

# SB0164S02 compared with SB0164

~~{Omitted text}~~ shows text that was in SB0164 but was omitted in SB0164S02

inserted text shows text that was not in SB0164 but was inserted into SB0164S02

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**Modifications to Election Law**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Wayne A. Harper**  
House Sponsor: Paul A. Cutler

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to elections.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a county clerk to coordinate with local post offices to ensure the optimal handling of ballots;
- provides that a poll watcher may observe the signature-verification process for ~~{petitions-}~~ a petition to qualify a candidate for a primary election ballot (candidate petition) or for a written request to remove a signature from a candidate petition;
- makes it unlawful for a poll watcher to reveal certain information observed during the process described in the preceding paragraph;
- requires an election officer to conduct an audit of signature comparisons made for ~~{petitions to qualify-}~~ a candidate ~~{for a primary election ballot}~~ petition;
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requires an election officer who engages in the signature-verification process for {petitions to qualify} a candidate {for a primary election ballot} petition to certify a certain percentage of signatures submitted beyond the required signature-gathering threshold;

19       ▸ {establishes} addresses viewing by a candidate or a {chain} candidate's campaign representative of {custody process for} a complete, unredacted signature packet, or a request to remove a signature from a signature {packets circulated to qualify} packet, relating to a candidate petition for {a primary} the candidate's election {ballot} race;

24       ▸ provides the ability for a voter to track a candidate petition recently signed by the voter and certain information relating to verification of the signature;

26       ▸ in relation to a signature packet for a candidate petition, establishes requirements for:

- 27           • submitting the packet;
- 28           • maintaining a chain of custody for a packet; and
- 29           • storing a packet;

21       ▸ grants rulemaking authority to the director of elections within the Office of the Lieutenant Governor; and

23       ▸ makes technical and conforming changes.

### 33 Money Appropriated in this Bill:

34       None

### 35 Other Special Clauses:

36       None

### 38 AMENDS:

39       **20A-3a-106** , as enacted by Laws of Utah 2023, Chapter 297 , as enacted by Laws of Utah 2023, Chapter 297

40       **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

41       **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

42       **20A-9-403** , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws of Utah 2024, Chapter 503

43       **20A-9-408** , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116

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ENACTS:

**20A-9-401.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

**20A-9-408.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

**20A-9-408.2 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

**20A-9-408.3 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

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

Section 1. Section **20A-3a-106** is amended to read:

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

The director of elections, within the Office of the Lieutenant Governor, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:

- (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and security of the envelopes;
- (2) complying with the signature comparison audit requirements described in Section 20A-3a-402.5;[  
or]
- (3) conducting and documenting the identity verification process described in Subsection 20A-3a-401(7)(b)[-] ; or
- (4) establishing specific requirements and procedures for an election officer to:
  - (a) perform the signature comparison audits described in Subsection 20A-9-408(9)(e); or
  - (b) fulfill the chain of custody requirements described in Section 20A-9-408.3.

Section 2. Section **20A-3a-202** is amended to read:

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

- (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.
  - (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.
- (2) An election officer who administers an election:
  - (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:

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- 63 (i) a manual ballot;
- 64 (ii) a return envelope;
- 65 (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;
- 68 (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;
- 71 (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
- 77 (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;
- 79 (b) may not mail a ballot under this section to:
- 80 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
- 81 (ii) a voter whom the election officer is prohibited from sending a ballot under Subsection (9)(c)(ii);
- 83 (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;
- 86 (d) shall provide a method of accessible voting to a voter with a disability who is not able to vote by  
mail; and
- 88 (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.
- 90 (3)
- (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to  
the address:
- 92 (i) provided at the time of registration; or
- 93 (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.

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(b) The lieutenant governor 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.

98 (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.

100 (4) The return envelope shall include:

101 (a) the name, official title, and post office address of the election officer on the front of the envelope;

103 (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;

105 (c) a printed affidavit in substantially the following form:

106 "County of \_\_\_\_ State of \_\_\_\_

107 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.

110 \_\_\_\_\_

111 Signature of Voter"; and

112 (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.

116 (5) If the election officer determines that the voter is required to show valid voter identification, the  
election officer may:

118 (a) mail a ballot to the voter;

119 (b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot; and

121 (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.

