the day on which the primary election is held; or
- 12409 (C) the school board office candidate is contested in a general election and the contribution is received within 30 days before the day on which the general election is held.
- 12412 (c) For each contribution that a school board office candidate fails to report within the time period described in Subsection (6)(b), the chief election officer shall impose a fine against the school board office candidate in an amount equal to:
- 12415 (i) 10% of the amount of the contribution, if the school board office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends; or
- 12418 (ii) 20% of the amount of the contribution, if the school board office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends.

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- 12421 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection (6)(c) and issue a warning to the school board office candidate if:
- 12423 (i) the contribution that the school board office candidate fails to report is paid by the school board office candidate from the school board office candidate's personal funds;
- 12426 (ii) the school board office candidate has not previously violated Subsection (6)(c) in relation to a contribution paid by the school board office candidate from the school board office candidate's personal funds; and
- 12429 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the contribution is due to the school board office candidate not understanding that the reporting requirement includes a contribution paid by a school board office candidate from the school board office candidate's personal funds.
- 12433 (e) The chief election officer shall:
- 12434 (i) deposit money received under Subsection (6)(c) into the General Fund; and
- 12435 (ii) report on the chief election officer's website, in the location where reports relating to each school board office candidate are available for public access:
- 12437 (A) each fine imposed by the chief election officer against the school board office candidate;
- 12439 (B) the amount of the fine;
- 12440 (C) the amount of the contribution to which the fine relates; and
- 12441 (D) the date of the contribution.
- 12442 (7) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall disburse the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- 12446 (8)
- 12448 (a) As used in this Subsection (8), "account" means an account in a financial institution:
- 12449 (i) that is not described in Subsection (1)(a)(i); and
- (ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
- 12454

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(b) A school board office candidate shall include on any financial statement filed in accordance with this part:

12456 (i) a contribution deposited in an account:

12457 (A) since the last campaign finance statement was filed; or

12458 (B) that has not been reported under a statute or ordinance that governs the account; or

12460 (ii) an expenditure made from an account:

12461 (A) since the last campaign finance statement was filed; or

12462 (B) that has not been reported under a statute or ordinance that governs the account.

12464 ~~{Section 207. Section 20A-11-1303 is amended to read: }~~

12465 **20A-11-1303. School board office candidate and school board officeholder -- Financial reporting requirements -- Interim reports.**

12467 (1)

(a) As used in this section, "received" means:

12468 (i) for a cash contribution, that the cash is given to a school board office candidate or a member of the school board office candidate's personal campaign committee;

12470 (ii) for a contribution that is a check or other negotiable instrument, that the check or other negotiable instrument is negotiated;

12472 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

12474 (A) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

12477 (B) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or

12480 (C) 31 days after the day on which the direct deposit occurs; or

12481 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.

12483 (b) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

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(c) Each school board office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

12488 (i) May 15;

12489 (ii) seven days before the regular primary election date;

12490 (iii) September 30; and

12491 (iv) seven days before the regular general election date.

12492 (2) Each interim report shall include the following information:

12493 (a) the net balance of the last summary report, if any;

12494 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

12496 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

12498 (d) a detailed listing of:

12499 (i) for a school board office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or

12501 (ii) for a school board officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

12504 (e) for each nonmonetary contribution:

12505 (i) the fair market value of the contribution with that information provided by the contributor; and

12507 (ii) a specific description of the contribution;

12508 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

12510 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

12511 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;

12514 (i) a summary page in the form required by the [~~lieutenant governor~~] director that identifies:

12516 (i) beginning balance;

12517 (ii) total contributions during the period since the last statement;

12518 (iii) total contributions to date;

12519 (iv) total expenditures during the period since the last statement; and

12520 (v) total expenditures to date; and

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12521 (j) the name of a political action committee for which the school board office candidate or school board officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

12524 (3)

(a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

12526 (b) Any negotiable instrument or check received by a school board office candidate or school board officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

12529 {Section 208. Section 20A-11-1304 is amended to read: }

12530 **20A-11-1304. School board office candidate -- Financial reporting requirements -- Termination of duty to report.**

12532 (1) Each school board candidate is subject to interim reporting requirements until the candidate withdraws or is eliminated in a primary.

12534 (2) Each school board office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the [lieutenant governor] director stating that:

12537 (a) the school board office candidate is no longer receiving contributions and is no longer making expenditures;

12539 (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-1301 is zero; and

12541 (c) a final summary report in the form required by Section 20A-11-1302 showing a zero balance is attached to the statement of dissolution.

12543 (3) A statement of dissolution and a final summary report may be filed at any time.

12544 (4) Each school board office candidate shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by this section are filed.

12547 {Section 209. Section 20A-11-1305 is amended to read: }

12548 **20A-11-1305. School board office candidate -- Failure to file statement -- Penalties.**

12550 (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.

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- (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 [~~Heutenant governor~~] director 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:
- 12556 (a) that the school board office candidate failed to timely file the report; and
- 12557 (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.
- 12560 (3)
- (a) The [~~Heutenant governor~~] director 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 for filing the report.
- 12565 (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.
- 12567 (4) If a school board office candidate is disqualified under Subsection (3)(a), the election officer shall:
- 12569 (a) notify every opposing candidate for the school board office that the school board office candidate is disqualified;
- 12571 (b) send an email notification to each voter who 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;
- 12575 (c) post notice of the disqualification on the election officer's website; and
- 12576 (d) if practicable, remove the school board office candidate's name from the ballot.
- 12577 (5) An election officer may fulfill the requirement described in Subsection (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 the election officer's website to inform the voter whether a candidate on the ballot is disqualified.
- 12581 (6) A school board office candidate is not disqualified if:
- 12582

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- (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;
- 12585 (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
- 12588 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.
- 12590 (7)
- (a) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant governor~~] director shall review each filed summary report to ensure that:
- 12592 (i) each school board office candidate who is required to file a summary report has filed the report; and
- 12594 (ii) each summary report contains the information required by this part.
- 12595 (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~~] director has received a written complaint alleging a violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] director 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.
- 12603 (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 (7)(b) from the [~~lieutenant governor~~] director.
- 12606 (ii) Each school board office candidate who violates Subsection (7)(c)(i) is guilty of a class B misdemeanor.
- 12608 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection (7)(c)(i) to the attorney general.
- 12610 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the [~~lieutenant governor~~] director shall impose a civil fine of \$100 against a school board office candidate who violates Subsection (7)(c)(i).

12613 {Section 210. ~~Section 20A-11-1502 is amended to read:~~ }

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- 12614 **20A-11-1502. Campaign financial reporting of expenditures -- Filing requirements --**
12615 **Statement contents.**
- 12616 (1)
- 12617 (a) Each labor organization that has made expenditures for political purposes or political issues
12618 expenditures on current or proposed ballot issues that total at least \$750 during a calendar year shall
12619 file a verified financial statement with the [lieutenant governor's] office:
- 12620 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 12621 (ii) seven days before the regular primary election date;
- 12622 (iii) on September 30; and
- 12623 (iv) seven days before the regular general election date.
- 12624 (b) The labor organization shall report:
- 12625 (i) a detailed listing of all expenditures made since the last statement; and
- 12626 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all expenditures as of five
12627 days before the required filing date of the financial statement.
- 12628 (c) The labor organization is not required to file a financial statement under this section if the labor
12629 organization:
- 12630 (i) made no expenditures during the reporting period; or
- 12631 (ii) reports the labor organization's expenditures during the reporting period under another part of this
12632 chapter.
- 12633 (2) The financial statement shall include:
- 12634 (a) the name and address of each reporting entity that received an expenditure or political issues
12635 expenditure of more than \$50 from the labor organization, and the amount of each expenditure or
12636 political issues expenditure;
- 12637 (b) the total amount of expenditures disbursed by the labor organization; and
- 12638 (c) a statement by the labor organization's treasurer or chief financial officer certifying the accuracy of
12639 the financial statement.
- 12640 ~~{Section 211. Section 20A-11-1503 is amended to read: }~~
- 12641 **20A-11-1503. Criminal penalties -- Fines.**
- 12642 (1) Within 60 days after a deadline for the filing of a financial statement required by this part, the
12643 [lieutenant governor] director shall review each filed financial statement to ensure that:
- 12644 (a) each labor organization that is required to file a financial statement has filed one; and

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- 12647 (b) each financial statement contains the information required by this part.
- 12648 (2) If it appears that any labor organization has failed to file a financial statement, if it appears that a filed financial statement does not conform to the law, or if the ~~[lieutenant governor]~~ director has received a written complaint alleging a violation of the law or the falsity of a financial statement, the ~~[lieutenant governor]~~ director shall:
- 12652 (a) impose a fine against the labor organization in accordance with Section 20A-11-1005; and
- 12654 (b) within five days of discovery of a violation or receipt of a written complaint, notify the labor organization of the violation or written complaint and direct the labor organization to file a financial statement correcting the problem.
- 12657 (3)
- (a) It is unlawful for any labor organization to fail to file or amend a financial statement within seven days after receiving notice from the ~~[lieutenant governor]~~ director under this section.
- 12660 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B misdemeanor.
- 12662 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (3)(a) to the attorney general.
- 12664 (d) In addition to the criminal penalty described in Subsection (3)(b), the ~~[lieutenant governor]~~ director shall impose a civil fine of \$1,000 against a labor organization that violates Subsection (3)(a).
- 12667 ~~{Section 212. Section 20A-11-1602 is amended to read: }~~
- 12668 **20A-11-1602. Definitions.**
As used in this part:
- 12670 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder, a member of the officeholder's immediate family, or an individual or entity that the officeholder is required to disclose under the provisions of this section, if that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.
- 12676 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information required under Section 20A-11-1604.
- 12678 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a

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governmental entity, an unincorporated organization, or any other legal entity, regardless of whether it is established primarily for the purpose of gain or economic profit.

- 12683 (4) "Local official" means:
- 12684 (a) an elected officer of:
- 12685 (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; or
- 12687 (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure Act;
- 12689 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- or
- 12691 (c) another individual:
- 12692 (i) who is not a regulated officeholder; and
- 12693 (ii) who is required to annually make a conflict of interest disclosure in accordance with Subsection 20A-11-1604(6).
- 12695 (5) "Filing officer" means:
- 12696 (a) the [~~lieutenant governor~~] director, for the office of a state constitutional officer or State Board of Education member; or
- 12698 (b) the [~~lieutenant governor~~] director or the county clerk in the county of the candidate's residence, for a state legislative office.
- 12700 (6) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.
- 12703 (7) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.
- 12707 (8)
- (a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make decisions for:
- 12710 (i) the entity or a portion of the entity; or
- 12711 (ii) an employee, agent, or independent contractor of the entity.
- 12712 (b) "Owner or officer" includes:
- 12713 (i) a member of a board of directors or other governing body of an entity; or

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- 12714 (ii) a partner in any type of partnership.
- 12715 (9) "Preceding year" means the year immediately preceding the day on which the regulated officeholder makes a conflict of interest disclosure.
- 12717 (10) "Regulated officeholder" means an individual who is required to make a conflict of interest disclosure under the provisions of this part.
- 12719 (11) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.
- 12721 (12) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

~~{Section 213. Section 20A-11-1602.5 is amended to read: }~~

20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure Website.

- 12726 (1) The [lieutenant governor] director shall, in cooperation with the county clerks, establish and administer a Candidate and Officeholder Conflict of Interest Disclosure Website.
- 12728 (2) The website shall:
- 12729 (a) permit a candidate or officeholder to securely access the website for the purpose of:
- 12730 (i) complying with the conflict of interest disclosure requirements described in this part; and
- 12732 (ii) editing conflict of interest disclosures;
- 12733 (b) contain a record of all conflict of interest disclosures and edits made by the candidate or officeholder for at least the preceding four years;
- 12735 (c) permit any person to view a conflict of interest disclosure made by a candidate or officeholder; and
- 12737 (d) contain a link to the conflict of interest disclosure made by a local official.

~~{Section 214. Section 20A-11-1603 is amended to read: }~~

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

- 12741 (1)
- (a) Except as provided in Subsection (1)(c), candidates seeking the following offices shall make a complete conflict of interest disclosure on the website at the time of filing a declaration of candidacy:
- 12744 (i) state constitutional officer;
- 12745 (ii) state legislator; or
- 12746 (iii) State Board of Education member.

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- 12747 (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.
- 12749 (c) A candidate is not required to comply with Subsection (1)(a) if the candidate:
- 12750 (i) currently holds the office for which the candidate is seeking reelection;
- 12751 (ii) already, that same year, filed the conflict of interest disclosure for the office described in Subsection (1)(c)(i), in accordance Section 20A-11-1604; and
- 12753 (iii) at the time the candidate files the declaration of candidacy, indicates, in writing, that the conflict of interest disclosure described in Subsection (1)(c)(ii) is updated and accurate as of the date of filing the declaration of candidacy.
- 12756 (2) Except as provided in Subsection (1)(c), a filing officer:
- 12757 (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
- 12760 (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.
- 12762 (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.
- 12765 (4) The ~~lieutenant governor~~ director shall make the complete conflict of interest disclosure made by each candidate available for public inspection on the website.
- 12767 ~~{Section 215. Section 20A-11-1604 is amended to read: }~~
- 12768 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**
- 12770 (1)
- (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.
- 12776 (b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest

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disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.

- 12781 (c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.
- 12786 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:
- 12788 (a) on the official record of the action taken, for a state constitutional officer;
- 12789 (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or
- 12791 (c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.
- 12793 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
- 12795 (a)
- 12796 (i) no sooner than January 1 each year, and before January 11 each year; or
- 12798 (ii) if the state constitutional officer takes office after January 10, within 10 days after the day on which the state constitutional officer takes office; and
- 12799 (b) each time the state constitutional officer changes employment.
- 12800 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 12801 (a)
- 12803 (i) no sooner than January 1 each year, and before January 11 each year; or
- 12804 (ii) if the legislator takes office after January 10, within 10 days after the day on which the legislator takes office; and
- 12806 (b) each time the legislator changes employment.
- 12807 (5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:
- 12809 (a)
- 12809 (i) no sooner than January 1 each year, and before January 11 each year; or
- 12807 (ii) if the member takes office after January 10, within 10 days after the day on which the member takes office; and
- 12809 (b) each time the member changes employment.

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- 12810 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 12811 (a) the regulated officeholder's name;
- 12812 (b) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year;
- 12814 (c) for each employer described in Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
- 12817 (d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:
- 12819 (i) the name of the entity;
- 12820 (ii) a brief description of the type of business or activity conducted by the entity; and
- 12821 (iii) the regulated officeholder's position in the entity;
- 12822 (e) in accordance with Subsection (7), for each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year:
- 12825 (i) the name of the individual or entity; and
- 12826 (ii) a brief description of the type of business or activity conducted by the individual or entity;
- 12828 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds:
- 12832 (i) the name of the entity; and
- 12833 (ii) a brief description of the type of business or activity conducted by the entity;
- 12834 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated officeholder currently serves, or served in the preceding year, in a paid leadership capacity or in a paid or unpaid position on a board of directors:
- 12837 (i) the name of the entity or organization;
- 12838 (ii) a brief description of the type of business or activity conducted by the entity; and
- 12839 (iii) the type of position held by the regulated officeholder;
- 12840 (h) at the option of the regulated officeholder, a description of any real property in which the regulated officeholder holds an ownership or other financial interest that the regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property;

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- 12844 (i) the name of the regulated officeholder's spouse and any other adult residing in the regulated officeholder's household who is not related by blood or marriage, as applicable;
- 12847 (j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection (6)(b);
- 12849 (k) a brief description of the employment and occupation of each adult who:
- 12850 (i) resides in the regulated officeholder's household; and
- 12851 (ii) is not related to the regulated officeholder by blood or marriage;
- 12852 (l) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;
- 12854 (m) the date the form was completed;
- 12855 (n) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and
- 12857 (o) the signature of the regulated officeholder.
- 12858 (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(e) in relation to the regulated officeholder's individual customers or clients.
- 12865 (8) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
- 12867 (9) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.
- 12869 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.
- 12871 (11)
- (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 12873 (b) In addition to the criminal penalty described in Subsection (11)(a), the ~~lieutenant governor~~ director shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).

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{Section 216. Section 20A-11-1605 is amended to read: }

20A-11-1605. Failure to file -- Penalties.

- (1) Within 60 days after the day on which a regulated officeholder is required to file a conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the ~~[lieutenant governor]~~ director shall review each filed conflict of interest disclosure to ensure that:
- (a) each regulated officeholder who is required to file a conflict of interest disclosure has filed one; and
 - (b) each conflict of interest disclosure contains the information required under Section 20A-11-1604.
- (2) The ~~[lieutenant governor]~~ director shall take the action described in Subsection (3) if:
- (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;
 - (b) a filed conflict of interest disclosure does not comply with the requirements of Section 20A-11-1604; or
 - (c) the ~~[lieutenant governor]~~ director receives a written complaint alleging a violation of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and giving the regulated officeholder notice and an opportunity to be heard, the ~~[lieutenant governor]~~ director determines that a violation occurred.
- (3) If a circumstance described in Subsection (2) occurs, the ~~[lieutenant governor]~~ director shall, within five days after the day on which the ~~[lieutenant governor]~~ director determines that a violation occurred, notify the regulated officeholder of the violation and direct the regulated officeholder to file an amended report correcting the problem.
- (4)
- (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of interest disclosure within seven days after the day on which the regulated officeholder receives the notice described in Subsection (3).
 - (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B misdemeanor.
 - (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (4)(a) to the attorney general.
 - (d) In addition to the criminal penalty described in Subsection (4)(b), the ~~[lieutenant governor]~~ director shall impose a civil fine of \$100 against a regulated officeholder who violates Subsection (4)(a).
- (5) The ~~[lieutenant governor]~~ director shall deposit a fine collected under this part into the General Fund as a dedicated credit to pay for the costs of administering the provisions of this part.

