

# SB0164S03 compared with SB0164S02

~~{Omitted text}~~ shows text that was in SB0164S02 but was omitted in SB0164S03  
inserted text shows text that was not in SB0164S02 but was inserted into SB0164S03

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

1

2

3

4

5

6

7

8

9

11

14

16

18

**Modifications to Election Law**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor:Paul A. Cutler

---

---

**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 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 a candidate petition;
-

SB0164S02

## SB0164S02 compared with SB0164S03

requires an election officer who engages in the signature-verification process for a candidate petition to certify a certain percentage of signatures submitted beyond the required signature-gathering threshold;

▸ addresses viewing by a candidate or a candidate's campaign representative of a complete, unredacted signature packet, or a request to remove a signature from a signature packet, relating to a candidate petition for the candidate's election race;

▸ 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;

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

- submitting the packet;
- maintaining a chain of custody for a packet; and
- storing a packet;

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

▸ amends provisions relating to deadlines and the calculation of time in the Election Code;

▸ clarifies and modifies deadlines in the Election Code;

▸ includes coordination clauses:

• adding Election Day as a legal holiday, to the repeal and reenactment of Section 63G-1-301 in this bill, if this bill and H.B. 351, Election Day Amendments, both pass and become law;

• adding Easter Sunday as a legal holiday, to the repeal and reenactment of Section 63G-1-301 in this bill, if this bill and S.B. 259, State Holy Days, both pass and become law; and

• in the coordination clause described above, adding other changes made to Section 63G-1-301 in S.B. 259 to the repeal and reenactment of that section in this bill; and

▸ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides coordination clauses.

### AMENDS:

## **SB0164S02 compared with SB0164S03**

**10-3-301 , as last amended by Laws of Utah 2023, Chapter 435 , as last amended by Laws of Utah 2023, Chapter 435**

---

51 **20A-1-102 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438**

---

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-1-304 , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws of Utah 2024, Chapter 503**

---

54 **20A-1-502 , as last amended by Laws of Utah 2020, Chapter 13 , as last amended by Laws of Utah 2020, Chapter 13**

---

55 **20A-1-502.5 , as enacted by Laws of Utah 2020, Chapter 13 , as enacted by Laws of Utah 2020, Chapter 13**

---

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-1-506 , as last amended by Laws of Utah 2018, Chapter 25 , as last amended by Laws of Utah 2018, Chapter 25**

---

58 **20A-1-508 , as last amended by Laws of Utah 2022, Chapters 13, 166 and 177 , as last amended by Laws of Utah 2022, Chapters 13, 166 and 177**

---

59 **20A-1-509.1 , as last amended by Laws of Utah 2022, Chapter 13 , as last amended by Laws of Utah 2022, Chapter 13**

---

60 **20A-1-509.2 , as last amended by Laws of Utah 2019, Chapter 255 , as last amended by Laws of Utah 2019, Chapter 255**

---

61 **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**

---

62 **20A-1-510.1 , as enacted by Laws of Utah 2018, Chapter 365 , as enacted by Laws of Utah 2018, Chapter 365**

---

63 **20A-1-511 , as last amended by Laws of Utah 2020, Chapter 271 , as last amended by Laws of Utah 2020, Chapter 271**

---

64 **20A-1-512 , as last amended by Laws of Utah 2024, Chapter 388 , as last amended by Laws of Utah 2024, Chapter 388**

---

## SB0164S02 compared with SB0164S03

65	20A-1-513 , as last amended by Laws of Utah 2024, Chapter 448 , as last amended by Laws of Utah 2024, Chapter 448
66	20A-1-802 , as enacted by Laws of Utah 2014, Chapter 254 , as enacted by Laws of Utah 2014, Chapter 254
67	20A-1-803 , as enacted by Laws of Utah 2014, Chapter 254 , as enacted by Laws of Utah 2014, Chapter 254
68	20A-2-101 , as last amended by Laws of Utah 2023, Chapter 15 , as last amended by Laws of Utah 2023, Chapter 15
69	20A-2-101.1 , as last amended by Laws of Utah 2018, Chapter 223 , as last amended by Laws of Utah 2018, Chapter 223
70	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
71	20A-2-105 , as last amended by Laws of Utah 2023, Chapter 215 , as last amended by Laws of Utah 2023, Chapter 215
72	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
74	20A-2-204 , as last amended by Laws of Utah 2023, Chapter 237 , as last amended by Laws of Utah 2023, Chapter 237
75	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
77	20A-2-304 , as last amended by Laws of Utah 2022, Chapter 156 , as last amended by Laws of Utah 2022, Chapter 156
78	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
79	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

80

## SB0164S02 compared with SB0164S03

**20A-2-504 , as renumbered and amended by Laws of Utah 2023, Chapter 297 , as renumbered and amended by Laws of Utah 2023, Chapter 297**

---

81 **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**

---

83 **20A-3a-106 , as enacted by Laws of Utah 2023, Chapter 297 , as enacted by Laws of Utah 2023, Chapter 297**

84 **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**

85 **20A-3a-203 , as renumbered and amended by Laws of Utah 2020, Chapter 31 , as renumbered and amended by Laws of Utah 2020, Chapter 31**

---

86 **20A-3a-401 , as last amended by Laws of Utah 2024, Chapter 477 , as last amended by Laws of Utah 2024, Chapter 477**

---

87 **20A-3a-502 , as enacted by Laws of Utah 2020, Chapter 31 , as enacted by Laws of Utah 2020, Chapter 31**

---

88 **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**

---

90 **20A-3a-604 , as last amended by Laws of Utah 2023, Chapters 45, 435 , as last amended by Laws of Utah 2023, Chapters 45, 435**

---

91 **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**

---

92 **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**

93 **20A-3a-803 , as renumbered and amended by Laws of Utah 2020, Chapter 31 , as renumbered and amended by Laws of Utah 2020, Chapter 31**

---

94 **20A-3a-804 , as renumbered and amended by Laws of Utah 2020, Chapter 31 , as renumbered and amended by Laws of Utah 2020, Chapter 31**

---

95 **20A-3a-807 , as enacted by Laws of Utah 2022, Chapter 380 , as enacted by Laws of Utah 2022, Chapter 380**

---

## SB0164S02 compared with SB0164S03

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-4-301 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
98	20A-4-302 , as enacted by Laws of Utah 1993, Chapter 1 , as enacted by Laws of Utah 1993, Chapter 1
99	20A-4-304 , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws of Utah 2024, Chapter 503
100	20A-4-305 , as last amended by Laws of Utah 2023, Chapter 15 , as last amended by Laws of Utah 2023, Chapter 15
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-4-603 , as last amended by Laws of Utah 2022, Chapter 342 , as last amended by Laws of Utah 2022, Chapter 342
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-5-303 , as last amended by Laws of Utah 2021, Chapters 162, 345 , as last amended by Laws of Utah 2021, Chapters 162, 345
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-5-403.5 , 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
108	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
109	20A-5-410 , as last amended by Laws of Utah 2022, Chapter 248 , as last amended by Laws of Utah 2022, Chapter 248
110	20A-5-602 , as last amended by Laws of Utah 2023, Chapter 15 , as last amended by Laws of Utah 2023, Chapter 15

## SB0164S02 compared with SB0164S03

111	20A-6-105 , as last amended by Laws of Utah 2023, Chapter 406 , as last amended by Laws of Utah 2023, Chapter 406
112	20A-6-106 , as last amended by Laws of Utah 2019, Chapter 255 , as last amended by Laws of Utah 2019, Chapter 255
113	20A-6-302 , as last amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of Utah 2020, Chapter 31
114	20A-6-305 , as last amended by Laws of Utah 2020, Chapter 49 , as last amended by Laws of Utah 2020, Chapter 49
115	20A-7-103 , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah 2024, Chapter 465
116	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
117	20A-7-201 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
118	20A-7-202.5 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
119	20A-7-204 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
120	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
122	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
123	20A-7-211 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
124	20A-7-212 , as last amended by Laws of Utah 2019, Chapter 206 , as last amended by Laws of Utah 2019, Chapter 206
125	20A-7-214 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107

## SB0164S02 compared with SB0164S03

126	20A-7-216 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
127	20A-7-217 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
128	20A-7-302 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
129	20A-7-304 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
130	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
132	20A-7-308 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
133	20A-7-310 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
134	20A-7-311 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
135	20A-7-314 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
136	20A-7-315 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
137	20A-7-401.5 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116
138	20A-7-402 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
139	20A-7-501 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438
140	20A-7-502.7 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438



## SB0164S02 compared with SB0164S03

141	20A-7-504 , as last amended by Laws of Utah 2024, Chapters 438, 442 , as last amended by Laws of Utah 2024, Chapters 438, 442
142	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
143	20A-7-508 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
144	20A-7-510 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
145	20A-7-511 , as enacted by Laws of Utah 1994, Chapter 272 , as enacted by Laws of Utah 1994, Chapter 272
146	20A-7-513 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
147	20A-7-515 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
148	20A-7-516 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
149	20A-7-601 , as last amended by Laws of Utah 2024, Chapters 427, 438 , as last amended by Laws of Utah 2024, Chapters 427, 438
150	20A-7-602.7 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438
151	20A-7-602.8 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438
152	20A-7-604 , as last amended by Laws of Utah 2024, Chapters 438, 442 , as last amended by Laws of Utah 2024, Chapters 438, 442
153	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
154	20A-7-608 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
155	20A-7-609.5 , as last amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of Utah 2020, Chapter 31

## SB0164S02 compared with SB0164S03

156	20A-7-610 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
157	20A-7-611 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107
158	20A-7-613 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 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-7-702.5 , as enacted by Laws of Utah 2022, Chapter 11 , as enacted by Laws of Utah 2022, Chapter 11
162	20A-7-703 , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah 2024, Chapter 465
163	20A-7-703.1 , as enacted by Laws of Utah 2024, Chapter 465 , as enacted by Laws of Utah 2024, Chapter 465
164	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
165	20A-7-706 , as last amended by Laws of Utah 2019, Chapter 255 , as last amended by Laws of Utah 2019, Chapter 255
166	20A-7-801 , as last amended by Laws of Utah 2021, Chapter 100 , as last amended by Laws of Utah 2021, Chapter 100
167	20A-8-103 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116
168	20A-8-401 , as last amended by Laws of Utah 2019, Chapter 255 , as last amended by Laws of Utah 2019, Chapter 255
169	20A-8-402 , as last amended by Laws of Utah 2019, Chapter 255 , as last amended by Laws of Utah 2019, Chapter 255
170	20A-8-404 , as last amended by Laws of Utah 2023, Chapter 68 , as last amended by Laws of Utah 2023, Chapter 68

## SB0164S02 compared with SB0164S03

171	20A-9-201 , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah 2024, Chapter 465
172	20A-9-201.5 , as last amended by Laws of Utah 2023, Chapter 45 , as last amended by Laws of Utah 2023, Chapter 45
173	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
174	20A-9-203 , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah 2024, Chapter 465
175	20A-9-207 , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah 2024, Chapter 465
176	20A-9-403 , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws of Utah 2024, Chapter 503
177	20A-9-404 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
178	20A-9-408 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116
179	20A-9-502 , as last amended by Laws of Utah 2024, Chapter 17 , as last amended by Laws of Utah 2024, Chapter 17
180	20A-9-601 , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah 2024, Chapter 465
181	20A-11-101 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438
182	20A-11-103 , as last amended by Laws of Utah 2024, Chapter 443 , as last amended by Laws of Utah 2024, Chapter 443
183	20A-11-105 , as last amended by Laws of Utah 2019, Chapter 255 , as last amended by Laws of Utah 2019, Chapter 255
184	20A-11-201 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
185	20A-11-204 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20

## **SB0164S02 compared with SB0164S03**

186	20A-11-206 , as last amended by Laws of Utah 2023, Chapter 45 , as last amended by Laws of Utah 2023, Chapter 45
187	20A-11-301 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
188	20A-11-303 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
189	20A-11-305 , as last amended by Laws of Utah 2023, Chapter 45 , as last amended by Laws of Utah 2023, Chapter 45
190	20A-11-401 , as last amended by Laws of Utah 2018, Chapter 83 , as last amended by Laws of Utah 2018, Chapter 83
191	20A-11-402 , as last amended by Laws of Utah 2019, Chapter 74 , as last amended by Laws of Utah 2019, Chapter 74
192	20A-11-403 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
193	20A-11-507 , as last amended by Laws of Utah 2019, Chapter 74 , as last amended by Laws of Utah 2019, Chapter 74
194	20A-11-508 , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of Utah 2020, Chapter 22
195	20A-11-511 , as last amended by Laws of Utah 2019, Chapter 74 , as last amended by Laws of Utah 2019, Chapter 74
196	20A-11-512 , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of Utah 2020, Chapter 22
197	20A-11-601 , as last amended by Laws of Utah 2022, Chapter 340 , as last amended by Laws of Utah 2022, Chapter 340
198	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
199	20A-11-603 , as last amended by Laws of Utah 2022, Chapter 340 , as last amended by Laws of Utah 2022, Chapter 340
200	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

## **SB0164S02 compared with SB0164S03**

201	20A-11-702 , as last amended by Laws of Utah 2017, Chapter 276 , as last amended by Laws of Utah 2017, Chapter 276
202	20A-11-703 , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of Utah 2020, Chapter 22
203	20A-11-704 , as last amended by Laws of Utah 2018, Chapter 83 , as last amended by Laws of Utah 2018, Chapter 83
204	20A-11-705 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
205	20A-11-801 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
206	20A-11-802 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116
207	20A-11-803 , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of Utah 2020, Chapter 22
208	20A-11-1203 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
209	20A-11-1301 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
210	20A-11-1303 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
211	20A-11-1305 , as last amended by Laws of Utah 2023, Chapter 45 , as last amended by Laws of Utah 2023, Chapter 45
212	20A-11-1406 , as enacted by Laws of Utah 2003, Chapter 284 , as enacted by Laws of Utah 2003, Chapter 284
213	20A-11-1502 , as last amended by Laws of Utah 2018, Chapter 83 , as last amended by Laws of Utah 2018, Chapter 83
214	20A-11-1503 , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of Utah 2020, Chapter 22
215	20A-11-1604 , as last amended by Laws of Utah 2022, Chapter 170 , as last amended by Laws of Utah 2022, Chapter 170

## **SB0164S02 compared with SB0164S03**

216	20A-11-1605 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
217	20A-11-1702 , as enacted by Laws of Utah 2014, Chapter 60 , as enacted by Laws of Utah 2014, Chapter 60
218	20A-11-1704 , as last amended by Laws of Utah 2018, Chapter 83 , as last amended by Laws of Utah 2018, Chapter 83
219	20A-12-303 , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20
220	20A-12-305 , as last amended by Laws of Utah 2019, Chapter 255 , as last amended by Laws of Utah 2019, Chapter 255
221	20A-12-306 , as last amended by Laws of Utah 2010, Chapter 389 , as last amended by Laws of Utah 2010, Chapter 389
222	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
223	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
224	20A-13-301 , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of Utah 2020, Chapter 22
225	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
227	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
229	20A-14-201 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
230	20A-15-103 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116
231	20A-15-201 , as enacted by Laws of Utah 1995, Chapter 1 , as enacted by Laws of Utah 1995, Chapter 1
232	20A-16-202 , as last amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of Utah 2020, Chapter 31

## SB0164S02 compared with SB0164S03

20A-16-403 , as last amended by Laws of Utah 2023, Chapter 215 , as last amended by Laws of Utah 2023, Chapter 215

20A-16-502 , as last amended by Laws of Utah 2023, Chapter 215 , as last amended by Laws of Utah 2023, Chapter 215

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

### 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

### REPEALS AND REENACTS:

20A-1-104 , as renumbered and amended by Laws of Utah 2019, Chapter 255 , as renumbered and amended by Laws of Utah 2019, Chapter 255

63G-1-301 , as last amended by Laws of Utah 2022, Chapter 331 , as last amended by Laws of Utah 2022, Chapter 331

### Utah Code Sections affected by Coordination Clause:

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

Section 1. Section 10-3-301 is amended to read:

**10-3-301. Notice -- Eligibility and residency requirements for elected municipal office -- Mayor and recorder limitations.**

(1) As used in this section:

(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.

(b) "Principal place of residence" means the same as that term is defined in Section 20A-2-105.

(c) "Secondary residence" means a place where an individual resides other than the individual's principal place of residence.

(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:

## SB0164S02 compared with SB0164S03

- 260 (i) the municipal offices to be voted on in the municipal general election; and  
261 (ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (2)(a)  
(i).
- 263 (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.
- 265 (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.
- 267 (b)
- (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of each municipality shall  
maintain office hours from 8 a.m. to 5 p.m. [on the dates described in Subsections 20A-9-203(3)  
(a)(i) and (c)(i)] during the filing period described in Subsection 20A-9-203(3)(d). unless the date  
occurs on a:
- 271 (A) Saturday or Sunday; or  
272 (B) state holiday as listed in Section 63G-1-301.
- 273 (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:
- 276 (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
- 279 (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).
- 281 (4) An individual elected to municipal office shall be a registered voter in the municipality in which the  
individual is elected.
- 283 (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.
- 286 (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:



## SB0164S02 compared with SB0164S03

- 288 (i) establishes a principal place of residence outside the district that the elected officer represents;  
290 (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;  
293 (iii) is absent from the district that the elected officer represents for a continuous period of more than 60  
days; or  
295 (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 seeking information to determine the  
officer's residency.
- 298 (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:  
302 (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  
305 (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.
- 307 (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:  
309 (i) whether the legislative body should give the consent; and  
310 (ii) the length of time to which the legislative body should consent.
- 311 (7)  
(a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.  
313 (b) The recorder of a municipality may not also serve as the municipal treasurer.  
314 (c) An individual who holds a county elected office may not, at the same time, hold a municipal elected  
office.  
316 (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.

318 Section 2. Section 20A-1-102 is amended to read:

319 **20A-1-102. Definitions.**

## SB0164S02 compared with SB0164S03

As used in this title:

- 321 (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the  
county clerk.
- 323 (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes  
recorded on ballots and tabulates the results.
- 325 (3)
- (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium,  
that records an individual voter's vote.
- 327 (b) "Ballot" does not include a record to tally multiple votes.
- 328 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for  
their approval or rejection including:
- 330 (a) an opinion question specifically authorized by the Legislature;
- 331 (b) a constitutional amendment;
- 332 (c) an initiative;
- 333 (d) a referendum;
- 334 (e) a bond proposition;
- 335 (f) a judicial retention question;
- 336 (g) an incorporation of a city or town; or
- 337 (h) any other ballot question specifically authorized by the Legislature.
- 338 (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.
- 341 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to  
canvass election returns.
- 343 (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed  
issuance of bonds by a government entity.
- 345 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.
- 347 [(8)] (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by the  
sender.
- 349 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday, a business  
day, or any other type of day.

## SB0164S02 compared with SB0164S03

- 351     ~~[(9)]~~ (11) "Canvass" means the review of election returns and the official declaration of election results  
by the board of canvassers.
- 353     ~~[(10)]~~ (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the  
canvass.
- 355     ~~[(11)]~~ (13) "Contracting election officer" means an election officer who enters into a contract or  
interlocal agreement with a provider election officer.
- 357     ~~[(12)]~~ (14) "Convention" means the political party convention at which party officers and delegates are  
selected.
- 359     ~~[(13)]~~ (15) "Counting center" means one or more locations selected by the election officer in charge of  
the election for the automatic counting of ballots.
- 361     ~~[(14)]~~ (16) "Counting judge" means a poll worker designated to count the ballots during election day.
- 363     ~~[(15)]~~ (17) "Counting room" means a suitable and convenient private place or room for use by the poll  
workers and counting judges to count ballots.
- 365     ~~[(16)]~~ (18) "County officers" means those county officers that are required by law to be elected.
- 367     ~~[(17)]~~ (19) "Date of the election" or "election day" or "day of the election":
- 368     (a) means the day that is specified in the calendar year as the day ~~[that]~~ on which the election occurs;  
and
- 370     (b) does not include:
- 371     (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or
- 373     (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.
- 375     ~~[(18)]~~ (20) "Elected official" means:
- 376     (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate  
Voting Methods Pilot Project;
- 378     (b) a person who is considered to be elected to a municipal office in accordance with Subsection  
20A-1-206(1)(c)(ii); or
- 380     (c) a person who is considered to be elected to a special district office in accordance with Subsection  
20A-1-206(3)(b)(ii).
- 382     ~~[(19)]~~ (21) "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.

385

## SB0164S02 compared with SB0164S03

[~~(20)~~] (22) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

387 [~~(21)~~] (23) "Election cycle" means the period beginning on the first day ~~[persons]~~ on which individuals  
are eligible to file declarations of candidacy and ending when the canvass is completed.

390 [~~(22)~~] (24) "Election judge" means a poll worker that is assigned to:

391 (a) preside over other poll workers at a polling place;

392 (b) act as the presiding election judge; or

393 (c) serve as a canvassing judge, counting judge, or receiving judge.

394 [~~(23)~~] (25) "Election officer" means:

395 (a) the lieutenant governor, for all statewide ballots and elections;

396 (b) the county clerk for:

397 (i) a county ballot and election; and

398 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5;

400 (c) the municipal clerk for:

401 (i) a municipal ballot and election; and

402 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5;

404 (d) the special district clerk or chief executive officer for:

405 (i) a special district ballot and election; and

406 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5; or

408 (e) the business administrator or superintendent of a school district for:

409 (i) a school district ballot and election; and

410 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5.

412 [~~(24)~~] (26) "Election official" means any election officer, election judge, or poll worker.

413 [~~(25)~~] (27) "Election results" means:

414 (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

## SB0164S02 compared with SB0164S03

(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.

418 [(26)] (28) "Election returns" includes:

419 (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

423 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a ballot.

425 [(27)] (29) "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.

428 (30) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).

429 [(28)] (31) "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).

431 [(29)] (32) "Judicial office" means the office filled by any judicial officer.

432 [(30)] (33) "Judicial officer" means any justice or judge of a court of record or any county court judge.

434 [(31)] (34) "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.

437 [(32)] (35) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

439 [(33)] (36) "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.

442 [(34)] (37) "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.

445 [(35)] (38) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

447 (a) is created via electronic or mechanical means; and

448 (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.

451 [(36)] (39) "Municipal executive" means:

452 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or

453 (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

## SB0164S02 compared with SB0164S03

455     ~~[(37)]~~ (40) "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.

458     ~~[(38)]~~ (41) "Municipal legislative body" ~~[meansthe]~~ means the council of the city or town in any form  
of municipal government.

460     ~~[(39)]~~ (42) "Municipal office" means an elective office in a municipality.

461     ~~[(40)]~~ (43) "Municipal officers" means those municipal officers that are required by law to be elected.

463     ~~[(41)]~~ (44) "Municipal primary election" means an election held to nominate candidates for municipal  
office.

465     ~~[(42)]~~ (45) "Municipality" means a city or town.

466     ~~[(43)]~~ (46) "Official ballot" means the ballots distributed by the election officer for voters to record  
their votes.

468     ~~[(44)]~~ (47) "Official endorsement" means the information on the ballot that identifies:

469     (a) the ballot as an official ballot;

470     (b) the date of the election; and

471     (c)

473     (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

475     (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

477     ~~[(45)]~~ (48) "Official register" means the official record furnished to election officials by the election  
officer that contains the information required by Section 20A-5-401.

480     ~~[(46)]~~ (49) "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.

482     ~~[(47)]~~ (50)

483     (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or  
counting votes.

484     (b) "Poll worker" includes election judges.

485     (c) "Poll worker" does not include a watcher.

486     ~~[(48)]~~ (51) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

487     ~~[(49)]~~ (52) "Polling place" means a building where voting is conducted.

## SB0164S02 compared with SB0164S03

[~~(50)~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

489 [~~(51)~~] (54) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

491 [~~(52)~~] (55) "Primary convention" means the political party conventions held during the year of the regular general election.

493 [~~(53)~~] (56) "Protective counter" means a separate counter, which cannot be reset, that:

494 (a) is built into a voting machine; and

495 (b) records the total number of movements of the operating lever.

496 [~~(54)~~] (57) "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.

500 [~~(55)~~] (58) "Provisional ballot" means a ballot voted provisionally by a person:

501 (a) whose name is not listed on the official register at the polling place;

502 (b) whose legal right to vote is challenged as provided in this title; or

503 (c) whose identity was not sufficiently established by a poll worker.

504 [~~(56)~~] (59) "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.

507 [~~(57)~~] (60)

(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.

511 (b) "Public figure" does not include an individual:

512 (i) elected to public office; or

513 (ii) appointed to fill a vacancy in an elected public office.

514 [~~(58)~~] (61) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

516 [~~(59)~~] (62) "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.

518

## SB0164S02 compared with SB0164S03

~~[(60)]~~ (63) "Registration form" means a form by which an individual may register to vote under this title.

520 ~~[(61)]~~ (64) "Regular ballot" means a ballot that is not a provisional ballot.

521 ~~[(62)]~~ (65) "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.

524 ~~[(63)]~~ (66) "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.

527 ~~[(64)]~~ (67) "Resident" means a person who resides within a specific voting precinct in Utah.

528 ~~[(65)]~~ (68) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

530 (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

532 (b) that includes the voter affidavit and a place for the voter's signature.

533 ~~[(66)]~~ (69) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

535 ~~[(67)]~~ (70) "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.

538 ~~[(68)]~~ (71) "Special district officers" means those special district board members who are required by law to be elected.

540 ~~[(69)]~~ (72) "Special election" means an election held as authorized by Section 20A-1-203.

541 ~~[(70)]~~ (73) "Spoiled ballot" means each ballot that:

542 (a) is spoiled by the voter;

543 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

544 (c) lacks the official endorsement.

545 ~~[(71)]~~ (74) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

547 ~~[(72)]~~ (75) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.