124 (6) An election officer who administers an election shall:

125 (a)

(i) before the election, obtain the signatures of each voter qualified to vote in the election; or

127 (ii) obtain the signature of each voter within the voting precinct from the county clerk; and

129 (b) maintain the signatures on file in the election officer's office.

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(7) Upon receipt of a returned ballot, the election officer shall review and process the ballot under Section 20A-3a-401.

(8) A county that administers an election:

(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;

(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;

(c) may reduce the early voting period described in Section 20A-3a-601, if:

(i) the county clerk conducts early voting on at least four days;

(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

(iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604; and

(d) is not required to pay return postage for a ballot.

(9)

(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.

(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.

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

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

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

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

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

(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.

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(10) A county clerk shall, at least 90 days before an election administered by the county clerk, contact local post offices to:

(a) coordinate the handling of mail-in ballots for the upcoming election; and

(b) take measures to ensure that:

(i) ballots are clearly and properly postmarked, or otherwise marked in accordance with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was mailed; and

(ii) ballots are delivered in an expeditious manner to optimize the timely receipt of ballots.

Section 3. Section **20A-3a-801** is amended to read:

### **20A-3a-801. Watchers.**

(1) As used in this section ["administering"] :

(a) "Administering election officer" means:

[(a)] (i) the election officer; or

[(b)] (ii) if the election officer is the lieutenant governor, the county clerk of the county in which an individual will act as a watcher.

(b) "Candidate signature packet" means the same as that term is defined in Section 20A-9-401.1.

(c) "Election process" means each process of an election, including a process described in Subsections (4) and (5).

(2)

(a) Any individual who is registered or preregistered to vote in Utah may, at any time, become a watcher of any election process in relation to an election~~{, including for the purpose of observing the verification of signatures gathered under Section 20A-9-403 or 20A-9-408;}~~ at any time by registering as a watcher with the administering election officer.

(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.

(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.

(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).

(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).

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- 192 (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:
- 195 (i) by filing an affidavit with the administering election officer responsible to designate an individual as an official watcher for the certifying person; and
- 197 (ii) if the individual registers as a watcher under Subsection (2)(a).
- 198 (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.
- 201 (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.
- 205 (4) A watcher may:
- 206 (a) observe the setup or takedown of a polling place;
- 207 (b) observe a voter checking in at a polling place;
- 208 (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;
- 210 (d) observe the transport or transmission of a ballot that is in an election official's custody;
- 212 (e) observe the opening and inspection of a manual ballot;
- 213 (f) observe ballot replication;
- 214 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
- 215 (h) observe ballot tabulation;
- 216 (i) observe the process of storing and securing a ballot;
- 217 (j) observe a post-election audit;
- 218 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;
- 220 (l) observe the certification of the results of an election;
- 221 (m) observe a recount; or
- 222 (n) observe signature verification[~~:~~] {-of} :
- 223 (i) of signatures on a return envelope containing a ballot; or



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- 224 { ~~(ii)~~ { ~~signatures gathered under Section 20A-9-403 or 20A-9-408.~~ } }
- 241 (ii) relating to a candidate signature packet.
- 225 ~~{(5)}~~ To observe signature verification relating to a candidate signature packet, a watcher may observe:
- 244 (a) the receipt, initial review, and processing that occurs at the time an individual submits a candidate signature packet to an election officer;
- 246 (b) all subsequent processing, handling, and securing of a candidate signature packet;
- 247 (c) verification of signatures in a candidate signature packet;
- 248 (d) the processing, handling, and securing of a written request to remove a signature from a candidate signature packet;
- 250 (e) verification of a signature on a written request to remove a signature from a candidate signature packet; or
- 252 (f) the removal of a signature from a candidate signature packet.
- 253 ~~[(5)]~~ (6) An administering election officer shall:
- 226 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an election process;
- 228 (b) establish locations for a watcher to observe an event described in Subsection (4) or (5), other than an event described in Subsection (4)(d) or (k), from no further than six feet away; and
- 231 (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.
- 235 ~~[(6)]~~ (7)
- (a) A watcher may not:
- 236 (i) record an activity described in Subsection (4) if the recording would reveal a vote ~~[or otherwise violate a voter's privacy or ]~~ , violate a voter's right to cast a secret ballot, or otherwise violate a voter's privacy;
- 267 (ii) record an activity described in Subsection (5), except that a watcher may take notes that do not include the name or other personal identifying information of an individual who signs a candidate signature packet or a written request to remove a signature from a candidate signature packet;
- 238 ~~[(ii)]~~ (iii) interfere with an activity described in Subsection (4) or (5), except to challenge an individual's eligibility to vote under Section 20A-3a-803;~~[or]~~
- 240