{Section 217. Section 20A-11-1606 is amended to read: }

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- 12912 **20A-11-1606. Link to conflict of interest disclosure on Legislature's website.**
The Legislature's website shall include, for each legislative officeholder, a link to the conflict of interest disclosure on the website maintained by the [~~lieutenant governor~~] director in relation to that legislative officeholder.
- 12916 ~~{Section 218. Section 20A-12-201 is amended to read: }~~
- 12917 **20A-12-201. Judicial appointees -- Retention elections.**
- 12918 (1)
- 12921 (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.
- 12922 (b) After the first retention election:
- 12924 (i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and
- 12926 (ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.
- 12928 (2)
- 12931 (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:
- 12932 (i) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
- 12934 (ii) pay a filing fee of \$50.
- 12938 (b)
- 12939 (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:
- 12942 (A) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
- (B) pay a filing fee of \$25 for each judicial office.
- (ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

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(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

12945 (3)

(a) The [~~lieutenant governor~~] director shall, no later than August 31 of each regular general election year:

12947 (i) transmit a certified list containing the names of the justices of the Supreme Court, judges of the Court of Appeals, and judges of the Business and Chancery Court declaring their candidacy to the county clerk of each county; and

12950 (ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

12953 (b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

12955 (4)

(a) At the general election, the ballots shall contain:

12956 (i) at the beginning of the judicial retention section of the ballot, the following statement:

12957 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's recommendations for each judge"; and

12959 (ii) as to each justice or judge of any court to be voted on in the county, the following question:

12960 "Shall _____ (name of justice or judge) be retained in the office of _____? (name of office, such as "Justice of the Supreme Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of municipality)")

12966 Yes ()

12967 No ()."

12968 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot question for the judge shall include the name of that court.

12970 (5)

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(a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.

12972 (b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.

12975 (6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office.

12977 (7)

(a) If a justice court judge is standing for retention for one or more judicial offices in a county in which the judge is a county justice court judge or a municipal justice court judge in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any combination thereof, the election officer shall place the judge's name on the county ballot only once for all judicial offices for which the judge seeks to be retained.

12983 (b) If a justice court judge is standing for retention for one or more judicial offices in a municipality of the first, second, or third class, as described in Section 10-2-301, the election officer shall place the judge's name only on the municipal ballot for the voters of the municipality that the judge serves.

12987 {Section 219. ~~Section 20A-12-302 is amended to read:~~}

12988 **20A-12-302. Campaign committee required.**

12989 (1)

(a) When permitted to do so by the Code of Judicial Conduct promulgated by the Utah Supreme Court, and if the judge chooses to solicit contributions or make expenditures to promote ~~his~~ the judge's retention, the judge may establish no more than one retention election personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and shall file reports connected with the judge's retention election campaign.

12995 (b) A judge or person acting in concert with or with the knowledge of the judge may not receive any contributions or make any expenditures other than through the personal campaign committee established under this section.

12998 (2)

(a) The judge shall file with the ~~lieutenant governor~~ director a signed written statement containing the name and address of each member and the secretary of the judge's personal campaign committee.

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(b) The judge may change the membership of the personal campaign committee at any time by filing with the [lieutenant governor] director a signed statement containing the name and address of any additional members and identifying any members that have been removed from the committee.

13005 (c) The judge or the judge's personal campaign committee may not make any expenditures on behalf of the judge until the statement has been filed.

13007 (3)

(a) The judge's personal campaign committee may not make an expenditure of more than \$1,000 unless the judge or the secretary of the personal campaign committee authorizes the expenditure in writing.

13010 (b) A judge or the judge's personal campaign committee may not make any expenditures prohibited by law.

13012 (4) A judge's personal campaign committee is dissolved on the date that the summary report required by Section 20A-12-304 is filed.

13014 {Section 220. ~~Section 20A-12-303 is amended to read:~~}

13015 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

13016 (1) The judge or the judge's personal campaign committee shall deposit each contribution in one or more separate personal campaign accounts in a financial institution.

13018 (2) The judge or the judge's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.

13020 (3)

(a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

13021 (i) for a cash contribution, that the cash is given to a judge or the judge's personal campaign committee;

13023 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

13025 (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the judge.

13027 (b) The judge or the judge's personal campaign committee shall report to the [lieutenant governor] director each contribution received by the judge, within 31 days after the day on which the contribution is received.

13030 (c) For each contribution that a judge fails to report within the time period described in Subsection (3) (b), the [lieutenant governor] director shall impose a fine against the judge in an amount equal to:

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- 13033 (i) 10% of the amount of the contribution if the judge reports the contribution within 60 days after the day on which the time period described in Subsection (3)(b) ends; or
- 13036 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution within 60 days after the day on which the time period described in Subsection (3)(b) ends.
- 13039 (d) The [~~lieutenant governor~~] director shall:
- 13040 (i) deposit money received under Subsection (3)(c) into the General Fund; and
- 13041 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports relating to each judge are available for public access:
- 13043 (A) each fine imposed by the [~~lieutenant governor~~] director against the judge;
- 13044 (B) the amount of the fine;
- 13045 (C) the amount of the contribution to which the fine relates; and
- 13046 (D) the date of the contribution.
- 13047 (4) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal campaign committee shall disburse the amount of the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

13051 ~~{Section 221. Section 20A-12-304 is amended to read: }~~

13052 **20A-12-304. Judicial retention election candidates -- Financial reporting requirements --**
Year-end summary report.

- 13054 (1) The judge's personal campaign committee shall file a summary report with the [~~lieutenant governor~~] director by January 10 of the year after the regular general election year.
- 13057 (2)
- (a) Each summary report shall include the following information as of December 31 of the last regular general election year:
- 13059 (i) a single figure equal to the total amount of contributions reported on the interim report;
- 13061 (ii) a single figure equal to the total amount of expenditures reported on the interim report;
- 13063 (iii) a detailed listing of each contribution received since the last summary report that has not been reported in detail on the interim report;
- 13065 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 13066 (v) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on the interim report;

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- 13068 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and
13069 (vii) the net balance for the year, consisting of all contributions minus all expenditures.
- 13071 (b)
- (i) For all single contributions of \$50 or less, an aggregate figure may be reported without a separate detailed listing.
- 13073 (ii) Two or more contributions from the same source for a total of more than \$50 may not be reported in the aggregate, but shall be reported in the detailed listing.
- 13075 (c) A check or negotiable instrument received by a judge or the judge's personal campaign committee on or before December 31 of the previous year shall be reported in the summary report.
- 13078 (3) The judge shall certify in the summary report that, to the best of the judge's knowledge, all contributions and all expenditures have been reported as of December 31 of the last regular general election year and that there are no financial obligations outstanding except as set forth in the report.
- 13082 ~~{Section 222. Section 20A-12-305 is amended to read: }~~
- 13083 **20A-12-305. Judicial retention election candidates -- Financial reporting requirements --**
- Interim report.**
- 13085 (1) The judge's personal campaign committee shall file an interim report with the [~~lieutenant governor~~] director on the date seven days before the regular general election date.
- 13088 (2) Each interim report shall include the following information:
- 13089 (a) a detailed listing of each contribution received since the last financial statement;
- 13090 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 13091 (c) a detailed listing of each expenditure made since the last summary report;
- 13092 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 13093 (e) a net balance for the year consisting of all contributions since the last summary report minus all expenditures since the last summary report.
- 13095 (3)
- (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.
- 13097 (b) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 13099 (4) In preparing each interim report, all contributions and expenditures shall be reported as of five days before the required filing date of the report.

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- 13101 (5) A negotiable instrument or check received by a judge or the judge's personal campaign committee more than five days before the required filing date of a report required by this section shall be included in the interim report.
- 13104 ~~{Section 223. Section 20A-12-306 is amended to read: }~~
- 13105 **20A-12-306. Judges -- Failure to file reports -- Penalties.**
- 13106 (1)
- 13109 (a) If a judge's personal campaign committee fails to file the interim report due before the regular general election, the [~~lieutenant governor~~] director shall, after making a reasonable attempt to discover if the report was timely filed:
- 13110 (i) inform the county clerk and other appropriate election officials who:
- 13110 (A)
- 13112 (I) shall, if practicable, remove the name of the judge from the ballots before the ballots are delivered to voters; or
- 13112 (II) shall, if removing the judge's name from the ballot is not practicable, inform the voters by any practicable method that the judge has been disqualified and that votes cast for the judge will not be counted; and
- 13115 (B) may not count any votes for that judge; and
- 13116 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.
- 13117 (b) Any judge who fails to file timely a financial statement required by this part is disqualified.
- 13119 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the [~~lieutenant governor~~] director may not impose a fine if:
- 13121 (i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;
- 13123 (ii) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
- 13126 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in an amended report or in the next scheduled report.
- 13128 (2)
- 13128 (a) Within 30 days after a deadline for the filing of a summary report, the [~~lieutenant governor~~] director shall review each filed summary report to ensure that:
- 13130 (i) each judge that is required to file a summary report has filed one; and

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- 13131 (ii) each summary report contains the information required by this part.
- 13132 (b) If it appears that any judge 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~~] director has received a written complaint alleging a violation of the law or the falsity of any summary report, the [~~lieutenant governor~~] director shall, within five days of discovery of a violation or receipt of a written complaint, notify the judge of the violation or written complaint and direct the judge to file a summary report correcting the problem.
- 13139 (c)
- (i) It is unlawful for any judge to fail to file or amend a summary report within 14 days after receiving notice from the [~~lieutenant governor~~] director under this section.
- 13142 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
- 13143 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection (2)(c)(i) to the attorney general.
- 13145 ~~{Section 224. Section 20A-13-102 is amended to read: }~~
- 13146 **20A-13-102. Congressional districts -- Filing -- Legal boundaries.**
- 13147 (1)
- (a) The Legislature shall file a copy of the Congressional block equivalency file enacted by the Legislature and the resulting Congressional shapefile with the [~~lieutenant governor's~~] office.
- 13150 (b) The legal boundaries of Utah's Congressional districts are contained in the Congressional shapefile on file with the [~~lieutenant governor's~~] office.
- 13152 (2)
- (a) The [~~lieutenant governor~~] director shall:
- 13153 (i) verify the Congressional block equivalency file that the Legislature files under Subsection (1) using block equivalency file security code "4cb8a686520fdb1c2385e0a9812ff403" and the corresponding Congressional shapefile;
- 13157 (ii) generate maps of each Congressional district from the Congressional shapefile; and
- 13159 (iii) ensure that the district maps are available for viewing on the [~~lieutenant governor's~~] office's website.
- 13161 (b) If there is any inconsistency between the district maps and the Congressional shapefile resulting from the Congressional block equivalency file, the Congressional shapefile is controlling.
- 13164 ~~{Section 225. Section 20A-13-102.2 is amended to read: }~~

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13165 **20A-13-102.2. County clerk, Utah Geospatial Resource Center, and director responsibilities**
13166 **-- Maps and voting precinct boundaries.**

- 13167 (1) As used in this section, "redistricting boundary data" means the Congressional shapefile in the
possession of the [~~lieutenant governor's~~]office.
- 13169 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from
the [~~lieutenant governor's~~]office.
- 13171 (3)
- (a) A county clerk may create one or more county maps that identify the boundaries of Utah's
Congressional districts as generated from the redistricting boundary data.
- 13173 (b) Before publishing or distributing any map or data created by the county clerk that identifies the
boundaries of Utah's Congressional districts within the county, the county clerk shall submit the
county map and data to the [~~lieutenant governor~~] director and to the Utah Geospatial Resource
Center for review.
- 13177 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah Geospatial
Resource Center shall:
- 13179 (i) review the county map and data to evaluate if the county map and data accurately reflect the
boundaries of Utah's Congressional districts established by the Legislature in the redistricting
boundary data;
- 13182 (ii) determine whether the county map and data are correct or incorrect; and
- 13183 (iii) communicate those findings to the [~~lieutenant governor~~] director.
- 13184 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the county map and data
are correct or notify the county clerk that the county map and data are incorrect.
- 13187 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the county map and
data submitted are incorrect, the county clerk shall:
- 13189 (i) make the corrections necessary to conform the county map and data to the redistricting boundary
data; and
- 13191 (ii) resubmit the corrected county map and data to the [~~lieutenant governor~~] director and to the Utah
Geospatial Resource Center for a new review under this Subsection (3).
- 13194 (4)

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(a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each Utah Congressional district according to the procedures and requirements of Section 20A-5-303.

13197 (b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the [~~lieutenant governor~~] director and to the Utah Geospatial Resource Center for review.

13202 (c) Within 30 days after receipt of a map from a county clerk, the Utah Geospatial Resource Center shall:

13204 (i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of Utah's Congressional districts established by the Legislature in the redistricting boundary data;

13207 (ii) determine whether the voting precinct map is correct or incorrect; and

13208 (iii) communicate those findings to the [~~lieutenant governor~~] director.

13209 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the map is incorrect.

13211 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the voting precinct map is incorrect, the county clerk shall:

13213 (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and

13215 (ii) resubmit the corrected voting precinct map to the [~~lieutenant governor~~] director and to the Utah Geospatial Resource Center for a new review under this Subsection (4).

13218 ~~{Section 226. Section 20A-13-103 is amended to read: }~~

13219 **20A-13-103. Omissions from maps -- How resolved.**

13220 (1) If any area of the state is omitted from a Congressional district in the Congressional shapefile in the possession of the [~~lieutenant governor's~~] office, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Congressional district according to the requirements of Subsections (2) and (3).

13224 (2) If the omitted area is surrounded by a single Congressional district, the county clerk shall attach the area to that district.

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(3) If the omitted area is contiguous to two or more Congressional districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Committee.

13229 (4) The county clerk shall certify in writing and file with the [~~lieutenant governor~~] director any attachment made under this section.

13231 ~~{Section 227. Section 20A-13-104 is amended to read: }~~

13232 **20A-13-104. Uncertain boundaries -- How resolved.**

13233 (1) As used in this section, "affected party" means:

13234 (a) a representative whose Congressional district boundary is uncertain because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether the representative or another individual resides in a particular Congressional district;

13239 (b) a candidate for Congressional representative whose Congressional district boundary is uncertain because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether the candidate or another individual resides in a particular Congressional district; or

13244 (c) an individual who is uncertain about which Congressional district contains the individual's residence because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified.

13248 (2)

(a) An affected party may file a written request petitioning the [~~lieutenant governor~~] director to determine:

13250 (i) the precise location of the Congressional district boundary;

13251 (ii) the number of the Congressional district in which an individual resides; or

13252 (iii) both Subsections (2)(a)(i) and (ii).

13253 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant governor~~] director shall review:

13255 (i) the Congressional block equivalency file and the resulting Congressional shapefile; and

13257 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about the area.

13259 (c) Within five days of receipt of the request, the [~~lieutenant governor~~] director shall:

13260 (i) complete the review described in Subsection (2)(b); and

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- 13261 (ii) make a determination.
- 13262 (d) When the [lieutenant governor] director determines the location of the Congressional district boundary, the [lieutenant governor] director shall:
- 13264 (i) prepare a certification identifying the appropriate boundary and attaching a map, if necessary; and
- 13266 (ii) send a copy of the certification to:
- 13267 (A) the affected party;
- 13268 (B) the county clerk of the affected county; and
- 13269 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 13270 (e) If the [lieutenant governor] director determines the number of the Congressional district in which a particular individual resides, the [lieutenant governor] director shall send a letter identifying that district by number to:
- 13273 (i) the individual;
- 13274 (ii) the affected party who filed the petition, if different than the individual whose Congressional district number was identified; and
- 13276 (iii) the county clerk of the affected county.

13277 ~~{Section 228. Section 20A-13-301 is amended to read: }~~

20A-13-301. Presidential elections -- Effect of vote.

- 13278 (1)
- 13279 (a) Each registered political party shall choose individuals to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for president and vice president of the United States according to the procedures established in their bylaws.
- 13283 (b) Each registered political party shall certify to the [lieutenant governor] director the names and addresses of the individuals selected by the political party as the party's presidential electors before 5 p.m. no later than August 31.
- 13286 (c) An unaffiliated candidate or write-in candidate for the office of president of the United States shall, no later than 5 p.m. ten days after the day on which the candidate files a declaration of candidacy, certify to the [lieutenant governor] director the names and addresses of each individual selected by the candidate as a presidential elector for the candidate and each individual selected by the candidate to fill a vacancy in the office of presidential elector for the candidate.
- 13292 (2) The highest number of votes cast for candidates for president and vice president of the United States elects the presidential electors for:

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- 13294 (a) except as provided in Subsection (2)(b), the political party of those candidates; or
13295 (b) if the candidates receiving the highest number of votes are unaffiliated candidates or write-in candidates, the presidential electors selected for those candidates under Subsection (1)(c).