## SB0164S02 compared with SB0164S03

- 549     ~~[(73)]~~ (76) "Ticket" means a list of:
- 550     (a) political parties;
- 551     (b) candidates for an office; or
- 552     (c) ballot propositions.
- 553     ~~[(74)]~~ (77) "Transfer case" means the sealed box used to transport voted ballots to the counting center.
- 555     ~~[(75)]~~ (78) "Vacancy" means:
- 556     (a) except as provided in Subsection ~~[(75)(b)]~~ (78)(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
- 559     (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.
- 562     ~~[(76)]~~ (79) "Valid voter identification" means:
- 563     (a) a form of identification that bears the name and photograph of the voter which may include:
- 565     (i) a currently valid Utah driver license;
- 566     (ii) a currently valid identification card that is issued by:
- 567     (A) the state; or
- 568     (B) a branch, department, or agency of the United States;
- 569     (iii) a currently valid Utah permit to carry a concealed weapon;
- 570     (iv) a currently valid United States passport; or
- 571     (v) a currently valid United States military identification card;
- 572     (b) one of the following identification cards, whether or not the card includes a photograph of the voter:
- 574     (i) a valid tribal identification card;
- 575     (ii) a Bureau of Indian Affairs card; or
- 576     (iii) a tribal treaty card; or
- 577     (c) two forms of identification not listed under Subsection ~~[(76)(a) or (b)]~~ (79)(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:
- 580     (i) a current utility bill or a legible copy thereof, dated within the 90 calendar days before the day of the  
election;
- 582     (ii) a bank or other financial account statement, or a legible copy thereof;
- 583     (iii) a certified birth certificate;

## SB0164S02 compared with SB0164S03

- 584 (iv) a valid social security card;
- 585 (v) a check issued by the state or the federal government or a legible copy thereof;
- 586 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 587 (vii) a currently valid Utah hunting or fishing license;
- 588 (viii) certified naturalization documentation;
- 589 (ix) a currently valid license issued by an authorized agency of the United States;
- 590 (x) a certified copy of court records showing the voter's adoption or name change;
- 591 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 592 (xii) a currently valid identification card issued by:
- 593 (A) a local government within the state;
- 594 (B) an employer for an employee; or
- 595 (C) a college, university, technical school, or professional school located within the state; or
- 597 (xiii) a current Utah vehicle registration.
- 598 [~~(77)~~] (80) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by  
following the procedures and requirements of this title.
- 600 [~~(78)~~] (81) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 602 (a) mailing the ballot to the location designated in the mailing; or
- 603 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 604 [~~(79)~~] (82) "Voter" means an individual who:
- 605 (a) meets the requirements for voting in an election;
- 606 (b) meets the requirements of election registration;
- 607 (c) is registered to vote; and
- 608 (d) is listed in the official register book.
- 609 [~~(80)~~] (83) "Voter registration deadline" means the registration deadline provided in Section  
20A-2-102.5.
- 611 [~~(81)~~] (84) "Voting area" means the area within six feet of the voting booths, voting machines, and  
ballot box.
- 613 [~~(82)~~] (85) "Voting booth" means:
- 614 (a) the space or compartment within a polling place that is provided for the preparation of ballots,  
including the voting enclosure or curtain; or
- 616 (b) a voting device that is free standing.

## SB0164S02 compared with SB0164S03

617 [(83)] (86) "Voting device" means any device provided by an election officer for a voter to vote a  
mechanical ballot.

619 [(84)] (87) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5,  
Part 3, Duties of the County and Municipal Legislative Bodies.

621 [(85)] (88) "Watcher" means an individual who complies with the requirements described in Section  
20A-3a-801 to become a watcher for an election.

623 [(86)] (89) "Write-in ballot" means a ballot containing any write-in votes.

624 [(87)] (90) "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.

626 Section 3. Section **20A-1-104** is repealed and re-enacted to read:

### 627 **20A-1-104. Computation of time.**

628 (1) Time is computed in this title as provided in this section.

629 (2) Except as provided in Subsection (3), or as otherwise expressly provided in this title:

630 (a) if a provision describes a time period in terms of a certain number of calendar days:

631 (i) the time period is calculated by consecutive days; and

632 (ii) the beginning and ending day of the time period is the calendar day on which the time period begins  
or ends;

634 (b) if a provision describes a time period in terms of a certain number of business days, only the  
business days are included in the calculation; and

636 (c) if a provision describes a time period in terms of a certain number of days rather than calendar days  
or business days, the days referred to mean calendar days.

638 (3) A time period that relates to filing an action or document in court is calculated as provided in court  
rule.

### 640 Section 4. Section **20A-1-206** is amended to read:

641 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special districts --  
Notice.**

643 (1) As used in this section:

644 (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.

647 (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.

## SB0164S02 compared with SB0164S03

- 649 (c)
- (i) "Race" means a contest between candidates to obtain the number of votes necessary to take a particular public office.
- 651 (ii) "Race," as the term relates to a contest for an at-large position, includes all open positions for the same at-large office.
- 653 (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.
- 656 (2) A municipal legislative body may cancel a local election if:
- 657 (a) the ballot for the local election will not include any contested races or ballot propositions; and
- 659 (b) the municipal legislative body passes, no later than 20 calendar days before the day of the scheduled election, a resolution that cancels the election and certifies that:
- 661 (i) the ballot for the election would not include any contested races or ballot propositions; and
- 663 (ii) the candidates who qualified for the ballot are considered elected.
- 664 (3) A municipal legislative body may cancel a race in a local election if:
- 665 (a) the ballot for the race will not include any contested races or ballot propositions; and
- 666 (b) the municipal legislative body passes, no later than 20 calendar days before the day of the scheduled election, a resolution that cancels the race and certifies that:
- 668 (i) the ballot for the race would not include any contested races or ballot propositions; and
- 670 (ii) the candidate for the race is considered elected.
- 671 (4) A municipal legislative body that cancels a local election in accordance with Subsection (2) shall give notice that the election is cancelled by:
- 673 (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 at least 15 [consecutive] calendar days before the day of the scheduled election; and
- 677 (b) providing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 15 calendar days before the day of the scheduled election.
- 679 (5) A special district board may cancel a local election if:
- 680 (a) the ballot for the local election will not include any contested races or ballot propositions; and
- 682 (b) the special district board passes, no later than 20 calendar days before the day of the scheduled election, a resolution that cancels the election and certifies that:
- 684 (i) the ballot for the election would not include any contested races or ballot propositions; and

## SB0164S02 compared with SB0164S03

- 686 (ii) the candidates who qualified for the ballot are considered elected.
- 687 (6) A special district board may cancel a special district race if:
- 688 (a) the race is uncontested; and
- 689 (b) the special district board passes, no later than 20 calendar 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.
- 692 (7) A special district that cancels a local election in accordance with Subsection (5) shall provide notice that the election is cancelled:
- 694 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for at least 15 [~~consecutive~~] calendar days before the day of the scheduled election; and
- 697 (b) as a class A notice under Section 63G-30-102, for at least 15 calendar days before the day of the scheduled election.
- 699 (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.

### Section 5. Section 20A-1-304 is amended to read:

#### **20A-1-304. Tie votes.**

- 706 (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.
- 708 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no later than the first business day that is at least three calendar days after the day on which the recount canvass is completed:
- 712 (a) determine the winning candidate, by lot, in whatever manner the election officer determines; and
- 714 (b) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.
- 717 (3)
- (a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a national, statewide, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and held

## SB0164S02 compared with SB0164S03

no later than the first business day that is at least three calendar days after the day on which the recount canvass is completed:

- (i) determine the winning nominee, by lot, in whatever manner the governor determines; and
- (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.

(b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and held no later than the first business day that is at least three calendar days after the day on which the recount canvass is completed:

- (i) determine the winning nominee, by lot, in whatever manner the judges determine; and
- (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.

### Section 6. Section 20A-1-502 is amended to read:

#### **20A-1-502. Midterm vacancy in office of United States senator.**

(1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of United States senator, the governor shall, within seven calendar days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:

(a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:

- (i) a municipal general election;
- (ii) a presidential primary election;
- (iii) a regular primary election; or
- (iv) a regular general election;

(b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (iv) that is more than 90 calendar days after the day on which the governor issues the proclamation;

(c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 calendar days after the primary special congressional election described in Subsection (1)(b);

## SB0164S02 compared with SB0164S03

- (d) provides each registered political party that is not a qualified political party at least 21 calendar days, but no more than 28 calendar days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;
  - (e) for each qualified political party, provides at least 21 calendar days, but no more than 28 calendar days:
    - (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and
    - (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;
  - (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and
  - (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.
- (2)
- (a) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
    - (i) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
    - (ii) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
  - (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven calendar days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).

## SB0164S02 compared with SB0164S03

(3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:

(a) the next regular general election that occurs after the day on which the vacancy occurs is the regular general election that occurs immediately before the six-year term for the senate office ends; and

(b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).

(4)

(a) The governor shall appoint an individual to temporarily fill a vacancy in the office of United States senator from one of three individuals nominated by the Legislature, each of whom is a member of the political party of which the prior officeholder was a member at the time the prior officeholder was elected.

(b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:

(i) the vacancy is filled by election under Subsection (1) or (2); or

(ii) the six-year term for the senate office ends.

(5) An individual elected to fill a vacancy under this section shall serve until the end of the current term in which the vacancy filled by the election occurs.

(6) A vacancy in the office of United States senator does not occur unless the senator:

(a) has left the office; or

(b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

Section 7. Section 20A-1-502.5 is amended to read:

**20A-1-502.5. Midterm vacancy in office of United States representative.**

(1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of United States representative, the governor shall, within seven calendar days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:

(a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:

(i) a municipal general election;

(ii) a presidential primary election;

(iii) a regular primary election; or



## SB0164S02 compared with SB0164S03

- 821 (iv) a regular general election;
- 822 (b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (iv) that is more than 90 calendar days after the day on which the governor issues the proclamation;
- 825 (c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 calendar days after the primary special congressional election described in Subsection (1)(b);
- 828 (d) provides each registered political party that is not a qualified political party at least 21 calendar days, but no more than 28 calendar days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;
- 832 (e) for each qualified political party, provides at least 21 calendar days, but no more than 28 calendar days:
- 834 (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and
- 837 (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;
- 840 (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and
- 843 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.
- 845 (2) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
- 848 (a) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
- 851 (b) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
- 855 (3) If the Legislature does not, under Subsection (2), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within

## SB0164S02 compared with SB0164S03

seven calendar days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).

(4) A special congressional election to fill a vacancy in the office of United States representative will not be held if the vacancy occurs fewer than 180 calendar days before the next regular general election.

(5) An individual who fills a vacancy under this section shall serve until the end of the current term in which the vacancy occurs.

(6) A vacancy in the office of United States representative does not occur unless the representative:

(a) has left the office; or

(b) submits an irrevocable letter of resignation to the governor or to the speaker of the United States House of Representatives.

### Section 8. Section 20A-1-503 is amended to read:

#### **20A-1-503. Midterm vacancies in the Legislature.**

(1) As used in this section:

(a) "Filing deadline" means the final date for filing:

(i) a declaration of candidacy as provided in Section 20A-9-202; and

(ii) a certificate of nomination as provided in Section 20A-9-503.

(b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

(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.

(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.

(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.

## SB0164S02 compared with SB0164S03

- 889 (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 shall:
- 892 (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 calendar 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:
- 896 (A) a declaration of candidacy; or
- 897 (B) a certificate of nomination; and
- 898 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 899 (A) on the lieutenant governor's website; and
- 900 (B) to each registered political party.
- 901 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 902 (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
- 906 (ii) run in the regular general election if:
- 907 (A) nominated as a party candidate; or
- 908 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
- 910 (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 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 before 5 p.m. no later than August 30 for placement on the regular general election ballot.
- 916 (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.

920 Section 9. Section 20A-1-506 is amended to read:

921 **20A-1-506. Vacancy in the office of justice court judge.**

## SB0164S02 compared with SB0164S03

- 922 (1) As used in this section:
- 923 (a) "Appointing authority" means:
- 924 (i) for a county:
- 925 (A) the chair of the county commission in a county having the county commission or expanded county  
commission form of county government; and
- 927 (B) the county executive in a county having the county executive-council form of government; and
- 929 (ii) for a city or town, the mayor of the city or town.
- 930 (b) "Local legislative body" means:
- 931 (i) for a county, the county commission or county council; and
- 932 (ii) for a city or town, the council of the city or town.
- 933 (2)
- (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of the  
judge's term of office, the appointing authority:
- 935 (i) shall fill the vacancy by following the procedures and requirements for appointments in Section  
78A-7-202; and
- 937 (ii) may contract with a justice court judge of the county, an adjacent county, or another  
municipality within those counties for judicial services until the vacancy is filled.
- 940 (b) The appointing authority shall notify the Administrative Office of the Courts in writing of an  
appointment of a municipal justice court judge under this section within 30 calendar days after the  
day on which the appointment is made.
- 943 (3)
- (a) If a vacancy occurs in the office of a county justice court judge before the completion of the judge's  
term of office, the appointing authority shall fill the vacancy by following the procedures and  
requirements for appointments in Section 78A-7-202.
- 947 (b) The appointing authority shall notify the Administrative Office of the Courts in writing of an  
appointment of a county justice court judge under this section within 30 calendar days after the day  
on which the appointment is made.
- 950 (4)
- (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:
- 952 (i) advertise the vacancy and solicit applications for the vacancy;
- 953 (ii) appoint the best qualified candidate to office based solely upon fitness for office;

## SB0164S02 compared with SB0164S03

(iii) comply with the procedures and requirements of Title 52, Chapter 3, Prohibiting Employment of Relatives, in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.

(b) If the local legislative body does not confirm the appointment within 30 calendar days [of submission] after the day on which the appointing authority submits the name of the appointee to the local legislative body, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

Section 10. Section 20A-1-508 is amended to read:

**20A-1-508. Midterm vacancies in county elected offices -- Temporary manager -- Interim replacement.**

(1) As used in this section:

(a)

(i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.

(ii) "County offices" does not include the office of county attorney, district attorney, or judge.

(b) "Party liaison" means the political party officer designated to serve as a liaison with each county legislative body on all matters relating to the political party's relationship with a county as required by Section 20A-8-401.

(2)

(a) Except as provided in Subsection (2)(d), until a county legislative body appoints an interim replacement to fill a vacant county office under Subsection (3), the following shall temporarily discharge the duties of the county office as a temporary manager:

(i) for a county office with one chief deputy, the chief deputy;

(ii) for a county office with more than one chief deputy:

(A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or

(B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's chief deputies to discharge the duties of the county office in the event the county officer vacates the office, the designated chief deputy; or

(iii) for a county office without a chief deputy:

## SB0164S02 compared with SB0164S03

- 988 (A) if one management-level employee serving under the county office has a higher-seniority  
management level than any other employee serving under the county office, that management-level  
employee;
- 991 (B) if two or more management-level employees serving under the county office have the same and  
highest-seniority management level, the highest-seniority management-level employee with the  
most cumulative time served in the employee's current position; or
- 995 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county officer vacates  
the office, the county officer files with the county clerk a written statement designating one of the  
county officer's employees to discharge the county officer's duties in the event the county officer  
vacates the office, the designated employee.
- 1000 (b) Except as provided in Subsection (2)(c), a temporary manager described in Subsection (2)(a) who  
temporarily discharges the duties of a county office holds the powers and duties of the county office  
until the county legislative body appoints an interim replacement under Subsection (3).
- 1004 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a  
county office:
- 1006 (i) may not take an oath of office for the county office as a temporary manager;
- 1007 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, and the  
county's budget ordinances and policies;
- 1009 (iii) unless approved by the county legislative body, may not change the compensation of an employee;
- 1011 (iv) unless approved by the county legislative body, may not promote or demote an employee or change  
an employee's job title;
- 1013 (v) may terminate an employee only if the termination is conducted in accordance with:
- 1015 (A) personnel rules described in Subsection 17-33-5(4) that are approved by the county legislative  
body; and
- 1017 (B) applicable law;
- 1018 (vi) unless approved by the county legislative body, may not exceed by more than 5% an expenditure  
that was planned before the county office for which the temporary manager discharges duties was  
vacated;
- 1021 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation;  
and
- 1023 (viii) if approved by the county legislative body, may receive a performance award after:

## SB0164S02 compared with SB0164S03

- 1025 (A) the county legislative body appoints an interim replacement under Subsection (3); and  
1027 (B) the interim replacement is sworn into office.
- 1028 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.  
1030 (3)
- (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (3).
- 1033 (b)
- (i) To appoint an interim replacement, the county legislative body shall, within 10 calendar days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison of the same political party of the prior office holder and invite that party liaison to submit the name of an individual to fill the vacancy.
- 1037 (ii) That party liaison shall, [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least 30 calendar days after the day on which the liaison receives the notice described in Subsection (3)(b)(i), or if the party liaison does not receive the notice, [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least 40 calendar days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual the party selects in accordance with the party's constitution or bylaws to serve as the interim replacement.
- 1045 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after the day on which a party liaison submits the name of the individual to serve as the interim replacement, appoint the individual to serve out the unexpired term.
- 1048 (c)
- (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later than [~~five~~] seven calendar days after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter that:
- 1052 (A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and
- 1054 (B) contains the name of the individual submitted by the party liaison to fill the vacancy.  
1056

## SB0164S02 compared with SB0164S03

- (ii) The governor shall, within 10 calendar days after the day on which the governor receives the letter described in Subsection (3)(c)(i), appoint the individual named by the party liaison as an interim replacement to fill the vacancy.
- 1059 (d) An individual appointed as interim replacement under this Subsection (3) shall hold office until a successor is elected and has qualified.
- 1061 (4)
- (a) The requirements of this Subsection (4) apply to all county offices that become vacant if:
- 1063 (i) the vacant office has an unexpired term of two years or more; and
- 1064 (ii) the vacancy occurs after the election at which the officeholder was elected, but before the first day of the declaration of candidacy filing period described in Section 20A-9-201.5.
- 1067 (b)
- (i) When the conditions described in Subsection (4)(a) are met, the county clerk shall as soon as practicable, but no later than 180 calendar days before the next regular general election, notify the public and each registered political party that the vacancy exists.
- 1071 (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of candidacy in accordance with:
- 1073 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 1075 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
- 1077 (iii) An individual who is nominated as a party candidate, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- 1082 (5)
- (a) The requirements of this Subsection (5) apply to all county offices that become vacant if:
- 1084 (i) the vacant office has an unexpired term of two years or more; and
- 1085 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period described in Section 20A-9-201.5, but more than 75 calendar days before the regular primary election.
- 1088 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as soon as practicable, but no later than 70 calendar days before the next regular primary election, notify the public and each registered political party:



## SB0164S02 compared with SB0164S03

- 1091 (i) that the vacancy exists; and
- 1092 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established under Subsection (5)
- 1094 (d)(ii).
- (c)
- (i) An individual intending to become a party candidate for a vacant office shall, [~~within~~] no later than 5 p.m. on the first business day that is at least five calendar days after the day on which the notice is given, [~~ending at the close of normal office hours on the fifth day,~~] file a declaration of candidacy for the vacant office in accordance with:
- 1099 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 1101 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
- 1103 (ii) The county central committee of each party shall:
- 1104 (A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
- 1106 (B) certify the name of the candidate or candidates to the county clerk as soon as practicable, but [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 60 calendar days before the day of the regular primary election.
- 1110 (d)
- (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a candidate for a vacant office who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
- 1115 (ii)
- (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline that is [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular general election by which an individual who is not affiliated with a registered political party is required to submit a certificate of nomination under Subsection (5)(d) (i).
- 1121 (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal opportunity to access the regular general election ballot.
- 1124 (e) An individual who is nominated as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a

## SB0164S02 compared with SB0164S03

Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

- 1129 (6)
- (a) The requirements of this Subsection (6) apply to all county offices that become vacant:
- 1131 (i) if the vacant office has an unexpired term of two years or more; and
- 1132 (ii) when 75 calendar days or less remain before the day of the regular primary election but more than 65 calendar days remain before the day of the regular general election.
- 1135 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as soon as practicable, notify the public and each registered political party:
- 1137 (i) that the vacancy exists; and
- 1138 (ii) of the deadlines established under Subsection (6)(d).
- 1139 (c)
- (i) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(A), the county central committee of each registered political party that wishes to submit a candidate for the office shall certify the name of one candidate to the county clerk for placement on the regular general election ballot.
- 1143 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B), a candidate who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
- 1148 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of candidacy described in Section 20A-9-601.
- 1151 (d)
- (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines that are [~~before 5 p.m.~~ no later than 5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular general election by which:
- 1155 (A) a registered political party is required to certify a name under Subsection (6)(c)(i);
- 1157 (B) an individual who does not wish to affiliate with a registered political party is required to submit a certificate of nomination under Subsection (6)(c)(ii); and
- 1159

## SB0164S02 compared with SB0164S03

- (C) a write-in candidate is required to submit a declaration of candidacy under Subsection (6)(c) (iii).
- 1161 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the regular general election ballot.
- 1164 (e) An individual who is certified as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- 1169 (7)
- (a) The requirements of this Subsection (7) apply to all county offices that become vacant:
- 1171 (i) if the vacant office has an unexpired term of less than two years; or
- 1172 (ii) if the vacant office has an unexpired term of two years or more but 65 calendar days or less remain before the day of the next regular general election.
- 1174 (b)
- (i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon as practicable, but no later than 10 calendar days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison of the same political party as the prior office holder and invite that party liaison to submit the name of an individual to fill the vacancy.
- 1179 (ii) That party liaison shall, [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least 30 calendar days after the day on which the party liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison does not receive the notice, [~~before 5 p.m. no later than~~] no later than 5 p.m. on the first business day that is at least 40 calendar days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.
- 1186 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after the day on which a party liaison submits the name of the individual to fill the vacancy, appoint the individual to serve out the unexpired term.
- 1189 (c)
- (i) If the county legislative body fails to appoint an individual to fill the vacancy in accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

## SB0164S02 compared with SB0164S03

- 1192 (A) informs the governor that the county legislative body has failed to appoint an individual to fill  
the vacancy within the statutory time period; and
- 1194 (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
- 1196 (ii) The governor shall, within 10 calendar days after the day on which the governor receives the  
letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill the  
vacancy.
- 1199 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a  
successor is elected and has qualified.
- 1201 (8) Except as otherwise provided by law, the county legislative body may appoint replacements to fill  
all vacancies that occur in those offices filled by appointment of the county legislative body.
- 1204 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from  
filing a certificate of nomination for a vacant office within the same time limits as a candidate that is  
affiliated with a political party.
- 1207 (10)
- (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a county office shall  
serve for the remainder of the unexpired term of the individual who created the vacancy and until a  
successor is elected and qualified.
- 1210 (b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-16-6.
- 1212 Section 11. Section 20A-1-509.1 is amended to read:
- 1213 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more  
attorneys.**
- 1215 (1) When a vacancy occurs in the office of county or district attorney in a county or district having 15  
or more attorneys who are licensed active members in good standing with the Utah State Bar and  
registered voters, the vacancy shall be filled as provided in this section.
- 1219 (2)
- (a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1221 (i) the vacant office has an unexpired term of two years or more; and
- 1222 (ii) the vacancy occurs before the first day of the declaration of candidacy filing period described in  
Section 20A-9-201.5.
- 1224

## SB0164S02 compared with SB0164S03

(b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(c) All persons intending to become candidates for the vacant office shall:

(i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

(ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and

(iii) if elected, complete the unexpired term of the person who created the vacancy.

(d) If the vacancy occurs during the declaration of candidacy filing period described in Section 20A-9-201.5:

(i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m. on the first business day that is no later than seven calendar days after the last day of the filing period described in Section 20A-9-201.5; and

(ii) the county clerk shall notify the public and each registered political party that the vacancy exists.

(3)

(a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than 75 calendar days before the regular primary election.

(b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:

(i) notify the public and each registered political party that the vacancy exists; and

(ii) identify the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.

(c) All persons intending to become candidates for the vacant office shall:

(i) [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least five calendar days after the day on which the county clerk gives the notice described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

(ii) if elected, complete the unexpired term of the person who created the vacancy.

(d) The county central committee of each party shall:

## SB0164S02 compared with SB0164S03

- 1257 (i) select a candidate or candidates from among those qualified candidates who have filed declarations  
of candidacy; and
- 1259 (ii) certify the name of the candidate or candidates to the county clerk:
- 1260 (A) [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 60 calendar  
days before the day of the regular primary election; or
- 1262 (B) electronically, before midnight no later than 60 calendar days before the day of the regular primary  
election.
- 1264 (4)
- (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1266 (i) the vacant office has an unexpired term of two years or more; and
- 1267 (ii) 75 calendar days or less remain before the regular primary election but more than 65 calendar  
days remain before the regular general election.
- 1269 (b) When the conditions established in Subsection (4)(a) are met, the county central committees of  
each registered political party that wish to submit a candidate for the office shall, not later than five  
calendar days after the day on which the vacancy occurs, certify the name of one candidate to the  
county clerk for placement on the regular general election ballot.
- 1274 (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- 1276 (5)
- (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1278 (i) the vacant office has an unexpired term of less than two years; or
- 1279 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days or less  
remain before the next regular general election.
- 1281 (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall  
give notice of the vacancy to the county central committee of the same political party of the prior  
officeholder and invite that committee to submit the names of three nominees to fill the vacancy.
- 1285 (c) That county central committee shall, within 30 calendar days after the day on which the county  
legislative body gives the notice described in Subsection (5)(b), submit to the county legislative  
body the names of three nominees to fill the vacancy.

1288

## SB0164S02 compared with SB0164S03

(d) The county legislative body shall, within 45 calendar days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 45 calendar days, the county clerk shall send to the governor a letter that:

(i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(ii) contains the list of nominees submitted by the party central committee.

(f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 calendar days after ~~[receipt of the letter]~~ the day on which the governor receives the letter described in Subsection (5)(e).

(g) A person appointed to fill the vacancy under this Subsection (5) shall complete the unexpired term of the person who created the vacancy.

(6) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

### Section 12. Section 20A-1-509.2 is amended to read:

#### **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than 15 attorneys.**

(1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:

(a) informs the attorney of the vacancy;

(b) invites the attorney to apply for the vacancy; and

(c) informs the attorney that if the attorney ~~[has not responded]~~ does not respond before 5 p.m. ~~[within]~~ on the first business day that is at least 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

(3)

(a)

## SB0164S02 compared with SB0164S03

- 1325 (i) If, before the deadline described in Subsection (2)(c), more than three attorneys who are  
licensed, active members in good standing with the Utah State Bar and registered voters in  
the county or district have applied for the vacancy, the county clerk shall, except as provided  
in Subsection (3)(a)(ii), submit the applications to the county central committee of the same  
political party of the prior officeholder.
- 1327 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central  
committee of each county within the prosecution district.
- 1331 (b) The central committee shall nominate three of the applicants and forward the applicants' names to  
the county legislative body [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that  
1333 is at least 20 calendar days after the day on which the county clerk submits the applicants' names  
under Subsection (3)(a).
- 1336 (c) The county legislative body shall appoint one of the nominees to fill the vacant position.
- 1339 (d) If the central committee of the political party fails to submit at least three names to the county  
legislative body before the deadline described in Subsection (3)(b), the county legislative body shall  
appoint one of the applicants to fill the vacant position.
- 1341 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120 calendar days  
after the day on which the vacancy occurs, the county clerk shall mail to the governor:
- 1343 (i) a letter informing the governor that the county legislative body has failed to appoint a person to fill  
the vacancy; and
- 1346 (ii)
- 1349 (A) the list of nominees, if any, submitted by the central committee of the political party; or
- 1353 (B) if the party central committee has not submitted a list of at least three nominees within the required  
time, the names of the persons who submitted applications for the vacant position to the county  
clerk.
- 1346 (f) The governor shall appoint, within 30 calendar days after the day on which the governor receives the  
letter described in Subsection (3)(e), a person from the list to fill the vacancy.
- 1349 (4)
- 1353 (a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed,  
active members in good standing with the Utah State Bar and registered voters in the county or  
district have applied for the vacancy, the county legislative body may:
- 1353 (i) appoint one of them to be county or district attorney; or



## SB0164S02 compared with SB0164S03

- 1354 (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection  
1356 (4)(b).
- 1356 (b)
- (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.
- 1361 (ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.
- 1366 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar days after the day on which the vacancy occurs, the county clerk shall:
- 1368 (i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and
- 1370 (ii) provide the governor with a list of all the applicants.
- 1371 (d) The governor shall appoint a person to fill the vacancy within 30 calendar days after the day on which the governor receives the notification described in Subsection (4)(c).
- 1373 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.