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~~[(iii)]~~ (iv) 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[-] ;  
or

~~{(iv)}~~ (v) divulge information related to ~~{the number of, or names of, signatures verified under Section 20A-9-403 or 20A-9-408.}~~ :

~~{(b)}~~ the number of signatures collected to qualify a candidate for placement on a primary election ballot; or

(B) the names or other personal identifying information of an individual who signs a candidate signature packet or a written request to remove a signature from a candidate signature packet.

(b) A person who violates Subsection ~~[(6)(a)(iii)]~~ (7)(a)(iv) or (v) ~~{or (iv)}~~ is guilty of a third degree felony.

~~[(7)]~~ (8)

(a) Notwithstanding Subsection ~~[(2)(a) or (4)]~~ (2)(a), (4), or (5), 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:

(i) limit the number of watchers at a single location;

(ii) remove a watcher for violating a provision of this section;

(iii) remove a watcher for interfering with an activity described in Subsection (4) or (5);

(iv) designate areas for a watcher to reasonably observe the activities described in Subsection (4) or (5); or

(v) ensure that a voter's ballot secrecy is protected throughout the watching process.

(b) If an administering election officer limits the number of watchers at a single location under Subsection ~~[(6)(a)(i)]~~ ~~{(7)(a)(i)}~~ (8)(a)(i), the administering election officer shall give preferential access to the location to a watcher designated under Subsection (3).

(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.

Section 4. Section 4 is enacted to read:

### **20A-9-401.1. Definitions.**

As used in this part:

(1) "Candidate nomination document" means:

(a) a candidate signature packet; or

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- (b) a written request to remove a signature from a candidate signature packet.
- (2) "Candidate signature packet" means a single packet of signature sheets that:
- (a) is bound together and circulated to gather signatures to qualify a candidate for placement on a primary election ballot; and
- (b) includes a cover sheet at the front of the packet and a circulator verification sheet at the end of the packet.

### Section 5. Section 20A-9-403 is amended to read:

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

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

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- 336 (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  
party's candidates and whether individuals identified as unaffiliated with a political party may  
vote for the registered political party's candidates.
- 341 (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 no later than 5 p.m. on November 30 of each odd-  
numbered year.
- 344 (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.
- 348 (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:
- 353 (i) circulated and completed in accordance with Section 20A-9-405; and
- 354 (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.
- 356 (b)
- (i) A candidate for elective office shall, in accordance with Section 20A-9-408.3, 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.
- 359 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing  
deadline.
- 361 (c)
- (i) The lieutenant governor 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.

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- 367 (ii) The lieutenant governor shall publish the determination for each elective office no later than  
November 30 of each odd-numbered year.
- 369 (d) The filing officer shall:
- 370 (i) except as otherwise provided in Section 20A-21-201, and in accordance with Section 20A-9-408.3,  
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;
- 374 (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);
- 377 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 378 (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
- 382 (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).
- 387 (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).
- 391 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of  
elections, within the Office of the Lieutenant Governor, may make rules that:
- 394 (i) provide for the use of statistical sampling procedures that:
- 395 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and
- 397 (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely  
recognized statistical sampling techniques; and
- 399 (ii) provide for the transparent, orderly, and timely submission, verification, and certification of  
nomination petition signatures.
- 401 (g) The county clerk shall:
- 402

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(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;

(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

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

(4)

(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the county clerks:

(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

(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.

(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.

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

"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."

(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:

(i) nominated for that office by the candidate's registered political party; or

(ii) for a nonpartisan local school board position, nominated for that office.

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- 432 (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.
- 436 (c)
- 437 (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 437 (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
- 440 (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.
- 444 (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.
- 447 (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.
- 451 (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.