13298 ~~{Section 229. Section 20A-13-302 is amended to read: }~~

20A-13-302. Certificate of election.

- 13300 (1) The ~~[lieutenant governor]~~ director shall transmit certificates of election to each of the electors selected under Section 20A-13-301:
- 13302 (a) if the candidates for president and vice president of the United States who receive the highest number of votes in the state are unaffiliated candidates or write-in candidates, by the candidate for president; or
- 13305 (b) if the candidates for president and vice president of the United States who receive the highest number of votes in the state are the nominees of a registered political party, by the registered political party.
- 13308 (2) Presidential electors may not receive compensation for their services.

13309 ~~{Section 230. Section 20A-13-304 is amended to read: }~~

20A-13-304. Meeting to ballot -- Casting ballot for individual not nominated by elector's candidate or party.

- 13312 (1) The electors shall meet at the office ~~[of the lieutenant governor at the state capitol]~~ at noon of the first Wednesday of the January after their election, or at noon of any other day designated by the Congress of the United States of America.
- 13315 (2) After convening, the electors shall perform their duties in conformity with the United States Constitution and laws.
- 13317 (3) Any elector who casts an electoral ballot for an individual not nominated by the individual, or by the party of which the elector is an elector, except in the cases of death or felony conviction of a candidate, is considered to have resigned from the office of elector, the elector's vote may not be recorded, and the remaining electors shall appoint another individual to fill the vacancy.

13322 ~~{Section 231. Section 20A-14-102 is amended to read: }~~

20A-14-102. State Board of Education districts -- Filing -- Legal boundaries.

- 13324 (1)
- (a) The Legislature shall file a copy of the Board block equivalency file enacted by the Legislature and the resulting Board shapefile with the ~~[lieutenant governor's]~~ office.

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- 13327 (b) The legal boundaries of State Board of Education districts are contained in the Board shapefile on file with the [lieutenant governor's] office.
- 13329 (2)
- 13330 (a) The [lieutenant governor] director shall:
- 13333 (i) verify the Board block equivalency file that the Legislature files under Subsection (1) using block equivalency file security code "3045e67dd19fd1085282c1d9a89a7873" and the resulting Board shapefile;
- 13335 (ii) generate maps of each State Board of Education district from the Board shapefile; and
- 13337 (iii) ensure that the district maps are available for viewing on the [lieutenant governor's] office's website.
- 13337 (b) If there is any inconsistency between the district maps and the Board shapefile resulting from the Board block equivalency file, the Board shapefile is controlling.
- 13339 ~~{Section 232. Section 20A-14-102.1 is amended to read: }~~
- 13340 **20A-14-102.1. Omissions from maps -- How resolved.**
- 13341 (1) If any area of the state is omitted from a State Board of Education district in the Board shapefile in the possession of the [lieutenant governor's] office, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate State Board of Education district according to the requirements of Subsections (2) and (3).
- 13346 (2) If the omitted area is surrounded by a single State Board of Education district, the county clerk shall attach the area to that district.
- 13348 (3) If the omitted area is contiguous to two or more State Board of Education districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Committee.
- 13351 (4) The county clerk shall certify in writing and file with the [lieutenant governor] director any attachment made under this section.
- 13353 ~~{Section 233. Section 20A-14-102.2 is amended to read: }~~
- 13354 **20A-14-102.2. Uncertain boundaries -- How resolved.**
- 13355 (1) As used in this section:
- 13356 (a) "Affected party" means:
- 13357 (i) a state school board member whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board shapefile has been removed,

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modified, or is unable to be identified or who is uncertain about whether the member or another individual resides in a particular State Board of Education district;

13362 (ii) a candidate for state school board whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the candidate or another individual resides in a particular State Board of Education district; or

13367 (iii) an individual who is uncertain about which State Board of Education district contains the individual's residence because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified.

13371 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or political subdivision boundary that is used to establish a State Board of Education district boundary.

13374 (2)

(a) An affected party may file a written request petitioning the [~~lieutenant governor~~] director to determine:

13376 (i) the precise location of the State Board of Education district boundary;

13377 (ii) the number of the State Board of Education district in which an individual resides; or

13379 (iii) both Subsections (2)(a)(i) and (ii).

13380 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant governor~~] director shall review:

13382 (i) the Board block equivalency file and the resulting Board shapefile; and

13383 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about the area.

13385 (c) Within five days of receipt of the request, the [~~lieutenant governor~~] director shall:

13386 (i) complete the review described in Subsection (2)(b); and

13387 (ii) make a determination.

13388 (d) If the [~~lieutenant governor~~] director determines the precise location of the State Board of Education district boundary, the [~~lieutenant governor~~] director shall:

13390 (i) prepare a certification identifying the appropriate State Board of Education district boundary and attaching a map, if necessary; and

13392 (ii) send a copy of the certification to:

13393 (A) the affected party;

13394 (B) the county clerk of the affected county; and

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- 13395 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 13396 (e) If the [~~lieutenant governor~~] director determines the number of the State Board of Education district in which a particular individual resides, the [~~lieutenant governor~~] director shall send a letter identifying that district by number to:
- 13399 (i) the individual;
- 13400 (ii) the affected party who filed the petition, if different than the individual whose State Board of Education district number was identified; and
- 13402 (iii) the county clerk of the affected county.
- 13403 ~~{Section 234. Section 20A-14-102.3 is amended to read: }~~
- 13404 **20A-14-102.3. County clerk, Utah Geospatial Resource Center, and director responsibilities -- Maps and voting precinct boundaries.**
- 13406 (1) As used in this section, "redistricting boundary data" means the Board shapefile in the possession of the [~~lieutenant governor's~~] office.
- 13408 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the [~~lieutenant governor's~~] office.
- 13410 (3)
- 13413 (a) A county clerk may create one or more county maps that identify the boundaries of State Board of Education districts as generated from the redistricting boundary data.
- 13417 (b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of State Board of Education districts within the county, the clerk shall submit the county map and data to the [~~lieutenant governor~~] director and to the Utah Geospatial Resource Center for review.
- 13419 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah Geospatial Resource Center shall:
- 13422 (i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of State Board of Education districts established by the Legislature in the redistricting boundary data;
- 13423 (ii) determine whether the county map and data are correct or incorrect; and
- 13424 (iii) communicate those findings to the [~~lieutenant governor~~] director.
- 13424 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the county map and data are correct or inform the county clerk that the county map and data are incorrect.

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- 13427 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the county map and data submitted are incorrect, the county clerk shall:
- 13429 (i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and
- 13431 (ii) resubmit the corrected county map and data to the [~~lieutenant governor~~] director for a new review under this Subsection (3).
- 13433 (4)
- (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each State Board of Education district according to the procedures and requirements of Section 20A-5-303.
- 13436 (b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the [~~lieutenant governor~~] director and to the Utah Geospatial Resource Center for review.
- 13441 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah Geospatial Resource Center shall:
- 13443 (i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of State Board of Education districts established by the Legislature in the redistricting boundary data;
- 13446 (ii) determine whether the voting precinct map is correct or incorrect; and
- 13447 (iii) communicate those findings to the [~~lieutenant governor~~] director.
- 13448 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the voting precinct map is incorrect.
- 13451 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the voting precinct map is incorrect, the county clerk shall:
- 13453 (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and
- 13455 (ii) resubmit the corrected voting precinct map to the [~~lieutenant governor~~] director and to the Utah Geospatial Resource Center for a new review under this Subsection (4).

{Section 235. ~~Section 20A-14-103 is amended to read:~~ }

20A-14-103. State Board of Education members -- Term -- Requirements.

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- 13460 (1) Unless otherwise provided by law and except as provided in Subsection (2):
- 13461 (a) voters in the following districts, as designated in the Senate block equivalency file, shall elect a State Board of Education member for a term of four years:
- 13463 (i) at the 2022 General Election, State Board of Education Districts 1, 2, 4, 5, 8, 11, and 14; and
- 13465 (ii) at the 2024 General Election, State Board of Education Districts 3, 6, 7, 9, 10, 12, 13, and 15; and
- 13467 (b) a State Board of Education member representing a district described in Subsection (1)(a)(ii) on November 16, 2021, shall represent the realigned district, if the State Board of Education member resides in the realigned district, for a term of office that ends January 6, 2025.
- 13471 (2)
- 13473 (a) As used in this Subsection (2), "District 6" means District 6 as designated in the Senate block equivalency file.
- 13477 (b) If one of the incumbent State Board of Education members from District 6 files written notice with the ~~[lieutenant-governor]~~ director by close of business on January 3, 2022, that the member will not seek election to the State Board of Education from District 6:
- 13479 (i) the filing incumbent member may serve until January 2, 2023, in representation of the district to which the member was elected at the 2020 General Election; and
- 13481 (ii) the other incumbent member from District 6 shall serve out the term for which the member was elected, in representation of District 6, which is until January 6, 2025.
- 13483 (c) If neither or both incumbent State Board of Education members in District 6 file the written notice described in Subsection (2)(b):
- 13485 (i) the incumbent members may serve until January 2, 2023, in representation of the district to which the members were elected at the 2020 General Election;
- 13488 (ii) the ~~[lieutenant-governor]~~ director shall designate District 6 as an office to be filled in the 2022 General Election in the notice of election required by Section 20A-5-101;
- 13490 (iii) the State Board of Education member elected from District 6 at the 2022 General Election shall be elected to serve a term of office of two years; and
- 13492 (iv) the State Board of Education member elected from District 6 at the 2024 General Election shall be elected to serve a term of office of four years.
- 13492 (3)

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(a) A person seeking election to the State Board of Education shall have been a resident of the State Board of Education district in which the person is seeking election for at least one year as of the date of the election.

13495 (b) A person who has resided within the State Board of Education district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (3).

13499 (4) A State Board of Education member shall:

13500 (a) be and remain a registered voter in the State Board of Education district from which the member was elected or appointed; and

13502 (b) maintain the member's primary residence within the State Board of Education district from which the member was elected or appointed during the member's term of office.

13504 (5) A State Board of Education member may not, during the member's term of office, also serve as an employee of the State Board of Education.

13506 ~~{Section 236. Section 20A-15-103 is amended to read: }~~

13507 **20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures -- Removal of petition signature.**

13509 (1) Candidates for the office of delegate to the ratification convention shall be citizens, residents of Utah, and at least 21 years old.

13511 (2) Persons wishing to be delegates to the ratification convention shall:

13512 (a) circulate a nominating petition meeting the requirements of this section; and

13513 (b) obtain the signature of at least 100 registered voters.

13514 (3)

(a) A single nominating petition may nominate any number of candidates up to 21, the total number of delegates to be elected.

13516 (b) Nominating petitions may not contain anything identifying a candidate's party or political affiliation.

13518 (c) Each nominating petition shall contain a written statement signed by each nominee, indicating either that the candidate will:

13520 (i) vote for ratification of the proposed amendment; or

13521 (ii) vote against ratification of the proposed amendment.

13522

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(d) A nominating petition containing the names of more than one nominee may not contain the name of any nominee whose stated position in the nominating petition is inconsistent with that of any other nominee listed in the petition.

13525 (4)

(a) Candidates shall file their nominating petitions with the [~~lieutenant governor~~] director before 5 p.m. no later than 40 days before the proclaimed date of the election.

13527 (b) Within 10 days after the last day for filing the petitions, the [~~lieutenant governor~~] director shall:

13529 (i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter;

13531 (ii) declare nominated the 21 nominees in favor of ratification and the 21 nominees against ratification whose nominating petitions have been signed by the largest number of registered voters;

13534 (iii) decide any ties by lot drawn by the [~~lieutenant governor~~] director; and

13535 (iv) certify the nominated candidates of each group to the county clerk of each county within the state.

13537 (5)

(a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than three business days after the last day for filing the petitions, submitting to the [~~lieutenant governor~~] director a statement requesting that the voter's signature be removed.

13541 (b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

13543 (c) The [~~lieutenant governor~~] director shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

13546 {~~Section 237. Section 20A-15-201 is amended to read: }~~

13547 **20A-15-201. Convening -- Vacancies -- Election of officers -- Journal of proceedings.**

13549 (1) The delegates to the convention shall convene at the state capitol at noon on the 28th day after their election to pass upon the question of whether or not the proposed amendment shall be ratified.

13552 (2)

(a) If, at the time the convention convenes, there is a vacancy in the convention, the delegates from the group from which the delegate creating the vacancy was elected shall, by majority vote, appoint a person to fill the vacancy.

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- 13555 (b) If the convention contains no other delegates from the group from which the delegate creating the vacancy was elected, the governor shall appoint a person to fill the vacancy.
- 13558 (3) The convention may:
- 13559 (a) elect a president, secretary, and other officers; and
- 13560 (b) adopt its own rules.
- 13561 (4) The convention shall:
- 13562 (a) keep a journal of its proceedings;
- 13563 (b) record in the journal the vote of each delegate on the question of ratification of the proposed amendment; and
- 13565 (c) file the journal with the ~~[lieutenant governor]~~ director after the convention adjourns.
- 13566 (5)
- (a) Delegates to the ratification convention shall:
- 13567 (i) serve without pay;
- 13568 (ii) receive a per diem of \$4 per day while the convention is in session; and
- 13569 (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily traveled in going to and returning from the place of meeting by the most usual route.
- 13572 (b) The ~~[lieutenant governor]~~ director shall pay the per diem and mileage, together with the necessary expenses of the convention for printing and stenographic services, from the state treasury.
- 13575 ~~{Section 238. Section 20A-15-202 is amended to read: }~~
- 13576 **20A-15-202. Certificate of ratification.**
- 13577 (1) If the convention agrees, by vote of a majority of the total number of delegates, to ratify the proposed amendment, the president and secretary of the convention shall:
- 13579 (a) prepare and sign a certificate to that effect; and
- 13580 (b) transmit it to the ~~[lieutenant governor]~~ director.
- 13581 (2) Upon receipt of a ratification certificate, the ~~[lieutenant governor]~~ director shall transmit the certificate under the great seal of the state to the Secretary of State of the United States.
- 13584 ~~{Section 239. Section 20A-16-201 is amended to read: }~~
- 13585 **20A-16-201. Duties of director.**
- The ~~[lieutenant governor]~~ director shall:
- 13587 (1) implement this chapter and the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 et seq.;

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- 13589 (2) make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots;
- 13591 (3) establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter;
- 13594 (4)
- (a) develop standardized absentee-voting materials, including privacy and transmission envelopes and electronic equivalents of the envelopes, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in the state; and
- 13598 (b) to the extent reasonably possible, coordinate with other states on the development required by Subsection (4)(a); and
- 13600 (5) prescribe the form and content of a declaration:
- 13601 (a) for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot;
- 13604 (b) that is based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter; and
- 13606 (c) that is a prominent part of all balloting materials for which the declaration is required, including an indication of the date of execution of the declaration.

{Section 240. ~~Section 20A-16-202~~ is amended to read: }

20A-16-202. Report on ballots.

- 13610 (1) No later than 60 days after each regular general election date, each county clerk shall submit a report to the [~~lieutenant governor~~] director indicating:
- 13612 (a) the number of ballots sent to covered voters; and
- 13613 (b) the number of ballots returned by covered voters that were counted.
- 13614 (2) No later than 90 days after each regular general election date, the [~~lieutenant governor~~] director shall submit a statewide report to the Election Assistance Commission that includes the information required by Subsection (1).

{Section 241. ~~Section 20A-16-302~~ is amended to read: }

20A-16-302. Methods of registering to vote.

13619

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13621 (1) To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application or the application's electronic equivalent.

(2)

(a) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received before the day of the election.

(b) If the declaration is received on or after the day of the election, the declaration shall be treated as an application to register to vote for subsequent elections.

(3)

(a) The [~~lieutenant governor~~] director shall ensure that the electronic transmission system described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official.

(b) The voter may use the electronic transmission system or any other approved method to register to vote.

~~{Section 242. Section 20A-16-401 is amended to read: }~~

20A-16-401. Methods of applying for military-overseas ballots.

(1) A covered voter who is registered to vote in the state may apply for a military-overseas ballot:

(a) via the federal postcard application;

(b) via the federal postcard application's electronic equivalent; or

(c) by otherwise making a request in writing.

(2) A covered voter who is not registered to vote in this state may use a federal postcard application or the federal postcard application's electronic equivalent to apply simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

(3)

(a) The [~~lieutenant governor~~] director shall ensure that the electronic transmission system described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official.

(b) The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

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(4) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official before the day of the election.

13653 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official that the voter is a covered voter by:

13655 (a) the use of a federal postcard application or federal write-in absentee ballot;

13656 (b) the use of an overseas address on an approved voter registration application or ballot application; or

13658 (c) the inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

13660 (6) This chapter does not preclude a covered voter from voting via a manual ballot by mail.