1375 Section 13. Section 20A-1-510 is amended to read:

1376 **20A-1-510. Midterm vacancies in municipal offices.**

- 1377 (1)
- (a) As used in this section:
- 1378 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined in Section 20A-1-102.
- 1380 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
- 1381 (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

## SB0164S02 compared with SB0164S03

municipality who meets the qualifications for office described in Section 10-3-301 to fill the unexpired term of the vacated office.

- 1386 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 1387 (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;
- 1389 (ii) identify, in the notice:
- 1390 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1391 (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
- 1393 (C) the deadline for submitting an interested individual's name; and
- 1394 (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.
- 1397 (d)
- (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).
- 1399 (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.
- 1405 (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).
- 1411 (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).
- 1416 (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.

## SB0164S02 compared with SB0164S03

- 1418 (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).
- 1422 (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.
- 1425 (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections  
(1)(b) through (d), the lieutenant governor shall:
- 1427 (i) notify the municipal legislative body of the violation; and
- 1428 (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the  
lieutenant governor 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).
- 1432 (g) If the municipality fails to timely comply with a directive described in Subsection (1)(f):
- 1434 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill the vacancy; and
- 1436 (ii) the governor shall, within 45 calendar 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.
- 1440 (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:
- 1443 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14  
calendar days before the deadline for filing for election in an odd-numbered year; and
- 1446 (ii) two years of the vacated term will remain after the first Monday of January following the next  
municipal election.
- 1448 (b) In appointing an interim replacement, the municipal legislative body shall:
- 1449 (i) comply with the notice requirements of this section; and
- 1450 (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.
- 1453 (3)
- (a) In a municipality operating under the council-mayor form of government, as defined in Section  
10-3b-102:
- 1455

## SB0164S02 compared with SB0164S03

- (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
- 1458 (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.
- 1463 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
- 1464 (i) act as a council member; and
- 1465 (ii) vote at council meetings.
- 1466 (4)
- (a)
- (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:
- 1469 (A) interview an individual whose name is submitted for consideration under Subsection (1)(c) (iii) or (2)(b)(ii); and
- 1471 (B) vote on the appointment of an individual to fill the vacancy.
- 1472 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is removed from office in accordance with state law may not cast a vote under Subsection (4)(a)(i).
- 1475 (b) A member of a municipal legislative body who submits his or her resignation to the municipal legislative body may not rescind the resignation.
- 1477 (c) A member of a municipal legislative body may not vote on an appointment under this section for himself or herself to fill a vacancy in the municipal legislative body.
- 1479 (5) In a municipality operating under the council-mayor form of government, the mayor may not:
- 1481 (a) participate in the vote to fill a vacancy;
- 1482 (b) veto a decision of the council to fill a vacancy; or
- 1483 (c) vote in the case of a tie.
- 1484 (6) A mayor whose resignation from the municipal legislative body is due to election or appointment as mayor may, in the case of a tie, participate in the vote under this section.
- 1486

## SB0164S02 compared with SB0164S03

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

Section 14. Section 20A-1-510.1 is amended to read:

**20A-1-510.1. Candidate vacancies in local office.**

(1) A vacancy that occurs in a candidacy for an elected office in a local political subdivision may be filled in accordance with the requirements of this section if:

(a) a nonpartisan primary election is held for the office;

(b) the vacancy occurs after the date of the primary election but before:

(i) for a county office, August 31; or

(ii) for all other offices, 65 calendar days before the day of the applicable general election; and

(c) after the vacancy occurs, the number of remaining candidates for the office is less than or equal to the number of open positions to be filled for that office in the applicable general election.

(2) An election officer shall:

(a) fill a candidate vacancy described in Subsection (1) by certifying the next available candidate for the office for the general election ballot who received the highest number of votes in the primary election without receiving a sufficient number of votes to qualify for the general election ballot; and

(b) immediately notify the candidate described in Subsection (2)(a) that the candidate is certified for the general election ballot.

Section 15. Section 20A-1-511 is amended to read:

**20A-1-511. Midterm vacancy on a local school board.**

(1)

(a) A local school board shall fill a vacancy on the local school board by appointment, except as otherwise provided in Subsections (1)(b) and (2).

(b) The county legislative body, or municipal legislative body in a city district, shall fill a vacancy on a local school board by appointment if the local school board fails to make an appointment to fill the vacancy:

(i) except as provided in Subsection (1)(b)(ii), within 30 calendar days after a vacancy occurs on the local school board; or

(ii) within 45 calendar days after a vacancy occurs on the local school board due to the death of a local school board member.

## SB0164S02 compared with SB0164S03

(c) A member appointed and qualified under this Subsection (1) shall serve until a successor is elected or appointed and qualified.

(2)

(a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:

(i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 calendar days before the deadline for filing a declaration of candidacy; and

(ii) two years of the vacated term will remain after the first Monday of January following the next school board election.

(b) A member elected under this Subsection (2) shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.

(3) Before appointing an individual to fill a vacancy under this section, the local school board shall:

(a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;

(b) identify, in the public notice:

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

(ii) the person to whom and the date and time before which an individual interested in being appointed to fill the vacancy may submit the individual's name for consideration; and

(c) 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.

(4)

(a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the local school board submits a letter of resignation.

(b) An individual appointed under Subsection (4)(a) may not take office until on or after the day on which the vacancy occurs for which the individual is appointed.

(c) A member of a local school board who submits a letter of resignation under Subsection (4)(a) may not rescind the resignation after the local school board makes an appointment to fill the vacancy created by the resignation.

Section 16. Section 20A-1-512 is amended to read:

**20A-1-512. Midterm vacancies on local district boards -- Notice.**

## SB0164S02 compared with SB0164S03

- 1552 (1)
- (a) When a vacancy occurs on any special district board for any reason, the following shall appoint a replacement to serve out the unexpired term in accordance with this section:
- 1555 (i) the special district board, if the person vacating the position was elected; or
- 1556 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the appointing authority appointed the person vacating the position.
- 1558 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the special district board or appointing authority shall:
- 1560 (i) give public notice of the vacancy for at least two weeks before the special district board or appointing authority meets to fill the vacancy by publishing the notice, as a class A notice under Section 63G-30-102, for the special district; and
- 1563 (ii) identify, in the notice:
- 1564 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1565 (B) the individual to whom an individual who is interested in an appointment to fill the vacancy may submit the individual's name for consideration; and
- 1567 (C) any submission deadline.
- 1568 (c) An appointing authority is not subject to Subsection (1)(b) if:
- 1569 (i)
- (A) the appointing authority appoints one of the appointing authority's own members; and
- 1571 (B) that member meets all applicable statutory board member qualifications; or
- 1572 (ii) the vacancy is on the board of trustees of an infrastructure financing district with no residents within the district's boundary.
- 1574 (d) When a vacancy occurs on the board of a water conservancy district located in more than one county:
- 1576 (i) the board shall give notice of the vacancy to the county legislative bodies that nominated the vacating trustee as provided in Section 17B-2a-1005;
- 1578 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively compile a list of three nominees to fill the vacancy; and
- 1580 (iii) the governor shall, with the advice and consent of the Senate, appoint an individual to fill the vacancy from nominees submitted as provided in Subsection 17B-2a-1005(2)(c).
- 1583

## SB0164S02 compared with SB0164S03

(2) If~~[, 90 days after a vacancy occurs,]~~ the special district board ~~[has failed]~~ fails to appoint an individual to complete an elected board member's term within 90 calendar days after the day on which the vacancy occurs, the vacancy shall be filled:

(a) in accordance with the procedure for a special district described in Subsection (1)(b); and

(b) by, as applicable:

(i) the legislative body of the county or municipality that created the special district; or

(ii) for a vacancy on a board of trustees of an infrastructure financing district, the legislative body of the county whose unincorporated area contains or the municipality whose boundary contains more of the area within the infrastructure financing district than is contained within the unincorporated area of any other county or within the boundary of any other municipality.

### Section 17. Section 20A-1-513 is amended to read:

#### **20A-1-513. Temporary absence in elected office of a political subdivision for military service.**

(1) As used in this section:

(a)

(i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

(ii) "Armed forces" includes the National Guard.

(b)

(i) "Elected official" means an individual who holds an office of a political subdivision that is required by law to be filled by an election.

(ii) "Elected official" includes an individual who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).

(c) "Elected official reservist" means an elected official who is:

(i) a member of the armed forces reserves component;

(ii) a member of the National Guard; or

(iii) a retired member of the armed forces who may be called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces.

(d)

(i) "Military leave" means the temporary absence from an office:

(A) by an elected official reservist called to active, full-time duty in the armed forces; and

(B) for a period of time that exceeds 30 calendar days and does not exceed 400 calendar days.



## SB0164S02 compared with SB0164S03

- 1617 (ii) "Military leave" includes the time an individual on leave, as described in Subsection (1)(d)(i),  
spends for:
- 1619 (A) out processing;
- 1620 (B) an administrative delay;
- 1621 (C) accrued leave; and
- 1622 (D) on rest and recuperation leave program of the armed forces.
- 1623 (e) "Political subdivision's governing body" means:
- 1624 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 1625 (ii) for a special district, the board of trustees of the special district;
- 1626 (iii) for a local school district, the local school board;
- 1627 (iv) for a special service district:
- 1628 (A) the legislative body of the county, city, or town that established the special service district, if no  
administrative control board has been appointed under Section 17D-1-301; or
- 1631 (B) the administrative control board of the special service district, if an administrative control board has  
been appointed under Section 17D-1-301; and
- 1633 (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body that governs the  
affairs of the political subdivision.
- 1635 (f) "Temporary replacement" means the individual appointed by the political subdivision's governing  
body in accordance with this section to exercise the powers and duties of the office of an elected  
official reservist who takes military leave.
- 1638 (2) An elected official reservist who takes military leave in accordance with this section does not create  
a vacancy in the elected official's office.
- 1640 (3)
- (a) An elected official reservist who is called to active, full-time duty in the armed forces under Title  
10, U.S.C., Armed Forces, shall notify the political subdivision's governing body of the elected  
official's orders no later than 5 p.m. on the first business day that is at least five calendar days after  
the day on which the elected official receives the orders.
- 1645 (b) An elected official reservist described in Subsection (3)(a) may:
- 1646 (i) if the period of active, full-time duty does not exceed 270 calendar days:
- 1647 (A) continue to carry out the elected official's duties if possible while on active, full-time duty; or
- 1649

## SB0164S02 compared with SB0164S03

- (B) take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave; or
- 1652 (ii) if the period of active, full-time duty exceeds 270 calendar days but does not exceed 400 calendar days, take military leave if the elected official submits to the political subdivision's governing body:
- 1655 (A) written notice of the intent to take military leave and the expected duration of the military leave; and
- 1657 (B) written certification that the secretary of the armed force of which the elected official is a member granted the elected official permission under U.S. Department of Defense Directive 1344.10 to continue to hold the elected official's office while on active, full-time duty.
- 1661 (4)
- (a) An elected official reservist who chooses to continue to carry out the elected official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 calendar days after the day of the elected official's deployment, confirm in writing to the political subdivision's governing body that the elected official has the ability to carry out the elected official's duties.
- 1666 (b) If an elected official reservist does not submit the confirmation to the political subdivision's governing body before the deadline described in Subsection (4)(a), the political subdivision's governing body shall:
- 1669 (i) place the elected official in military leave status; and
- 1670 (ii) appoint a temporary replacement in accordance with Subsection (8).
- 1671 (5)
- (a) An elected official reservist who chooses to take military leave under Subsection (3)(b)(ii) shall, no later than 21 calendar days after the date of the elected official's deployment, submit to the political subdivision's governing body the written notice and certification described in Subsection (3)(b)(ii).
- 1675 (b) If an elected official reservist does not submit the notice and certification to the political subdivision's governing body before the deadline described in Subsection (5)(a):
- 1678 (i) the political subdivision's governing body may not appoint a temporary replacement under Subsection (8); and
- 1680 (ii) the elected official reservist creates a vacancy in the elected official's office.
- 1681 (6) An elected official reservist who is called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces, for a period of more than 400 calendar days creates a vacancy in the elected official's office.

## SB0164S02 compared with SB0164S03

- 1684 (7) An elected official reservist's military leave:  
1685 (a) begins:  
1686 (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:  
1687 (A) the day after the day on which the elected official notifies the political subdivision's governing body  
of the intent to take military leave;  
1689 (B) 11 calendar days after the day of the elected official's deployment if no confirmation is received by  
the political subdivision's governing body in accordance with Subsection (4)(a); or  
1692 (C) the day on which the elected official begins active, full-time duty in the armed forces; or  
1694 (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the day on which  
the elected official submits to the political subdivision's governing body the written notice and  
certification described in Subsection (3)(b)(ii); and  
1697 (b) ends the sooner of:  
1698 (i) the expiration of the elected official reservist's term of office; or  
1699 (ii) the day on which the elected official reservist ends active, full-time duty in the armed forces.  
1701 (8) A temporary replacement shall:  
1702 (a) meet the qualifications required to hold the office; and  
1703 (b) be appointed:  
1704 (i) when an elected official reservist:  
1705 (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or  
1706 (B) is placed in military leave status under Subsection (4)(b)(i); and  
1707 (ii) by the political subdivision's governing body:  
1708 (A) if a registered political party nominated the elected official reservist as a candidate for the office,  
in the same manner as provided in Subsection 20A-1-508(3) for the appointment of an interim  
replacement; or  
1711 (B) if a registered political party did not nominate the elected official reservist as a candidate for the  
office, after submitting an application in accordance with Subsection (10)(b).  
1714 (9)  
(a) A temporary replacement shall exercise the powers and duties of the office for which the temporary  
replacement is appointed for the duration of the elected official reservist's military leave.  
1717 (b) An elected reservist may not exercise the powers or duties of the office while on military leave.  
1719

## SB0164S02 compared with SB0164S03

(c) If a temporary replacement is not appointed as required by Subsection (8)(b), no individual may exercise the powers and duties of the elected official reservist's office during the elected official's military leave.

(10) The political subdivision's governing body shall establish:

(a) the distribution of the emoluments of the office between the elected official reservist and the temporary replacement; and

(b) an application form and the date and time before which an individual shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

(11) This section does not apply to an elected official who is not an elected official reservist.

### Section 18. Section 20A-1-802 is amended to read:

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

As used in this part:

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

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

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

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

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

(3) "Receiving official" means:

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

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

(4) "Reviewing official" means:

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

## SB0164S02 compared with SB0164S03

(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).

1753 (5) "Significant violation" means:

1754 (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

1757 (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.

1759 Section 19. Section 20A-1-803 is amended to read:

1760 **20A-1-803. Verified petition by registered voter -- Receiving and reviewing official -- Special investigation -- Special counsel -- Civil action.**

1762 (1) A registered voter may file a verified petition alleging a violation of any provision of this title, if the registered voter:

1764 (a) has information relating to the alleged violation; and

1765 (b) the allegation is against a candidate for whom the registered voter had the right to vote, a personal campaign committee of that candidate, or a member of a personal campaign committee of that candidate.

1768 (2) The registered voter described in Subsection (1) shall file the verified petition with the receiving official.

1770 (3) If the receiving official determines, in writing, that the receiving official has a conflict of interest in relation to taking an action required in this part, the receiving official shall:

1772 (a) designate as the reviewing official an individual who does not have a conflict of interest, in the following order of precedence:

1774 (i) the attorney general;

1775 (ii) the state auditor;

1776 (iii) the state treasurer; or

1777 (iv) the governor; and

1778 (b) forward the petition to the reviewing official for further action.

1779 (4)

(a) The reviewing official shall gather information and determine whether, in the discretion of the reviewing official, a special investigation is necessary.

1781

## SB0164S02 compared with SB0164S03

(b) In making the determination described in Subsection (4)(a), the reviewing official may consider the following:

- (i) whether, based on the information available to the reviewing official, the reviewing official is able to determine that a violation did not occur;
- (ii) the seriousness of the alleged violation;
- (iii) whether the alleged violation was intentional or accidental;
- (iv) whether the alleged violation could be resolved informally;
- (v) whether the petition is frivolous or filed for the purpose of harassment;
- (vi) whether the alleged violation should be addressed in, or is being adequately addressed in, another forum, including a criminal investigation or proceeding;
- (vii) whether additional investigation, as part of a civil proceeding in relation to the petition, is desirable;
- (viii) the likelihood that an action, based on the allegations, is likely to be successful; or
- (ix) other criteria relevant to making the determination.

(5) If the reviewing official determines that a special investigation is necessary, the reviewing official shall:

(a) except as provided in Subsection (5)(b), refer the information to the attorney general, who shall appoint special counsel; or

(b) if the verified petition alleges that the attorney general violated a provision of this title, or if the reviewing official determines that the Office of the Attorney General has a conflict of interest in relation to the verified petition, appoint a person who is not an employee of the Office of the Attorney General as special counsel, in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

(6) The special counsel:

- (a) shall review the petition and any evidence relative to determining whether a defendant committed a violation of a provision of this title;
- (b) may interview individuals or gather additional evidence relative to determining whether a defendant committed a violation of a provision of this title;
- (c) shall advise the reviewing official whether, in the opinion of the special counsel, sufficient evidence exists to establish that a defendant committed a significant violation of a provision of this title; and

## SB0164S02 compared with SB0164S03

(d) shall, [~~within~~] on or before the first business day that is at least three calendar days after the day on which the special counsel complies with Subsection (6)(c), prepare and provide to the reviewing official a document that:

(i) states whether, in the opinion of the special counsel, sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title; and

(ii) if the special counsel is of the opinion that sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title:

(A) states the name of each defendant for which, in the opinion of the special counsel, sufficient evidence exists to establish that the defendant committed at least one significant violation of a provision of this title;

(B) states each provision of this title for which, in the opinion of the special counsel, sufficient evidence exists to establish that the defendant violated; and

(C) may not include a description of the evidence supporting the opinion of the special counsel.

(7) The reviewing official shall:

(a) [~~within~~] on or before the first business day that is at least three calendar days after the day on which the reviewing official receives the document described in Subsection (6)(d), post a conspicuous link to the document on the home page of the reviewing official's website; and

(b) [~~within~~] on or before the first business day that is at least seven calendar days after the day on which the special counsel complies with Subsection (6)(c):

(i) determine whether, in the opinion of the reviewing official, sufficient evidence exists to establish that a defendant committed a significant violation of a provision of this title; and

(ii) if the reviewing official is of the opinion that sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title, direct the special counsel to file a civil action and serve summons in accordance with the Utah Rules of Civil Procedure:

(A) against each defendant for whom the reviewing official determines that sufficient evidence exists that the defendant committed a significant violation of this title; and

(B) that includes each significant violation for which the reviewing official determines that sufficient evidence exists.

(8)

(a) The purpose of the civil action described in Subsection (7)(b)(ii) is to determine whether a defendant committed a significant violation of a provision of this title.

## SB0164S02 compared with SB0164S03

- 1850 (b) For a civil action described in Subsection (7)(b)(ii), the complaint may include an allegation of any  
violation of a provision of this title by a defendant, regardless of whether the violation is alleged in  
the petition.
- 1853 (c) The special counsel may amend the complaint at any time after the complaint is filed, including by  
adding allegations to the complaint or amending allegations already made in the complaint, if the  
court determines that the amendment will not violate the due process rights of the defendant against  
whom the added or amended allegation is made.
- 1858 (9)
- (a) An action brought under this section shall:
- 1859 (i) be heard without a jury, with the court determining all issues of fact and issues of law; and
- 1861 (ii) have precedence over any other civil actions.
- 1862 (b) The court shall schedule discovery and hearings, and shall otherwise conduct proceedings relating  
to an action brought under this section, in an expedited manner while preserving the rights of the  
parties and the integrity of the proceedings.
- 1865 Section 20. Section 20A-2-101 is amended to read:
- 1866 **20A-2-101. Eligibility for registration.**
- 1867 (1) Except as provided in Subsection (2), an individual may register to vote in an election who:
- 1869 (a) is a citizen of the United States;
- 1870 (b) has been a resident of Utah for at least the 30 calendar days immediately before the election;
- 1872 (c) will be:
- 1873 (i) at least 18 years of age on the day of the election; or
- 1874 (ii) if the election is a regular primary election, a municipal primary election, or a presidential primary  
election:
- 1876 (A) 17 years of age on or before the day of the regular primary election, municipal primary election, or  
presidential primary election; and
- 1878 (B) 18 years of age on or before the day of the general election that immediately follows the regular  
primary election, municipal primary election, or presidential primary election; and
- 1881 (d) currently resides within the voting district or precinct in which the individual applies to register to  
vote.
- 1883 (2)
- (a)



## SB0164S02 compared with SB0164S03

(i) An individual who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the individual was a resident of that voting precinct before the confinement or incarceration.

(ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a resident of the voting precinct in which the individual resided before the confinement or incarceration.

(b) An individual who has been convicted of a felony or a misdemeanor for an offense under this title may not register to vote or remain registered to vote unless the individual's right to vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(c) An individual whose right to vote has been restored, as provided in Section 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.

(3) An individual who is eligible to vote and who resides within the geographic boundaries of the entity in which the election is held may register to vote in a:

(a) regular general election;

(b) regular primary election;

(c) municipal general election;

(d) municipal primary election;

(e) statewide special election;

(f) local special election;

(g) special district election;

(h) bond election; and

(i) presidential primary election.

### Section 21. Section 20A-2-101.1 is amended to read:

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

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

(a) is 16 or 17 years of age;

(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);

(c) is a citizen of the United States;

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

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

## SB0164S02 compared with SB0164S03

- 1917 (2) An individual described in Subsection (1) may not vote in an election and is not registered to vote  
until:
- 1919 (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
- 1921 (b) the county clerk registers the individual to vote under Subsection (4).
- 1922 (3) An individual who preregisters to vote shall:
- 1923 (a) complete a voter registration form, including an indication that the individual is preregistering to  
vote; and
- 1925 (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.
- 1928 (4)
- (a) A county clerk shall:
- 1929 (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);
- 1932 (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
- 1935 (iii) send a notice to the individual that:
- 1936 (A) informs the individual that the individual's voter registration form has been accepted as an  
application for preregistration;
- 1938 (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
- 1940 (C) indicates in which election the individual will be registered to vote.
- 1941 (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:
- 1943 (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; or
- 1945 (ii) the day on which the individual turns 18 years of age.
- 1946

## SB0164S02 compared with SB0164S03

(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.

1950 (5)

(a) The lieutenant governor 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.

1953 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of age, the lieutenant governor or county clerk shall classify the individual's voter registration record as a public record in accordance with Subsection 63G-2-301(2)(l).

1956 (6) If an individual who is at least 18 years of age 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.

1960 Section 22. Section 20A-2-104 is amended to read:

1961 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

1962 (1) As used in this section:

1963 (a) "Candidate for public office" means an individual:

1964 (i) who files a declaration of candidacy for a public office;

1965 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or

1966 (iii) employed by, under contract with, or a volunteer of, an individual described in Subsection (1)(a)(i) or (ii) for political campaign purposes.

1968 (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.

1970 (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.

1972 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to produce a code that:

1974 (i) uniquely represents the set of data;

1975 (ii) is always the same if the same algorithm is applied to the same set of data; and

1976 (iii) cannot be reversed to reveal the data applied to the algorithm.

1977 (e) "Protected individual" means an individual:

## SB0164S02 compared with SB0164S03

- 1978 (i) who submits a withholding request form with the individual's voter registration record, or to the lieutenant governor 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;
- 1983 (ii) who submits a withholding request form with the individual's voter registration record, or to the lieutenant governor 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
- 1989 (iii) whose voter registration record was classified as a private record at the request of the individual before May 12, 2020.
- 1991 (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:

1993

-----

### UTAH ELECTION REGISTRATION FORM

1995 Are you a citizen of the United States of America? Yes No

1996 If you checked "no" to the above question, do not complete this form.

1997 Will you be 18 years of age on or before election day? Yes No

1998 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to vote? Yes No

2000 If you checked "no" to both of the prior two questions, do not complete this form.

2001 Name of Voter

2002

\_\_\_\_\_

2003 First Middle Last

2004 Utah Driver License or Utah Identification Card Number \_\_\_\_\_

2006 Date of Birth \_\_\_\_\_

2007 Street Address of Principal Place of Residence

2008

\_\_\_\_\_

2009 City County State Zip Code

## SB0164S02 compared with SB0164S03

2010 Telephone Number (optional) \_\_\_\_\_

2011 Email Address (optional) \_\_\_\_\_

2012 Last four digits of Social Security Number \_\_\_\_\_

2013 Last former address at which I was registered to vote (if  
known)\_\_\_\_\_

2015 \_\_\_\_\_

2016 City County State Zip Code

2017 Political Party

2018 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

2021 ☐Unaffiliated (no political party preference) ☐Other (Please  
specify)\_\_\_\_\_

2023 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 calendar days immediately before the next election. I am not a convicted felon currently  
incarcerated for commission of a felony.

2029 Signed and sworn

2030 \_\_\_\_\_

2031 Voter's Signature

2032 \_\_\_\_\_(month/day/year).

2033 **PRIVACY INFORMATION**

2034 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.

2038 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.

2042

## SB0164S02 compared with SB0164S03

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:

2045        \_\_\_\_\_ 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.

### 2048        REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2049        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.

2054        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 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.

2060        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.

### 2066        CITIZENSHIP AFFIDAVIT

2067        Name:

2068        Name at birth, if different:

2069        Place of birth:

2070        Date of birth:

2071        Date and place of naturalization (if applicable):

2072        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.

2075        \_\_\_\_\_

## SB0164S02 compared with SB0164S03

- 2076 Signature of Applicant
- 2077 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.
- 2080 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
- 2084 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
CURRENT ADDRESS.
- 2086 FOR OFFICIAL USE ONLY
- 2087 Type of I.D. \_\_\_\_\_
- 2088 Voting Precinct \_\_\_\_\_
- 2089 Voting I.D. Number \_\_\_\_\_
- 2090 -----
- 2091 (b) The voter registration form described in Subsection (2)(a) shall include a section in substantially the  
following form:
- 2093 -----
- BALLOT NOTIFICATIONS
- 2095 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:
- 2098 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my ballot.
- 2100 -----
- 2101 (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.
- 2104 (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.