454 Section 6. Section **20A-9-408** is amended to read:

455 **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party**  
**-- Removal of signature.**

- 263 (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.
- 266 (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

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of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

- 270 (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:
- 274 (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 a notice of intent to gather signatures for candidacy that includes:
- 278 (i) the name of the member who will attempt to become a candidate for a registered political party  
under this section;
- 280 (ii) the name of the registered political party for which the member is seeking nomination;
- 282 (iii) the office for which the member is seeking to become a candidate;
- 283 (iv) the address and telephone number of the member; and
- 284 (v) other information required by the lieutenant governor;
- 285 (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
- 288 (c) pay the filing fee.
- 289 (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:
- 293 (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 a notice of intent to gather signatures for candidacy that includes:
- 297 (i) the name of the member who will attempt to become a candidate for a registered political party  
under this section;
- 299 (ii) the name of the registered political party for which the member is seeking nomination;
- 301 (iii) the office for which the member is seeking to become a candidate;
- 302 (iv) the address and telephone number of the member; and
- 303 (v) other information required by the lieutenant governor;



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- 304 (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
- 307 (c) pay the filing fee.
- 308 (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.
- 314 (6) The lieutenant governor 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.
- 317 (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.
- 320 (8) A member of a qualified political party may seek the nomination of the qualified political party for  
an elective office by:
- 322 (a) complying with the requirements described in this section; and
- 323 (b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection  
20A-9-405(3), during the period beginning on the day on which the member files a 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:
- 328 (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;
- 331 (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;
- 334 (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;

337

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(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;

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

(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

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

(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.

(9)

(a) This Subsection (9) applies only to the manual candidate qualification process.

(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:

(i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-105 and 20A-7-204; and

(ii) in accordance with Section 20A-9-408.3, 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.

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), and in accordance with Section 20A-9-408.3, 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:

(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;

(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;

## SB0164 compared with SB0164S02

- 372 (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
- 376 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.
- 378 (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.
- 383 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in  
Subsection 20A-1-1003(2).
- 385 (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.
- 389 (e)
- (i) An election officer shall, in accordance with this Subsection (9)(e) and rules made under Section  
20A-3a-106, conduct regular audits of signature comparisons made between signatures gathered  
under this section and voter signatures maintained by the election officer.
- 393 (ii) An individual who conducts an audit of signature comparisons under this section may not audit the  
individual's own work.
- 395 (iii) The election officer shall:
- 396 (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to determine the accuracy of  
the comparisons made;
- 592 (B) record the individuals who conducted the audit;
- 593 (C) record the audit results;
- 398 ~~{(B)}~~ (D) provide additional training or staff reassignments, as needed, based on the results of an audit  
described in Subsection (9)(e)(i); and
- 400 ~~{(C)}~~ (E) {submit to the lieutenant governor a record of the audits performed under this Subsection (9)  
(e), the results of the audits, and} record any remedial action taken.
- 597 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 402

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(f) An election officer who certifies signatures under Subsection (9)(c) ~~or 20A-9-403(3)(d)~~ shall, after certifying enough signatures to establish that a candidate has reached the applicable signature threshold described in Subsection (8) ~~or 20A-9-403(3)(a), as applicable~~, continue to certify signatures submitted for the candidate in excess of the number of signatures required, until the election officer either:

(i) certifies signatures equal to 110% of the applicable signature threshold; or

(ii) has reviewed all signatures submitted for the candidate before reaching an amount equal to 110% of the applicable signature threshold.

(10)

(a) This Subsection (10) applies only to the electronic candidate qualification process.

(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 convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

(i) in accordance with Section 20A-21-201; and

(ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

(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:

(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

(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.

(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.

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(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:

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

(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).

(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 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.

(d) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor posts a declaration of candidacy.