13661 ~~{Section 243. Section 20A-16-410 is amended to read: }~~

13662 **20A-16-410. Confirmation of receipt of application and voted ballot.**

The [lieutenant governor] director, in coordination with an election officer, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet:

13666 (1) whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted;

13668 (2) whether the voter's military-overseas ballot has been received; and

13669 (3) the current status of the ballot.

13670 ~~{Section 244. Section 20A-21-101 is amended to read: }~~

13671 **20A-21-101. Definitions.**

As used in this chapter:

13673 (1) "Approved device" means a device described in Subsection 20A-21-201(4).

13674 (2) "Candidate qualification process" means the process, described in Section 20A-9-403 or 20A-9-408, of gathering signatures to seek the nomination of a registered political party.

13676 (3) "Electronic candidate qualification process" means the same as that term is defined in Section 20A-9-101.

13678 (4) "Electronic initiative process" means the same as that term is defined in Section 20A-7-101.

13680 (5) "Electronic referendum process" means the same as that term is defined in Section 20A-7-101.

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(6) "Manual candidate qualification process" means the same as that term is defined in Section 20A-9-101.

13684 (7) "Petition" means:

13685 (a) as it relates to the electronic initiative process or the electronic referendum process, the electronic record that an individual signs to indicate the individual is in favor of placing the initiative or referendum on the ballot; or

13688 (b) as it relates to electronic candidate qualification process, the electronic record that an individual signs to indicate the individual is in favor of placing an individual's name on the ballot to run for a particular elective office.

13691 (8) "Signature" means:

13692 (a) as it relates to a signature gathered for an initiative or referendum, the same as that term is defined in Section 20A-7-101; or

13694 (b) as it relates to a signature gathered for the candidate qualification process, the same as that term is defined in Section 20A-9-101.

13696 (9) "Website" means:

13697 (a) as it relates to the electronic initiative process or the electronic referendum process, the website designated by the [~~lieutenant governor~~] director for collecting the signatures and other information relating to the electronic initiative process or the electronic referendum process; or

13701 (b) as it relates to the electronic candidate qualification process, a website designated by the [~~lieutenant governor~~] director for collecting the signatures and other information relating to the electronic candidate qualification process.

13704 ~~{Section 245. Section 20A-21-201 is amended to read: }~~

13705 **20A-21-201. Electronic signature gathering for an initiative, a referendum, or candidate qualification.**

13707 (1)

(a) After filing a petition for a statewide initiative or a statewide referendum, and before gathering signatures, the sponsors shall, after consulting with the [~~Office of the Lieutenant Governor~~] office, sign a form provided by the [~~Office of the Lieutenant Governor~~] office indicating whether the sponsors will gather signatures manually or electronically.

13712 (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures electronically:

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- 13714 (i) in relation to a statewide initiative, signatures for that initiative:
- 13715 (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
- 13717 (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and
- 13719 (ii) in relation to a statewide referendum, signatures for that referendum:
- 13720 (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and
- 13722 (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304.
- 13724 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures manually:
- 13726 (i) in relation to a statewide initiative, signatures for that initiative:
- 13727 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and
- 13729 (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
- 13731 (ii) in relation to a statewide referendum, signatures for that referendum:
- 13732 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304; and
- 13734 (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315.
- 13736 (2)
- (a) After filing a petition for a local initiative or a local referendum, and before gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a form provided by the local clerk's office indicating whether the sponsors will gather signatures manually or electronically.
- 13740 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures electronically:
- 13742 (i) in relation to a local initiative, signatures for that initiative:
- 13743 (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 13745

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(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

13747 (ii) in relation to a local referendum, signatures for that referendum:

13748 (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and

13750 (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604.

13752 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures manually:

13754 (i) in relation to a local initiative, signatures for that initiative:

13755 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

13757 (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

13759 (ii) in relation to a local referendum, signatures for that referendum:

13760 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604; and

13762 (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616.

13764 (3)

(a) After a candidate files a notice of intent to gather signatures to qualify for a ballot, and before gathering signatures, the candidate shall, after consulting with the election officer, sign a form provided by the election officer indicating whether the candidate will gather signatures manually or electronically.

13768 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures electronically, signatures for the candidate:

13770 (i) may only be gathered and submitted using the electronic candidate qualification process; and

13772 (ii) may not be gathered or submitted using the manual candidate qualification process.

13774 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures manually, signatures for the candidate:

13776 (i) may only be gathered and submitted using the manual candidate qualification process; and

13778 (ii) may not be gathered or submitted using the electronic candidate qualification process.

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- 13780 (4) To gather a signature electronically, a signature-gatherer shall:
- 13781 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:
- 13782 (i) is approved by the [~~lieutenant-governor~~] director;
- 13783 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other information relating to an individual signing the petition in any location other than the location used by the website to store the information;
- 13786 (iii) does not, on the device, store a signature or any other information relating to an individual signing the petition except for the minimum time necessary to upload information to the website;
- 13789 (iv) does not contain any applications, software, or data other than those approved by the [~~lieutenant-governor~~] director; and
- 13791 (v) complies with cyber-security and other security protocols required by the [~~lieutenant-governor~~] director;
- 13793 (b) use the approved device to securely access a website designated by the [~~lieutenant-governor~~] director, directly, or via an application designated by the [~~lieutenant-governor~~] director; and
- 13796 (c) while connected to the website, present the approved device to an individual considering signing the petition and, while the signature-gatherer is in the physical presence of the individual:
- 13799 (i) wait for the individual to reach each screen presented to the individual on the approved device; and
- 13801 (ii) wait for the individual to advance to each subsequent screen by clicking on the acknowledgement at the bottom of the screen.
- 13803 (5) Each screen shown on an approved device as part of the signature-gathering process shall appear as a continuous electronic document that, if the entire document does not appear on the screen at once, requires the individual viewing the screen to, before advancing to the next screen, scroll through the document until the individual reaches the end of the document.
- 13808 (6) After advancing through each screen required for the petition, the signature process shall proceed as follows:
- 13810 (a) except as provided in Subsection (6)(b):
- 13811 (i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;
- 13813 (ii) the signature-gatherer shall verify that the individual pictured on the driver license or state identification card is the individual signing the petition;

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- 13815 (iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and
- 13817 (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the website shall determine whether the individual desiring to sign the petition is eligible to sign the petition;
- 13820 (b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:
- 13822 (i) the individual may present other valid voter identification;
- 13823 (ii) if the valid voter identification contains a picture of the individual, the signature-gatherer shall verify that the individual pictured is the individual signing the petition;
- 13826 (iii) if the valid voter identification does not contain a picture of the individual, the signature-gatherer shall, to the extent reasonably practicable, use the individual's address or other available means to determine whether the identification relates to the individual presenting the identification;
- 13830 (iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and
- 13832 (v) the individual:
- 13833 (A) shall enter the individual's address; and
- 13834 (B) may, at the discretion of the individual, enter the individual's date of birth or age after the individual clicks on the screen acknowledging that they have read and understand the following statement, "Birth date or age information is not required, but may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before your signature is verified or if the information you provide does not match your voter registration records."; and
- 13842 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:
- 13843 (i) except for a petition to qualify a candidate for the ballot, give the individual signing the petition the opportunity to enter the individual's email address after the individual reads the following statement, "If you provide your email address, you may receive an email with additional information relating to the petition you are signing."; and
- 13848 (ii)
- (A) if the website determines, under Subsection (6)(a)(iv), that the individual is eligible to sign the petition, permit the individual to enter the individual's name as the individual's electronic signature

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and, immediately after the signature-gatherer timely complies with Subsection (10), certify the signature; or

- 13852 (B) if the individual provides valid voter identification under Subsection (6)(b), permit the individual to enter the individual's name as the individual's electronic signature.
- 13855 (7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven days after the day on which the individual submits the valid voter identification, certify the signature if:
- 13858 (a) the individual is eligible to sign the petition;
- 13859 (b) the identification provided matches the information on file; and
- 13860 (c) the signature-gatherer timely complies with Subsection (10).
- 13861 (8) For each signature submitted under this section, the website shall record:
- 13862 (a) the information identifying the individual who signs;
- 13863 (b) the date the signature was collected; and
- 13864 (c) the name of the signature-gatherer.
- 13865 (9) An individual who is a signature-gatherer may not sign a petition unless another individual acts as the signature-gatherer when the individual signs the petition.
- 13867 (10) Except for a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the website:
- 13871 "VERIFICATION OF SIGNATURE-GATHERER
- 13872 State of Utah, County of ____
- 13873 I, _____, of _____, hereby state, under penalty of perjury, that:
- 13874 I am at least 18 years old;
- 13875 All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;
- 13878 I did not knowingly make a misrepresentation of fact concerning the law or proposed law to which the petition relates;
- 13880

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I believe that each individual has signed the individual's name and written the individual's residence correctly, that each signer has read and understands the law to which the petition relates, and that each signer is registered to vote in Utah;

Each signature correctly reflects the date on which the individual signed the petition; and

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

(11) Except for a petition for a candidate to seek the nomination of a registered political party:

(a) the county clerk may not certify a signature that is not timely verified in accordance with Subsection (10); and

(b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely verified in accordance with Subsection (10), the county clerk shall:

(i) revoke the certification;

(ii) remove the signature from the posting described in Subsection 20A-7-217(4), [20A-7-315(3)] 20A-7-315(4), 20A-7-516(4), or [20A-7-616(3)] 20A-7-616(4); and

(iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

(12) For a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the [~~lieutenant governor~~] director in the manner specified by the [~~lieutenant governor~~] director:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of ____

I, _____, of _____, hereby state that:

I am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I believe that each individual has signed the individual's name and written the individual's residence correctly and that each signer is registered to vote in Utah; and

Each signature correctly reflects the date on which the individual signed the petition."

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(13) For a petition for a candidate to seek the nomination of a registered political party, the election officer may not certify a signature that is not timely verified in accordance with Subsection (12).

~~{Section 246. Section 36-11-102 is amended to read: }~~

36-11-102. Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means:

(a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;

(b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or

(c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.

(2) "Approved activity" means an event, a tour, or a meeting:

(a)

(i) to which a legislator or another nonexecutive branch public official is invited; and

(ii) attendance at which is approved by:

(A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives or another nonexecutive branch public official; or

(B) the president of the Senate, if the public official is a member of the Senate or another nonexecutive branch public official; or

(b)

(i) to which a public official who holds a position in the executive branch of state government is invited; and

(ii) attendance at which is approved by the governor or the lieutenant governor.

(3) "Board of education" means:

(a) a local school board described in Title 53G, Chapter 4, School Districts;

(b) the State Board of Education;

(c) the State Charter School Board created under Section 53G-5-201; or

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- 13944 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- 13945 (4) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.
- 13946 (5)
- (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.
- 13949 (b) "Compensation" includes:
- 13950 (i) a salary or commission;
- 13951 (ii) a bonus;
- 13952 (iii) a benefit;
- 13953 (iv) a contribution to a retirement program or account;
- 13954 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue Code, and subject to social security deductions, including a payment in excess of the maximum amount subject to deduction under social security law;
- 13957 (vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; or
- 13959 (vii) income based on an individual's ownership interest.
- 13960 (6) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:
- 13962 (a) because of the public official's ownership interest in the compensation payor; or
- 13963 (b) for services rendered by the public official on behalf of the compensation payor.
- 13964 (7) "Education action" means:
- 13965 (a) a resolution, policy, or other official action for consideration by a board of education;
- 13966 (b) a nomination or appointment by an education official or a board of education;
- 13967 (c) a vote on an administrative action taken by a vote of a board of education;
- 13968 (d) an adjudicative proceeding over which an education official has direct or indirect control;
- 13970 (e) a purchasing or contracting decision;
- 13971 (f) drafting or making a policy, resolution, or rule;
- 13972 (g) determining a rate or fee; or
- 13973 (h) making an adjudicative decision.
- 13974 (8) "Education official" means:

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- 13975 (a) a member of a board of education;
- 13976 (b) an individual appointed to or employed in a position under a board of education, if that individual:
- 13978 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 13979 (ii) drafts resolutions or policies or drafts or makes rules;
- 13980 (iii) determines rates or fees;
- 13981 (iv) makes decisions relating to an education budget or the expenditure of public money; or
- 13983 (v) makes adjudicative decisions; or
- 13984 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 13985 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie, dancing, or singing.
- 13988 (10) "Executive action" means:
- 13989 (a) a nomination or appointment by the governor;
- 13990 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 13992 (c) agency ratemaking proceedings; or
- 13993 (d) an adjudicative proceeding of a state agency.
- 13994 (11)
- (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:
- 13997 (i) a purchase, payment, or distribution;
- 13998 (ii) a loan, gift, or advance;
- 13999 (iii) a deposit, subscription, or forbearance;
- 14000 (iv) services or goods;
- 14001 (v) money;
- 14002 (vi) real property;
- 14003 (vii) a ticket or admission to an event; or
- 14004 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections (11)(a)(i) through (vii).
- 14006 (b) "Expenditure" does not mean:
- 14007 (i) a commercially reasonable loan made in the ordinary course of business;

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- 14008 (ii) a campaign contribution:
- 14009 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance adopted under Subsection [~~10-3-208(6)~~] 10-3-208(8) or 17-16-6.5(1); or
- 14013 (B) lawfully given to a person that is not required to report the contribution under a law or ordinance described in Subsection (11)(b)(ii)(A);
- 14015 (iii) printed informational material that is related to the performance of the recipient's official duties;
- 14017 (iv) a devise or inheritance;
- 14018 (v) any item listed in Subsection (11)(a) if:
- 14019 (A) given by a relative;
- 14020 (B) given by a compensation payor for a purpose solely unrelated to the public official's position as a public official;
- 14022 (C) the item is food or beverage with a value that does not exceed the food reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed the food reimbursement rate; or
- 14025 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate daily expenditures do not exceed \$10;
- 14027 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the following are invited:
- 14029 (A) all members of the Legislature;
- 14030 (B) all members of a standing or interim committee;
- 14031 (C) all members of an official legislative task force;
- 14032 (D) all members of a party caucus; or
- 14033 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;
- 14036 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public official who is:
- 14038 (A) giving a speech at the event, tour, or meeting;
- 14039 (B) participating in a panel discussion at the event, tour, or meeting; or
- 14040 (C) presenting or receiving an award at the event, tour, or meeting;
- 14041 (viii) a plaque, commendation, or award that:
- 14042 (A) is presented in public; and
- 14043

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- (B) has the name of the individual receiving the plaque, commendation, or award inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or award;
- 14046 (ix) a gift that:
- 14047 (A) is an item that is not consumable and not perishable;
- 14048 (B) a public official, other than a local official or an education official, accepts on behalf of the state;
- 14050 (C) the public official promptly remits to the state;
- 14051 (D) a property administrator does not reject under Section 63G-23-103;
- 14052 (E) does not constitute a direct benefit to the public official before or after the public official remits the gift to the state; and
- 14054 (F) after being remitted to the state, is not transferred, divided, distributed, or used to distribute a gift or benefit to one or more public officials in a manner that would otherwise qualify the gift as an expenditure if the gift were given directly to a public official;
- 14058 (x) any of the following with a cash value not exceeding \$30:
- 14059 (A) a publication; or
- 14060 (B) a commemorative item;
- 14061 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:
- 14063 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under Subsection [~~10-3-208(6)~~] 10-3-208(8) or 17-16-6.5(1);
- 14067 (B) to solicit a campaign contribution that a person is not required to report under a law or ordinance described in Subsection (11)(b)(xi)(A); or
- 14069 (C) charitable solicitation, as defined in Section 13-22-2;
- 14070 (xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;
- 14072 (xiii) sponsorship of an approved activity;
- 14073 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting:
- 14075 (A) that is sponsored by a governmental entity;
- 14076 (B) that is widely attended and related to a governmental duty of a public official;
- 14077 (C) for a local official, that is sponsored by an organization that represents only local governments, including the Utah Association of Counties, the Utah League of Cities and Towns, or the Utah Association of Special Districts; or

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- 14080 (D) for an education official, that is sponsored by a public school, a charter school, or an organization that represents only public schools or charter schools, including the Utah Association of Public Charter Schools, the Utah School Boards Association, or the Utah School Superintendents Association; or
- 14084 (xv) travel to a widely attended tour or meeting related to a governmental duty of a public official if that travel results in a financial savings to:
- 14086 (A) for a public official who is not a local official or an education official, the state; or
- 14088 (B) for a public official who is a local official or an education official, the local government or board of education to which the public official belongs.
- 14090 (12) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an employee of the executive branch, for an entire day.
- 14093 (13)
- (a) "Foreign agent" means an individual who engages in lobbying under contract with a foreign government.
- 14095 (b) "Foreign agent" does not include an individual who is recognized by the United States Department of State as a duly accredited diplomatic or consular officer of a foreign government, including a duly accredited honorary consul.
- 14098 (14) "Foreign government" means a government other than the government of:
- 14099 (a) the United States;
- 14100 (b) a state within the United States;
- 14101 (c) a territory or possession of the United States; or
- 14102 (d) a political subdivision of the United States.
- 14103 (15)
- (a) "Government officer" means:
- 14104 (i) an individual elected to a position in state or local government, when acting in the capacity of the state or local government position;
- 14106 (ii) an individual elected to a board of education, when acting in the capacity of a member of a board of education;
- 14108 (iii) an individual appointed to fill a vacancy in a position described in Subsection (15)(a)(i) or (ii), when acting in the capacity of the position; or

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- 14110 (iv) an individual appointed to or employed in a full-time position by state government, local government, or a board of education, when acting in the capacity of the individual's appointment or employment.
- 14113 (b) "Government officer" does not mean a member of the legislative branch of state government.
- 14115 (16) "Immediate family" means:
- 14116 (a) a spouse;
- 14117 (b) a child residing in the household; or
- 14118 (c) an individual claimed as a dependent for tax purposes.
- 14119 (17) "Legislative action" means:
- 14120 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or proposed in either house of the Legislature or its committees or requested by a legislator; and
- 14123 (b) the action of the governor in approving or vetoing legislation.
- 14124 (18) "Lobbying" means communicating with a public official for the purpose of influencing a legislative action, executive action, local action, or education action.
- 14126 (19)
- 14127 (a) "Lobbyist" means:
- 14128 (i) an individual who is employed by a principal; or
- (ii) an individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.
- 14131 (b) "Lobbyist" does not include:
- 14132 (i) a government officer;
- 14133 (ii) a member or employee of the legislative branch of state government;
- 14134 (iii) a person, including a principal, while appearing at, or providing written comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or Title 63G, Chapter 4, Administrative Procedures Act;
- 14138 (iv) a person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature, a local government, a board of education, or any agency or department of state government, except legislative standing, appropriation, or interim committees;
- 14142 (v) a representative of a political party;
- 14143

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(vi) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church, unless the individual or church makes an expenditure that confers a benefit on a public official;

14146 (vii) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative action, executive action, local action, or education action;

14150 (viii) an individual who appears on the individual's own behalf before a committee of the Legislature, an agency of the executive branch of state government, a board of education, the governing body of a local government, a committee of a local government, or a committee of a board of education, solely for the purpose of testifying in support of or in opposition to legislative action, executive action, local action, or education action; or

14156 (ix) an individual representing a business, entity, or industry, who:

14157 (A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and

14162 (B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.