## SB0164S02 compared with SB0164S03

- 2106 (3)
- (a) Each county clerk shall retain lists of currently registered voters.
- 2107 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 2108 (c) If there are any discrepancies between the two lists, the county clerk's list is the official list.
- 2110 (d) The lieutenant governor 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.
- 2113 (4)
- (a) As used in this Subsection (4), "qualified person" means:
- 2114 (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;
- 2117 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or independent contractor of a health care provider;
- 2119 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or independent contractor of an insurance company;
- 2121 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or independent contractor of a financial institution;
- 2123 (v) a political party, or an agent, employee, or independent contractor of a political party;
- 2125 (vi) a candidate for public office, or an employee, independent contractor, or volunteer of a candidate for public office;
- 2127 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a year of birth from the list of registered voters:
- 2129 (A) provides the year of birth only to a person described in Subsections (4)(a)(i) through [~~(vii)~~] (vi);
- 2131 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person described in Subsections (4)(a)(i) through [~~(vii)~~] (vi);
- 2133 (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);
- 2136 (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;
- 2140



## SB0164S02 compared with SB0164S03

- (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
- 2143 (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
- 2146 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining information under Subsection (4)(n) and (o):
- 2148 (A) provides the information only to another person described in Subsection (4)(a)(v) or (vi);
- 2150 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person described in Subsection (4)(a)(v) or (vi);
- 2152 (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
- 2155 (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.
- 2158 (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 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:
- 2162 (i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a qualified person; and
- 2164 (ii) the qualified person signs a document that includes the following:
- 2165 (A) the name, address, and telephone number of the person requesting the list of registered voters;
- 2167 (B) an indication of the type of qualified person that the person requesting the list claims to be;
- 2169 (C) a statement regarding the purpose for which the person desires to obtain the years of birth;
- 2171 (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;
- 2173 (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);

## SB0164S02 compared with SB0164S03

- 2176 (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;
- 2181 (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
- 2184 (H) notice that if the person makes a false statement in the document, the person is punishable by law  
under Section 76-8-504.
- 2186 (c) The lieutenant governor or a county clerk:
- 2187 (i) may not disclose the year of birth of a registered voter to a person that the lieutenant governor or  
county clerk reasonably believes:
- 2189 (A) is not a qualified person or a person described in Subsection (4)(l); or
- 2190 (B) will provide or use the year of birth in a manner prohibited by law; and
- 2191 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the lieutenant governor  
or county clerk reasonably believes:
- 2193 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
- 2194 (B) will provide or use the information in a manner prohibited by law.
- 2195 (d) The lieutenant governor 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:
- 2199 (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
- 2202 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for a political  
purpose.
- 2204 (e)
- (i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or information under  
Subsection (4)(d)(ii), the lieutenant governor or county clerk shall exclude the information described  
in Subsection 63G-2-302(1)(j), other than the year of birth.
- 2208 (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 or county clerk shall comply with  
Subsections (4)(n) through (p).

## SB0164S02 compared with SB0164S03

- 2211 (f) The lieutenant governor 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.
- 2216 (g) A person is guilty of a class A misdemeanor if the person:
- 2217 (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);
- 2219 (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;
- 2222 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses;
- 2224 (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;
- 2226 (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
- 2229 (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).
- 2232 (h) The lieutenant governor or a county clerk shall classify the voter registration record of a voter as a  
private record if the voter:
- 2234 (i) submits a written application, created by the lieutenant governor, requesting that the voter's voter  
registration record be classified as private;
- 2236 (ii) requests on the voter's voter registration form that the voter's voter registration record be classified  
as a private record; or
- 2238 (iii) submits a withholding request form described in Subsection (7) and any required verification.
- 2240 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor 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).
- 2244 (j) In addition to any criminal penalty that may be imposed under this section, the lieutenant governor  
may impose a civil fine against a person who violates a provision of this section, in an amount equal  
to the greater of:
- 2247 (i) the product of 30 and the square root of the total number of:
- 2248 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or

## SB0164S02 compared with SB0164S03

- 2250 (B) records from which information is obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
- 2252 (ii) \$200.
- 2253 (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:
- 2256 (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;
- 2259 (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;
- 2263 (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
- 2266 (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.
- 2270 (l) The lieutenant governor 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.
- 2273 (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.
- 2276 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor 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:
- 2281 (i) the lieutenant governor 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
- 2283 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that includes the following:

## SB0164S02 compared with SB0164S03

- 2285 (A) the name, address, and telephone number of the person requesting the list of registered voters;
- 2287 (B) an indication of the type of qualified person that the person requesting the list claims to be;
- 2289 (C) a statement regarding the purpose for which the person desires to obtain the information;
- 2291 (D) a list of the purposes for which the qualified person may use the information;
- 2292 (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);
- 2294 (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;
- 2297 (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
- 2299 (H) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.
- 2301 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor or a county clerk is required to provide, under Subsection (4)(n), from the record of a protected individual is:
- 2304 (i) a single hash code, generated from a string of data that includes both the voter's voter identification number and residential address;
- 2306 (ii) the voter's residential address;
- 2307 (iii) the voter's mailing address, if different from the voter's residential address;
- 2308 (iv) the party affiliation of the voter;
- 2309 (v) the precinct number for the voter's residential address;
- 2310 (vi) the voter's voting history; and
- 2311 (vii) a designation of which age group, of the following age groups, the voter falls within:
- 2313 (A) 25 or younger;
- 2314 (B) 26 through 35;
- 2315 (C) 36 through 45;
- 2316 (D) 46 through 55;
- 2317 (E) 56 through 65;
- 2318 (F) 66 through 75; or
- 2319 (G) 76 or older.
- 2320 (p) The lieutenant governor or a county clerk may not disclose:

## SB0164S02 compared with SB0164S03

- 2321 (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
- 2324 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the county clerk  
determines that the nature of the address would directly reveal sensitive information about the voter.
- 2327 (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.
- 2331 (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~~] Chapter 8, Political Party  
Formation and Procedures, the lieutenant governor 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.
- 2336 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee  
shall:
- 2338 (a) review each voter registration form for completeness and accuracy; and
- 2339 (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.
- 2343 (7) The lieutenant governor 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.
- 2346 (8)
- (a) The lieutenant governor shall design and distribute [~~the~~] a withholding request form for the purpose  
described in [~~Subsection (7)] Subsections (1)(e)(i), (1)(e)(ii), (7), and this Subsection (8)~~ to each  
election officer and to each agency that provides a voter registration form.
- 2350 (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.

2355

## SB0164S02 compared with SB0164S03

- (c) The director of elections within the Office of the Lieutenant Governor 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).
- 2359 (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.
- 2362 (10)
- (a) The lieutenant governor shall make and execute a plan to provide notice to registered voters who are protected individuals, that includes the following information:
- 2365 (i) that the voter's classification of the record as private remains in effect;
- 2366 (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;
- 2369 (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;
- 2373 (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
- 2376 (v) that a county clerk may, under certain circumstances, withhold other information that the county clerk determines would reveal identifying information about the voter.
- 2379 (b) The lieutenant governor may include in the notice described in this Subsection (10) a statement that a voter may obtain additional information on the lieutenant governor's website.
- 2382 (c) The plan described in Subsection (10)(a) may include providing the notice described in Subsection (10)(a) by:
- 2384 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;
- 2385 (ii) publication on the lieutenant governor's website or a county's website;
- 2386 (iii) posting the notice in public locations;
- 2387 (iv) publication in a newspaper;
- 2388 (v) sending notification to the voters by electronic means;
- 2389 (vi) sending notice by other methods used by government entities to communicate with citizens; or
- 2391 (vii) providing notice by any other method.
- 2392 (d) The lieutenant governor shall provide the notice included in a plan described in this Subsection (10) before June 16, 2023.



## SB0164S02 compared with SB0164S03

Section 23. Section 20A-2-105 is amended to read:

**20A-2-105. Determining residency.**

(1) As used in this section:

(a) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:

(i) the intent expressed by the individual; and

(ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.

(b) "Resident" means an individual whose principal place of residence is within a specific voting precinct in Utah.

(2) Election officials and judges shall apply the standards and requirements of this section when determining whether an individual is a resident for purposes of interpreting this title or the Utah Constitution.

(3) An individual may request that an election official or election judge assist the individual in determining the individual's principal place of residence for a purpose described in Subsection (2).

(4)

(a) An individual resides in Utah if:

(i) the individual's principal place of residence is within Utah; and

(ii) the individual has a present intention to maintain the individual's principal place of residence in Utah permanently or indefinitely.

(b) An individual resides within a particular voting precinct if, on the date of registering to vote, the individual's principal place of residence is in that voting precinct.

(c) An individual's principal place of residence does not change solely because the individual is present in Utah, present in a voting precinct, absent from Utah, or absent from the individual's voting precinct because the individual is:

(i) employed in the service of the United States or of Utah;

(ii) a student at an institution of learning;

(iii) incarcerated in prison or jail; or

(iv) residing upon an Indian or military reservation.

(d)



## SB0164S02 compared with SB0164S03

- (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at a military facility within Utah.
- 2426 (ii) In order to be a resident of Utah, a member of the armed forces described in this Subsection (4)(d) shall meet the other requirements of this section.
- 2428 (e)
- (i) Except as provided in Subsection (4)(e)(ii) or (iii), an individual does not lose the individual's principal place of residence in Utah or a precinct if the individual moves to a foreign country, another state, or another voting precinct within Utah, for temporary purposes with the intention of returning.
- 2432 (ii) If an individual leaves the state or a voting precinct and votes or registers to vote in another state or voting precinct, the individual is no longer a resident of the state or voting precinct that the individual left.
- 2435 (iii) An individual loses the individual's principal place of residence in Utah or in a precinct, if, after the individual moves to another state or another precinct under Subsection (4)(e)(i), the individual forms the intent of making the other state or precinct the individual's principal place of residence.
- 2439 (f) An individual is not a resident of a county or voting precinct if the individual comes to the county or voting precinct for temporary purposes and does not intend to make that county or voting precinct the individual's principal place of residence.
- 2442 (g) An individual loses the individual's principal place of residence in Utah or in a precinct if the individual moves to another state or precinct with the intention of making the other state or precinct the individual's principal place of residence.
- 2445 (h) If an individual moves to another state or precinct with the intent of remaining in the other state or precinct for an indefinite time as the individual's principal place of residence, the individual loses the individual's principal place of residence in Utah, or in the precinct, even though the individual intends to return at some future time.
- 2449 (5)
- (a) An individual may challenge a determination by a voter, election official, or election judge of a voter's principal place of residence, for the purpose of voting, in accordance with the applicable provisions of Sections 20A-3a-803, 20A-3a-804, and 20A-3a-805.
- 2453

## SB0164S02 compared with SB0164S03

(b) If an election official or election judge has reasonable, articulable grounds to question the principal place of residence of an individual for a purpose described in Subsection (2), the election official or election judge may require the individual to provide information to resolve the question.

2457 (c) Reasonable, articulable grounds to question an individual's principal place of residence, and require additional information under Subsection (5)(b) include:

2459 (i) that the individual has a driver license or other identification from outside Utah;

2460 (ii) that the address claimed as the individual's principal place of residence does not match the address on the individual's driver license or other identification;

2462 (iii) that the individual owns residential property outside the location claimed as the individual's principal place of residence; or

2464 (iv) other articulable grounds that would lead a reasonable individual to question an individual's principal place of residence.

2466 (d) If an election official or election judge requires, under Subsection (5)(b), that an individual provide additional information, the clerk shall:

2468 (i) enter the voter registration into the statewide voter registration database; and

2469 (ii) indicate, in the statewide voter registration database, that the voter must provide additional information before the voter's ballot may be accepted.

2471 (6) Subject to Subsection (10), an election official or judge who, under Subsection (5), makes a determination regarding an individual's principal place of residence, shall, when making the determination, consider the following factors, to the extent that the factors are relevant:

2475 (a) where the individual's family resides;

2476 (b) whether the individual is single, married, separated, or divorced;

2477 (c) the age of the individual;

2478 (d) where the individual usually sleeps;

2479 (e) where the individual's minor children attend school;

2480 (f) the location of the individual's employment, income sources, or business pursuits;

2481 (g) the location of real property owned by the individual;

2482 (h) the individual's residence for purposes of taxation or tax exemption;

2483 (i) the location where the individual's motor vehicles are registered;

2484 (j) the address for which the individual pays utility services;

2485 (k) the address associated with the individual's hunting or fishing license;

## SB0164S02 compared with SB0164S03

- 2486 (l) the address associated with the individual's professional licenses; and  
2487 (m) other relevant factors.  
2488 (7)  
(a) An individual changes the individual's principal place of residence if the individual:  
2490 (i) acts affirmatively to move from the state or a precinct in the state; and  
2491 (ii) has the intent to remain in another state or precinct.  
2492 (b) An individual may not have more than one principal place of residence.  
2493 (c) An individual does not lose the individual's principal place of residence until the individual  
establishes another principal place of residence.  
2495 (d) An individual who moves from one county in Utah to another county in Utah retains the right to  
vote in the county from which the individual moved for 30 calendar days after the day on which the  
individual moved from the county, unless the individual votes in the new county for that election.  
2499 (e) An individual who is homeless may, in accordance with the other provisions of this section,  
establish a nontraditional location, including a location without a structure, as the individual's  
principal place of residence.  
2502 (8) In computing the period that a person is a resident for a purpose described in Subsection (2), the  
period:  
2504 (a) begins on the day on which the individual establishes the individual's principal place of residence;  
and  
2506 (b) ends on the day before the day of the next applicable election.  
2507 (9)  
(a) Except as provided in Subsection (12), there is a rebuttable presumption that an individual's  
principal place of residence is in Utah and in the voting precinct claimed by the individual, if the  
individual makes an oath or affirmation upon a registration application form or declaration of  
candidacy that the individual's principal place of residence is in Utah and in the voting precinct  
claimed by the individual.  
2512 (b) Except as provided in Subsection (12), the election officers and election officials shall allow an  
individual described in Subsection (9)(a) to register and vote in the precinct for the residence  
claimed under Subsection (9)(a), or accept the individual's declaration of candidacy in the district  
for the residence claimed under Subsection (9)(a), unless, in accordance with Subsection (5), it is  
shown by law or by clear and convincing evidence that:

## SB0164S02 compared with SB0164S03

- 2518 (i) the individual's principal place of residence is not in Utah or not in the applicable precinct or district;  
or
- 2520 (ii) the individual is incarcerated in prison or jail and did not, before the individual was incarcerated in  
prison or jail, establish the individual's principal place of residence in the voting precinct where the  
prison or jail is located.
- 2523 (10)
- (a) The criteria described in this section for establishing an individual's principal place of residence  
for voting purposes do not apply in relation to the individual's location while the individual is  
incarcerated in prison or jail.
- 2526 (b) For voting registration purposes, the principal place of residence of an individual incarcerated in  
prison or jail is the state and voting precinct where the individual's principal place of residence was  
located before incarceration.
- 2529 (11) If an individual's principal place of residence is a residential parcel of one acre in size or smaller  
that is divided by the boundary line between two or more counties, that individual shall be  
considered a resident of the county in which a majority of the residential parcel lies.
- 2533 (12)
- (a) If an individual seeking to become a candidate for a political office that includes a durational  
residency requirement has been absent from the state for a period of more than 180  
[consecutive] calendar days during the applicable residency period, the individual may, at the time  
that the candidate files a declaration of candidacy, submit evidence to the filing officer to show that  
the individual intended to return to the state during the time of the individual's absence from the  
state.
- 2539 (b) There is a rebuttable presumption that an individual described in Subsection (12)(a) intended to  
return to the state during the individual's absence if:
- 2541 (i) the individual submits evidence of the individual's intent to the filing officer at the time that the  
individual files a declaration of candidacy; or
- 2543 (ii) the individual was absent from the state because the individual was:
- 2544 (A) employed in the service of the United States or of Utah;
- 2545 (B) a student at an institution of learning; or
- 2546 (C) engaged solely in religious, missionary, philanthropic, or humanitarian activities.
- 2548

## SB0164S02 compared with SB0164S03

(c) If a valid written objection to an individual's declaration of candidacy is filed, there is a rebuttable presumption that an individual described in Subsection (12)(a) did not intend to return to the state during the individual's absence if:

(i) the individual did not submit evidence of the individual's intent to the filing officer at the time that the individual filed a declaration of candidacy; and

(ii) the individual's absence from the state was not for one of the reasons described in Subsection (12)(b)(ii).

(d) An individual must rebut the presumption described in this Subsection (12) by clear and convincing evidence.

### Section 24. Section 20A-2-107 is amended to read:

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

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

(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

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

(2) The county clerk shall:

(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

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

(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

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

(A) did not previously designate a party;

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

(C) did not previously register.

(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).

## SB0164S02 compared with SB0164S03

- (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 a voter registration form or another signed form that identifies the registered political party with which the voter chooses to affiliate.
- 2584 (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.
- 2587 (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.
- 2591 (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:
- 2593 (a) the individual submits the form in person at the county clerk's office no later than 5 p.m. on the last business day before the change of affiliation deadline;
- 2595 (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
- 2598 (c) the individual's form is clearly postmarked before the change of affiliation deadline.
- 2599 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter registration form if:
- 2601 (a) the voter has not previously been registered to vote in the state; or
- 2602 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county clerk under Subsection (6).
- 2604 (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:
- 2606 (a) change the voter's party affiliation to "unaffiliated"; and
- 2607 (b) notify the voter electronically or by mail:
- 2608 (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
- 2611 (ii) of the methods and deadlines for changing the voter's party affiliation.

Section 25. Section 20A-2-204 is amended to read:

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

## SB0164S02 compared with SB0164S03

- 2614 (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.
- 2618 (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.
- 2622 (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.
- 2625 (3) The Driver License Division shall:
- 2626 (a) assist an individual in completing the voter registration form unless the individual refuses assistance;
- 2628 (b) electronically transmit each address change to the lieutenant governor [~~within~~] on or before the  
first business day that is at least five calendar days after the day on which the division receives the  
address change; and
- 2631 (c) [~~within~~] on or before the first business day that is at least five calendar days after the day on which  
the division receives a voter registration form, electronically transmit the form to the Office of the  
Lieutenant Governor, including the following for the individual named on the form:
- 2635 (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;
- 2638 (ii) a mailing address, if different from the individual's Utah residential address;
- 2639 (iii) an email address and phone number, if available;
- 2640 (iv) the desired political affiliation, if indicated;
- 2641 (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
- 2644 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification  
submitted with the form.
- 2646 (4) Upon receipt of an individual's voter registration form from the Driver License Division under  
Subsection (3), the lieutenant governor shall:
- 2648 (a) enter the information into the statewide voter registration database; and

## SB0164S02 compared with SB0164S03

- 2649 (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.
- 2654 (5) The county clerk of an individual whose information is entered into the statewide voter registration  
database under Subsection (4) shall:
- 2656 (a) ensure that the individual meets the qualifications to be registered or preregistered to vote; and
- 2658 (b)
- (i) if the individual meets the qualifications to be registered to vote:
- 2659 (A) ensure that the individual is assigned to the proper voting precinct; and
- 2660 (B) send the individual the notice described in Section 20A-2-304; or
- 2661 (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.
- 2663 (6)
- (a) When the county clerk receives a correctly completed voter registration form under this section, the  
clerk shall:
- 2665 (i) comply with the applicable provisions of this Subsection (6); or
- 2666 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 2667 (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:
- 2670 (i) accept the voter registration form; and
- 2671 (ii) unless the individual is preregistering to vote:
- 2672 (A) enter the individual's name on the list of registered voters for the voting precinct in which the  
individual resides; and
- 2674 (B) notify the individual that the individual is registered to vote in the upcoming election; and
- 2676 (iii) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- 2678 (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:
- 2681 (i) accept the application for registration of the individual;



## SB0164S02 compared with SB0164S03

- 2682 (ii) process the voter registration form; and
- 2683 (iii) unless the individual is preregistering to vote, and except as provided in Subsection 20A-2-207(6),  
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.
- 2688 (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.
- 2695 (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.

2700 Section 26. Section 20A-2-205 is amended to read:

2701 **20A-2-205. Registration at voter registration agencies.**

2702 (1) As used in this section:

2703 (a) "Discretionary voter registration agency" means the same as that term is defined in Section  
20A-2-300.5.

2705 (b) "Public assistance agency" means the same as that term is defined in Section 20A-2-300.5.

2707 (2) An individual may obtain and complete a registration form at a public assistance agency or  
discretionary voter registration agency.

2709 (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:

2712 "REGISTERING TO VOTE

2713 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

## SB0164S02 compared with SB0164S03

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, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the Office of the Lieutenant Governor)."

- 2726 (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:
- 2729 (a) distribute a voter registration form with each application for service or assistance provided by the  
agency or office;
- 2731 (b) assist applicants in completing the voter registration form unless the applicant refuses assistance;
- 2733 (c) accept completed forms for transmittal to the appropriate election official; and
- 2734 (d) transmit a copy of each voter registration form to the appropriate election official [within] on or  
before the first business day that is at least five calendar days after the day on which the division  
receives the voter registration form.
- 2737 (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:
- 2739 (a) seek to influence an applicant's political preference or party registration;
- 2740 (b) display any political preference or party allegiance;
- 2741 (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
- 2743 (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.
- 2746 (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:
- 2749 (a) accept and process the voter registration form;

## SB0164S02 compared with SB0164S03

- 2750 (b) unless the individual named in the form is preregistering to vote:
- 2751 (i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and
- 2753 (ii) notify the applicant that the applicant is registered to vote in the upcoming election; and
- 2755 (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- 2757 (7) If the county clerk receives a correctly completed voter registration form after the deadline described in Subsection (6), the county clerk shall:
- 2759 (a) accept the application for registration of the individual; and
- 2760 (b) except as provided in Subsection 20A-2-207(6), 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.
- 2764 (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.
- 2770 Section 27. Section 20A-2-304 is amended to read:
- 2771 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**
- Each county clerk shall:
- 2773 (1) register to vote each individual who meets the requirements for registration and who:
- 2774 (a) submits a completed voter registration form to the county clerk;
- 2775 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to the Driver License Division;
- 2777 (c) submits a completed voter registration form to a public assistance agency or a discretionary voter registration agency; or
- 2779 (d) mails a completed voter registration form to the county clerk; and
- 2780 (2) within 30 calendar days after the day on which the county clerk processes a voter registration form, send a notice to the individual who submits the form that:
- 2782 (a)

## SB0164S02 compared with SB0164S03

- (i) informs the individual that the individual's voter registration form has been accepted and that the individual is registered to vote;
- 2784 (ii) informs the individual of the procedure for designating or changing the individual's political affiliation;
- 2786 (iii) informs the individual of the procedure to cancel a voter registration;
- 2787 (iv) provides 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; and
- 2790 (v) confirms that the individual has chosen to receive electronic ballot status notifications if the individual opted to receive electronic ballot status notifications on the voter registration form;
- 2793 (b) informs the individual that the individual's voter registration form has been rejected and the reason for the rejection; or
- 2795 (c)
- (i) informs the individual that the individual's voter registration form is being returned to the individual for further action because the form is incomplete; and
- 2797 (ii) gives instructions to the individual on how to properly complete the form.

Section 28. Section 20A-2-502 is amended to read:

**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.**

- 2802 (1) The lieutenant governor shall:
- 2803 (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;
- 2806 (b) except as provided in Subsection (2)(c), regularly update the system with information relevant to voter registration, as follows:
  - 2808 (i) on at least a weekly basis, information received from the Driver License Division in relation to:
  - 2810 (A) voter registration;
  - 2811 (B) a registered voter's change of address; or
  - 2812 (C) a registered voter's change of name;
  - 2813 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11) from the state registrar, regarding deceased individuals;

## SB0164S02 compared with SB0164S03

- 2815 (iii) on at least a monthly basis, the information described in Subsection (3), received from the  
Department of Corrections regarding incarcerated individuals;
- 2817 (iv) on at least a monthly basis, information received from other states, including information received  
under an agreement described in Subsection (2); and
- 2819 (v) within 31 calendar days after [~~receiving~~] the day on which the lieutenant governor receives  
information relevant to voter registration, other than the information described in Subsections (1)(b)  
(i) through [~~(v)~~] (iv);
- 2822 (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;
- 2824 (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
- 2826 (e) on at least a monthly basis:
- 2827 (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;
- 2830 (ii) notify the applicable county clerk of the data identified; and
- 2831 (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.
- 2834 (2)
- (a) Subject to Subsection (2)(b), the lieutenant governor may cooperate or enter into an agreement  
with a governmental entity or another state to share information and increase the accuracy of the  
database.
- 2837 (b) For a record shared under Subsection (2)(a), the lieutenant governor shall ensure:
- 2838 (i) that the record is only used to maintain the accuracy of the database;
- 2839 (ii) compliance with Section 63G-2-206; and
- 2840 (iii) that the record is secure from unauthorized use by employing data encryption or another similar  
technology security system.
- 2842 (c) The lieutenant governor 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 fails to provide the information.
- 2845 (3)
- (a) The lieutenant governor shall maintain a current list of all incarcerated felons in Utah.

## SB0164S02 compared with SB0164S03

- 2847 (b) The Department of Corrections shall provide the lieutenant governor's office with:
- 2848 (i) the name and last-known address of each individual who:
- 2849 (A) was convicted of a felony in a Utah state court; and
- 2850 (B) is currently incarcerated for commission of a felony; and
- 2851 (ii) the name of each convicted felon who has been released from incarceration.
- 2852 (4) The lieutenant governor shall maintain on the lieutenant governor's website a document that:
- 2854 (a) describes the utilities and tools within the system that a county clerk is required to run;
- 2856 (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;
- 2858 (c) lists, by date, the recurring deadlines by which a county clerk must comply with Subsection (4)(a) or (b); and
- 2860 (d) indicates, by county:
- 2861 (i) whether the county clerk timely complies with each deadline described in Subsection (4)(c); and
- 2863 (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.

2866 Section 29. Section 20A-2-503 is amended to read:

2867 **20A-2-503. County clerk's responsibilities -- Updating voter registration.**

- 2868 (1)
- (a) Each county clerk shall use the system to record or modify all voter registration records.
- 2870 (b) A county clerk shall:
- 2871 (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
- 2873 (ii) in accordance with rules made under Section 20A-2-507, regularly report to the lieutenant governor the information described in Subsection 20A-2-502(4).
- 2875 (2) A county clerk who receives notification from the lieutenant governor, 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.
- 2878 (3) Unless the county clerk verifies that a change described in Subsection (2) is incorrect, the county clerk shall:
- 2880 (a) change the voter registration record to show the registered voter's current name and address; and

## SB0164S02 compared with SB0164S03

- 2882 (b) notify the registered voter of the change to the voter registration record.
- 2883 (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:
- 2884 (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
- 2886 (b) every December, run the annual maintenance utility.
- 2887 (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 calendar 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:
- 2893 "VOTER REGISTRATION ADDRESS"
- 2894 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?
- 2896 \_\_\_\_\_
- |      |                    |      |        |       |     |
|------|--------------------|------|--------|-------|-----|
| 2897 | Street             | City | County | State | ZIP |
| 2898 | _____              |      |        |       |     |
| 2899 | Signature of Voter |      |        |       |     |
- 2900 (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.
- 2902 Section 30. Section 20A-2-504 is amended to read:
- 2903 **20A-2-504. Removing names from the official register -- General requirements.**
- 2904 (1) The county clerk may not remove a voter's name from the official register solely because the voter  
has failed to vote in an election.
- 2906 (2) The county clerk shall remove a voter's name from the official register if:
- 2907 (a) the voter dies and the requirements of Subsection (3) are met;
- 2908 (b) the county clerk, after complying with the requirements of Section 20A-2-505, receives written  
confirmation from the voter that the voter no longer resides within the county clerk's county;
- 2911 (c)
- (i) the county clerk obtains evidence that the voter's residence has changed;
- 2912 (ii) the county clerk mails notice to the voter as required under Section 20A-2-505;

## SB0164S02 compared with SB0164S03

- 2913 (iii) the county clerk:
- 2914 (A) receives no response from the voter; or
- 2915 (B) does not receive information that confirms the voter's residence; and
- 2916 (iv) the voter does not vote or appear to vote in an election during the period beginning on the date of  
the notice described in Section 20A-2-505 and ending on the day after the date of the second regular  
general election occurring after the date of the notice;
- 2920 (d) the voter requests, in writing, that the voter's name be removed from the official register;
- 2922 (e) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for  
an offense under this title and the voter's right to vote has not been restored as provided in Section  
20A-2-101.3 or 20A-2-101.5; or
- 2925 (f) the county clerk receives notice that a voter has registered to vote in another state after the day on  
which the voter registered to vote in this state.
- 2927 (3) The county clerk shall remove a voter's name from the [-]official register within five business days  
after the day on which the county clerk receives [-]confirmation from the Office of Vital Records  
that the voter is deceased.
- 2930 (4) No later than 90 calendar days before each primary election day and general election day, the  
county clerk shall update the official register by reviewing the official register and taking the actions  
permitted or required by law under this section, Section 20A-2-503, and Section 20A-2-505.
- 2934 Section 31. Section 20A-2-505 is amended to read:
- 2935 **20A-2-505. Removing names from the official register -- Determining and confirming change  
of residence.**
- 2937 (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:
- 2939 (a) confirms in writing that the voter has changed residence to a place outside the county; or
- 2941 (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
- 2944 (ii) does not respond to the notice described in Subsection (3).
- 2945 (2)



## SB0164S02 compared with SB0164S03

(a) Within 31 calendar 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:

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

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

(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.