Section 7. Section 7 is enacted to read:

### **20A-9-408.1. Candidate nomination document -- Access - Limitations -- Storage.**

(1) Except as provided in Subsection (4)(a), notwithstanding Section 63G-2-305.5, and subject to Subsection (4)(b), the following may review a complete, unredacted candidate nomination document:

(a) the candidate to whose nomination petition the candidate nomination document relates, or an individual representing the candidate's campaign;

(b) a candidate who is seeking to qualify for placement on the primary election ballot for the same office and party as the candidate to whose nomination petition the candidate nomination document relates, or an individual representing the candidate's campaign;

(c) the chair or vice chair of the state political party whose nomination the candidate described in Subsection (1)(a) seeks; and

## SB0164 compared with SB0164S02

- (d) if the office sought by a candidate described in Subsection (1)(a) relates to a jurisdiction that does not encompass all or a portion of more than one county, the chair or vice chair of the county political party whose nomination petition the candidate described in Subsection (1)(a) seeks.
- 667 (2) No individual may view a complete, unredacted candidate nomination document, other than:
- 669 (a) an election officer;
- 670 (b) a government entity or an authorized agent of a government entity, to the extent necessary to fulfill a  
duty of the government entity or the authorized agent; or
- 672 (c) an individual described in Subsection (1), in accordance with the requirements of this section.
- 674 (3) Subsection (2) does not prohibit:
- 675 (a) an individual whose name or other personal identifying information appears on a candidate signature  
packet from viewing only the portion of the candidate signature packet showing the name or other  
personal identifying information of the individual; or
- 679 (b) an individual whose name or other personal identifying information appears on a written request to  
remove a signature from a candidate signature packet from viewing the written request.
- 682 (4)
- (a) An individual described in Subsection (1) or (3) may not view a candidate nomination document  
after the election officer certifies the results of the primary election race to which the candidate  
nomination document relates.
- 685 (b) An individual who, under Subsection (1), views a candidate nomination document may not:
- 687 (i) make a copy, image, or other recording of the candidate nomination document; or
- 688 (ii) disclose a name or other information on the candidate nomination document that relates to an  
individual whose voter registration record is classified as a private record.
- 691 (5) After an election officer certifies the results of the primary election race to which a candidate  
nomination document relates:
- 693 (a) the election officer shall seal the candidate nomination document and store the candidate nomination  
document for 22 months; and
- 695 (b) no person may access or view the candidate nomination document, except:
- 696 (i) the lieutenant governor;
- 697 (ii) the legislative auditor general; or
- 698 (iii) as ordered by a court with jurisdiction.
- 699

## SB0164 compared with SB0164S02

(6) A digital listing or report of a candidate nomination document may, only to the extent permitted under Section 63G-2-305.5, be disclosed before or after an election officer certifies the results of the primary election race to which the candidate nomination document relates.

Section 8. Section 8 is enacted to read:

### **20A-9-408.2. Tracking signatures on candidate nomination petition.**

(1) Beginning no later than January 1, 2026, the lieutenant governor shall, on the same website where a voter may track the status of a ballot returned by a voter, provide a voter information regarding:

(a) each petition to qualify a candidate for placement on a primary election ballot that the voter signed during the preceding six months;

(b) whether the signature was verified or rejected; and

(c) if the signature was rejected, the reason for the rejection.

(2) The lieutenant governor shall ensure that the information described in Subsection (1) is available to the voter no later than one business day after the day on which the voter's signature is verified or rejected.

Section 9. Section 9 is enacted to read:

### **20A-9-408.3. Submission of candidate signature packet -- Requirements for submission -- Signature packet chain of custody and storage.**

~~{(1) {As used in this section:}-}~~

(1) To submit a candidate signature packet to an election officer, a person shall:

(a) label the front of each candidate signature packet with a unique, consecutive number;

(b) organize each candidate signature packet that is submitted at the same time in numerical order; and

(c) with the candidate signature packets, provide the election officer with a document containing:

(i) for each candidate signature packet submitted at the same time:

(A) the number assigned to the candidate signature packet under Subsection (1)(a); and

~~{(a)}~~ (B) {"Batch" means a grouping} the number of {all signature sheets} signatures in {a} the candidate signature packet{:} ;

(ii) the total number of candidate signature packets submitted at the same time;

(iii) the sum of all signatures on all candidate signature packets submitted at the same time;

(iv) a list of all individuals who collected signatures for the candidate signature packets submitted together, including for each the individual's:

(A) full name;