14164 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.

14168 (21) "Local action" means:

14169 (a) an ordinance or resolution for consideration by a local government;

14170 (b) a nomination or appointment by a local official or a local government;

14171 (c) a vote on an administrative action taken by a vote of a local government's legislative body;

14173 (d) an adjudicative proceeding over which a local official has direct or indirect control;

14174 (e) a purchasing or contracting decision;

14175 (f) drafting or making a policy, resolution, or rule;

14176 (g) determining a rate or fee; or

14177 (h) making an adjudicative decision.

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- 14178 (22) "Local government" means:
- 14179 (a) a county, city, or town;
- 14180 (b) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 14182 (c) a special service district governed by Title 17D, Chapter 1, Special Service District Act;
- 14184 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
- 14186 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 14187 (f) a redevelopment agency; or
- 14188 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13, Interlocal Cooperation Act.
- 14190 (23) "Local official" means:
- 14191 (a) an elected member of a local government;
- 14192 (b) an individual appointed to or employed in a position in a local government if that individual:
- 14194 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 14195 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 14196 (iii) determines rates or fees; or
- 14197 (iv) makes adjudicative decisions; or
- 14198 (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- 14199 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.
- 14201 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or more of those clients.
- 14205 (26) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.
- 14207 (27) "Public official" means:
- 14208 (a)
- 14209 (i) a member of the Legislature;
- 14210 (ii) an individual elected to a position in the executive branch of state government; or

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(iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:

14212 (A) occupies a policymaking position or makes purchasing or contracting decisions;

14214 (B) drafts legislation or makes rules;

14215 (C) determines rates or fees; or

14216 (D) makes adjudicative decisions;

14217 (b) an immediate family member of a person described in Subsection (27)(a);

14218 (c) a local official; or

14219 (d) an education official.

14220 (28) "Public official type" means a notation to identify whether a public official is:

14221 (a)

(i) a member of the Legislature;

14222 (ii) an individual elected to a position in the executive branch of state government;

14223 (iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection (27)(a)(iii);

14226 (iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection (27)(a)(iii);

14229 (v) a local official, including a description of the type of local government for which the individual is a local official; or

14231 (vi) an education official, including a description of the type of board of education for which the individual is an education official; or

14233 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or (d).

14235 (29) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).

14237 (30) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.

14239 (31) "Relative" means:

14240 (a) a spouse;

14241 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

14243 (c) a spouse of an individual described in Subsection (31)(b).

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- 14244 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and not
primarily for entertainment, including:
- 14246 (a) viewing a facility;
- 14247 (b) viewing the sight of a natural disaster; or
- 14248 (c) assessing a circumstance in relation to which a public official may need to take action within the
scope of the public official's duties.

55 Section 2. Section 2 is enacted to read:

56 **36-29-113. Elections Oversight Task Force.**

57 (1) There is created the Elections Oversight Task Force consisting of the following members:

59 (a) the president of the Senate or the president's designee;

60 (b) the speaker of the House of Representatives or the speaker's designee;

61 (c) the governor or the governor's designee;

62 (d) the attorney general or the attorney general's designee;

63 (e) the state auditor or the state auditor's designee; and

64 (f) two county clerks appointed by the Utah Association of Counties.

65 (2) The members described in Subsections (1)(a) and (b) shall serve as cochairs of the task force.

67 (3)

(a) A majority of the members of the task force constitutes a quorum.

68 (b) The action of a majority of a quorum constitutes action of the task force.

69 (4)

(a) Salaries and expenses of the members of the task force who are legislators shall be paid in
accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator
Compensation.

72 (b) A member of the task force who is not a legislator:

73 (i) may not receive compensation for the member's work associated with the task force; and

75 (ii) may receive per diem and reimbursement for travel expenses incurred as a member of the task force
at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

78 (5) The Office of Legislative Research and General Counsel shall provide staff support to the task force.

80 (6)

(a) The task force shall review and make recommendations for improving the state's current system of
election oversight and administration.

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- 82 (b) When conducting the review described in Subsection (6)(a) the task force shall analyze:
84 (i) the current duties and authority vested in the state's chief election officer under Section 67-1a-2;
86 (ii) the potential for conflicts of interest when overseeing a statewide election and ways in which to
mitigate the conflicts;
88 (iii) applicable federal and state election law and regulations;
89 (iv) alternative ways of structuring the state's system of election oversight and administration; and
91 (v) any other information related to election oversight and administration that the task force determines
to be needed.
- 93 (7) On or before September 1, 2026, the task force shall provide a report to the Government Operations
Interim Committee that includes:
- 95 (a) a description of the alternative election oversight structures reviewed and analyzed under Subsection
(6);
- 97 (b) a recommendation as to whether any changes to the state's current system of election oversight are
warranted; and
- 99 (c) if the task force recommends a change described in Subsection (7)(b):
- 100 (i) the changes to state law necessary to implement the change; and
101 (ii) a proposed timeline to effectuate the change.

14250 ~~{Section 247. Section 53-3-104 is amended to read: }~~

14251 **53-3-104. Division duties.**

The division shall:

- 14253 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:
- 14255 (a) for examining applicants for a license, as necessary for the safety and welfare of the traveling
public;
- 14257 (b) for acceptable documentation of an applicant's identity, Social Security number, Utah resident
status, Utah residence address, proof of legal presence, proof of citizenship in the United States,
honorable or general discharge from the United States military, and other proof or documentation
required under this chapter;
- 14261 (c) for acceptable documentation to verify that an individual is homeless as verified by the Department
of Workforce Services, for purposes of residency, address verification, and obtaining a fee waiver;
- 14264 (d) regarding the restrictions to be imposed on an individual driving a motor vehicle with a temporary
learner permit or learner permit;

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- 14266 (e) for exemptions from licensing requirements as authorized in this chapter;
- 14267 (f) establishing procedures for the storage and maintenance of applicant information provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and
- 14269 (g) to provide educational information to each applicant for a license, which information shall be based on data provided by the Division of Air Quality, including:
- 14271 (i) ways drivers can improve air quality; and
- 14272 (ii) the harmful effects of vehicle emissions;
- 14273 (2) examine each applicant according to the class of license applied for;
- 14274 (3) license motor vehicle drivers;
- 14275 (4) file every application for a license received by the division and shall maintain indices containing:
- 14277 (a) all applications denied and the reason each was denied;
- 14278 (b) all applications granted; and
- 14279 (c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;
- 14281 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;
- 14283 (6) file all accident reports and abstracts of court records of convictions received by the division under state law;
- 14285 (7) maintain a record of each licensee showing the licensee's convictions and the traffic accidents in which the licensee has been involved where a conviction has resulted;
- 14287 (8) consider the record of a licensee upon an application for renewal of a license and at other appropriate times;
- 14289 (9) search the license files, compile, and furnish a report on the driving record of any individual licensed in the state in accordance with Section 53-3-109;
- 14291 (10) develop and implement a record system as required by Section 41-6a-604;
- 14292 (11) in accordance with Section 53G-10-507, establish:
- 14293 (a) procedures and standards to certify teachers of driver education classes to administer knowledge and skills tests;
- 14295 (b) minimal standards for the tests; and
- 14296 (c) procedures to enable school districts to administer or process any tests for students to receive a class D operator's license;
- 14298 (12) in accordance with Section 53-3-510, establish:

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- 14299 (a) procedures and standards to certify licensed instructors of commercial driver training school courses to administer the skills test;
- 14301 (b) minimal standards for the test; and
- 14302 (c) procedures to enable licensed commercial driver training schools to administer or process skills tests for students to receive a class D operator's license;
- 14304 (13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303;
- 14306 (14) upon request by the ~~[lieutenant governor]~~ director of the Elections Office, appointed under Subsection 20A-1-104.6(3)(a), provide the ~~[lieutenant governor]~~ director of the Elections Office with a digital copy of the driver license or identification card signature of an individual who is an applicant for voter registration under Section 20A-2-206;
- 14310 (15) in accordance with Section 53-3-407.1, establish:
- 14311 (a) procedures and standards to license a commercial driver license third party tester or commercial driver license third party examiner to administer the commercial driver license skills tests;
- 14314 (b) minimum standards for the commercial driver license skills test; and
- 14315 (c) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer a commercial driver license skills test for an applicant to receive a commercial driver license; and
- 14318 (16) receive from the Department of Health and Human Services a result from a blood or urine test of an individual arrested for driving under the influence and use the blood or urine test result in an administrative hearing or agency review involving the individual who is the subject of the blood or urine test as described in Section 53-3-111.
- 14322 ~~{Section 248. Section 63C-27-201 is amended to read: }~~
- 14323 **63C-27-201. Cybersecurity Commission created.**
- 14324 (1) There is created the Cybersecurity Commission.
- 14325 (2) The commission shall be composed of 24 members:
- 14326 (a) one member the governor designates to serve as the governor's designee;
- 14327 (b) the commissioner of the Department of Public Safety;
- 14328 (c) the ~~[lieutenant governor]~~ director of the Elections Office, or an election officer, as that term is defined in Section 20A-1-102, ~~[the lieutenant governor]~~ whom the director designates to serve as the [lieutenant governor's] director's designee;

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- 14331 (d) the chief information officer of the Division of Technology Services;
- 14332 (e) the chief information security officer, as described in Section 63A-16-210;
- 14333 (f) the chairman of the Public Service Commission shall designate a representative with professional experience in information technology or cybersecurity;
- 14335 (g) the executive director of the Utah Department of Transportation shall designate a representative with professional experience in information technology or cybersecurity;
- 14338 (h) the director of the Division of Finance shall designate a representative with professional experience in information technology or cybersecurity;
- 14340 (i) the executive director of the Department of Health and Human Services shall designate a representative with professional experience in information technology or cybersecurity;
- 14343 (j) the director of the Division of Indian Affairs shall designate a representative with professional experience in information technology or cybersecurity;
- 14345 (k) the Utah League of Cities and Towns shall designate a representative with professional experience in information technology or cybersecurity;
- 14347 (l) the Utah Association of Counties shall designate a representative with professional experience in information technology or cybersecurity;
- 14349 (m) the attorney general, or the attorney general's designee;
- 14350 (n) the commissioner of financial institutions, or the commissioner's designee;
- 14351 (o) the executive director of the Department of Environmental Quality shall designate a representative with professional experience in information technology or cybersecurity;
- 14354 (p) the executive director of the Department of Natural Resources shall designate a representative with professional experience in information technology or cybersecurity;
- 14357 (q) the highest ranking information technology official, or the official's designee, from each of:
 - 14359 (i) the Judicial Council;
 - 14360 (ii) the Utah Board of Higher Education;
 - 14361 (iii) the State Board of Education; and
 - 14362 (iv) the State Tax Commission;
- 14363 (r) the governor shall appoint:
 - 14364 (i) one representative from the Utah National Guard; and
 - 14365 (ii) one representative from the Governor's Office of Economic Opportunity;
- 14366 (s) the president of the Senate shall appoint one member of the Senate; and

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- 14367 (t) the speaker of the House of Representatives shall appoint one member of the House of Representatives.
- 14369 (3)
- (a) The governor's designee shall serve as cochair of the commission.
- 14370 (b) The commissioner of the Department of Public Safety shall serve as cochair of the commission.
- 14372 (4)
- (a) The members described in Subsection (2) shall represent urban, rural, and suburban population areas.
- 14374 (b) No fewer than half of the members described in Subsection (2) shall have professional experience in cybersecurity or in information technology.
- 14376 (5) In addition to the membership described in Subsection (2), the commission shall seek information and advice from state and private entities with expertise in critical infrastructure.
- 14379 (6) As necessary to improve information and protect potential vulnerabilities, the commission shall seek information and advice from federal entities including:
- 14381 (a) the Cybersecurity and Infrastructure Security Agency;
- 14382 (b) the Federal Energy Regulatory Commission;
- 14383 (c) the Federal Bureau of Investigation; and
- 14384 (d) the United States Department of Transportation.
- 14385 (7)
- (a) Except as provided in Subsections (7)(b) and (c), a member is appointed for a term of four years.
- 14387 (b) A member shall serve until the member's successor is appointed and qualified.
- 14388 (c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission members appointed under Subsection (2)(r) are appointed every two years.
- 14393 (8)
- (a) If a vacancy occurs in the membership of the commission, the member shall be replaced in the same manner in which the original appointment was made.
- 14395 (b) An individual may be appointed to more than one term.
- 14396 (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

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- 14398 (9)
- (a) A majority of the members of the commission is a quorum.
- 14399 (b) The action of a majority of a quorum constitutes an action of the commission.
- 14400 (10) The commission shall meet at least two times a year.
- 14401 ~~{Section 249. Section 63E-1-102 is amended to read: }~~
- 14402 **63E-1-102. Definitions -- List of independent entities.**
As used in this title:
- 14404 (1) "Authorizing statute" means the statute creating an entity as an independent entity.
- 14405 (2) "Committee" means the Retirement and Independent Entities Committee created by Section 63E-1-201.
- 14407 (3) "Independent corporation" means a corporation incorporated in accordance with Chapter 2, Independent Corporations Act.
- 14409 (4)
- (a) "Independent entity" means an entity having a public purpose relating to the state or its citizens that is individually created by the state or is given by the state the right to exist and conduct its affairs as an:
- 14412 (i) independent state agency; or
- 14413 (ii) independent corporation.
- 14414 (b) For purposes of this title, the independent entities are the:
- 14415 (i) Utah Beef Council, created by Section 4-21-103;
- 14416 (ii) Utah Dairy Commission created by Section 4-22-103;
- 14417 (iii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
- 14418 (iv) Utah Housing Corporation created by Section 63H-8-201;
- 14419 (v) Utah State Retirement Office created by Section 49-11-201;
- 14420 (vi) School and Institutional Trust Lands Administration created by Section 53C-1-201;
- 14422 (vii) School and Institutional Trust Fund Office created by Section 53D-1-201;
- 14423 (viii) Utah Communications Authority created by Section 63H-7a-201;
- 14424 (ix) Utah Capital Investment Corporation created by Section 63N-6-301;
- 14425 (x) Military Installation Development Authority created by Section 63H-1-201; ~~and~~
- 14426 (xi) Public Service Commission of Utah created by Section 54-1-1[-] ; and
- 14427 (xii) Elections Office, created by Section 20A-1-104.6.