(3)

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

"VOTER REGISTRATION NOTICE

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?

\_\_\_\_\_

Street	City	County	State	Zip
--------	------	--------	-------	-----

What is your current phone number (optional)? \_\_\_\_\_

What is your current email address (optional)? \_\_\_\_\_

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 calendar days before the date of the election. If you fail to return this form within that time:

- 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

- 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.

\_\_\_\_\_  
Signature of Voter

## SB0164S02 compared with SB0164S03

2976  
2977  
  
2981  
  
2985  
  
2988  
  
2991  
2992  
  
2997  
  
3003  
  
3009

### PRIVACY INFORMATION

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.

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.

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:

\_\_\_\_\_ 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.

### REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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.

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 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.

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."

## SB0164S02 compared with SB0164S03

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

3011

-----

3012

### BALLOT NOTIFICATIONS

3013

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:

3016

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

3018

-----

3019

(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 calendar days before a regular primary election or the 90 calendar days before a regular general election.

3022

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

3025

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

3026

- (ii) the voter dies.

3027

(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.

3029

- (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.

3033

- (iii) An inactive voter may vote, sign petitions, and have all other privileges of a registered voter.

3035

- (iv) A county is not required to:

3036

- (A) send routine mailings to an inactive voter; or

3037

- (B) count inactive voters when dividing precincts and preparing supplies.

3038

- (5) The lieutenant governor shall make available to a county clerk United States Social Security Administration data received by the lieutenant governor regarding deceased individuals.

3041

- (6) A county clerk shall, within [~~ten~~] 10 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

## SB0164S02 compared with SB0164S03

decedent whose name appears on the official register, remove the decedent's name from the official register.

- 3045 (7) Ninety calendar days before each primary and general election the lieutenant governor shall  
compare the information the lieutenant governor 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.

3049 Section 32. Section **20A-3a-106** is amended to read:

3050 **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:

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

3063 Section 33. Section **20A-3a-202** is amended to read:

3064 **20A-3a-202. Conducting election by mail.**

- 67 (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.  
70 (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.  
72 (2) An election officer who administers an election:  
73 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before election day and no  
later than seven calendar days before election day, mail to each active voter within a voting precinct:  
76 (i) a manual ballot;

## SB0164S02 compared with SB0164S03

- 77 (ii) a return envelope;
- 78 (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;
- 81 (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;
- 84 (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
- 90 (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;
- 92 (b) may not mail a ballot under this section to:
- 93 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
- 94 (ii) a voter whom the election officer is prohibited from sending a ballot under Subsection (9)(c)(ii);
- 96 (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;
- 99 (d) shall provide a method of accessible voting to a voter with a disability who is not able to vote by  
mail; and
- 101 (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.
- 103 (3)
- (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to  
the address:
- 105 (i) provided at the time of registration; or
- 106 (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.

108

## SB0164S02 compared with SB0164S03

(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.

(c) A voter shall provide the completed alternate address request form to the election officer no later than 11 calendar days before the day of the election.

(4) The return envelope shall include:

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

(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;

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

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

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.

\_\_\_\_\_  
Signature of Voter"; and

(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.

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

(a) mail a ballot to the voter;

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

(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.

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

(a)

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

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

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

## SB0164S02 compared with SB0164S03

(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 calendar 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 calendar 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.

## SB0164S02 compared with SB0164S03

(10) A county clerk shall, at least 90 calendar 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 34. Section 20A-3a-203 is amended to read:

#### **20A-3a-203. Voting at a polling place.**

(1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling place in an election in accordance with this section.

(2)

(a) The voter shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers.

(c) If the poll worker is not satisfied that the voter has presented valid voter identification, the poll worker shall:

(i) indicate on the official register that the voter was not properly identified;

(ii) issue the voter a provisional ballot;

(iii) notify the voter that the voter will have until the close of normal office hours on Monday after the day of the election or, if Monday is a holiday, on the first business day after the holiday, to present valid voter identification:

(A) to the county clerk at the county clerk's office; or

(B) to an election officer who is administering the election; and

(iv) follow the procedures and requirements of Section 20A-3a-205.

(d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.

(3) A poll worker shall check the official register to determine whether:

(a) a voter is registered to vote; and



## SB0164S02 compared with SB0164S03

(b) if the election is a regular primary election or a presidential primary election, whether a voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requests.

3208 (4)

(a) Except as provided in Subsection (5), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.

3211 (b) If, in a regular primary election or a presidential primary election, the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

3215 (5) In a regular primary election or a presidential primary election:

3216 (a) if a voter's name is not found on the official register, and if it is not unduly disruptive to the election process, the poll worker may attempt to contact the county clerk's office to request oral verification of the voter's registration;

3219 (b) if oral verification is received from the county clerk's office, the poll worker shall:

3220 (i) record the verification on the official register;

3221 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to vote; and

3223 (iii) except as provided in Subsection (6), comply with Subsection (3).

3224 (6)

(a) Except as provided in Subsection (6)(b), if, in a regular primary election or a presidential primary election, the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

3229 (b) If, in a regular primary election or a presidential primary election, the voter is listed in the official register as unaffiliated, or if the official register does not affirmatively identify the voter as either unaffiliated or affiliated with a registered political party, and the voter, as an unaffiliated voter, is not authorized to vote the ballot that the voter requests, the poll worker shall:

3234 (i) ask the voter if the voter wishes to vote another registered political party ballot that the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

3236 (ii)

(A) if the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3); or

## SB0164S02 compared with SB0164S03

- 3239 (B) if the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated  
voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.
- 3242 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions of Subsection (6),  
if the poll worker determines that the voter is registered, a poll worker shall:
- 3245 (a) direct the voter to sign the voter's name in the official register;
- 3246 (b) provide to the voter the ballot that the voter is qualified to vote; and
- 3247 (c) allow the voter to enter the voting booth.
- 3248 Section 35. Section 20A-3a-401 is amended to read:
- 3249 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition**  
**-- Notice -- Disclosures relating to unresolved ballots.**
- 3251 (1) This section governs ballots returned by mail or via a ballot drop box.
- 3252 (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.
- 3254 (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.
- 3256 (3) After complying with Subsection (2), the poll workers shall determine whether:
- 3257 (a) the signatures correspond;
- 3258 (b) the affidavit is sufficient;
- 3259 (c) the voter is registered to vote in the correct precinct;
- 3260 (d) the voter's right to vote the ballot has been challenged;
- 3261 (e) the voter has already voted in the election;
- 3262 (f) the voter is required to provide valid voter identification; and
- 3263 (g) if the voter is required to provide valid voter identification, whether the voter has provided valid  
voter identification.
- 3265 (4)
- (a) The poll workers shall take the action described in Subsection (4)(b) if the poll workers determine:
- 3267 (i) in accordance with the rules made under Subsection (11):
- 3268 (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
- 3270

## SB0164S02 compared with SB0164S03

(B) for an individual who checks the box described in Subsection (5)(c)(v), that the signature is verified by alternative means;

(ii) that the affidavit is sufficient;

(iii) that the voter is registered to vote in the correct precinct;

(iv) that the voter's right to vote the ballot has not been challenged;

(v) that the voter has not already voted in the election; and

(vi) for a voter required to provide valid voter identification, that the voter has provided valid voter identification.

(b) If the poll workers make all of the findings described in Subsection (4)(a), the poll workers shall:

(i) remove the manual ballot from the return envelope in a manner that does not destroy the affidavit on the return envelope;

(ii) ensure that the ballot does not unfold and is not otherwise examined in connection with the return envelope; and

(iii) place the ballot with the other ballots to be counted.

(c) If the poll workers do not make all of the findings described in Subsection (4)(a), the poll workers shall:

(i) disallow the vote;

(ii) without opening the return envelope, record the ballot as "rejected" and state the reason for the rejection; and

(iii) place the return envelope, unopened, with the other rejected return envelopes.

(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:

(i) contact the individual in accordance with Subsection (6); and

(ii) inform the individual:

(A) that the individual's signature is in question;

(B) how the individual may resolve the issue; and

(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).

## SB0164S02 compared with SB0164S03

- 3302 (b) The election officer shall ensure that the notice described in Subsection (5)(a) includes:
- 3304 (i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (5)  
(c) and a courtesy reply envelope;
- 3306 (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
- 3309 (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.
- 3313 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:
- 3314 (i) an attestation that the individual voted the ballot;
- 3315 (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;
- 3317 (iii) a space for the individual to sign the affidavit;
- 3318 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and  
county clerk's use of the individual's signature on the affidavit for voter identification purposes; and
- 3321 (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 \_\_\_\_\_".
- 3326 (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.
- 3329 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall immediately:
- 3331 (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;
- 3333 (ii) if the election officer receives the affidavit no later than ~~[5 p.m. three days]~~ noon on the last  
business day before the day on which the canvass begins, count the individual's ballot; and
- 3336 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the rules described in  
Subsection (11)(c).
- 3338 (6)

## SB0164S02 compared with SB0164S03

- (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:
- 3341 (i) the ballot is cured within one business day after the day on which the ballot is rejected; or
- 3343 (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be cured.
- 3345 (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:
- 3348 (i) 30 calendar days after the day of the rejection; or
- 3349 (ii) 30 calendar days after the day of the election.
- 3350 (c) The election officer may, when notifying an individual by phone under this Subsection (6), use auto-dial technology.
- 3352 (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]~~ noon on the last business day before the day on which the canvass begins, the election officer:
- 3355 (a) receives a signed affidavit from the individual under Subsection (5); or
- 3356 (b)
- 3357 (i) contacts the individual;
- 3357 (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;
- 3361 (iii) verifies the identity of the individual by:
- 3362 (A) requiring the individual to provide at least two types of personal identifying information for the individual; and
- 3364 (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
- 3367 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
- 3368 (A) the name and voter identification number of the individual contacted;
- 3369 (B) the name of the individual who conducts the verification;
- 3370 (C) the date and manner of the communication;

## SB0164S02 compared with SB0164S03

- 3371 (D) the type of personal identifying information provided by the individual;
- 3372 (E) a description of the records against which the personal identifying information provided by the  
individual is compared and verified; and
- 3374 (F) other information required by the lieutenant governor.
- 3375 (8) The election officer shall:
- 3376 (a) retain and preserve the return envelopes in the manner provided by law for the retention and  
preservation of ballots voted at that election;
- 3378 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and
- 3379 (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).
- 3383 (9)
- (a) The election officer shall record the following in the database used to verify signatures:
- 3385 (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
- 3387 (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.
- 3389 (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:
- 3392 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
- 3393 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do  
not correspond.
- 3395 (10) Willful failure to comply with this section constitutes willful neglect of duty under Section  
20A-5-701.
- 3397 (11) The director of elections within the Office of the Lieutenant Governor shall make rules, in  
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
- 3400 (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);
- 3403 (b) training and certification requirements for election officers and employees of election officers  
regarding the criteria and processes described in Subsection (11)(a); and
- 3405

## SB0164S02 compared with SB0164S03

(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).

3408 (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:

3411 (a) make the disclosure within two business days after the day on which the request is made;

3413 (b) respond to each request in the order the requests were made; and

3414 (c) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to one requestor over another.

3416 (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).

3418 Section 36. Section 20A-3a-502 is amended to read:

3419 **20A-3a-502. Intimidation -- Undue influence.**

3420 (1) It is unlawful for a person to induce or compel an individual to vote or refrain from voting at an election provided by law or to vote or refrain from voting for a particular individual or measure at an election provided by law, directly or indirectly, by:

3423 (a) using force, violence, or restraint;

3424 (b) inflicting or threatening to inflict injury, damage, harm, or loss; or

3425 (c) by intimidation.

3426 (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in voting at any election provided by law or voting or refraining from voting for a particular individual or measure at an election provided by law.

3430 (3) It is unlawful for a person to:

3431 (a) enclose in the salary or wage envelopes of an employee of the person, political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employee; or

3434 (b) within 90 calendar days before the day of an election provided by law, post or otherwise exhibit, in a location where the person's employees may be working or may be present in the course of

## SB0164S02 compared with SB0164S03

employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:

- (i) work performed by the person's employees will cease in whole or in part;
  - (ii) the workplace will close;
  - (iii) wages of workforce will be reduced; or
  - (iv) other adverse consequences, under the control of the person, will result.
- (4) Violation of this section is a class B misdemeanor.

### Section 37. Section 20A-3a-601 is amended to read:

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

- (1) Except as provided in Section 20A-7-609.5:
- (a) an individual who is registered to vote may vote at a polling place before the election date in accordance with this section; and
  - (b) except as provided in Subsection 20A-2-207(6), 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:
    - (i) is otherwise legally entitled to vote the ballot; and
    - (ii) casts a provisional ballot in accordance with Section 20A-2-207.
- (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:
- (a) begins on the date that is 14 calendar days before the date of the election; and
  - (b) continues through the Friday before the election if the election date is a Tuesday.
- (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.
  - (b) For a municipal election, the municipal clerk may reduce the early voting period described in this section if:
    - (i) the municipal 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 calendar days before the date of the election and ending on the day before the election; and
    - (iii) the municipal clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.



## SB0164S02 compared with SB0164S03

(c) For a county election, the county clerk may reduce the early voting period described in this section 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 calendar 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.

(4) Except as provided in Section 20A-1-308, during the early voting period, the election officer:

(a) for a local special election, a municipal primary election, and a municipal general election:

(i) shall conduct early voting on a minimum of four days during each week of the early voting period; and

(ii) shall conduct early voting on the last day of the early voting period; and

(b) for all other elections:

(i) shall conduct early voting on each weekday; and

(ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

(5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered in accordance with the requirements of this title.

Section 38. Section 20A-3a-604 is amended to read:

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

(1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the election officer shall, for at least 28 calendar days before the date of the election, provide notice of the dates, times, and locations of early voting by publishing notice for the county, as a class A notice under Section 63G-30-102.

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

(a) the county's website;

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

(c) a mailing address and telephone number.

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

## SB0164S02 compared with SB0164S03

- (a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each early voting polling place, including any changes to the location of an early voting polling place and the location of additional early voting polling places; and
- 3506 (b) a phone number that a voter may call to obtain information regarding the location of an early voting polling place.

### Section 39. Section 20A-3a-703 is amended to read:

#### **20A-3a-703. Election day voting centers as polling places -- Location -- Notification.**

- 3511 (1) The election officer may designate one or more polling places as an election day voting center if:
- 3513 (a) except as provided in Subsection (2), the election officer notifies the lieutenant governor of the designation and location of the election day voting center at least 15 calendar days before the election;
- 3516 (b) the polling place meets the requirements for a polling place under Chapter 5, Election Administration; and
- 3518 (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:
  - 3521 (i) can be scheduled for use during election day voting hours;
  - 3522 (ii) has the physical facilities necessary to accommodate election day voting requirements;
  - 3524 (iii) has adequate space for voting equipment, poll workers, and voters; and
  - 3525 (iv) has adequate security, public accessibility, and parking.
- 3526 (2)
- (a) The election officer may, after the deadline described in Subsection (1)(a):
  - 3527 (i) if necessary, change the location of an election day voting center; or
  - 3528 (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.
- 3531 (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:

## SB0164S02 compared with SB0164S03

- 3536 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter Information Website;  
3538 (ii) by posting the information on the website of the election officer, if available; and  
3539 (iii) by posting notice:  
3540 (A) of a change in the location of an election day voting center, at the new location and, if possible, the  
old location; and  
3542 (B) of an additional election day voting center, at the additional election day voting center.
- 3544 Section 40. Section **20A-3a-801** is amended to read:  
3545 **20A-3a-801. Watchers.**
- 187 (1) As used in this section[, "administering"] :  
188 (a) "Administering election officer" means:  
189 [(a)] (i) the election officer; or  
190 [(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.  
192 (b) "Candidate signature packet" means the same as that term is defined in Section 20A-9-401.1.  
194 (c) "Election process" means each process of an election, including a process described in Subsections  
(4) and (5).  
196 (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[-at any time] by registering as a watcher  
with the administering election officer.  
199 (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.  
201 (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.  
203 (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).  
206 (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).  
209 (3)

## SB0164S02 compared with SB0164S03

(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:

(i) by filing an affidavit with the administering election officer responsible to designate an individual as an official watcher for the certifying person; and

(ii) if the individual registers as a watcher under Subsection (2)(a).

(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.

(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.

(4) A watcher may:

(a) observe the setup or takedown of a polling place;

(b) observe a voter checking in at a polling place;

(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;

(d) observe the transport or transmission of a ballot that is in an election official's custody;

(e) observe the opening and inspection of a manual ballot;

(f) observe ballot replication;

(g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;

(h) observe ballot tabulation;

(i) observe the process of storing and securing a ballot;

(j) observe a post-election audit;

(k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;

(l) observe the certification of the results of an election;

(m) observe a recount; or

(n) observe signature verification[-] :

(i) of signatures on a return envelope containing a ballot; or

(ii) relating to a candidate signature packet.

## SB0164S02 compared with SB0164S03

- 242 (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:  
254 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an election process;  
256 (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  
259 (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.  
263 [(6)] (7)  
(a) A watcher may not:  
264 (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;  
271 [(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]~~  
273 [(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

## SB0164S02 compared with SB0164S03

- 276 (v) divulge information related to:
- 277 (A) the number of signatures collected to qualify a candidate for placement on a primary election ballot;  
or
- 279 (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.
- 282 (b) A person who violates Subsection [~~(6)(a)(iii)~~] (7)(a)(iv) or (v) is guilty of a third degree felony.
- 284 [~~(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:
- 287 (i) limit the number of watchers at a single location;
- 288 (ii) remove a watcher for violating a provision of this section;
- 289 (iii) remove a watcher for interfering with an activity described in Subsection (4) or (5);
- 291 (iv) designate areas for a watcher to reasonably observe the activities described in Subsection (4) or  
(5); or
- 293 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
- 294 (b) If an administering election officer limits the number of watchers at a single location under  
Subsection [~~(6)(a)(i)~~] (8)(a)(i), the administering election officer shall give preferential access to the  
location to a watcher designated under Subsection (3).
- 297 (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.
- 3658 Section 41. Section 20A-3a-803 is amended to read:
- 3659 **20A-3a-803. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**
- 3661 (1) An individual may challenge another individual's eligibility to vote on any of the following grounds:
- 3663 (a) the individual is not the individual in whose name the individual tries to vote;
- 3664 (b) the individual is not a resident of Utah;
- 3665 (c) the individual is not a citizen of the United States;
- 3666 (d) the individual has not or will not have resided in Utah for 30 calendar days immediately before the  
date of the election;
- 3668 (e) the individual's principal place of residence is not in the voting precinct that the individual claims;
- 3670 (f) the individual's principal place of residence is not in the geographic boundaries of the election area;

## SB0164S02 compared with SB0164S03

- 3672 (g) the individual has already voted in the election;
- 3673 (h) the individual is not at least the minimum age required to vote in the election;
- 3674 (i) the individual has been convicted of a misdemeanor for an offense under this title and the  
individual's right to vote in an election has not been restored under Section 20A-2-101.3;
- 3677 (j) the individual is a convicted felon and the voter's right to vote in an election has not been restored  
under Section 20A-2-101.5; or
- 3679 (k) in a regular primary election or presidential primary election, the individual does not meet the  
political party affiliation requirements for the ballot the individual seeks to vote.
- 3682 (2) An individual who challenges another individual's right to vote in an election shall make the  
challenge in accordance with:
- 3684 (a) Section 20A-3a-804, for a challenge that is not made in person at the time an individual votes; or
- 3686 (b) Section 20A-3a-805, for challenges made in person at the time an individual votes.
- 3687 Section 42. Section 20A-3a-804 is amended to read:
- 3688 **20A-3a-804. Pre-election challenges to a voter's eligibility in writing -- Procedure -- Form of  
challenge.**
- 3690 (1)
- (a) An individual may challenge an individual's eligibility to vote by filing a written statement with the  
election officer in accordance with Subsection (1)(b) that:
- 3692 (i) lists the name and address of the individual filing the challenge;
- 3693 (ii) for each individual who is challenged:
- 3694 (A) identifies the name of the challenged individual;
- 3695 (B) lists the last known address or telephone number of the challenged individual;
- 3696 (C) provides the basis for the challenge, as provided under Section 20A-3a-803;
- 3697 (D) provides facts and circumstances supporting the basis provided; and
- 3698 (E) may include supporting documents, affidavits, or other evidence; and
- 3699 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:
- 3700 (A) the filer exercised due diligence to personally verify the facts and circumstances establishing the  
basis for the challenge; and
- 3702 (B) according to the filer's personal knowledge and belief, the basis for the challenge under Section  
20A-3a-803 for each challenged individual is valid.
- 3704

## SB0164S02 compared with SB0164S03

(b) An individual who files a written statement under Subsection (1)(a) shall file the written statement during the election officer's regular business hours:

(i) at least 45 calendar days before the day of the election; or

(ii) if the challenge is to an individual who registered to vote between the day that is 45 calendar days before the election and the day of the election:

(A) on or before the day of the election; and

(B) before the individual's ballot is removed from a ballot envelope or otherwise separated from any information that could be used to identify the ballot as the individual's ballot.

(c) The challenge may not be based on unsupported allegations or allegations by an anonymous individual.

(d) An election officer may require an individual who files a challenge under this section to file the challenge on a form provided by the election officer that meets the requirements of this section.

(2) If the challenge is not in the proper form, is incomplete, or if the basis for the challenge does not meet the requirements of this part, the election officer shall dismiss the challenge and notify the filer in writing of the reasons for the dismissal.

(3)

(a) Upon receipt of a challenge that meets the requirements for filing under this section, the election officer shall attempt to notify each challenged individual in accordance with Subsection (3)(b):

(i) at least 28 calendar days before the date of the election, if the election officer receives the challenge under Subsection (1)(b)(i); or

(ii) within one business day, if the election officer receives the challenge under Subsection (1)(b)(ii).

(b) The election officer shall attempt to notify each challenged individual:

(i) that a challenge has been filed against the challenged individual;

(ii) that the challenged individual may be required to cast a provisional ballot at the time the individual votes if the individual votes in person;

(iii) that if the individual votes by mail, the individual's ballot will be treated as a provisional ballot unless the challenge is resolved;

(iv) of the basis for the challenge, which may include providing a copy of the challenge the filer filed with the election officer; and



## SB0164S02 compared with SB0164S03

(v) that the challenged individual may submit information, a sworn statement, supporting documents, affidavits, or other evidence supporting the challenged individual's eligibility to vote in the election to the election officer no later than:

3739 (A) 21 calendar days before the date of the election, if the election officer receives the challenge under Subsection (1)(b)(i); or

3741 (B) five calendar days before the day on which the canvass is held, if the election officer receives the challenge under Subsection (1)(b)(ii).

3743 (4)

(a) The election officer shall determine whether each challenged individual is eligible to vote before the day on which:

3745 (i) early voting commences, if the election officer receives the challenge under Subsection (1)(b)(i);  
or

3747 (ii) the canvass is held, if the election officer receives the challenge under Subsection (1)(b)(ii).

3749 (b)

(i) The filer has the burden to prove, by clear and convincing evidence, that the basis for challenging the individual's eligibility to vote is valid.

3751 (ii) The election officer shall resolve the challenge based on the available facts and information submitted, which may include voter registration records and other documents or information available to the election officer.

3754 (5) An individual who files a challenge in accordance with the requirements of this section is subject to criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

3757 (6)

(a) A challenged individual may appeal an election officer's decision regarding the individual's eligibility to vote to the district court having jurisdiction over the location where the challenge was filed.

3760 (b) The district court shall uphold the decision of the election officer unless the district court determines that the decision was arbitrary, capricious, or unlawful.

3762 (c) In making the district court's determination, the district court's review is limited to:

3763 (i) the information filed under Subsection (1)(a) by the filer;

3764 (ii) the information submitted under Subsection (3)(b)(v) by the challenged individual; and

## SB0164S02 compared with SB0164S03

3766 (iii) any additional facts and information used by the election official to determine whether the  
challenged individual is eligible to vote, as indicated by the election official.

3769 (7) A challenged individual may register to vote or change the location of the individual's voter  
registration if otherwise permitted by law.

3771 (8) A document pertaining to a challenge filed under this section is a public record.

3772 Section 43. Section 20A-3a-807 is amended to read:

3773 **20A-3a-807. Notification of ballot processes.**

3774 (1) As used in this section, "ballot process" includes:

3775 (a) signature verification;

3776 (b) opening ballots;

3777 (c) scanning ballots;

3778 (d) adjudicating ballots;

3779 (e) replicating damaged or defective ballots; or

3780 (f) tabulating votes.

3781 (2) A county clerk shall:

3782 (a) beginning at least three calendar days before the day on which the county clerk begins mailing  
ballots for an election, and ending on the first day of the canvass, post on the county clerk's website  
a schedule of the hours, over the next three calendar days, during which the county clerk plans to  
conduct one or more ballot processes; and

3787 (b) update any changes to the schedule at least 24 hours before the clerk modifies the hours.

3789 Section 44. Section 20A-4-104 is amended to read:

3790 **20A-4-104. Counting ballots electronically -- Notice of testing tabulating equipment.**

3792 (1)

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

3795 (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 calendar days before the day of the test.

3799 (c) The election officer shall conduct the test by processing a preaudited group of ballots.