## SB0164 compared with SB0164S02

- 734 (B) residential address;  
735 (C) phone number; and  
736 (D) email address; and  
737 (v) a certification that each individual described in Subsection (1)(c)(iv) was at least 18 years old when  
the individual collected the signatures.
- 739 (2) If the election officer discovers that a candidate signature packet is verified by an individual who  
has not been disclosed under Subsection (1)(c)(iv), with all information required under Subsection  
(1)(c)(iv):
- 742 (a) the election officer shall notify the candidate;  
743 (b) the candidate shall provide the information described in Subsection (1)(c)(iv) in relation to the  
individual no later than the first business day that is at least three calendar days after the day on  
which the election officer notifies the candidate under Subsection (2)(a); and
- 458 ~~{(i)}~~ (c) {that is given a number to distinguish the signature packet} if the candidate fails to timely  
comply with Subsection (2)(b), {and} the {signature sheets in} election officer shall reject the  
candidate signature packet, {from other signature packets} and all candidate signature {sheets  
in those other} packets {, when} collected by the same individual, that were submitted at the  
{signature packets are first received for signature verification;} same time.
- 462 ~~{(ii) {that is kept together in the same grouping, and kept separate from other groupings, throughout the~~  
~~signature verification process; and}-}~~
- 464 ~~{(iii) {for which a log is kept to document the chain of custody of the grouping.}-}~~
- 465 ~~{(b) {"Signature packet" means a single packet of signature sheets that are bound together and~~  
~~circulated to gather signatures to qualify a candidate for placement on a primary election ballot.}-}~~
- 750 (3) An election officer shall reject a candidate signature packet that is not submitted in accordance with  
Subsection (2).
- 752 (4) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act:  
754 (a) the information described in Subsection (1)(c)(iv)(A) is a public record; and  
755 (b) the information described in Subsections (1)(c)(iv)(B) through (D) is a private record.
- 468 ~~{(2)}~~ (5) An election officer shall preserve the chain of custody of all candidate signature packets and  
signature sheets in accordance with this section.
- 470 ~~{(3)}~~ (6) An election officer shall, upon receipt of a candidate signature packet:  
471 ~~{(a) {label the signature packet with the batch number of the signature packet;}-}~~



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472 {~~(b) {label each signature sheet in the signature packet with:}-}~~  
473 ~~{(i)} (a) {the batch number of}-~~ review the candidate signature packet; and  
760 (b) assign the candidate signature packet a unique number in the election officer's petition processing  
system, to be used to track the candidate signature packet during processing.  
474 ~~{(ii)} (7) An election officer shall ensure that, when workers review signatures in a {number identifying~~  
~~the specific}-~~ candidate signature ~~{sheet within}-~~ packet for verification, the workers record for the  
candidate signature packet~~{:}-~~ :  
475 ~~{(e)} (a) {record the number}-~~ the names of ~~{signature sheets in}-~~ the workers who review signatures  
on the candidate signature packet; ~~{and}~~  
766 (b) if the signature packet is reviewed additional times, the names of the workers who conduct the  
review;  
476 ~~{(d)} (c) {record}-~~ the total number of signatures in the candidate signature packet~~{:}-~~ :  
477 ~~{(4) {An election officer shall:}-}~~  
478 ~~{(a) {maintain an accurate, updated record of:}-}~~  
479 ~~{(i) {signature packets that the election officer receives:}-}~~  
480 ~~{(ii) {signature sheets in each signature packet:}-}~~  
481 ~~{(iii)} (d) the total number of valid~~ signatures ~~{on each signature sheet}-~~ in ~~{each}-~~ the candidate  
signature packet;  
482 ~~{(iv) {signature packets that the election officer accepts:}-}~~  
483 ~~{(v)} (e) the total number of signatures in the candidate~~ signature ~~{packets}-~~ packet that ~~{the election~~  
~~officer rejects}~~ were rejected, including the ~~{reason}-~~ reasons for the rejection;and  
485 ~~{(vi)} (f) if not all~~ signatures ~~{that}-~~ in the ~~{election officer certifies as valid; and}-~~ candidate signature  
packet are reviewed:  
486 ~~{(vii) {signatures that the election officer does not certify as valid; and}-}~~  
487 ~~{(b) {maintain an accurate record of:}-}~~  
488 (i) the ~~{specific}-~~ number of signatures that ~~{the election officer certifies as valid}-~~ were not reviewed;  
489 ~~{(ii) {the specific signatures that the election officer does not certify as valid; and}-}~~  
490 ~~{(iii) {for each signature described in Subsection (4)(b)(ii), the reason the election officer did not certify~~  
~~the signature as valid.}-}~~  
492 ~~{(5) {The election officer shall ensure that:}-}~~  
493