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- 14428 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 14429 (i) an institution within the state system of higher education;
- 14430 (ii) a city, county, or town;
- 14431 (iii) a local school district;
- 14432 (iv) a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts;
or
- 14434 (v) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 14435 (5) "Independent state agency" means an entity that is created by the state, but is independent of the governor's direct supervisory control.
- 14437 (6) "Money held in trust" means money maintained for the benefit of:
- 14438 (a) one or more private individuals, including public employees;
- 14439 (b) one or more public or private entities; or
- 14440 (c) the owners of a quasi-public corporation.
- 14441 (7) "Public corporation" means an artificial person, public in ownership, individually created by the state as a body politic and corporate for the administration of a public purpose relating to the state or its citizens.
- 14444 (8) "Quasi-public corporation" means an artificial person, private in ownership, individually created as a corporation by the state, which has accepted from the state the grant of a franchise or contract involving the performance of a public purpose relating to the state or its citizens.
- 14448 ~~{Section 250. Section 63E-1-103 is amended to read: }~~
- 14449 **63E-1-103. Registration as a limited purpose entity.**
- 14450 (1) ~~[Eaeh]~~ Except as provided in Subsection (2):
- 14451 (a) each independent entity shall register and maintain the independent entity's registration as a limited purpose entity, in accordance with Section 67-1a-15[-] ; and
- 14453 ~~[(2)]~~ (b) ~~[An]~~ an independent entity that fails to comply with Subsection (1) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 14456 (2) This section does not apply to the Elections Office, created by Section 20A-1-104.6.
- 14457 ~~{Section 251. Section 63G-2-203 is amended to read: }~~
- 14458 **63G-2-203. Fees.**
- 14459 (1)

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(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record.

14461 (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's executive officer.

14463 (2)

(a) When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the actual costs under this section may include the following:

14466 (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;

14469 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and

14471 (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii).

14476 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.

14479 (3)

(a) Fees shall be established as provided in this Subsection (3).

14480 (b) A governmental entity with fees established by the Legislature:

14481 (i) shall establish the fees defined in Subsection (2), or other actual costs associated with this section through the budget process; and

14483 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature establishes fees through the budget process.

14485 (c) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.

14487 (d) The judiciary shall establish fees by rules of the judicial council.

14488 (4) A governmental entity may fulfill a record request without charge and is encouraged to do so if it determines that:

14490 (a) releasing the record primarily benefits the public rather than a person;

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(b) the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2); or

14493 (c) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.

14495 (5)

(a) As used in this Subsection (5), "media representative":

14496 (i) means a person who requests a record to obtain information for a story or report for publication or broadcast to the general public; and

14498 (ii) does not include a person who requests a record to obtain information for a blog, podcast, social media account, or other means of mass communication generally available to a member of the public.

14501 (b) A governmental entity may not charge a fee for:

14502 (i) reviewing a record to determine whether it is subject to disclosure, except as permitted by Subsection (2)(a)(ii);

14504 (ii) inspecting a record; or

14505 (iii) the first quarter hour of staff time spent in responding to a request under Section 63G-2-204.

14507 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from charging a fee for the first quarter hour of staff time spent in responding to a request under Section 63G-2-204 if the person who submits the request:

14510 (i) is not a Utah media representative; and

14511 (ii) previously submitted a separate request within the 10-day period immediately before the date of the request to which the governmental entity is responding.

14513 (6)

(a) A person who believes that there has been an unreasonable denial of a fee waiver [~~under Subsection (4)~~] may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under Section 63G-2-205.

14516 (b) The adjudicative body hearing the appeal:

14517 (i) shall review the fee waiver de novo, but shall review and consider the governmental entity's denial of the fee waiver and any determination under Subsection (4); and

14520 (ii) has the same authority when a fee waiver or reduction is denied as it has when the inspection of a public record is denied.

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- 14522 (7)
- (a) All fees received under this section by a governmental entity subject to Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.
- 14524 (b) Those funds shall be used to recover the actual cost and expenses incurred by the governmental entity in providing the requested record or record series.
- 14526 (8)
- (a) A governmental entity may require payment of past fees and future estimated fees before beginning to process a request if:
- 14528 (i) fees are expected to exceed \$50; or
- 14529 (ii) the requester has not paid fees from previous requests.
- 14530 (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- 14531 (9) This section does not alter, repeal, or reduce fees established by other statutes or legislative acts.
- 14533 (10)
- (a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be set as provided in this Subsection (10).
- 14535 (b) The ~~lieutenant governor~~ director of the Elections Office, appointed under Subsection 20A-1-104.6(3), shall:
- 14537 (i) after consultation with county clerks, establish uniform fees for voter registration and voter history records that meet the requirements of this section; and
- 14539 (ii) obtain legislative approval of those fees by following the procedures and requirements of Section 63J-1-504.
- 14541 ~~{Section 252. Section 63G-2-302 is amended to read: }~~
- 14542 **63G-2-302. Private records.**
- 14543 (1) The following records are private:
- 14544 (a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
- 14546 (b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
- 14548 (c) records of publicly funded libraries that when examined alone or with other records identify a patron;
- 14550 (d) records received by or generated by or for:

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- 14551 (i) the Independent Legislative Ethics Commission, except for:
- 14552 (A) the commission's summary data report that is required under legislative rule; and
- 14554 (B) any other document that is classified as public under legislative rule; or
- 14555 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule;
- 14557 (e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;
- 14560 (f) records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:
- 14562 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 14564 (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or
- 14566 (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and
- 14568 (ii) after the meeting, if the meeting was closed to the public;
- 14569 (g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;
- 14573 (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section;
- 14575 (i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 14578 (j) that part of a voter registration record identifying a voter's:
- 14579 (i) driver license or identification card number;
- 14580 (ii) social security number, or last four digits of the social security number;
- 14581 (iii) email address;
- 14582 (iv) date of birth; or
- 14583 (v) phone number;
- 14584 (k) a voter registration record that is classified as a private record by the [~~lieutenant governor~~] director of the Elections Office, appointed under Subsection 20A-1-104.6(3) or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);

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- 14588 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 14589 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;
- 14591 (n) a record that:
- 14592 (i) contains information about an individual;
- 14593 (ii) is voluntarily provided by the individual; and
- 14594 (iii) goes into an electronic database that:
- 14595 (A) is designated by and administered under the authority of the Chief Information Officer; and
- 14597 (B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;
- 14600 (o) information provided to the Commissioner of Insurance under:
- 14601 (i) Subsection 31A-23a-115(3)(a);
- 14602 (ii) Subsection 31A-23a-302(4); or
- 14603 (iii) Subsection 31A-26-210(4);
- 14604 (p) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 14606 (q) information provided by an offender that is:
- 14607 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry; and
- 14609 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 14610 (r) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;
- 14613 (s) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;
- 14617 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 14618 (u) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 14620 (v) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:
- 14622 (i) the commission's summary data report that is required in Section 63A-15-202; and

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- 14623 (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission;
- 14625 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or threat;
- 14627 (x) a criminal background check or credit history report conducted in accordance with Section 63A-3-201;
- 14629 (y) a record described in Subsection 53-5a-104(7);
- 14630 (z) on a record maintained by a county for the purpose of administering property taxes, an individual's:
- 14632 (i) email address;
- 14633 (ii) phone number; or
- 14634 (iii) personal financial information related to a person's payment method;
- 14635 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:
- 14637 (i) Title 59, Chapter 2, Part 11, Exemptions;
- 14638 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 14639 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 14640 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 14641 (bb) a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);
- 14643 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3);~~and~~
- 14645 (dd) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;
- 14647 (ee) a record relating to a request by a state elected official or state employee who has been threatened to the Division of Technology Services to remove personal identifying information from the open web under Section 63A-16-109; and
- 14650 (ff) a record including confidential information as that term is defined in Section 67-27-105.
- 14652 (2) The following records are private if properly classified by a governmental entity:
- 14653 (a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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- 14658 (b) records describing an individual's finances, except that the following are public:
- 14659 (i) records described in Subsection 63G-2-301(2);
- 14660 (ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or
- 14662 (iii) records that must be disclosed in accordance with another statute;
- 14663 (c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;
- 14665 (d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;
- 14667 (e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;
- 14671 (f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 14675 (g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:
- 14678 (i) depict the commission of an alleged crime;
- 14679 (ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- 14681 (iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- 14683 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 14685 (v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.
- 14687 (3)
- (a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.
- 14689 (b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

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- 14692 (i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or
- 14694 (ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.
- 14696 (c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

14699 ~~{Section 253. Section 63G-2-305 is amended to read: }~~

14700 **63G-2-305. Protected records.**

The following records are protected if properly classified by a governmental entity:

- 14702 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;
- 14704 (2) commercial information or nonindividual financial information obtained from a person if:
- 14706 (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;
- 14709 (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
- 14711 (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;
- 14713 (3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;
- 14717 (4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);
- 14720 (5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
- 14722 (6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental

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entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

- 14727 (a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:
- 14729 (i) an invitation for bids;
- 14730 (ii) a request for proposals;
- 14731 (iii) a request for quotes;
- 14732 (iv) a grant; or
- 14733 (v) other similar document; or
- 14734 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 14735 (7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:
- 14738 (a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or
- 14740 (b)
- 14742 (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and
- 14744 (ii) at least two years have passed after the day on which the request for information is issued;
- 14744 (8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:
- 14747 (a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;
- 14749 (b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- 14751 (c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;
- 14754 (d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or
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(e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;

14760 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

14764 (a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or

14767 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

14770 (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

14773 (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

14775 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

14777 (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

14779 (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

14783 (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

14786 (11) records the disclosure of which would jeopardize the life or safety of an individual;

14787 (12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

14790 (13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

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- 14794 (14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Health and Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- 14799 (15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
- 14802 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
- 14804 (17) records that are subject to the attorney client privilege;
- 14805 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;
- 14808 (19)
- (a)
- (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and
- 14810 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and
- 14813 (b)
- (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:
- 14815 (A) members of a legislative body;
- 14816 (B) a member of a legislative body and a member of the legislative body's staff; or
- 14817 (C) members of a legislative body's staff; and
- 14818 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;
- 14820 (20)
- (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and

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- 14825 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;
- 14830 (21) a research request from a legislator to a legislative staff member and research findings prepared in response to the request;
- 14832 (22) drafts, unless otherwise classified as public;
- 14833 (23) records concerning a governmental entity's strategy about:
- 14834 (a) collective bargaining; or
- 14835 (b) imminent or pending litigation;
- 14836 (24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 14839 (25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- 14842 (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
- 14845 (27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- 14847 (28) records of an institution within the state system of higher education defined in Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;
- 14853 (29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

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- 14857 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
- 14860 (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- 14864 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;
- 14866 (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- 14869 (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- 14872 (35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
- 14877 (36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
- 14880 (37) the name of a donor or a prospective donor to a governmental entity, including an institution within the state system of higher education defined in Section 53B-1-102, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:
- 14884 (a) the donor requests anonymity in writing;
- 14885 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and
- 14887 (c) except for an institution within the state system of higher education defined in Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the

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donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

- 14892 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 14893 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
- 14895 (40)
- (a) the following records of an institution within the state system of higher education defined in Section 53B-1-102, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:
- 14898 (i) unpublished lecture notes;
- 14899 (ii) unpublished notes, data, and information:
- 14900 (A) relating to research; and
- 14901 (B) of:
- 14902 (I) the institution within the state system of higher education defined in Section 53B-1-102; or
- 14904 (II) a sponsor of sponsored research;
- 14905 (iii) unpublished manuscripts;
- 14906 (iv) creative works in process;
- 14907 (v) scholarly correspondence; and
- 14908 (vi) confidential information contained in research proposals;
- 14909 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 14911 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 14912 (41)
- (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and
- 14915 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

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(42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

14923 (a) a production facility; or

14924 (b) a magazine;

14925 (43) information contained in the statewide database of the Division of Aging and Adult Services created by Section 26B-6-210;

14927 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child Welfare Services;

14929 (45) information regarding National Guard operations or activities in support of the National Guard's federal mission;

14931 (46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

14934 (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;

14936 (48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:

14940 (a) the safety of the general public; or

14941 (b) the security of:

14942 (i) governmental property;

14943 (ii) governmental programs; or

14944 (iii) the property of a private person who provides the Division of Emergency Management information;

14946 (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

14950 (50) as provided in Section 26B-2-709:

14951 (a) information or records held by the Department of Health and Human Services related to a complaint regarding a provider, program, or facility which the department is unable to substantiate; and

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- 14954 (b) information or records related to a complaint received by the Department of Health and Human Services from an anonymous complainant regarding a provider, program, or facility;
- 14957 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:
- 14960 (a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and
- 14962 (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:
- 14964 (i) the nature of the law, ordinance, rule, or order; and
- 14965 (ii) the individual complying with the law, ordinance, rule, or order;
- 14966 (52) the portion of the following documents that contains a candidate's residential or mailing address, if the candidate provides to the filing officer another address or phone number where the candidate may be contacted:
- 14969 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 14972 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 14973 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 14974 (53) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:
- 14976 (a) conducted within the state system of higher education, as defined in Section 53B-1-102; and
- 14978 (b) conducted using animals;
- 14979 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote, in relation to whether a judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 14983 (55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;
- 14987

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(56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

14990 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;

14991 (58) in accordance with Section 73-10-33:

14992 (a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or

14994 (b) an outline of an emergency response plan in possession of the state or a county or municipality;

14996 (59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:

14998 (a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;

15004 (b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;

15011 (c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;

15014 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or

15016 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;

15018 (60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health and Human Services, to discover Medicaid fraud, waste, or abuse;

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(61) information provided to the Department of Health and Human Services or the Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);

15024 (62) a record described in Section 63G-12-210;

15025 (63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;

15027 (64) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101, except for recordings that:

15032 (a) depict the commission of an alleged crime;

15033 (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

15035 (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

15037 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or

15039 (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;

15041 (65) a record pertaining to the search process for a president of an institution of higher education described in Section 53B-2-102, except for application materials for a publicly announced finalist;

15044 (66) an audio recording that is:

15045 (a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;

15048 (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:

15051 (i) is responding to an individual needing resuscitation or with a life-threatening condition; and

15053 (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and

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(c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;

- 15057 (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;
- 15061 (68) work papers as defined in Section 31A-2-204;
- 15062 (69) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;
- 15064 (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- 15066 (71) a record described in Section 31A-37-503;
- 15067 (72) any record created by the Division of Professional Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 15069 (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;
- 15071 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:
- 15074 (a) Title 10, Utah Municipal Code;
- 15075 (b) Title 17, Counties;
- 15076 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 15077 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 15078 (e) Title 20A, Election Code;
- 15079 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- 15081 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the [~~lieutenant governor~~] director of the Elections Office, appointed under Subsection 20A-1-104.6(3) or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 15085 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- 15087 (78) a record submitted to the Insurance Department under Section 31A-48-103;

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- 15088 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;
- 15090 (80) an image taken of an individual during the process of booking the individual into jail, unless:
- 15092 (a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;
- 15094 (b) a law enforcement agency releases or disseminates the image:
- 15095 (i) after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or
- 15098 (ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding;
- 15102 (c) a judge orders the release or dissemination of the image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest; or
- 15104 (d) the image is displayed to a person who is permitted to view the image under Section 17-22-30[-] ;
- 15106 (81) a record:
- 15107 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 15108 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state or the federal government as provided in Section 63M-14-205; and
- 15111 (c) the disclosure of which would:
- 15112 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
- 15114 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or
- 15117 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;
- 15119 (82) any part of an application described in Section 63N-16-201 that the Governor's Office of Economic Opportunity determines is nonpublic, confidential information that if disclosed would result in actual economic harm to the applicant, but this Subsection (82) may not be used to restrict access to a record evidencing a final contract or approval decision;
- 15124 (83) the following records of a drinking water or wastewater facility:

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- 15125 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
- 15127 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the drinking water or wastewater facility uses to secure, or prohibit access to, the records described in Subsection (83)(a);
- 15130 (84) a statement that an employee of a governmental entity provides to the governmental entity as part of the governmental entity's personnel or administrative investigation into potential misconduct involving the employee if the governmental entity:
- 15133 (a) requires the statement under threat of employment disciplinary action, including possible termination of employment, for the employee's refusal to provide the statement; and
- 15136 (b) provides the employee assurance that the statement cannot be used against the employee in any criminal proceeding;
- 15138 (85) any part of an application for a Utah Fits All Scholarship account described in Section 53F-6-402 or other information identifying a scholarship student as defined in Section 53F-6-401;
- 15141 (86) a record:
- 15142 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 15143 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning the claim, including a representative from another state or the federal government; and
- 15146 (c) the disclosure of which would:
- 15147 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
- 15149 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions regarding the use of water in the Great Salt Lake; or
- 15151 (iii) give an advantage to another person including another state or to the federal government in negotiations regarding the use of water in the Great Salt Lake; and
- 15153 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified as public as described in Subsection 13-2-11(4).
- 15155 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 15156 (a) concerning a claim to the use of waters;
- 15157 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state, a tribe, the federal government, or other government entity as provided in Title 73, Chapter 10g, Part 6, Utah Water Agent; and
- 15161 (c) the disclosure of which would:
- 15162 (i) reveal a legal strategy relating to the state's claim to the use of the water;

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15163 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use
of water; or

15165 (iii) give an advantage to another state, a tribe, the federal government, or other government entity in
negotiations regarding the use of water.

15167 ~~{Section 254. Section 63G-2-704 is amended to read: }~~

15168 **63G-2-704. Applicability to the governor, lieutenant governor, and the director of the
Elections Office.**

15170 (1) The governor, the office of the governor, the lieutenant governor, ~~[and]~~the office of the lieutenant
governor, the director of the Elections Office, and the Elections Office shall designate and classify
records in accordance with Sections 63G-2-301 through 63G-2-305 as public, private, controlled, or
protected.