3800 (d) The election officer shall ensure that:

## SB0164S02 compared with SB0164S03

- 3801 (i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;  
3803 (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  
3806 (iii) a different number of valid votes are assigned to each candidate for an office, and for and against  
each measure.
- 3808 (e) If any error is detected, the election officer shall determine the cause of the error and correct it.
- 3810 (f) The election officer shall ensure that:
- 3811 (i) the automatic tabulating equipment produces an errorless count before beginning the actual counting;  
and  
3813 (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).
- 3816 (2)
- (a) The election officer or the election officer's designee shall supervise and direct all proceedings at the  
counting center.
- 3818 (b)
- (i) Proceedings at the counting center are public and may be observed by interested persons.
- 3820 (ii) Only those persons authorized to participate in the count may touch any ballot or return.
- 3822 (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.
- 3825 (3)
- (a) If any ballot is damaged or defective so that it cannot properly be counted by the automatic  
tabulating equipment, the election officer shall ensure that two counting judges jointly:
- 3828 (i) make a true replication of the ballot with an identifying serial number;
- 3829 (ii) substitute the replicated ballot for the damaged or defective ballot;
- 3830 (iii) label the replicated ballot "replicated"; and
- 3831 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 3832 (b) The lieutenant governor shall provide to each election officer a standard form on which the election  
officer shall maintain a log of all replicated ballots, that includes, for each ballot:
- 3835 (i) the serial number described in Subsection (3)(a);

## SB0164S02 compared with SB0164S03

- 3836 (ii) the identification of the individuals who replicated the ballot;  
3837 (iii) the reason for the replication; and  
3838 (iv) any other information required by the lieutenant governor.
- 3839 (c) An election officer shall:
- 3840 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as ballots are  
replicated;
- 3842 (ii) at the end of each day during which one or more ballots are replicated, make an electronic copy of  
the log; and
- 3844 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.
- 3845 (4) The election officer may:
- 3846 (a) conduct an unofficial count before conducting the official count in order to provide early unofficial  
returns to the public;
- 3848 (b) release unofficial returns from time to time after the polls close; and
- 3849 (c) report the progress of the count for each candidate during the actual counting of ballots.
- 3851 (5) Beginning on the day after the date of the election, if an election officer releases early unofficial  
returns or reports the progress of the count for each candidate under Subsection (4), the election  
officer shall, with each release or report, disclose an estimate of the total number of voted ballots in  
the election officer's custody that have not yet been counted.
- 3856 (6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid  
provisional ballots for counting as provided in Section 20A-4-107.
- 3858 (7)
- (a) The election officer or the election officer's designee shall:
- 3859 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 3860 (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- 3862 (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.
- 3865 (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.
- 3868 (b) Upon completion of the count, the election officer shall make official returns open to the public.

## SB0164S02 compared with SB0164S03

- 3870 (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.
- 3873 (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.
- 3875 Section 45. Section 20A-4-301 is amended to read:
- 3876 **20A-4-301. Board of canvassers.**
- 3877 (1)
- (a) Each county legislative body is the board of county canvassers for:
- 3878 (i) the county; and
- 3879 (ii) each special district whose election is conducted by the county if:
- 3880 (A) the election relates to the creation of the special district;
- 3881 (B) the county legislative body serves as the governing body of the special district; or
- 3883 (C) there is no duly constituted governing body of the special district.
- 3884 (b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of  
the county legislative body, at a date and time determined by the county clerk that is no sooner than  
seven calendar days after the day of the election and no later than 14 calendar days after the day of  
the election.
- 3888 (c) If one or more of the county legislative body fails to attend the meeting of the board of county  
canvassers, the remaining members shall replace the absent member by appointing in the order  
named:
- 3891 (i) the county treasurer;
- 3892 (ii) the county assessor; or
- 3893 (iii) the county sheriff.
- 3894 (d) Attendance of the number of persons equal to a simple majority of the county legislative body, but  
not less than three persons, shall constitute a quorum for conducting the canvass.
- 3897 (e) The county clerk is the clerk of the board of county canvassers.
- 3898 (2)
- (a) The mayor and the municipal legislative body are the board of municipal canvassers for the  
municipality.
- 3900

## SB0164S02 compared with SB0164S03

- (b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:
- 3902 (i) for canvassing of returns from a municipal general election, no sooner than seven calendar days after the day of the election and no later than 14 calendar days after the day of the election; or
- 3905 (ii) for canvassing of returns from a municipal primary election, no sooner than seven calendar days after the day of the election and no later than 14 calendar days after the election.
- 3908 (c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.
- 3910 (3)
- (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.
- 3912 (b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.
- 3914 (c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.
- 3916 (4)
- (a) If a board of trustees or an administrative control board is the governing body of a special district, the board of trustees or the administrative control board is the board of special district canvassers for the special district.
- 3919 (b) The board of special district canvassers shall meet to canvass the returns at the usual place of meeting for the board of trustees or the administrative control board, as applicable, at a date and time determined by the special district clerk that is no sooner than seven calendar days after the day of the election and no later than 14 calendar days after the day of the election.
- 3924 (c) Attendance of a simple majority of the board of trustees or the administrative control board is a quorum for conducting the canvass.
- 3926 (5) In relation to an election for the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a local school board for a new school district or a reorganized new school district under Section 53G-3-302, the board of canvassers is:
- 3930 (a) if the voters permitted to vote in the election are all residents of the same municipality, the mayor and the municipal legislative body;

## SB0164S02 compared with SB0164S03

- 3932 (b) if the voters permitted to vote in the election are not all residents of the same municipality, but are  
all residents of the same county, the county legislative body; or
- 3934 (c) if the voters permitted to vote in the election are not all residents of the same municipality and are  
not all residents of the same county, the county legislative body of the county where the majority of  
the voters permitted to vote in the election are residents.

3938 Section 46. Section 20A-4-302 is amended to read:

3939 **20A-4-302. Duties of the board of canvassers -- Receiving returns.**

- 3940 (1) If the election returns from each voting precinct in which polls were opened have been received at  
the time the board of canvassers convenes, the board of canvassers shall canvass the election returns  
as provided in this part.
- 3943 (2) If all of the election returns have not been received, the board shall postpone the canvass from day  
to day, Sundays and legal holidays excepted, until:
- 3945 (a) all of the election returns are received; or
- 3946 (b) the board has postponed the canvass seven times.
- 3947 (3)
- (a) If the election officer has not received the election returns from any voting precinct within seven  
calendar days after the election, the election officer shall send a messenger to the judges to obtain  
the missing election returns.
- 3950 (b) The messenger shall obtain the election returns from the judges and return the election returns to the  
election officer.
- 3952 (c) The election officer shall pay the messenger 10 cents per mile for the distance necessarily traveled.
- 3954 (4) If the board determines that election returns were not received from a voting precinct because the  
polls did not open in that precinct, the board shall:
- 3956 (a) sign a certificate attesting to that fact; and
- 3957 (b) file the certificate with the election officer.

3958 Section 47. Section 20A-4-304 is amended to read:

3959 **20A-4-304. Declaration of results -- Canvassers' report.**

- 3960 (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:
- 3962 (i) had the highest number of votes; and

## SB0164S02 compared with SB0164S03

- 3963 (ii) sought election or nomination to an office completely within the board's jurisdiction.
- 3965 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare a "tie vote" if:
- 3967 (i) two or more candidates for an office receive an equal and the highest number of votes for that office;  
or
- 3969 (ii) in a race for an at-large office:
- 3970 (A) two or more candidates receive an equal number of votes; and
- 3971 (B) a recount is necessary to determine which candidates are elected to the at-large office.
- 3973 (c) A board of canvassers shall declare:
- 3974 (i) "approved" those ballot propositions that:
- 3975 (A) had more "yes" votes than "no" votes; and
- 3976 (B) were submitted only to the voters within the board's jurisdiction; or
- 3977 (ii) "rejected" those ballot propositions that:
- 3978 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and
- 3980 (B) were submitted only to the voters within the board's jurisdiction.
- 3981 (d) A board of canvassers shall:
- 3982 (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; and
- 3985 (ii) if applicable, certify the results of each special district election to the special district clerk.
- 3987 (2) The election officer shall submit a report to the board of canvassers that includes the following information:
- 3989 (a) the total number of votes cast in the board's jurisdiction;
- 3990 (b) the names of each candidate whose name appeared on the ballot;
- 3991 (c) the title of each ballot proposition that appeared on the ballot;
- 3992 (d) each office that appeared on the ballot;
- 3993 (e) from each voting precinct:
- 3994 (i) the number of votes for each candidate;
- 3995 (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



## SB0164S02 compared with SB0164S03

- 3999 (iii) the number of votes for and against each ballot proposition;
- 4000 (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
- 4002 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
- 4003 (i) the number of ballots counted;
- 4004 (ii) provisional ballots; and
- 4005 (iii) the number of ballots rejected;
- 4006 (h) a final ballot reconciliation report;
- 4007 (i) other information required by law to be provided to the board of canvassers; and
- 4008 (j) a statement certifying that the information contained in the report is accurate.
- 4009 (3) The election officer and the board of canvassers shall:
- 4010 (a) review the report to ensure that the report is correct; and
- 4011 (b) sign the report.
- 4012 (4) The election officer shall:
- 4013 (a) record or file the certified report in a book kept for that purpose;
- 4014 (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
- 4016 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 4017 (d) file a copy of the certified report with the lieutenant governor.
- 4018 (5) Except as provided in Subsection (6), the election officer shall, no later than seven calendar 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 calendar days.
- 4022 (6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:
- 4024 (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
- 4027 (b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:
- 4029 (i) if the jurisdiction has a website, the jurisdiction's website;
- 4030 (ii) the physical address for the jurisdiction; and

## SB0164S02 compared with SB0164S03

- 4031 (iii) a mailing address and telephone number.
- 4032 (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:
- 4035 (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
- 4037 (b) transmit the separate report by registered mail to the lieutenant governor.
- 4038 (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 within 14 calendar days after the date of the election.
- 4041 (9) In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:
- 4043 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the second Tuesday after the election; and
- 4045 (b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

4048 Section 48. Section 20A-4-305 is amended to read:

4049 **20A-4-305. Delivery of checked official register to county clerk after canvass.**

Within 10 calendar days after the canvass of a November municipal election, special district election, bond election, or special election, the clerk or recorder shall transmit the checked official register to the county clerk.

4053 Section 49. Section 20A-4-306 is amended to read:

4054 **20A-4-306. Statewide canvass.**

- 4055 (1)
- 4056 (a) The state board of canvassers shall convene:
- 4057 (i) on the fourth Monday of November, at noon; or
- 4057 (ii) at noon on the day following the [receipt by] day on which the lieutenant governor [of] receives the last of the returns of a statewide special election.
- 4059 (b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.
- 4061 (c) Attendance of all members of the state board of canvassers is required to constitute a quorum for conducting the canvass.

## SB0164S02 compared with SB0164S03

- 4063 (2)
- 4064 (a) The state board of canvassers shall:
- 4065 (i) meet in the lieutenant governor's office; and
- 4065 (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.
- 4068 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant governor's office that details:
- 4070 (i) for each statewide officer and ballot proposition:
- 4071 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- 4073 (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;
- 4075 (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
- 4077 (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and
- 4079 (E) the total number of votes cast statewide; and
- 4080 (ii) for each officer or ballot proposition voted on in two or more counties:
- 4081 (A) the name of each of those offices and ballot propositions that appeared on the ballot;
- 4083 (B) the candidates for those offices, plus any recorded write-in candidates;
- 4084 (C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and
- 4086 (D) the total number of votes cast for each candidate and for and against each ballot proposition.
- 4088 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 4089 (i) prepare certificates of election for:
- 4090 (A) each successful candidate; and
- 4091 (B) each of the presidential electors of the candidate for president who received a majority of the votes;
- 4093 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 4094 (iii) deliver a certificate of election to:
- 4095 (A) each candidate who had the highest number of votes for each office; and
- 4096 (B) each of the presidential electors of the candidate for president who received a majority of the votes.
- 4098 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a tie vote if:

## SB0164S02 compared with SB0164S03

- 4100 (i) two or more officers receive an equal and the highest number of votes for an office; or  
4102 (ii) in a race for an at-large office:  
4103 (A) two or more candidates receive an equal number of votes; and  
4104 (B) a recount is necessary to determine which candidates are elected to the at-large office.  
4106 (3) If the lieutenant governor has not received election returns from all counties on the fifth calendar  
day before the day designated for the meeting of the state board of canvassers, the lieutenant  
governor shall:  
4109 (a) send a messenger to the clerk of the board of county canvassers of the delinquent county;  
4111 (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  
4113 (c) pay the messenger the per diem provided by law as compensation.  
4114 (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.  
4118 (5)  
(a) At noon on the fourth Monday after the regular primary election, the lieutenant governor shall:  
4120 (i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant  
governor; and  
4122 (ii) publish and file the results of the canvass in the lieutenant governor's office.  
4123 (b) Not later than the August 1 after the primary election, the lieutenant governor shall certify the  
results of the primary canvass to the county clerks.  
4125 (6)  
(a) At noon on the fourth Tuesday in March of a year in which a presidential election will be held, the  
lieutenant governor shall:  
4127 (i) canvass the returns of the presidential primary election; and  
4128 (ii) publish and file the results of the canvass in the lieutenant governor's office.  
4129 (b) The lieutenant governor 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.  
4132 Section 50. Section 20A-4-401 is amended to read:

## SB0164S02 compared with SB0164S03

- 4133        **20A-4-401. Recounts -- Procedure.**
- 4134        (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.
- 4136        (2) The election officer shall conduct a recount of votes cast in a race if:
- 4137        (a) two or more candidates for an office receive an equal and the highest number of votes for that office;  
or
- 4139        (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.
- 4142        (3)
- 4147        (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).
- 4152        (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  
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).
- 4152        (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall file the  
request:
- 4154        (a) for a municipal primary election, with the municipal clerk, [~~before 5 p.m., no later than three~~] no  
later than 5 p.m. on the first business day that is at least three calendar days after the day on which  
the canvass is completed; or
- 4157        (b) for all other elections, [~~before 5 p.m., no later than seven~~] no later than 5 p.m. on the first business  
day that is at least three calendar days after the day on which the canvass is completed, with:
- 4160        (i) the municipal clerk, if the election is a municipal general election;
- 4161        (ii) the special district clerk, if the election is a special district election;
- 4162        (iii) the county clerk, for a race voted on entirely within a single county; or
- 4163        (iv) the lieutenant governor, for a statewide race or multi-county race.
- 4164        (5)
- 4165        (a) The election officer shall conduct the recount:

## SB0164S02 compared with SB0164S03

- (i) for a race described in Subsection (2), no later than 10 calendar days after the day on which the board of canvassers certifies the vote totals; or
- 4167 (ii) for a race described in Subsection (3), no later than seven calendar days after the day on which the losing candidate requests the recount.
- 4169 (b) In conducting the recount, the election officer shall:
- 4170 (i) supervise the recount;
- 4171 (ii) recount all ballots cast in the race;
- 4172 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
- 4174 (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;
- 4176 (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;
- 4179 (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
- 4182 (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.
- 4186 (6) The cost of a recount under Subsection (5) shall be paid by:
- 4187 (a) for a statewide race or multi-county race, the state; or
- 4188 (b) for all other races:
- 4189 (i) the political subdivision that conducts the election; or
- 4190 (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.
- 4193 (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~~] no later than 5 p.m. on the

## SB0164S02 compared with SB0164S03

first business day that is at least seven calendar days after the day of the canvass with the person described in Subsection (8).

- 4200 (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~~] no later than 5 p.m. on the first business day that is at least seven calendar days after the day of the canvass with the person described in Subsection (8).
- 4207 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file the request with:
- 4209 (a) the municipal clerk, if the election is a municipal election;
- 4210 (b) the special district clerk, if the election is a special district election;
- 4211 (c) the county clerk, for a proposition voted on entirely within a single county; or
- 4212 (d) the lieutenant governor, for a statewide proposition or multi-county proposition.
- 4213 (9)
- (a) In conducting the recount, the election officer shall:
- 4214 (i) supervise the recount;
- 4215 (ii) recount all ballots cast for the ballot proposition or bond proposition;
- 4216 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
- 4218 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.
- 4220 (b) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.
- 4222 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the recount.
- 4224 (11)
- (a) Upon completing a recount described in Subsection (5) or (9), the election officer shall immediately convene the board of canvassers.
- 4226 (b) The board of canvassers shall:
- 4227 (i) canvass the election returns for the race or proposition that was the subject of the recount; and
- 4229

## SB0164S02 compared with SB0164S03

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.

4231 (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 as required  
by Subsection 20A-4-304(7).

4234 (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.

4236 Section 51. Section 20A-4-603 is amended to read:

4237 **20A-4-603. Instant runoff voting.**

4238 (1) In a multi-candidate race, the election officer for a participating municipality shall:

4239 (a)

(i) conduct the first ballot-counting phase by counting the valid first preference rankings for each  
candidate; and

4241 (ii) if one of the candidates receives more than 50% of the valid first preference rankings counted,  
declare that candidate elected;

4243 (b) if, after counting the valid first preference rankings for each candidate, no candidate receives more  
than 50% of the valid first preference rankings counted, conduct the second ballot-counting phase  
by:

4246 (i) excluding from the multi-candidate race:

4247 (A) the candidate who received the fewest valid first preference rankings counted; or

4249 (B) in the event of a tie for the fewest valid first preference rankings counted, one of the tied candidates,  
determined by the election officer by lot, in accordance with Subsection (6);

4252 (ii) adding, to the valid first preference rankings counted for the remaining candidates, the next valid  
preference rankings cast for the remaining candidates by the voters who cast a valid first preference  
ranking for the excluded candidate; and

4255 (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one candidate receives more  
than 50% of the valid rankings counted, declaring that candidate elected; and

4258 (c) if, after adding the next valid preference rankings in accordance with Subsection (1)(b)(ii), no  
candidate receives more than 50% of the valid rankings counted, conduct subsequent ballot-  
counting phases by continuing the process described in Subsection (1)(b) until a candidate receives  
more than 50% of the valid rankings counted, as follows:



## SB0164S02 compared with SB0164S03

- 4263 (i) excluding from consideration the candidate who has the fewest valid rankings counted or, in the  
event of a tie for the fewest valid rankings counted, excluding one of the tied candidates, by lot, in  
accordance with Subsection (6); and
- 4266 (ii) adding the next valid preference ranking cast by each voter whose ranking was counted for the last  
excluded candidate to one of the remaining candidates, in the order of the next preference indicated  
by the voter.
- 4269 (2) The election officer shall declare elected the first candidate who receives more than 50% of the valid  
rankings counted under the process described in Subsection (1).
- 4271 (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:
- 4272 (a) the voter indicates the voter's preference for that ballot-counting phase and all previous ballot-  
counting phases; or
- 4274 (b) in the event that the voter skips a number in filling out the rankings on a ballot:
- 4275 (i) the voter clearly indicates an order of preference for the candidates;
- 4276 (ii) the voter does not skip two or more consecutive numbers at any point before the preference ranking  
that would otherwise be counted for the current ballot-counting phase;
- 4279 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent number that most  
closely follows the number assigned by the voter for the previously-ranked candidate; and
- 4282 (iv) the voter did not give the same rank to more than one candidate for the applicable ballot-counting  
phase or a previous ballot-counting phase.
- 4284 (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate race, and for all  
subsequent ballot-counting phases, if:
- 4286 (a) the voter indicates the same rank for more than one candidate for that ballot-counting phase; or
- 4288 (b) the voter skips two or more consecutive numbers before ranking another candidate.
- 4289 (5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from the race, the next-  
ranked candidate who has not withdrawn from the race will be counted for that ballot-counting  
phase.
- 4292 (6) For each ballot-counting phase after the first phase, if two or more candidates tie as having received  
the fewest valid rankings counted at that point in the ballot count, the election officer shall eliminate  
one of those candidates from consideration, by lot, in the following manner:
- 4296 (a) determine the names of the candidates who tie as having received the fewest valid rankings for that  
ballot-counting phase;

## SB0164S02 compared with SB0164S03

- 4298 (b) cast the lot in the presence of at least two election officials and any counting poll watchers who are  
present and desire to witness the casting of the lot; and
- 4300 (c) sign a public document that:
- 4301 (i) certifies the method used for casting the lot and the result of the lot; and
- 4302 (ii) includes the name of each individual who witnessed the casting of the lot.
- 4303 (7) In a multi-candidate race for an at-large office, where the number of candidates who qualify for the  
race exceeds the total number of at-large seats to be filled for the office, the election officer shall  
count the rankings by:
- 4306 (a) except as provided in Subsection (8), counting rankings in the same manner as described in  
Subsections (1) through (6), until a candidate is declared elected;
- 4308 (b) repeating the process described in Subsection (7)(a) for all candidates that are not declared elected  
until another candidate is declared elected; and
- 4310 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the race are filled.
- 4312 (8) After a candidate is declared elected under Subsection (7), the election officer shall, in repeating  
the process described in Subsections (1) through (6) to declare the next candidate elected, add to  
the ranking totals the next valid preference vote of each voter whose ranking was counted for a  
candidate already declared elected.
- 4316 (9) An election officer for a participating municipality may choose to conduct a primary election by  
using instant runoff voting in the manner described in Subsections (1) through (6), except that:
- 4319 (a) instead of determining whether a candidate receives more than 50% of the valid preference rankings  
for a particular ballot-counting phase, the election officer shall proceed to a subsequent ballot-  
counting stage, and exclude the candidate who receives the fewest valid preference rankings in that  
phase, until twice the number of seats to be filled in the race remain; and
- 4324 (b) after complying with Subsection (9)(a), the election officer shall declare the remaining candidates  
nominated to participate in the municipal general election.
- 4326 (10) After completing all ballot-counting phases in a multi-candidate race, the election officer shall  
order a full recount of the ballots cast for that race if, in one or more of the ballot-counting phases:
- 4329 (a) the difference between the number of rankings counted for a candidate who is declared elected and  
the number of rankings counted for any other candidate in the same ballot-counting phase is equal to  
or less than the product of the following, rounded up to the nearest whole number:
- 4333 (i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and

## SB0164S02 compared with SB0164S03

- 4335 (ii) the recount threshold; or
- 4336 (b) the difference between the number of rankings counted for the candidate who received the fewest  
valid rankings in a ballot-counting phase and the number of rankings counted for any other  
candidate in the same ballot-counting phase is equal to or less than the product of the following,  
rounded up to the nearest whole number:
- 4340 (i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and
- 4342 (ii) the recount threshold.
- 4343 (11) A recount described in Subsection (10):
- 4344 (a) requires rescanning and tabulating all valid ballots; and
- 4345 (b) provides for only one recount.
- 4346 (12) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the canvass  
deadline by up to seven additional calendar days, if necessary, to conduct a recount required under  
Subsection (10).
- 4349 Section 52. Section 20A-5-101 is amended to read:
- 4350 **20A-5-101. Notice of election.**
- 4351 (1) On or before November 15 in the year before each regular general election year, the lieutenant  
governor shall prepare and transmit a written notice to each county clerk that:
- 4353 (a) designates the offices to be filled at the next year's regular general election;
- 4354 (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
- 4357 (c) contains a description of any ballot propositions to be decided by the voters that have qualified for  
the ballot as of that date.
- 4359 (2)
- (a) No later than seven business days after the day on which the lieutenant governor transmits the  
written notice described in Subsection (1), each county clerk shall provide notice for the county, as a  
class A notice under Section 63G-30-102, for seven business days before the day of the election and  
in accordance with Subsection (3).
- 4364 (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.
- 4366 (3) The notice described in Subsection (2) shall:

## SB0164S02 compared with SB0164S03

- 4367 (a) designate the offices to be voted on in that election; and  
4368 (b) identify the dates for filing a declaration of candidacy for those offices.  
4369 (4) Except as provided in Subsection (6), before each election, the election officer shall give printed  
notice of the following information:  
4371 (a) the date of election;  
4372 (b) the hours during which the polls will be open;  
4373 (c) the polling places for each voting precinct, early voting polling place, and election day voting  
center;  
4375 (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;  
4379 (e) a phone number that a voter may call to obtain information regarding the location of a polling place;  
4381 (f) the qualifications for persons to vote in the election: and  
4382 (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.  
4384 (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 business days before the day of the  
election.  
4387 (6) Instead of including the information described in Subsection (4) in the notice, the election officer  
may give printed notice that:  
4389 (a) is entitled "Notice of Election";  
4390 (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  
4394 (c) specifies the following sources where an individual may view or obtain the information described in  
Subsection (4):  
4396 (i) if the jurisdiction has a website, the jurisdiction's website;  
4397 (ii) the physical address of the jurisdiction offices; and  
4398 (iii) a mailing address and telephone number.

Section 53. Section 20A-5-303 is amended to read:

## SB0164S02 compared with SB0164S03

- 4400        **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts -- Common**  
polling places -- Combined voting precincts.
- 4402        (1)
- (a) After receiving recommendations from the county clerk, the county legislative body may establish, divide, abolish, and change voting precincts.
- 4404        (b) Within 30 calendar days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Utah Geospatial Resource Center, created under Section 63A-16-505, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.
- 4409        (2)
- (a) The county legislative body shall alter or divide voting precincts so that each voting precinct contains not more than 1,250 active voters.
- 4411        (b) The county legislative body shall:
- 4412        (i) identify those precincts that may reach the limit of active voters in a precinct under Subsection (2)(a) or that becomes too large to facilitate the election process; and
- 4415        (ii) except as provided by Subsection (3), divide those precincts on or before January 1 of a general election year.
- 4417        (3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.
- 4421        (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the county legislative body may not:
- 4423        (a) establish or abolish any voting precinct after January 1 of a regular general election year;
- 4425        (b) alter or change the boundaries of any voting precinct after January 1 of a regular general election year; or
- 4427        (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a year immediately preceding the year in which an enumeration is required by the United States Constitution and the day on which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

4431

## SB0164S02 compared with SB0164S03

(5) A county legislative body may establish, divide, abolish, alter, or change a voting precinct on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

4435 (6)

(a) For the purpose of voting in an election, the county legislative body may establish a common polling place for two or more whole voting precincts.

4437 (b) At least 90 calendar days before the election, the county legislative body shall designate:

4439 (i) the voting precincts that will vote at the common polling place; and

4440 (ii) the location of the common polling place.

4441 (c) A county may use one set of election judges for the common polling place under this Subsection (6).

4443 (7) Each county shall have at least two polling places open for voting on the date of the election.

4445 (8) Each common polling place shall have at least one voting device that is accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002.

4448 Section 54. Section 20A-5-400.1 is amended to read:

4449 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees -- Contracts and interlocal agreements -- Private providers.**

4451 (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.

4454 (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.

4457 (c) Upon approval by the lieutenant governor, 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.

4462 (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

## SB0164S02 compared with SB0164S03

political subdivision, and the county within which the municipality exists shall enter into a cooperative agreement to ensure the proper functioning of the election.

(2) A provider election officer shall conduct an election:

(a) under the direction of the contracting election officer; and

(b) in accordance with a contract or interlocal agreement.

(3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:

(a) are consistent with the contract or interlocal agreement; and

(b) do not exceed the actual costs incurred by the provider election officer.

(4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of calendar days before the election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.

(5) An election officer conducting an election may appoint or employ an agent or professional service to assist in conducting the election.