## SB0164 compared with SB0164S02

- {(a) {each batch, and each signature sheet in the batch, is kept separate from other signature packets and the signature sheets in other batches;}-}
- 495 {(b) {a signature sheet is not separated from a batch, except as necessary to the signature-verification process;}-}
- 497 {(c) {if a signature sheet is separated from a batch, the batch log indicates:-}}
- 498 {(i) {the numbers described in Subsection (3)(b);}-}
- 499 {(ii) {the date and time of removal;}-}
- 500 {(iii) {the identity of the individual who removes the signature sheet;}-}
- 501 {(iv) (ii) the reason the {signature sheet is removed} signatures were not reviewed; and
- 502 {(v) {where the signature sheet is placed;}-}
- 503 {(d) {a log is kept for each batch that includes:-}}
- 504 {(i) {a unique identifying code or number for the batch;}-}
- 505 {(ii) {the number of signature sheets in the batch and the number of signatures on each signature sheet;}-}
- 507 {(iii) {the date that the batch was received; and}-}
- 508 {(iv) {for each occasion that the batch, or any of the signature sheets in the batch, are handled:-}}
- 510 {(A) {the date and time that the batch or signature sheets are handled;}-}
- 511 {(B) {a description of what is done with the batch or signature sheets;}-}
- 512 {(C) (iii) the {identity-} name of the {individuals-} worker who {handle the batch or-} pulled the  
candidate signature {sheets; and} packet from further review.
- 513 {(D) {any other information required by rule made under Section 20A-3a-106;}-}
- 514 {(e) {an individual who handles a batch or signature sheets does the handling in the presence of at least one other individual;}-}
- 516 {(f) {to the extent reasonably possible, the individuals who perform a specific step in processing a batch complete the step for the entire batch; and}-}
- 518 {(g) {each part of the processing of all batches is monitored by recorded video, without audio.-}}
- 520 {(6) (8) An election officer shall store the candidate signature packets by:
- 521 {(a) {keep the recordings described in Subsection (5)(g) until the later of:-}}
- 778 (a) making a log of the candidate signature packets as the signature packets are placed into storage that  
specifies:
- 780 (i) the boxes into which the candidate signature packets for a particular candidate are placed; and

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522 {~~(i)~~} (ii) ~~{the end of the calendar year}~~ which candidate signature packet is stored in which ~~{the~~  
election is held} box; ~~{or}~~ and  
523 {~~(ii)~~ ~~{if the election is contested, when the contest is resolved; and}~~}  
524 {~~(b)~~ ~~{ensure that a camera, a video, or a recording of a video described in Subsection (5)(g) may only~~  
be accessed:}}  
526 {~~(i)~~ ~~{by the election officer;}~~}  
527 {~~(ii)~~ ~~{by a custodian of the camera, video, or recording;}~~}  
528 {~~(iii)~~ ~~{by the lieutenant governor;}~~}  
529 {~~(iv)~~ ~~{by the legislative auditor general, when performing an audit; or}~~}  
530 {~~(v)~~ ~~{by, or pursuant to an order of, a court of competent jurisdiction.}~~}  
531 {~~(7)~~ ~~{An individual may not view a video, or a recording of a video, described in Subsection (5)(g):}~~}  
533 {~~(a)~~ ~~{unless the individual is an individual described in Subsection (6)(b); and}~~}  
534 {~~(b)~~ ~~{the individual views the video to the extent necessary to:}~~}  
535 {~~(i)~~ ~~{ensure compliance with Subsection (5)(g) or (6); or}~~}  
536 {~~(ii)~~} (b) ~~{investigate}~~ affixing to each box a ~~{concern relating to}~~ description of the ~~{processing}~~  
contents of ~~{batches}~~ the box.

784 Section 10. **Effective date.**

This bill takes effect on May 7, 2025.

3-3-25 9:52 AM