15174 (2)

(a) The governor, the office of the governor, the lieutenant governor, ~~[and]~~the office of the lieutenant
governor, the director of the Elections Office, and the Elections Office are not subject to:

15177 (i) Section 63G-2-203;

15178 (ii) Section 63G-2-209;

15179 (iii) Section 63G-2-401; or

15180 (iv) Part 6, Collection of Information and Accuracy of Records.

15181 (b) The governor, the office of the governor, the lieutenant governor, ~~[and]~~the office of the lieutenant
governor, the director of the Elections Office, and the Elections Office are subject to only the
following sections in Title 63A, Chapter 12, Division of Archives and Records Service and
Management of Government Records:

15185 (i) Section 63A-12-102; and

15186 (ii) Section 63A-12-106.

15187 (3) The governor ~~[and]~~ , the lieutenant governor, and the director of the Elections Office:

15188 (a)

(i) shall establish policies to handle requests for classification, designation, fees, access, denials,
segregation, appeals to the chief administrative officer, management, retention, and amendment of
records; and

15191 (ii) may establish an appellate board to hear appeals from denials of access; and

15192 (b) may establish:

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- 15193 (i) a process for determining that a person is a vexatious requester, including a process for an appeal from a determination that a person is a vexatious requester; and
- 15196 (ii) appropriate limitations on a person determined to be a vexatious requester.
- 15197 (4) Policies described in Subsection (3) shall include reasonable times for responding to access requests consistent with the provisions of Part 2, Access to Records, fees, and reasonable time limits for appeals.
- 15200 (5) Upon request, the state archivist shall:
- 15201 (a) assist with and advise concerning the establishment of a records management program for the governor, the office of the governor, the lieutenant governor, ~~[and]~~the office of the lieutenant governor, and the director of the Elections Office, and the Elections Office; and
- 15205 (b) as required by the governor ~~[or]~~ , the lieutenant governor, or the director of the Elections Office, provide program services as provided in this chapter and Title 63A, Chapter 12, Division of Archives and Records Service and Management of Government Records.

102 Section 3. Section 63I-2-236 is amended to read:

103 **63I-2-236. Repeal dates: Title 36.**

- 104 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed July 1, 2025.
- 106 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force -- Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties -- Interim report, is repealed November 30, 2024.
- 109 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed November 30, 2027.
- 111 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed November 30, 2024.
- 113 (5) Section 36-29-113, Elections Oversight Task Force, is repealed July 1, 2027.

15209 ~~{Section 255. Section 63O-1-201 is amended to read: }~~

15210 **63O-1-201. Capitol building -- Direction and control.**

- 15211 (1) In the basement of the State Capitol:
- 15212 (a) except as provided in Subsections (1)(b) and (c), the entire basement is under the direction and control of the board, which shall allocate space, as needed, for security offices, the Supreme Court, and others;
- 15215 (b) the following areas are under the direction and control of the Legislature:
- 15216 (i) the Legislative Printing office and Bill Room;
- 15217 (ii) the Sergeant Lounge; and

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- 15218 (iii) the press room; and
- 15219 (c) the following areas in the southwest corner are under the direction and control of the governor:
- 15221 (i) the governor's parking area;
- 15222 (ii) the operations center;
- 15223 (iii) the executive suite; and
- 15224 (iv) the executive detail area.
- 15225 (2) On the first floor of the State Capitol:
- 15226 (a) the following are under the direction and control of the governor:
- 15227 (i) the office suites located on the northwest and southwest sides; and
- 15228 (ii) the dignitary holding area and elevator, which the Legislature may schedule through the Utah Highway Patrol Dignitary Protection Bureau;
- 15230 (b) suite 180, in the southeast corner, is under the direction and control of the board and assigned for the use of the state treasurer; and
- 15232 (c) the following are under the direction and control of the board:
- 15233 (i) the board offices, located in suite 120, immediately to the east of the State Capitol's north entrance;
- 15235 (ii) the Visitor Services Office, located in suite 130, immediately to the west of the State Capitol's north entrance;
- 15237 (iii) the vending room to the south of the Visitor Services Office;
- 15238 (iv) all vestibules, and the room on the east of the south vestibule;
- 15239 (v) the public area beneath the rotunda and the adjacent public areas;
- 15240 (vi) all conference rooms and storage rooms accessed from the areas described in Subsection (2)(c)(v);
- 15242 (vii) suite 110, to the south of the board offices;
- 15243 (viii) the Visitors Center; and
- 15244 (ix) the Presentation Room.
- 15245 (3) On the second floor of the State Capitol:
- 15246 (a) suite 250, in the northeast corner, is under the direction and control of the Legislature;
- 15247 [~~(b) before January 1, 2025, suite 260, to the west of suite 250, is under the direction and control of the board and assigned for the use of the state auditor;~~]
- 15249 [~~(c)~~] (b) [~~beginning on January 1, 2025,~~] suite 260, to the west of suite 250, is under the direction and control of the board and assigned for the use of the state auditor, until a substantially similar space

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in the State Capitol is assigned to the state auditor, after which suite 260, to the west of suite 250, is under the direction and control of the Legislature;

- 15254 (c) beginning on January 1, 2026, suite 220, to the west of suite 230, is under the direction and control of the board and is assigned for use by the Elections Office, created in Subsection 20A-1-104.6(1), except that, to the extent space is available, the board may assign a portion of suite 220 for use by the apostille notary;
- 15258 (d) suite 230, in the southeast corner, is under the direction and control of the board and assigned for the use of the attorney general;
- 15260 (e) the following are under the direction and control of the governor:
- 15261 (i) suite 200, at the west end of the floor;
- 15262 (ii) before January 1, 2026, suite 220, to the west of suite 230; and
- 15263 (iii) suite 270, in the central north area;
- 15264 (f) the Gold Room, including the adjacent pantry:
- 15265 (i) is under the direction and control of the governor and the Legislature; and
- 15266 (ii) is scheduled through the governor, with the governor having scheduling priority;
- 15267 (g) the Capitol Board Room:
- 15268 (i) is under the direction and control of the governor and the Legislature; and
- 15269 (ii) is scheduled through the board, as follows:
- 15270 (A) on a day other than a legislative day:
- 15271 (I) the governor and lieutenant governor have first scheduling priority, regardless of whether the Legislature or any other party has already scheduled the room; and
- 15274 (II) the Legislature has second scheduling priority, regardless of whether a party, other than the governor or lieutenant governor, has already scheduled the room;
- 15277 (B) on a legislative day:
- 15278 (I) the Legislature has first scheduling priority, regardless of whether the governor, the lieutenant governor, or any other party has already scheduled the room; and
- 15281 (II) the governor and lieutenant governor have second scheduling priority, regardless of whether a party, other than the Legislature, has already scheduled the room;
- 15284 (C) if the reservation of a person who schedules the room is canceled under Subsection (3)(g)(ii)(A) or (B), the board shall give the person as much notice as possible to schedule another site;
- 15287

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(D) subject to Subsection (3)(g)(ii)(A) or (B), other executive branch or judicial branch entities may schedule the room on a first come, first-served, basis; and

15289 (E) subject to Subsection (3)(g)(ii)(A) or (B), and the board's rules for use of capitol hill facilities, other persons may schedule the room on a first come, first-served, basis;

15292 (h) the following areas are under the direction and control of the board:

15293 (i) the grand staircases;

15294 (ii) the rotunda;

15295 (iii) the kitchen adjacent to the Gold Room; and

15296 (iv) the open areas that are:

15297 (A) east of the rotunda to the doors of the Capitol Board Room;

15298 (B) west of the rotunda to the entrance to the governor's office;

15299 (C) south of the rotunda to the south entrance to the State Capitol; and

15300 (D) north of the rotunda to the north wall.

15301 (4)

(a) On the third floor of the State Capitol, the entire floor is under the direction and control of the Legislature, except the areas described in Subsections (6)(a) and (b).

15303 (b) The Supreme Court Chambers will be scheduled by:

15304 (i) the Legislature on a legislative day; and

15305 (ii) the Senate on a day other than a legislative day.

15306 (5) On the fourth floor of the State Capitol, the entire floor is under the direction and control of the Legislature, except that the following areas are under the direction and control of the board:

15309 (a) the areas described in Subsections (6)(a) and (b);

15310 (b) the four art galleries outside of the storage rooms described in Subsection (6)(b); and

15311 (c) the storage room to the north of the northeast art gallery.

15312 (6) In addition to the areas specified under Subsections (1) through (5) as being under the direction and control of the board, the following areas in the State Capitol are under the direction and control of the board:

15315 (a) the staircases, elevators, public restrooms, and the access areas adjacent to them;

15316 (b) the interior of the pillars that begin in the open area on the first floor and rise to the fourth floor, including the storage closets;

15318 (c) all areas of the State Capitol above the fourth floor, including the dome and roof; and

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- 15319 (d) the other areas of the State Capitol not specified under this section as being under the direction or
control of the governor or the Legislature.
- 15321 [~~(7)~~
- (a) ~~Before October 1, 2024, the governor, the state auditor, the attorney general, the state treasurer, the
president of the Senate, and the speaker of the House of Representatives shall assess the use of space
in the State Capitol to determine the best use of the space, including the space currently used by:]~~
- 15325 [~~(i) the governor;~~
- 15326 [~~(ii) the lieutenant governor;~~
- 15327 [~~(iii) the Elections Office;~~
- 15328 [~~(iv) the Senate;~~
- 15329 [~~(v) the House of Representatives;~~
- 15330 [~~(vi) the attorney general;~~
- 15331 [~~(vii) the state auditor; and]~~
- 15332 [~~(viii) the state treasurer.]~~
- 15333 [(b) ~~In making the assessment described in Subsection (7)(a), priority for space in the capitol is given to
the Legislature, the governor, the lieutenant governor, the attorney general, the state auditor, and the
state treasurer.]~~
- 15336 {~~Section 256. Section 67-1a-2 is amended to read: }~~
- 15337 **67-1a-2. Duties enumerated.**
- 15338 [(1)] The lieutenant governor shall:
- 15339 [(a)] (1) perform duties delegated by the governor, including assignments to serve in any of the
following capacities:
- 15341 [(i)] (a) as the head of any one department, if so qualified, with the advice and consent of the Senate,
and, upon appointment at the pleasure of the governor and without additional compensation;
- 15344 [(ii)] (b) as the chairperson of any cabinet group organized by the governor or authorized by law for the
purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or
programs;
- 15347 [(iii)] (c) as liaison between the governor and the state Legislature to coordinate and facilitate the
governor's programs and budget requests;
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~~[(iv)] (d)~~ as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state;

15352 ~~[(v)] (e)~~ as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

15354 ~~[(vi)] (f)~~ as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

15356 ~~[(b)] (2)~~ serve on all boards and commissions in lieu of the governor, whenever ~~[sø]~~designated by the governor;

15358 ~~[(e) serve as the chief election officer of the state as required by Subsection (2);]~~

15359 ~~[(d)] (3)~~ keep custody of the Great Seal of the State of Utah;

15360 ~~[(e)] (4)~~ keep a register of, and attest, the official acts of the governor;

15361 ~~[(f)] (5)~~ affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

15363 ~~[(g)] (6)~~ furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests ~~[it]~~ the certification and pays the fee.

15366 ~~[(2)~~

~~(a) As the chief election officer, the lieutenant governor shall:]~~

15367 ~~[(i) exercise oversight, and general supervisory authority, over all elections;]~~

15368 ~~[(ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;]~~

15371 ~~[(iii) establish uniformity in the election ballot;]~~

15372 ~~[(iv)~~

~~(A) prepare election information for the public as required by law and as determined appropriate by the lieutenant governor; and]~~

15374 ~~[(B) make the information described in Subsection (2)(a)(iv)(A) available to the public and to news media, on the Internet, and in other forms as required by law and as determined appropriate by the lieutenant governor;]~~

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~~[(v) receive and answer election questions and maintain an election file on opinions received from the attorney general;]~~

15379 ~~[(vi) maintain a current list of registered political parties as defined in Section 20A-8-101;]~~

15381 ~~[(vii) maintain election returns and statistics;]~~

15382 ~~[(viii) certify to the governor the names of individuals nominated to run for, or elected to, office;]~~

15384 ~~[(ix) ensure that all voting equipment purchased by the state complies with the requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;]~~

15386 ~~[(x) during a declared emergency, to the extent that the lieutenant governor determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:]~~

15389 ~~[(A) voting on election day;]~~

15390 ~~[(B) early voting;]~~

15391 ~~[(C) the transmittal or voting of an absentee ballot or military-overseas ballot;]~~

15392 ~~[(D) the counting of an absentee ballot or military-overseas ballot; or]~~

15393 ~~[(E) the canvassing of election returns; and]~~

15394 ~~[(xi) exercise all other election authority, and perform other election duties, as provided in Title 20A, Election Code.]~~

15396 ~~[(b) As chief election officer, the lieutenant governor:]~~

15397 ~~[(i) shall oversee all elections, and functions relating to elections, in the state;]~~

15398 ~~[(ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by an election officer with legal requirements relating to elections; and]~~

15400 ~~[(iii) may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.]~~

15402 ~~[(3)~~

~~(a) The lieutenant governor shall:]~~

15403 ~~[(i) determine a new municipality's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the municipality's population using the population estimate from the Utah Population Committee; and]~~

15407 ~~[(ii)~~

~~(A) prepare a certificate indicating the class in which the new municipality belongs based on the municipality's population; and]~~

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- 15409 [~~(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the municipality's legislative body.~~]
- 15411 [~~(b) The lieutenant governor shall:~~]
- 15412 [~~(i) determine the classification under Section 10-2-301 of a consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population information from:~~]
- 15416 [~~(A) each official census or census estimate of the United States Bureau of the Census; or]~~
- 15418 [~~(B) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census; and]~~
- 15421 [~~(ii)~~
~~(A) prepare a certificate indicating the class in which the consolidated municipality belongs based on the municipality's population; and]~~
- 15423 [~~(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body.~~]
- 15425 [~~(e) The lieutenant governor shall monitor the population of each municipality using population information from:~~]
- 15427 [~~(i) each official census or census estimate of the United States Bureau of the Census; or]~~
- 15429 [~~(ii) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census.~~]
- 15431 [~~(d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a municipality's population has increased beyond the population for its current class, the lieutenant governor shall:]~~
- 15434 [~~(i) prepare a certificate indicating the class in which the municipality belongs based on the increased population figure; and]~~
- 15436 [~~(ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.~~]
- 15438 [~~(e)~~
~~(i) If the applicable population figure under Subsection (3)(b) or (c) indicates that a municipality's population has decreased below the population for its current class, the lieutenant governor shall send written notification of that fact to the municipality's legislative body.~~]
- 15442 [~~(ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for its current class, the lieutenant governor shall:]~~

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- 15445 [(A) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and]
- 15447 [(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.]
- 15449 {Section 257. Section ~~67-1a-15~~ is amended to read: }
- 15450 **67-1a-15. Local government and limited purpose entity registry.**
- 15451 (1) As used in this section:
- 15452 (a) "Entity" means a limited purpose entity or a local government entity.
- 15453 (b)
- 15454 (i) "Limited purpose entity" means a legal entity that:
- 15455 (A) performs a single governmental function or limited governmental functions; and
- 15456 (B) is not a state executive branch agency, a state legislative office, or within the judicial branch.
- 15457 (ii) "Limited purpose entity" includes:
- 15458 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as those terms are defined in Section 26B-6-101;
- 15459 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;
- 15460 (C) community reinvestment agencies, as that term is defined in Section 17C-1-102;
- 15461 (D) conservation districts, as that term is defined in Section 17D-3-102;
- 15462 (E) governmental nonprofit corporations, as that term is defined in Section 11-13a-102;
- 15463 (F) housing authorities, as that term is defined in Section 35A-8-401;
- 15464 (G) independent entities and independent state agencies, as those terms are defined in Section 63E-1-102;
- 15465 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 15466 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 15467 (J) special districts, as that term is defined in Section 17B-1-102;
- 15468 (K) local health departments, as that term is defined in Section 26A-1-102;
- 15469 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 15470 (M) nonprofit corporations that receive an amount of money requiring an accounting report under Section 51-2a-201.5;
- 15471 (N) school districts under Title 53G, Chapter 3, School District Creation and Change;
- 15472 (O) special service districts, as that term is defined in Section 17D-1-102; and

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- 15480 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 15481 (c) "Local government and limited purpose entity registry" or "registry" means the registry of local government entities and limited purpose entities created under this section.
- 15484 (d) "Local government entity" means:
- 15485 (i) a county, as that term is defined in Section 17-50-101; and
- 15486 (ii) a municipality, as that term is defined in Section 10-1-104.
- 15487 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in accordance with Subsection (7)(a), to an entity that does not register.
- 15489 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a registered entity, in accordance with Subsection (7)(b).
- 15491 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a registered entity, in accordance with Subsection (6)(c).
- 15493 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an entity and the state auditor, in accordance with Subsection (9).
- 15495 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in accordance with Subsection (6)(b)(i).
- 15497 (j) "Registered entity" means an entity with a valid registration as described in Subsection (8).
- 15499 (2) The lieutenant governor shall:
- 15500 (a) create a registry of each local government entity and limited purpose entity within the state that:
- 15502 (i) contains the information described in Subsection (4); and
- 15503 (ii) is accessible on the lieutenant governor's website or otherwise publicly available; and
- 15505 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504, based on and to directly offset the cost of creating, administering, and maintaining the registry.
- 15508 (3) ~~[Each]~~ Except as provided in Subsection (12), each local government entity and limited purpose entity shall:
- 15510 (a) on or before July 1, 2019, register with the lieutenant governor as described in Subsection (4);
- 15512 (b) on or before one year after the day on which the lieutenant governor issues the notice of registration or renewal, annually renew the entity's registration in accordance with Subsection (5); and
- 15515 (c) on or before 30 days after the day on which any of the information described in Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 15517 (4) Each entity shall include the following information in the entity's registration submission:

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- 15519 (a) the resolution or other legal or formal document creating the entity or, if the resolution or other legal or formal document creating the entity cannot be located, conclusive proof of the entity's lawful creation;
- 15522 (b) if the entity has geographic boundaries, a map or plat identifying the current geographic boundaries of the entity, or if it is impossible or unreasonably expensive to create a map or plat, a metes and bounds description, or another legal description that identifies the current boundaries of the entity;
- 15526 (c) the entity's name;
- 15527 (d) the entity's type of local government entity or limited purpose entity;
- 15528 (e) the entity's governmental function;
- 15529 (f) the entity's website, physical address, and phone number, including the name and contact information of an individual whom the entity designates as the primary contact for the entity;
- 15532 (g)
- (i) names, email addresses, and phone numbers of the members of the entity's governing board or commission, managing officers, or other similar managers and the method by which the members or officers are appointed, elected, or otherwise designated;
- 15536 (ii) the date of the most recent appointment or election of each entity governing board or commission member; and
- 15538 (iii) the date of the anticipated end of each entity governing board or commission member's term;
- 15540 (h) the entity's sources of revenue; and
- 15541 (i) if the entity has created an assessment area, as that term is defined in Section 11-42-102, information regarding the creation, purpose, and boundaries of the assessment area.
- 15544 (5) Each entity shall include the following information in the entity's renewal submission:
- 15545 (a) identify and update any incorrect or outdated information the entity previously submitted during registration under Subsection (4); or
- 15547 (b) certify that the information the entity previously submitted during registration under Subsection (4) is correct without change.
- 15549 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant governor shall:
- 15551 (a) review the submission to determine compliance with Subsection (4) or (5);
- 15552 (b) if the lieutenant governor determines that the entity's submission complies with Subsection (4) or (5):

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- 15554 (i) send a notice of registration or renewal that includes the information that the entity submitted under Subsection (4) or (5) to:
- 15556 (A) the registering or renewing entity;
- 15557 (B) each county in which the entity operates, either in whole or in part, or where the entity's geographic boundaries overlap or are contained within the boundaries of the county;
- 15560 (C) the Division of Archives and Records Service; and
- 15561 (D) the Office of the Utah State Auditor; and
- 15562 (ii) publish the information from the submission on the registry, except any email address or phone number that is personal information as defined in Section 63G-2-303; and
- 15565 (c) if the lieutenant governor determines that the entity's submission does not comply with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of noncompliance to the registering or renewing entity that:
- 15568 (i) identifies each deficiency in the entity's submission with the corresponding statutory requirement;
- 15570 (ii) establishes a deadline to cure the entity's noncompliance that is the first business day that is at least 30 calendar days after the day on which the lieutenant governor sends the notice of noncompliance; and
- 15573 (iii) states that failure to comply by the deadline the lieutenant governor establishes under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).
- 15577 (7)
- (a) If the lieutenant governor identifies an entity that does not make a registration submission in accordance with Subsection (4) by the deadline described in Subsection (3), the lieutenant governor shall send a notice of failure to register to the registered entity that:
- 15581 (i) identifies the statutorily required registration deadline described in Subsection (3) that the entity did not meet;
- 15583 (ii) establishes a deadline to cure the entity's failure to register that is the first business day that is at least 10 calendar days after the day on which the lieutenant governor sends the notice of failure to register; and
- 15586 (iii) states that failure to comply by the deadline the lieutenant governor establishes under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

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- 15590 (b) If a registered entity does not make a renewal submission in accordance with Subsection (5) by the deadline described in Subsection (3), the lieutenant governor shall send a notice of failure to renew to the registered entity that:
- 15593 (i) identifies the renewal deadline described in Subsection (3) that the entity did not meet;
- 15595 (ii) establishes a deadline to cure the entity's failure to renew that is the first business day that is at least 30 calendar days after the day on which the lieutenant governor sends the notice of failure to renew; and
- 15598 (iii) states that failure to comply by the deadline the lieutenant governor establishes under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).
- 15602 (8) An entity's registration is valid:
- 15603 (a) if the entity makes a registration or renewal submission in accordance with the deadlines described in Subsection (3);
- 15605 (b) during the period the lieutenant governor establishes in the notice of noncompliance or notice of failure to renew during which the entity may cure the identified registration deficiencies; and
- 15608 (c) for one year beginning on the day the lieutenant governor issues the notice of registration or renewal.
- 15610 (9)
- (a) The lieutenant governor shall send a notice of non-registration to the Office of the Utah State Auditor if an entity fails to:
- 15612 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes in the notice of noncompliance;
- 15614 (ii) register by the deadline the lieutenant governor establishes in the notice of failure to register; or
- 15616 (iii) cure the entity's failure to renew by the deadline the lieutenant governor establishes in the notice of failure to renew.
- 15618 (b) The lieutenant governor shall ensure that the notice of non-registration:
- 15619 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or the notice of failure to renew; and
- 15621 (ii) requests that the state auditor withhold state allocated funds or the disbursement of property taxes and prohibit the entity from accessing money held by the state or money held in an account of a financial institution, in accordance with Subsections 67-3-1(7)(i) and 67-3-1(10).

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- 15625 (10) The lieutenant governor may extend a deadline under this section if an entity notifies the lieutenant governor, before the deadline to be extended, of the existence of an extenuating circumstance that is outside the control of the entity.
- 15628 (11)
- (a) An entity is not required to renew submission of a registration under this section if an entity provides a record of dissolution.
- 15630 (b) The lieutenant governor shall include in the registry an entity's record of dissolution and indicate on the registry that the entity is dissolved.
- 15632 (12) This section does not apply to the Elections Office, created in Section 20A-1-104.6.
- 15633 ~~{Section 258. Section 78A-12-203 is amended to read: }~~
- 15634 **78A-12-203. Judicial performance evaluations.**
- 15635 (1) Beginning with the 2012 judicial retention elections, the commission shall prepare a performance evaluation for:
- 15637 (a) each judge in the third and fifth year of the judge's term if the judge is not a justice of the Supreme Court; and
- 15639 (b) each justice of the Utah Supreme Court in the third, seventh, and ninth year of the justice's term.
- 15641 (2) Except as provided in Subsection (3), the performance evaluation for a judge under Subsection (1) shall consider only the following information but shall give primary emphasis to the information that is gathered and relates to the performance of the judge during the period subsequent to the last judicial retention election of that judge or if the judge has not had a judicial retention election, during the period applicable to the first judicial retention election:
- 15647 (a) the results of the judge's most recent judicial performance survey that is conducted by a third party in accordance with Section 78A-12-204;
- 15649 (b) information concerning the judge's compliance with certification standards established in accordance with Section 78A-12-205;
- 15651 (c) courtroom observation;
- 15652 (d) the judge's judicial disciplinary record, if any;
- 15653 (e) public comment solicited by the commission;
- 15654 (f) information from an earlier judicial performance evaluation concerning the judge except that the commission shall give primary emphasis to information gathered subsequent to the last judicial retention election; and

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- 15657 (g) any other factor that the commission:
- 15658 (i) considers relevant to evaluating the judge's performance for the purpose of a retention election; and
- 15660 (ii) establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 15662 (3) The commission shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules concerning the conduct of courtroom observation under Subsection (2), which shall include the following:
- 15665 (a) an indication of who may perform the courtroom observation;
- 15666 (b) a determination of whether the courtroom observation shall be made in person or may be made by electronic means; and
- 15668 (c) a list of principles and standards used to evaluate the behavior observed.
- 15669 (4)
- (a) As part of the evaluation conducted under this section, the commission shall do one of the following:
- 15671 (i) determine, by a vote of at least six members, that the judge meets or exceeds minimum performance standards;
- 15673 (ii) determine, by a vote of at least six members, that the judge does not meet or exceed minimum performance standards;
- 15675 (iii) determine, by a majority vote, that the information concerning the judge is insufficient to make a determination described in Subsection (4)(a)(i) or (ii); or
- 15677 (iv) fail to make a determination described in Subsection (4)(a)(i), (ii), or (iii) by the number of votes required for one of those determinations.
- 15679 (b)
- (i) If a judge meets the certification standards established in accordance with Section 78A-12-205, there is a rebuttable presumption that the judge meets or exceeds minimum performance standards.
- 15682 (ii) If a judge fails to meet the certification standards established in accordance with Section 78A-12-205, there is a rebuttable presumption that the judge does not meet or exceed minimum performance standards.
- 15685 (c) If the commission deviates from a presumption described in Subsection (4)(b), the commission shall provide a detailed explanation of the reason for that deviation in the commission's report under Section 78A-12-206.

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- 15688 (d) If the commission makes the determination described in Subsection (4)(a)(iii) or fails to make a determination described in Subsection (4)(a)(i), (ii), or (iii) by the number of votes required for those determinations, the commission shall note that fact in the commission's report.
- 15692 (5)
- (a) The commission shall allow a judge who is the subject of a judicial performance retention evaluation, and who has not passed one or more of the certification standards on the retention evaluation, to appear and speak at any commission meeting during which the judge's judicial performance evaluation is considered.
- 15696 (b) The commission may invite any judge to appear before the commission to discuss concerns about the judge's judicial performance.
- 15698 (c)
- (i) The commission may meet in a closed meeting to discuss a judge's judicial performance evaluation by complying with Title 52, Chapter 4, Open and Public Meetings Act.
- 15701 (ii) The commission may meet in an electronic meeting by complying with Title 52, Chapter 4, Open and Public Meetings Act.
- 15703 (d) Any record of an individual commissioner's vote under Subsection (4) is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
- 15705 (e)
- (i) A member of the commission, including a member of the Utah State Bar, may not be disqualified from voting under Subsection (4) solely because the member appears before the judge as an attorney, a fact witness, or an expert, unless the member is a litigant in a case pending before the judge.
- 15709 (ii) Notwithstanding Subsection (5)(e)(i), a member of the commission shall disclose any conflicts of interest with the judge being reviewed to the other members of the commission before the deliberation and vote under Subsection (4).
- 15712 (iii) Information disclosed under this Subsection (5)(e) is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
- 15714 (f) The commission may only disclose the final commission vote described in Subsection (4).
- 15716 (6)
- (a) If the Utah Supreme Court issues a public sanction of a judge after the commission makes or fails to make a determination described in Subsection (4), but before the publication of the voter

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information pamphlet in accordance with Section 20A-7-702, the commission may elect to reconsider the commission's action.

- 15720 (b) The commission shall invite the judge described in Subsection (6)(a) to appear before the commission during a closed meeting for the purpose of reconsidering the commission's action.
- 15723 (c) The judge described in Subsection (6)(a) may provide a written statement, not to exceed 100 words, that shall be included in the judge's evaluation report.
- 15725 (d) The commission shall include in the judge's evaluation report:
- 15726 (i) the date of the reconsideration;
- 15727 (ii) any change in the action of the commission; and
- 15728 (iii) a brief statement explaining the reconsideration.
- 15729 (e) The commission shall submit revisions to the judge's evaluation report to the [~~lieutenant governor~~] director of the Elections Office, appointed under Subsection 20A-1-104.6(3), by no later than August 31 of a regular general election year for publication in the voter information pamphlet, and publish the revisions on the commission's website, and through any other means the commission considers appropriate and within budgetary constraints.
- 15735 (7)
- (a) The commission shall compile a midterm report of the commission's judicial performance evaluation of a judge.
- 15737 (b) The midterm report of a judicial performance evaluation shall include information that the commission considers appropriate for purposes of judicial self-improvement.
- 15739 (c) The report shall be provided to the evaluated judge, the presiding judge of the district in which the evaluated judge serves, and the Judicial Council. If the evaluated judge is the presiding judge, the midterm report shall be provided to the chair of the board of judges for the court level on which the evaluated judge serves.
- 15743 (d)
- (i) The commission may provide a partial midterm evaluation to a judge whose appointment date precludes the collection of complete midterm evaluation data.
- 15745 (ii) For a newly appointed judge, a midterm evaluation is considered partial when the midterm evaluation is missing a respondent group, including attorneys, court staff, court room observers, or intercept survey respondents.

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(iii) A judge who receives partial midterm evaluation data may receive a statement in acknowledgment of that fact on the judge's voter information pamphlet page.

15750 (iv) On or before the beginning of the retention evaluation cycle, the commission shall inform the
15753 Judicial Council of the name of any judge who receives a partial midterm evaluation.

15753 (8) The commission shall identify a judge whose midterm evaluation:

15754 (a) fails to meet certification standards in accordance with Section 78A-12-205 or as established by
rule; or

15756 (b) otherwise demonstrates to the commission that the judge's performance would be of such concern if
the performance occurred in a retention evaluation that the judge would be invited to appear before
the commission in accordance with Subsection (5)(b).

15760 (9) The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, as necessary to administer the evaluation required by this section.

15763 ~~{Section 259. Section 78A-12-206 is amended to read: }~~

15764 **78A-12-206. Publication of the judicial performance evaluation -- Response by judge.**

15766 (1)

(a) The commission shall compile a retention report of the commission's judicial performance
evaluation of a judge.

15768 (b) The report of a judicial performance evaluation nearest the judge's next scheduled retention election
shall be provided to the judge at least 45 days before the last day on which the judge may file a
declaration of the judge's candidacy in the retention election.

15772 (c) A report prepared in accordance with Subsection (1)(b) and information obtained in connection with
the evaluation becomes a public record under Title 63G, Chapter 2, Government Records Access
and Management Act, on the day following the last day on which the judge who is the subject of the
report may file a declaration of the judge's candidacy in the judge's scheduled retention election if
the judge declares the judge's candidacy for the retention election.

15778 (d) Information collected and a report that is not public under Subsection (1)(c) is a protected record
under Title 63G, Chapter 2, Government Records Access and Management Act.

15781 (2) Within 15 days of receiving a copy of the commission's report under Subsection (1)(b):

15782 (a) a judge who is the subject of an unfavorable action under Subsection 78A-12-203(4) may:

15784 (i) provide a written response to the commission about the report; and

15785 (ii) request an interview with the commission for the purpose of addressing the report; and

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- 15787 (b) a judge who is the subject of a favorable action under Subsection 78A-12-203(4) may provide a written response to the commission about the commission's report.
- 15789 (3)
- (a) After receiving a response from a judge in any form allowed by Subsection (2), the commission may meet and reconsider the commission's action.
- 15791 (b) If the commission does not change the commission's action, the judge may provide a written statement, not to exceed 100 words, that shall be included in the commission's report.
- 15794 (4) The retention report of a judicial performance evaluation shall include:
- 15795 (a) the results of the judicial performance survey, in both raw and summary form;
- 15796 (b) information concerning the judge's compliance with the certification standards, including stating how many of the certification standards the judge met;
- 15798 (c) information concerning any public discipline that a judge has received that is not subject to restrictions on disclosure under [~~Title 78A, Chapter 11, Judicial Conduct Commission~~] Chapter 11, Judicial Conduct Commission;
- 15801 (d) a narrative concerning the judge's performance;
- 15802 (e) the commission's determination under Subsection 78A-12-203(4);
- 15803 (f) the number of votes for and against a determination described in Subsection 78A-12-203(4); and
- 15805 (g) any other information the commission considers necessary to include in the report to explain the certification standards and the determination or lack of a determination made.
- 15808 (5)
- (a) The commission may not include in the commission's retention report specific information concerning an earlier judicial performance evaluation.
- 15810 (b) The commission may refer to information from an earlier judicial performance evaluation concerning the judge in the commission's report only if necessary to explain performance in the current reporting period and giving primary emphasis to the information gathered during the current reporting period.
- 15814 (6) The retention report of the commission's judicial performance evaluation shall be made publicly available on an Internet website.
- 15816 (7) The commission may make the report of the judicial performance evaluation immediately preceding the judge's retention election publicly available through other means within budgetary constraints.
- 15819

HB0369 compared with HB0369S02

(8) The commission shall provide a summary of the judicial performance evaluation for each judge to the [~~lieutenant governor~~] director of the Elections Office, appointed under Subsection 20A-1-104.6(3) for publication in the voter information pamphlet in the manner required by Title 20A, Chapter 7, Issues Submitted to the Voters.

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(9) The commission shall provide the Judicial Council with:

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(a) the judicial performance survey results for each judge; and

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(b) a copy of the retention report of each judicial performance evaluation.

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(10) The Judicial Council shall provide information obtained concerning a judge under Subsection (9) to the subject judge's presiding judge, if any.

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Section 4. **Effective date.**

This bill takes effect on {~~January 1, 2026~~} May 7, 2025.

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