Section 55. Section 20A-5-403.5 is amended to read:

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

(1)

(a) An election officer:

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

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

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

(iv) shall provide 24-hour recorded video surveillance, without audio, of each unattended ballot drop box;

(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

(vi) shall ensure that a camera, a video, or a recording of a video described in Subsection (1)(a)(iv) may only be accessed:

(A) by the election officer;

(B) by a custodian of the camera, video, or recording;

## SB0164S02 compared with SB0164S03

- 4496 (C) by the lieutenant governor;
- 4497 (D) by the legislative auditor general, when performing an audit; or
- 4498 (E) by, or pursuant to an order of, a court of competent jurisdiction.
- 4499 (b) An individual may not view a video, or a recording of a video, described in Subsection (1)(a)(iv),  
unless the individual:
- 4501 (i) is an individual described in Subsection (1)(a)(vi); and
- 4502 (ii) views the video to the extent necessary to:
- 4503 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or
- 4504 (B) investigate a concern relating to ballots or the ballot box.
- 4505 (c) The election officer, or the custodian of the recording, shall keep a recording described in  
Subsection (1)(a)(iv) until the later of:
- 4507 (i) the end of the calendar year in which the election was held; or
- 4508 (ii) if the election is contested, when the contest is resolved.
- 4509 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at least 28  
calendar days before the date of the election, provide notice of the location of each ballot drop  
box designated 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 calendar days before the day of the  
election.
- 4514 (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:
- 4517 (a) the jurisdiction's website;
- 4518 (b) the physical address of the jurisdiction's offices; and
- 4519 (c) a mailing address and telephone number.
- 4520 (4) The election officer shall include in the notice described in Subsection (2):
- 4521 (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
- 4526 (b) a phone number that a voter may call to obtain information regarding the location of a ballot drop  
box.



## SB0164S02 compared with SB0164S03

- 4528 (5)
- (a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Subsection (2):
- 4530 (i) if necessary, change the location of a ballot drop box; or
- 4531 (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.
- 4534 (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:
- 4538 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
- 4540 (ii) by posting the information on the website of the election officer, if available; and
- 4541 (iii) by posting notice:
- 4542 (A) for a change in the location of a ballot drop box, at the new location and, if possible, the old location; and
- 4544 (B) for an additional ballot drop box location, at the additional ballot drop box location.
- 4546 (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.
- 4549 (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.
- 4552 (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.
- 4556 Section 56. Section 20A-5-405 is amended to read:
- 4557 **20A-5-405. Election officer to provide ballots -- Notice of sample ballot.**
- 4558 (1) An election officer shall:
- 4559 (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;
- 4561 (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;

## SB0164S02 compared with SB0164S03

- 4563 (c) cause any ballot proposition that has qualified for the ballot as provided by law to be included on  
each ballot;
- 4565 (d) ensure that the ballots are prepared and in the possession of the election officer at least seven  
calendar days before the commencement of early voting as described in Section 20A-3a-601;
- 4568 (e) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the  
official ballot to inspect the ballots;
- 4570 (f) no later than 45 calendar 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:
- 4573 (i) posting a copy of the sample ballot in the election officer's office;
- 4574 (ii) sending a copy of the sample ballot to:
- 4575 (A) each candidate listed on the ballot; and
- 4576 (B) the lieutenant governor; and
- 4577 (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 calendar days;
- 4579 (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
- 4581 (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.
- 4584 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the election officer may post  
a statement that:
- 4586 (a) is entitled, "sample ballot";
- 4587 (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
- 4590 (c) specifies the following sources where an individual may view or obtain a copy of the sample ballot:
- 4592 (i) if the jurisdiction has a website, the jurisdiction's website;
- 4593 (ii) the physical address of the jurisdiction's offices; and
- 4594 (iii) a mailing address and telephone number.
- 4595 (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.

## SB0164S02 compared with SB0164S03

- 4598 (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.
- 4602 (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.
- 4607 (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:
- 4610 (i) an error or omission has occurred in:
- 4611 (A) the publication of the name or description of a candidate;
- 4612 (B) the preparation or display of an electronic ballot; or
- 4613 (C) the posting of sample ballots or the printing of official manual ballots; and
- 4614 (ii) the election officer has failed to correct or provide for the correction of the error or omission.
- 4616 (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.
- 4620 (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.
- 4623 Section 57. Section 20A-5-410 is amended to read:
- 4624 **20A-5-410. Election officer to provide voting history information and status.**
- 4625 (1) As used in this section, "voting history record" means the information about the existence and status of absentee ballot requests required by this section.
- 4627 (2)
- (a) Each election officer shall maintain, in the election officer's office, a voting history record of those voters registered to vote in the election officer's jurisdiction.
- 4629

## SB0164S02 compared with SB0164S03

(b) Except as it relates to a voter whose voter registration record is classified as private under Subsection 63G-2-302(1)(k), the voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(3)

(a) When an election officer reports voting history for an election, the election officer shall, for each voter whose voter registration is classified as private under Subsection 20A-2-104(4)(h), report the following, for that election only, without disclosing the identity of the voter:

(i) for voting by mail, the information described in Subsection (4)(a);

(ii) for early voting, the date the individual voted; and

(iii) for voting on election day, the date the individual voted.

(b) In relation to the information of a voter whose voter registration is classified as private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a) may not disclose, by itself or in conjunction with any other public information, the identity or any other personal identifying information of the voter.

(4) The election officer shall ensure that the voting history record for each voting precinct contains:

(a) for voting by mail:

(i) the date that the manual ballot was mailed to the voter; and

(ii) the date that the voted manual ballot was received by the election officer;

(b) for early voting:

(i) the name and address of each individual who participated in early voting; and

(ii) the date the individual voted; and

(c) for voting on election day, the name and address of each individual who voted on election day.

(5)

(a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the election officer shall ensure that the information required by this section is recorded and made available to the public no later than one business day after ~~[its receipt]~~ the day on which the election officer receives the information in the election officer's office.

(b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements established in any ordinance, the election officer shall make copies of the voting history record available to the public for the actual cost of production or copying.

## SB0164S02 compared with SB0164S03

Section 58. Section 20A-5-602 is amended to read:

**20A-5-602. Appointment of poll workers in elections where candidates are not distinguished by registered political parties.**

(1)

(a) This section governs appointment of poll workers in elections where candidates are not distinguished by registered political parties.

(b) An election officer shall appoint the poll worker at least 15 calendar days before the date of the local election.

(2)

(a) The election officer shall appoint, or provide for the appointment of, at least three poll workers as follows:

(i) three registered voters; or

(ii) two registered voters, one of whom is at least 21 years old, and one individual who is 16 or 17 years old.

(b) The election officer may appoint additional poll workers to serve in the polling place as needed.

(3) The election officer may not appoint any candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker at a polling place where the candidate appears on the ballot.

(4)

(a) The clerk shall compensate poll workers for their services.

(b) The clerk of a municipality or special district may not compensate poll workers at a rate higher than that paid by the county to the county's poll workers.

Section 59. Section 20A-6-105 is amended to read:

**20A-6-105. Provisional ballot envelopes.**

(1) Each election officer shall ensure that provisional ballot envelopes are printed in substantially the following form:

"AFFIRMATION

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

Will you be 18 years old on or before election day? Yes No

If you checked "no" in response to either of the two above questions, do not complete this form.

Name of Voter \_\_\_\_\_

## SB0164S02 compared with SB0164S03

4693                                      First                                      Middle                                      Last

4694                                      Driver License or Identification Card Number \_\_\_\_\_

4695                                      State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

4696                                      Date of Birth \_\_\_\_\_

4697                                      Street Address of Principal Place of Residence

4698                                      \_\_\_\_\_

4699                                      City                                      County                                      State                                      Zip Code

4700                                      Telephone Number (optional) \_\_\_\_\_

4701                                      Email Address (optional) \_\_\_\_\_

4702                                      Last four digits of Social Security Number \_\_\_\_\_

4703                                      Last former address at which I was registered to vote (if known)

4704                                      \_\_\_\_\_

4705                                      City                                      County                                      State                                      Zip Code

4706                                      Voting Precinct (if known) \_\_\_\_\_

4707                                      I, (please print your full name) \_\_\_\_\_ do solemnly swear or affirm:

4709                                      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

4712                                      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 calendar days immediately before  
this election.

4716                                      Signed \_\_\_\_\_

4718                                      Dated \_\_\_\_\_

4720                                      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.

4722                                      **PRIVACY INFORMATION**

4723                                      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.

4727

## SB0164S02 compared with SB0164S03

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.

4731 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:

4734 \_\_\_\_\_ 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.

### 4737 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

4738 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.

4743 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 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.

4749 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.

### 4755 CITIZENSHIP AFFIDAVIT

4756 Name:

4757 Name at birth, if different:

4758 Place of birth:

4759 Date of birth:

## SB0164S02 compared with SB0164S03

4760 Date and place of naturalization (if applicable):

4761 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.

4764

4765 \_\_\_\_\_  
Signature of Applicant

4766 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."

4769 (2) The provisional ballot envelope shall include:

4770 (a) a unique number;

4771 (b) a detachable part that includes the unique number;

4772 (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

4775 (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.

4777 Section 60. Section 20A-6-106 is amended to read:

4778 **20A-6-106. Deadline for submission of ballot titles.**

Unless otherwise specifically provided for by statute, the certified ballot title of each  
ballot proposition, ballot question, or ballot issue shall be submitted to the election officer  
before 5 p.m. no later than 65 calendar days before the date of the election at which the matter  
will be submitted to the voters.

4783 Section 61. Section 20A-6-302 is amended to read:

4784 **20A-6-302. Manual ballots -- Placement of candidates' names.**

4785 (1) An election officer shall ensure, for manual ballots in regular general elections, that:

4786 (a) each candidate is listed by party, if nominated by a registered political party under Subsection  
20A-9-202(4) or Subsection 20A-9-403(5);

4788 (b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates'  
names are required to be listed on a ticket under the title of an office; and

4790 (c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.

4792 (2)



## SB0164S02 compared with SB0164S03

- (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_ No \_\_\_\_."
- 4798 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.
- 4800 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
- 4803 (d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.
- 4806 (e) If no qualified individual files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.
- 4809 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than ~~[one]~~ the day before that year's primary election that:
- 4816 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
- 4817 (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.
- 4820 (3)
- (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party

## SB0164S02 compared with SB0164S03

affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes \_\_\_\_ No \_\_\_\_."

- (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.
- (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
- (d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.
- (e) If no qualified individual files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.
- (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than ~~[one]~~ the day before that year's primary election that:
- (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

### Section 62. Section 20A-6-305 is amended to read:

#### **20A-6-305. Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

- (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).
- (2) The lieutenant governor shall:

## SB0164S02 compared with SB0164S03

- (a) within 30 calendar days after the day of 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);
- 4859 (b) publish the master ballot position list on the lieutenant governor's election website no later than 15 calendar days after [~~creating~~] the day on which the lieutenant governor creates the list; and
- 4862 (c) establish written procedures for:
- 4863 (i) the election official to use the master ballot position list; and
- 4864 (ii) the lieutenant governor in:
- 4865 (A) conducting the random selection in a fair manner; and
- 4866 (B) providing a record of the random selection process used.
- 4867 (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.
- 4870 (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:
- 4872 (a) the candidate's surname;
- 4873 (b) for candidates with a surname that has the same spelling, the candidate's given name; and
- 4875 (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.
- 4877 (5) Subsections (1) through (4) do not apply to:
- 4878 (a) an election for an office for which only one candidate is listed on the ballot; or
- 4879 (b) a judicial retention election under Section 20A-12-201.
- 4880 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately, in the following order:
- 4882 (a) for federal office:
- 4883 (i) president and vice president of the United States;
- 4884 (ii) United States Senate office; and
- 4885 (iii) United States House of Representatives office;
- 4886 (b) for state office:
- 4887 (i) governor and lieutenant governor;
- 4888 (ii) attorney general;

## SB0164S02 compared with SB0164S03

- 4889 (iii) state auditor;  
4890 (iv) state treasurer;  
4891 (v) state Senate office;  
4892 (vi) state House of Representatives office; and  
4893 (vii) State Board of Education member;  
4894 (c) for county office:  
4895 (i) county executive office;  
4896 (ii) county legislative body member;  
4897 (iii) county assessor;  
4898 (iv) county or district attorney;  
4899 (v) county auditor;  
4900 (vi) county clerk;  
4901 (vii) county recorder;  
4902 (viii) county sheriff;  
4903 (ix) county surveyor;  
4904 (x) county treasurer; and  
4905 (xi) local school board member;  
4906 (d) for municipal office:  
4907 (i) mayor; and  
4908 (ii) city or town council member;  
4909 (e) elected planning and service district council member;  
4910 (f) judicial retention questions; and  
4911 (g) ballot propositions not described in Subsection (6)(f).  
4912 (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.  
4915 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:  
4916 (i) each candidate in accordance with Subsections (1) through (4); and  
4917 (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.  
4919 Section 63. Section 20A-7-103 is amended to read:

## SB0164S02 compared with SB0164S03

- 4920           **20A-7-103. Constitutional amendments and other questions submitted by the Legislature --**  
4921           **Publication -- Ballot title -- Procedures for submission to popular vote.**
- 4922           (1) The procedures contained in this section govern when the Legislature submits a proposed  
4923           constitutional amendment or other question to the voters.
- 4924           (2) The lieutenant governor shall, not more than 60 calendar days or less than 14 calendar days before  
4925           the date of the election, publish the full text of the amendment, question, or statute for the state, as a  
4926           class A notice under Section 63G-30-102, through the date of the election.
- 4928           (3) The presiding officers shall:
- 4929           (a) entitle each proposed constitutional amendment "Constitutional Amendment \_\_\_" and assign a letter  
4930           to the constitutional amendment in accordance with the requirements of Section 20A-6-107;
- 4932           (b) entitle each proposed question "Proposition Number \_\_\_" with the number assigned to the  
4933           proposition under Section 20A-6-107 placed in the blank;
- 4934           (c) draft and designate a ballot title for each proposed amendment or question submitted by the  
4935           Legislature that:
- 4936           (i) summarizes the subject matter of the amendment or question; and
- 4937           (ii) for a proposed constitutional amendment, summarizes any legislation that is enacted and will  
4938           become effective upon the voters' adoption of the proposed constitutional amendment; and
- 4940           (d) deliver each letter or number and ballot title to the lieutenant governor.
- 4941           (4) The lieutenant governor shall certify the letter or number and ballot title of each amendment or  
4942           question to the county clerk of each county no later than 65 calendar days before the date of the  
4943           election.
- 4944           (5) The county clerk of each county shall:
- 4945           (a) ensure that the letter or number and the ballot title of each amendment and question prepared in  
4946           accordance with this section are included in the sample ballots and official ballots; and
- 4948           (b) publish the sample ballots and official ballots as provided by law.
- 4949           Section 64. Section 20A-7-105 is amended to read:
- 4950           **20A-7-105. Manual petition processes -- Obtaining signatures -- Verification -- Submitting**  
4951           **the petition -- Certification of signatures -- Transfer to lieutenant governor -- Removal of**  
4952           **signature.**
- 4953           (1) This section applies only to the manual initiative process and the manual referendum process.
- 4955           (2) As used in this section:

## SB0164S02 compared with SB0164S03

- 4956 (a) "Local petition" means:
- 4957 (i) a manual local initiative petition described in Part 5, Local Initiatives - Procedures; or
- 4959 (ii) a manual local referendum petition described in Part 6, Local Referenda - Procedures.
- 4961 (b) "Packet" means an initiative packet or referendum packet.
- 4962 (c) "Petition" means a local petition or statewide petition.
- 4963 (d) "Statewide petition" means:
- 4964 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or
- 4965 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.
- 4966 (3)
- (a) A Utah voter may sign a statewide petition if the voter is a legal voter.
- 4967 (b) A Utah voter may sign a local petition if the voter:
- 4968 (i) is a legal voter; and
- 4969 (ii) resides in the local jurisdiction.
- 4970 (4)
- (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:
- 4972 (i) is at least 18 years old;
- 4973 (ii) verifies each signature sheet by completing the verification printed on the last page of each packet; and
- 4975 (iii) is informed that each signer is required to read and understand:
- 4976 (A) for an initiative petition, the law proposed by the initiative; or
- 4977 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 4978 (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.
- 4980 (5)
- (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:
- 4983 (i) for a statewide initiative:
- 4984 (A) [30] the first business day that is at least 30 calendar days after the day on which the first individual signs the initiative packet;
- 4986 (B) [316] the last business day that is no more than 316 calendar days after the day on which the application for the initiative petition is filed; or

## SB0164S02 compared with SB0164S03

- 4988 (C) the February 15 immediately before the next regular general election immediately after the  
application is filed under Section 20A-7-202;
- 4990 (ii) for a statewide referendum:
- 4991 (A) [30] the first business day that is at least 30 calendar days after the day on which the first individual  
signs the referendum packet; or
- 4993 (B) [40] the first business day that is at least 40 calendar days after the day on which the legislative  
session at which the law passed ends;
- 4995 (iii) for a local initiative:
- 4996 (A) [30] the first business day that is at least 30 calendar days after the day on which the first individual  
signs the initiative packet;
- 4998 (B) [316] the last business day that is no more than 316 calendar days after the day on which the  
application is filed;
- 5000 (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
- 5003 (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
- 5006 (iv) for a local referendum:
- 5007 (A) [30] the first business day that is at least 30 calendar days after the day on which the first individual  
signs the referendum packet; or
- 5009 (B) [45] the first business day that is at least 45 calendar days after the day on which the sponsors  
receive the items described in Subsection 20A-7-604(3) from the local clerk.
- 5012 (b) A person may not submit a packet after the applicable deadline described in Subsection (5)(a).
- 5014 (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:
- 5017 (i) the subject of the email shall include the following statement, "Notice Regarding Your Petition  
Signature"; and
- 5019 (ii) the body of the email shall include the following statement in 12-point type:
- 5020 "You signed a petition for the following initiative:
- 5021 [insert title of initiative]
- 5022

## SB0164S02 compared with SB0164S03

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 or county clerk's website that includes the information referred to in the email]."

- 5027 (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:
- 5030 (i) a list containing:
- 5031 (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
- 5033 (B) the date the email was sent;
- 5034 (ii) a copy of the email described in Subsection (5)(c); and
- 5035 (iii) the following written verification, completed and signed by each of the sponsors:
- 5036 "Verification of initiative sponsor State of Utah, County of \_\_\_\_\_ I, \_\_\_\_\_, of  
\_\_\_\_\_, hereby state, under penalty of perjury, that:
- 5038 I am a sponsor of the initiative petition entitled \_\_\_\_\_; and
- 5039 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).
- 5042 \_\_\_\_\_
- 5043 (Name) (Residence Address) (Date)".
- 5044 (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).
- 5047 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not comply with  
Subsection (5)(c), (d), or (e).
- 5049 (6)
- (a) Within 21 calendar days after the day on which the county clerk receives the packet, the county  
clerk shall:
- 5051 (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;



## SB0164S02 compared with SB0164S03

- 5054 (ii) for a statewide initiative or a statewide referendum:
- 5055 (A) certify on the petition whether each name is that of a legal voter;
- 5056 (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 website, in a conspicuous location designated by the lieutenant governor; and
- 5059 (C) deliver the verified packet to the lieutenant governor;
- 5060 (iii) for a local initiative or a local referendum:
- 5061 (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;
- 5063 (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 website, in a conspicuous location designated by the lieutenant governor; and
- 5066 (C) deliver the verified packet to the local clerk.
- 5067 (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):
- 5070 (i) for a local initiative, during the period of time described in Subsection 20A-7-507(3)(a); or
- 5072 (ii) for a local referendum, during the period of time described in Subsection 20A-7-607(2)(a)(i).
- 5074 (7) The county clerk may not certify a signature under Subsection (6):
- 5075 (a) on a packet that is not verified in accordance with Subsection (4); or
- 5076 (b) that does not have a date of signature next to the signature.
- 5077 (8)
- (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 5 p.m. the earlier of:
- 5081 (i) for an initiative packet received by the county clerk before December 1:
- 5082 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on which the voter signs the signature removal statement; or
- 5084 (B) [~~90~~] the first business day that is at least 90 calendar days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-207(2); or
- 5087 (ii) for an initiative packet received by the county clerk on or after December 1:
- 5088

## SB0164S02 compared with SB0164S03

- (A) [30] the first business day that is at least 30 calendar days after the day on which the voter signs the signature removal statement; or
- 5090 (B) [45] the first business day that is at least 45 calendar days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-207(2).
- 5093 (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 5 p.m. the earlier of:
- 5097 (i) [30] the first business day that is at least 30 calendar days after the day on which the voter signs the statement requesting removal; or
- 5099 (ii) [45] the first business day that is at least 45 calendar days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-307(2).
- 5101 (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 5 p.m. the earlier of:
- 5105 (i) [30] the first business day that is at least 30 calendar days after the day on which the voter signs the signature removal statement;
- 5107 (ii) [90] the first business day that is at least 90 calendar days after the day on which the local clerk posts the voter's name under Subsection 20A-7-507(2);
- 5109 (iii) [316] the last business day that is no more than 316 calendar days after the day on which the application is filed; or
- 5111 (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
- 5114 (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.
- 5117 (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 5 p.m. the earlier of:
- 5121 (i) [30] the first business day that is at least 30 calendar days after the day on which the voter signs the statement requesting removal; or
- 5123

## SB0164S02 compared with SB0164S03

(ii) [45] the first business day that is at least 45 calendar days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).

5125 (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).

5128 (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).

5130 (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:

5133 (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

5135 (ii) remove the voter's signature from the signature packets and signature packet totals.

5137 (b) The county clerk shall comply with Subsection (9)(a) before the later of:

5138 (i) the deadline described in Subsection (6)(a); or

5139 (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection (8).

5141 (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.

5143 Section 65. Section 20A-7-201 is amended to read:

5144 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the Legislature or to a vote of the people.**

5146 (1)

(a) A person seeking to have an initiative submitted to the Legislature for approval or rejection shall, after filing an initiative application, obtain:

5148 (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

5150 (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.

5153

## SB0164S02 compared with SB0164S03

(b) If, at any time not less than 10 calendar days before the beginning of the next annual general session of the Legislature, the lieutenant governor 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 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.

5161 (c) The lieutenant governor shall prepare a cover sheet for a petition declared sufficient under Subsection (1)(b) that contains:

5163 (i) the number of active voters in the state on January 1 immediately following the last regular general election;

5165 (ii) the number of active voters in each Utah State Senate district on January 1 immediately following the last regular general election;

5167 (iii) the total number of certified signatures obtained for the initiative petition; and

5168 (iv) the total number of certified signatures obtained from each Utah State Senate district for the initiative petition.

5170 (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:

5172 (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

5174 (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.

5177 (b) If an initiative petition meets the requirements of this part and the lieutenant governor declares that the initiative petition is signed by a sufficient number of voters to meet the requirements of Subsection (2)(a), the lieutenant governor shall submit the proposed law to a vote of the people at the next regular general election:

5181 (i) immediately after the application is filed under Section 20A-7-202; and

5182 (ii) specified on the petition under Section 20A-7-203.

5183 (3) The lieutenant governor shall provide the following information to any interested person:

5184

## SB0164S02 compared with SB0164S03

(a) the number of active voters in the state on January 1 immediately following the last regular general election; and

5186 (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.

5188 Section 66. Section 20A-7-202.5 is amended to read:

5189 **20A-7-202.5. Initial fiscal impact statement -- Preparation of statement -- Challenge to  
statement.**

5191 (1) Within three [~~working~~] business days after the day on which the lieutenant governor receives an  
initiative application, the lieutenant governor shall submit a copy of the initiative application to the  
Office of the Legislative Fiscal Analyst.

5194 (2)

(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:

5197 (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;

5200 (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;

5205 (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;

5207 (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;

5210 (v) a dollar amount representing the estimated cost or savings, if any, to state or local government  
entities under the proposed law;

5212 (vi) if the proposed law would increase costs to state government, a listing of all sources of funding  
for the estimated costs; and

5214

## SB0164S02 compared with SB0164S03

- (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).
- 5217 (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:
- 5220 "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."
- 5223 (3) Within 25 calendar days after the day on which the lieutenant governor delivers a copy of the initiative application, the Office of the Legislative Fiscal Analyst shall:
- 5225 (a) send a copy of the initial fiscal impact statement to the lieutenant governor's office; and
- 5227 (b) send a copy of the initial fiscal impact statement to the first five sponsors named in the initiative application.
- 5229 (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.
- 5234 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the petition filed with the court to:
- 5236 (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
- 5238 (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.
- 5242 (b)

## SB0164S02 compared with SB0164S03

- (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.
- 5246 (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.
- 5251 (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.
- 5254 (c) The court shall certify to the lieutenant governor a fiscal impact statement for the initiative that meets the requirements of this section.

5256 Section 67. Section 20A-7-204 is amended to read:

5257 **20A-7-204. Manual initiative process -- Circulation requirements -- Lieutenant governor to provide sponsors with materials.**

- 5259 (1) This section applies only to the manual initiative process.
- 5260 (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.
- 5263 (3) The lieutenant governor shall provide the sponsors with a copy of the initiative petition and a signature sheet [~~within three~~] no later than the first business day that is at least three calendar days after the day on which the following conditions are fulfilled:
  - 5266 (a) the sponsors hold the final hearing required under Section 20A-7-204.1;
  - 5267 (b) the sponsors provide to the Office of the Lieutenant Governor 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;
  - 5270 (c)
    - (i) the sponsors give written notice to the Office of the Lieutenant Governor that the sponsors waive the opportunity to change the text of the proposed law under Subsection 20A-7-204.1(5);
    - 5273 (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

## SB0164S02 compared with SB0164S03

- 5276 (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:
- 5279 (A) an updated initial fiscal impact statement, in accordance with Subsection 20A-7-204.1(5)(b); or
- 5281 (B) a written notice indicating that no changes to the initial fiscal impact statement are necessary;
- 5283 (d)
- (i) the sponsors give written notice to the Office of the Lieutenant Governor that the sponsors waive the  
opportunity to:
- 5285 (A) challenge the initial fiscal impact statement in court; and
- 5286 (B) if applicable, challenge the updated initial fiscal impact statement in court;
- 5287 (ii) the deadline, described in Subsection 20A-7-202.5(4)(a)(i), for:
- 5288 (A) challenging the initial fiscal impact statement in court passes without the sponsors filing a petition  
to challenge; and
- 5290 (B) if applicable, challenging the updated initial fiscal impact statement in court passes without the  
sponsors filing a petition to challenge; or
- 5292 (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
- 5295 (e) the sponsors sign an agreement, under Subsection (6)(a), with the Office of the Lieutenant Governor  
specifying the range of numbers that the sponsors will use to number the initiative packets.
- 5298 (4) The sponsors of the initiative shall:
- 5299 (a) arrange and pay for the printing of all documents that are part of the initiative packets; and
- 5301 (b) ensure that the initiative packets and the documents described in Subsection (4)(a) meet the  
requirements of this part.
- 5303 (5)
- (a) The sponsors or an agent of the sponsors may prepare the initiative packets for circulation by  
creating multiple initiative packets.
- 5305 (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.
- 5310 (c) An initiative packet is not required to have a uniform number of signature sheets.



## SB0164S02 compared with SB0164S03

- 5311 (6)
- 5312 (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 5314 (i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number initiative packets;
- 5316 (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the range of numbers that the sponsors will use to number the initiative packets; and
- 5319 (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.
- 5320 (b) The sponsors or an agent of the sponsors may not:
- 5322 (i) number an initiative packet in a manner not directed by the lieutenant governor's office; or
- 5324 (ii) circulate or submit an initiative packet that is not numbered in the manner directed by the lieutenant governor's office.
- 5325 Section 68. Section 20A-7-204.1 is amended to read:
- 5327 **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.**
- 5329 (1)
- 5331 (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:
- 5332 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
- 5334 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;
- 5335 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
- 5337 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;
- 5338 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
- 5339 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
- 5341 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber County.
- 5343 (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.
- 5344 (c) The sponsors may not hold a public hearing described in this section until the later of:
- 5346 (i) ~~[one]~~ the 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

## SB0164S02 compared with SB0164S03

- 5346 (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.
- 5349 (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:
- 5352 (i) to the lieutenant governor;
- 5353 (ii) to the county clerk of each county in the region where the public hearing will be held;
- 5355 (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
- 5358 (iv) in accordance with Section 45-1-101, for at least three calendar days before the day of the  
public hearing.
- 5360 (b) The lieutenant governor shall post the notice described in Subsection (2)(a) on the lieutenant  
governor's website for at least three calendar days before the day of the public hearing.
- 5363 (c) The county clerk of each county in the region where the public hearing will be held:
- 5364 (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 calendar days before the day of the public hearing; and
- 5367 (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and posting the notice  
described in Subsection (2)(c)(i).
- 5369 (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:
- 5372 "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."
- 5375 (4)
- (a) During the public hearing, the sponsors shall either:
- 5376 (i) video tape or audio tape the public hearing; or
- 5377 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker  
and summarizing each speaker's comments.
- 5379 (b) The lieutenant governor shall make copies of the tapes or minutes available to the public.

## SB0164S02 compared with SB0164S03

- 5381 (c) For each public hearing, the sponsors shall:
- 5382 (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
- 5385 (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.
- 5388 (d) Regardless of whether an individual is present to observe or speak at a public hearing:
- 5389 (i) the sponsors may not end the public hearing until at least one hour after the public hearing begins;  
and
- 5391 (ii) the sponsors shall provide at least one hour at the public hearing that is open for public comment.
- 5393 (5)
- (a) Before 5 p.m. within ~~[14]~~ the first business day that is at least 14 calendar 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:
- 5397 (i) a change to the text is:
- 5398 (A) germane to the text of the proposed law filed with the lieutenant governor under Section  
20A-7-202; and
- 5400 (B) consistent with the requirements of Subsection 20A-7-202(5); and
- 5401 (ii) each sponsor signs, attested to by a notary public, an application addendum to change the text of  
the proposed law.
- 5403 (b)
- (i) Within three ~~[working]~~ business days after the day on which the lieutenant governor receives  
an application addendum to change the text of the proposed law for an initiative, the lieutenant  
governor shall submit a copy of the application addendum to the Office of the Legislative Fiscal  
Analyst.
- 5407 (ii) The Office of the Legislative Fiscal Analyst shall:
- 5408 (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
- 5411

## SB0164S02 compared with SB0164S03

- (B) provide written notice to the Office of the Lieutenant Governor indicating that no changes to the initial fiscal impact statement are necessary.

5413 Section 69. Section 20A-7-207 is amended to read:

5414 **20A-7-207. Evaluation by the lieutenant governor.**

- 5415 (1) In relation to the manual initiative process, when the lieutenant governor receives an initiative  
packet from a county clerk, the lieutenant governor shall record the number of the initiative packet  
received.
- 5418 (2) The county clerk shall:
- 5419 (a) in relation to the manual initiative process:
- 5420 (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 website, in a conspicuous location designated by  
the lieutenant governor:
- 5423 (A) for an initiative packet received by the county clerk before December 1, for at least 90 calendar  
days; or
- 5425 (B) for an initiative packet received by the county clerk on or after December 1, for at least 45 calendar  
days; and
- 5427 (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the  
update; or
- 5429 (b) in relation to the electronic initiative process:
- 5430 (i) post the names, voter identification numbers, and dates of signatures described in Subsection  
20A-7-217(4) on the lieutenant governor's website, in a conspicuous location designated by the  
lieutenant governor:
- 5433 (A) for a signature received by the county clerk before December 1, for at least 90 calendar days; or
- 5435 (B) for a signature received by the county clerk on or after December 1, for at least 45 calendar days;  
and
- 5437 (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the  
update.
- 5439 (3) The lieutenant governor:
- 5440 (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

## SB0164S02 compared with SB0164S03

- 5443 (b) may declare the initiative petition to be insufficient before the day described in Subsection (3)(a) if:
- 5445 (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;
- 5450 (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
- 5455 (iii) a requirement of this part has not been met.
- 5456 (4)
- (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 shall mark upon the front of the initiative petition the word "sufficient."
- 5460 (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 shall mark upon the front of the initiative petition the word "insufficient."
- 5464 (c) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.
- 5466 (5) After an initiative petition is declared insufficient, a person may not submit additional signatures to qualify the initiative for the ballot.
- 5468 (6)
- (a) If the lieutenant governor 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.
- 5471 (b) If the court determines that the initiative petition is legally sufficient, the lieutenant governor 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.
- 5475 (c) If the court determines that the initiative petition is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

## SB0164S02 compared with SB0164S03

- 5478 (7) An initiative petition determined to be sufficient in accordance with this section is qualified for the  
5480 ballot.
- 5481 Section 70. Section 20A-7-211 is amended to read:
- 5483 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on proclamation.**
- 5486 (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~~] Chapter 4, Part 3, Canvassing  
5488 Returns.
- 5486 (2) After the state board of canvassers completes the canvass, the lieutenant governor shall certify to the  
governor the vote for and against the law proposed by the initiative petition.
- 5488 (3)
- 5489 (a) The governor shall immediately issue a proclamation that:
- 5491 (i) gives the total number of votes cast in the state for and against each law proposed by an initiative  
petition; and
- 5494 (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).
- 5498 (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.
- 5502 (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.
- 5504 (4) Within 10 calendar days after the day on which the court issues an order in an action described in  
Subsection (3)(c), the governor shall:
- 5506 (a) proclaim as law all initiatives approved by the people that the court determines are not entirely in  
conflict; and
- 5510 (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).
- 5510 Section 71. Section 20A-7-212 is amended to read:

## SB0164S02 compared with SB0164S03

5511 **20A-7-212. Effective date.**

- 5512 (1) A proposed law submitted to the Legislature by initiative petition and passed by the Legislature  
takes effect 60 calendar days after the last day of the session of the Legislature in which the law  
passed, unless:
- 5515 (a) a later effective date is included in the proposed law; or
- 5516 (b) an earlier effective date is included in the proposed law and the proposed law passes the Legislature  
by a two-thirds vote of the members elected to each house of the Legislature.
- 5519 (2) A proposed law submitted to the people by initiative petition that is approved by the voters at an  
election takes effect:
- 5521 (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 calendar days after the last  
day of the general session of the Legislature next following the election;
- 5524 (b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax increase:
- 5526 (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general session of the  
Legislature next following the election; or
- 5528 (ii) at the beginning of the applicable taxable year that begins on or after January 1 of the year after the  
general session of the Legislature next following the election, for a tax described in:
- 5531 (A) Title 59, Chapter 6, Mineral Production Tax Withholding;
- 5532 (B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 5533 (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate  
Franchise or Income Tax Act; or
- 5535 (D) Title 59, Chapter 10, Individual Income Tax Act;
- 5536 (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax decrease:
- 5538 (i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the election; or
- 5540 (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the applicable taxable  
year that begins on or after January 1 immediately following the election;
- 5543 (d) except as provided in Subsection (2)(e), January 1 of the year after the general session of the  
Legislature next following the election, if the proposed law effectuates a change in a tax described  
in:
- 5546 (i) Title 59, Chapter 2, Property Tax Act;
- 5547 (ii) Title 59, Chapter 3, Tax Equivalent Property Act; or
- 5548 (iii) Title 59, Chapter 4, Privilege Tax; or

## SB0164S02 compared with SB0164S03

(e) if the proposed law specifies a special effective date that is after the otherwise applicable effective date described in Subsections (2)(a) through (d), the date specified in the proposed law.

(3)

(a) The governor may not veto a law adopted by the people.

(b) The Legislature may amend any initiative approved by the people at any legislative session.

Section 72. Section 20A-7-214 is amended to read:

**20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.**

(1) No later than 60 calendar days after the date of an election in which the voters approve an initiative, the Office of the Legislative Fiscal Analyst shall:

(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-202.5(2); and

(b) deliver a copy of the final fiscal impact statement to:

(i) the president of the Senate;

(ii) the minority leader of the Senate;

(iii) the speaker of the House of Representatives;

(iv) the minority leader of the House of Representatives; and

(v) the first five sponsors listed on the initiative application.

(2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact statement by 25% or more, the Legislature shall review the final fiscal impact statement and may, in any legislative session following the election in which the voters approve the initiative:

(a) repeal the law established by passage of the initiative;

(b) amend the law established by passage of the initiative; or

(c) pass a joint or concurrent resolution informing the voters that they may file an initiative petition to repeal the law enacted by passage of the initiative.

Section 73. Section 20A-7-216 is amended to read:

**20A-7-216. Electronic initiative process -- Obtaining signatures -- Request to remove signature.**

(1) This section applies to the electronic initiative process.

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

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:



## SB0164S02 compared with SB0164S03

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

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

(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:

(a) for an electronic signature gathered before December 1:

(i) ~~[30] the first business day that is at least 30 calendar~~ days after the day on which the voter signs the signature removal statement; or

(ii) ~~[90] the first business day that is at least 90 calendar~~ days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4); or

(b) for an electronic signature gathered on or after December 1:

(i) ~~[30] the first business day that is at least 30 calendar~~ days after the day on which the voter signs the signature removal statement; or

(ii) ~~[45] the first business day that is at least 45 calendar~~ days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4).

(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 establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(b) A person may only remove an electronic signature from an initiative petition in accordance with this section.

(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).

Section 74. Section 20A-7-217 is amended to read:

**20A-7-217. Electronic initiative process -- Collecting signatures -- Email notification -- Removal of signatures.**

(1) This section applies only to the electronic initiative process.

(2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

(a) ~~[316] the last business day that is no more than 316 calendar~~ days after the day on which the initiative application is filed; or

## SB0164S02 compared with SB0164S03

- 5617 (b) the February 15 immediately before the next regular general election immediately after the initiative  
application is filed under Section 20A-7-202.
- 5619 (3) The lieutenant governor shall send to each individual who provides a valid email address during the  
signature-gathering process an email that includes the following:
- 5621 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition  
Signature"; and
- 5623 (b) the body of the email shall include the following statement in 12-point type:
- 5624 "You signed a petition for the following initiative:
- 5625 [insert title of initiative]
- 5626 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 website that includes the information  
referred to in the email]."
- 5631 (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 website, in a conspicuous location designated by the lieutenant governor.
- 5636 (5)
- (a) If the county clerk timely receives a statement requesting signature removal under Subsection  
20A-7-216(4), the county clerk shall:
- 5638 (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
- 5640 (ii) remove the voter's signature from the initiative petition and the initiative petition signature  
totals.
- 5642 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
- 5643 (i) the deadline described in Subsection (4); or
- 5644 (ii) two business days after the day on which the county clerk receives a statement requesting signature  
removal under Subsection 20A-7-216(4).

5646 Section 75. Section 20A-7-302 is amended to read:

5647 **20A-7-302. Referendum process -- Application procedures.**

## SB0164S02 compared with SB0164S03

- 5648 (1) Individuals wishing to circulate a referendum petition shall file a referendum application with the  
lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at  
least five calendar days after the day on which the legislative session at which the law passed ends.
- 5652 (2) The referendum application shall include:
- 5653 (a) the name and residence address of at least five sponsors of the referendum petition;
- 5654 (b) a statement indicating that each of the sponsors is registered to vote in Utah;
- 5655 (c) a statement indicating whether persons gathering signatures for the referendum petition may be paid  
for gathering signatures;
- 5657 (d) the signature of each of the sponsors, attested to by a notary public; and
- 5658 (e) a copy of the law that is the subject of the proposed referendum.

5659 Section 76. Section 20A-7-304 is amended to read:

5660 **20A-7-304. Manual referendum process -- Circulation requirements -- Lieutenant governor  
to provide sponsors with materials.**

- 5662 (1) This section applies only to the manual referendum process.
- 5663 (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.
- 5666 (3) The lieutenant governor shall provide the sponsors with a copy of the referendum petition and a  
signature sheet [~~within three~~] no later than the first business day that is at least five calendar days  
after the day on which the sponsors sign an agreement, under Subsection (6)(a), with the Office of  
the Lieutenant Governor specifying the range of numbers that the sponsors will use to number the  
referendum packets.
- 5671 (4) The sponsors of the referendum petition shall:
- 5672 (a) arrange and pay for the printing of all documents that are part of the referendum packets; and
- 5674 (b) ensure that the referendum packets and the documents described in Subsection (4)(a) meet the form  
requirements of this section.
- 5676 (5)
- (a) The sponsors or an agent of the sponsors may prepare the referendum packets for circulation by  
creating multiple referendum packets.
- 5678 (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

## SB0164S02 compared with SB0164S03

50 signature sheets together at the top in a manner that the referendum packets may be conveniently opened for signing.

(c) A referendum packet is not required to have a uniform number of signature sheets.

(6)

(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number referendum packets;

(ii) sign an agreement with the Office of the Lieutenant Governor, specifying the range of numbers that the sponsor will use to number the referendum packets; and

(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.

(b) The sponsors or an agent of the sponsors may not:

(i) number a referendum packet in a manner not directed by the lieutenant governor's office; or

(ii) circulate or submit a referendum packet that is not numbered in the manner directed by the lieutenant governor's office.

Section 77. Section 20A-7-307 is amended to read:

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

(1) In relation to the manual referendum process, when the lieutenant governor receives a referendum packet from a county clerk, the lieutenant governor shall record the number of the referendum packet received.

(2) The county clerk shall:

(a) in relation to the manual referendum process:

(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 website, in a conspicuous location designated by the lieutenant governor, for at least 45 calendar days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update; or

(b) in relation to the electronic referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-315(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 calendar days; and

## SB0164S02 compared with SB0164S03

- 5713 (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
- 5715 (3) The lieutenant governor:
- 5716 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient 106 calendar days after the end of the legislative session at which the law passed; or
- 5719 (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:
- 5721 (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;
- 5726 (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
- 5731 (iii) a requirement of this part has not been met.
- 5732 (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 shall mark upon the front of the referendum petition the word "sufficient."
- 5736 (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 shall mark upon the front of the referendum petition the word "insufficient."
- 5740 (c) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.
- 5742 (d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.
- 5744 (5)
- (a) If the lieutenant governor 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

## SB0164S02 compared with SB0164S03

declares the petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.

- 5748 (b) If the court determines that the referendum petition is legally sufficient, the lieutenant governor 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.
- 5752 (c) If the court determines that a referendum petition filed is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.
- 5755 (6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.

5757 Section 78. Section 20A-7-308 is amended to read:

5758 **20A-7-308. Short title and summary of referendum -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

- 5760 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the referendum petition and the law to which the referendum relates to the Office of Legislative Research and General Counsel.
- 5764 (2)
- (a) The Office of Legislative Research and General Counsel shall:
- 5765 (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;
- 5767 (ii) prepare for each referendum:
- 5768 (A) an impartial short title, not exceeding 25 words, that generally describes the law to which the referendum relates; and
- 5770 (B) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words; and
- 5772 (iii) submit the short title and summary to the lieutenant governor within 15 calendar days after the day on which the Office of Legislative Research and General Counsel receives the petition under Subsection (1).
- 5775 (b) The short title and summary may be distinct from the title of the law that is the subject of the referendum.

## SB0164S02 compared with SB0164S03

- 5777 (c) Subject to Subjection (4), for each statewide referendum, the official ballot shall show, in the  
following order:
- 5779 (i) the number of the referendum, determined in accordance with Section 20A-6-107;
- 5780 (ii) the short title; and
- 5781 (iii) except as provided in Subsection (2)(d):
- 5782 (A) the summary;
- 5783 (B) a copy of the law; and
- 5784 (C) a link to a location on the lieutenant governor's website where a voter may review additional  
information relating to each referendum, including the information described in Subsection  
20A-7-302(2) and the arguments relating to the referendum that are included in the voter  
information pamphlet.
- 5788 (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  
website where a voter may review the additional information described in Subsection (2)(c)(iii)(C).
- 5793 (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."
- 5800 (3) Immediately after the Office of Legislative Research and General Counsel submits the short title and  
summary to the lieutenant governor, the lieutenant governor shall mail or email a copy of the short  
title and summary to any of the sponsors of the referendum petition.
- 5804 (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 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.

5808

## SB0164S02 compared with SB0164S03

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

5810 (A) any person or group that has filed an argument for or against the law to which the referendum relates; and

5812 (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the referendum.

5816 (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.

5819 (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.

5822 (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.

5825 (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.

5828 (c) The court shall:

5829 (i) examine the short title and summary;

5830 (ii) hear arguments; and

5831 (iii) enter an order consistent with the requirements of this section.

5832 (d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as required by this section.

5835 Section 79. Section 20A-7-310 is amended to read:

5836 **20A-7-310. Return and canvass -- Conflicting measures.**

5837 (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~~] Chapter 4, Part 3, Canvassing Returns.

5840 (2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law that is the subject of the referendum petition.



## SB0164S02 compared with SB0164S03

- 5843 (3)
- 5844 (a) The governor shall immediately issue a proclamation that:
- 5846 (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
- 5849 (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.
- 5853 (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.
- 5858 (4)
- 5859 (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.
- 5860 (b) The court shall:
- 5861 (i) consider the matter and decide whether the approved laws are in conflict; and
- 5863 (ii) enter an order consistent with the court's decision.
- 5865 (5) Within 10 calendar days after the day on which the court enters an order described in Subsection (4)(b)(ii), the governor shall:
- 5868 (a) proclaim as law all those laws approved by the people that the court determines are not in conflict; and
- 5870 (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.
- 5868 Section 80. Section 20A-7-311 is amended to read:
- 5869 **20A-7-311. Temporary stay -- Effective date -- Effect of repeal by Legislature.**
- 5870 (1) If, at the time during the counting period described in Section 20A-7-307, the lieutenant governor determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the lieutenant governor shall:

## SB0164S02 compared with SB0164S03

- 5873 (a) issue an order temporarily staying the law from going into effect; and
- 5874 (b) continue the process of certifying signatures and removing signatures as required by this part.
- 5876 (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]~~:
- 5878 (a) if the lieutenant governor declares the referendum petition insufficient, five calendar days after the day on which the lieutenant governor declares the referendum petition insufficient; or
- 5881 (b) if the lieutenant governor declares the referendum petition sufficient, the day on which governor issues the proclamation described in Section 20A-7-310.
- 5883 (3) A law submitted to the people by referendum that is approved by the voters at an election takes effect the later of:
- 5885 (a) five calendar days after the date of the official proclamation of the vote by the governor; or
- 5887 (b) the effective date specified in the approved law.
- 5888 (4) If, after the lieutenant governor issues a temporary stay order under Subsection (1)(a), the lieutenant governor declares the referendum petition insufficient, the law that is the subject of the referendum petition takes effect the later of:
- 5891 (a) five calendar days after the day on which the lieutenant governor declares the referendum petition insufficient; or
- 5893 (b) the effective date specified in the law that is the subject of the referendum petition.
- 5894 (5)
- 5895 (a) The governor may not veto a law approved by the people.
- 5897 (b) The Legislature may amend any laws approved by the people at any legislative session after the people approve the law.
- 5897 (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.
- 5899 Section 81. Section 20A-7-314 is amended to read:
- 5900 **20A-7-314. Electronic referendum process -- Obtaining signatures -- Request to remove signature.**
- 5902 (1) This section applies to the electronic referendum process.
- 5903 (2) A Utah voter may sign a referendum petition if the voter is a legal voter.
- 5904 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:
- 5906

## SB0164S02 compared with SB0164S03

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

5908 (b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.

5910 (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:

5914 (a) the first business day that is at least 30 calendar days after the day on which the voter signs the statement requesting removal; or

5916 (b) the first business day that is at least 45 calendar days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-315(4).

5918 (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 establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

5922 (b) A person may only remove an electronic signature from a referendum petition in accordance with this section.

5924 (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).

5927 Section 82. Section 20A-7-315 is amended to read:

5928 **20A-7-315. Electronic referendum process -- Collecting signatures -- Removal of signatures.**

5930 (1) This section applies only to the electronic referendum process.

5931 (2) A signature-gatherer may not collect a signature after 5 p.m., 40 calendar days after the day on which the legislative session at which the law passed ends.

5933 (3) The lieutenant governor shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:

5935 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

5937 (b) the body of the email shall include the following statement in 12-point type:

5938 "You signed a petition for the following referendum:

5939 [insert title of referendum]

## SB0164S02 compared with SB0164S03

- 5940 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 website that includes the information referred to in the email]."
- 5945 (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 website, in a conspicuous location designated by the lieutenant governor.
- 5950 (5)
- (a) If the county clerk timely receives a statement requesting signature removal under Subsection  
20A-7-314(4), the county clerk shall:
- 5952 (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
- 5954 (ii) remove the voter's signature from the referendum petition and the signature totals.
- 5955 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
- 5956 (i) the deadline described in Subsection (4); or
- 5957 (ii) two business days after the day on which the county clerk receives a statement requesting signature  
removal under Subsection 20A-7-314(4).
- 5959 Section 83. Section 20A-7-401.5 is amended to read:
- 5960 **20A-7-401.5. Proposition information pamphlet.**
- 5961 (1)
- (a)
- (i) Within 15 calendar days after the day on which an eligible voter files an application to circulate  
an initiative petition under Section 20A-7-502 or an application to circulate a referendum  
petition under Section 20A-7-602:
- 5964 (A) the sponsors of the proposed initiative or referendum may electronically submit a written  
argument in favor of the proposed initiative or referendum to the election officer of the  
county or municipality to which the petition relates; and
- 5968 (B) the county or municipality to which the application relates may electronically submit  
a written argument in favor of, or against, the proposed initiative or referendum to the  
county's or municipality's election officer.

## SB0164S02 compared with SB0164S03

- 5971 (ii) If a county or municipality submits more than one written argument under Subsection (1)(a)(i)  
 (B), the election officer shall select one of the written arguments, giving preference to a written  
 argument submitted by a member of a local legislative body if a majority of the local legislative  
 body supports the written argument.
- 5976 (b) Within one business day after the day on which an election officer receives an argument under  
 Subsection (1)(a)(i)(A), the election officer shall provide a copy of the argument to the county or  
 municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.
- 5980 (c) Within one business day after the date on which an election officer receives an argument under  
 Subsection (1)(a)(i)(B), the election officer shall provide a copy of the argument to the first three  
 sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i)(A).
- 5984 (d) The sponsors of the proposed initiative or referendum may electronically submit a revised version  
 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the county or  
 municipality to which the petition relates within 20 calendar days after the day on which the eligible  
 voter files an application to circulate an initiative petition under Section 20A-7-502 or an application  
 to circulate a referendum petition under Section 20A-7-602.
- 5990 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a county or  
 municipality may electronically submit a revised version of the written argument to the county's  
 or municipality's election officer within 20 calendar days after the day on which the eligible voter  
 files an application to circulate an initiative petition under Section 20A-7-502 or an application to  
 circulate a referendum petition under Section 20A-7-602.
- 5996 (2)
- 5997 (a) A written argument described in Subsection (1) may not exceed 500 words.
- 6000 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in  
 Subsection (1)(d) or (e) after the written argument is submitted to the election officer.
- 6002 (c) The election officer and the person that submits the written argument described in Subsection (1)(d)  
 or (e) may jointly agree to modify the written argument to:
- 6002 (i) correct factual, grammatical, or spelling errors; or
- 6003 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 6004 (d) An election officer shall refuse to include a written argument in the proposition information  
 pamphlet described in this section if the person who submits the argument:
- 6007 (i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or

## SB0164S02 compared with SB0164S03

- 6009 (ii) does not timely submit the written argument to the election officer.
- 6010 (e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.
- 6012 (3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:
- 6014 (a) a copy of the application for the proposed initiative or referendum;
- 6015 (b) except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;
- 6018 (c) except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 6020 (d) a copy of the initial fiscal impact statement and legal impact statement described in Section 20A-7-502.5 or 20A-7-602.5.
- 6022 (4)
- (a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the earlier of when the election officer:
- 6025 (i) complies with Subsection (4)(b); or
- 6026 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 6027 (b) Within 21 calendar days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the election officer shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.
- 6033 (5) An election officer for a municipality shall publish the proposition information pamphlet as follows:
- 6035 (a) within the later of 10 calendar days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three calendar days after the day on which the election officer and the person that submitted the argument agree on the modification:
- 6040 (i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and
- 6044

## SB0164S02 compared with SB0164S03

(ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the municipality's website, if the municipality has a website, until:

- 6047 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets or any verified referendum packets under Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;
- 6052 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
- 6056 (C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and
- 6058 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:
- 6062 (i) 10 calendar days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or
- 6064 (ii) if the election officer modifies an argument under Subsection (2)(c), three calendar days after the day on which the election officer and the person that submitted the argument agree on the modification.
- 6067 (6) An election officer for a county shall, within the later of 10 calendar days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three calendar days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:
- 6073 (a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and
- 6076 (b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the county's website, until:
- 6078



## SB0164S02 compared with SB0164S03

- (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets or any verified referendum packets under Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;
- (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
- (iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

Section 84. Section 20A-7-402 is amended to read:

**20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations -- Preparation -- Statement on front cover.**

- (1)
  - (a) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that complies with the requirements of this part.
  - (b) Each county or municipality that contains all or part of a proposed new school district or a reorganized new school district that will appear on a regular general election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall prepare a local voter information pamphlet that complies with the requirements of this part.
- (2)
  - (a) Within the time requirements described in Subsection (2)(c)(i), a municipality described in Subsection (1) shall provide a notice that complies with the requirements of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for the municipality, as a class A notice under Section 63G-30-102, for the time period set under Subsection (2)(c)(i).
  - (b) A county described in Subsection (1) shall publish a notice that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice under Section 63G-30-102.
  - (c) A municipality or county that publishes a notice under Subsection (2)(a) or (b) shall:
    - (i) publish the notice:
      - (A) not less than 90 calendar days before the date of the election at which a special local ballot proposition will be voted upon; or



## SB0164S02 compared with SB0164S03

(B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable after the special local ballot proposition is approved to be voted upon in an election; and

6113 (ii) ensure that the notice contains:

6114 (A) the ballot title for the special local ballot proposition;

6115 (B) instructions on how to file a request under Subsection (2)(d); and

6116 (C) the deadline described in Subsection (2)(d).

6117 (d) Except as provided in Subsection (13), to prepare a written argument for or against a special local ballot proposition, an eligible voter shall file a request with the election officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 64 calendar days before the day of the election at which the special local ballot proposition is to be voted on.

6122 (e) If more than one eligible voter requests the opportunity to prepare a written argument for or against a special local ballot proposition, the election officer shall make the final designation in accordance with the following order of priority:

6125 (i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and

6127 (ii) members of the local legislative body have priority over others if a majority of the local legislative body supports the written argument.

6129 (f) Except as provided in Subsection (13), the election officer shall grant a request described in Subsection (2)(d) or (e) no later than 60 calendar days before the day of the election at which the ballot proposition is to be voted on.

6132 (g)

(i) A sponsor of a special local ballot proposition may prepare a written argument in favor of the special local ballot proposition.

6134 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request under Subsection (2)(d) may prepare a written argument against the special local ballot proposition.

6137 (h) An eligible voter who submits a written argument under this section in relation to a special local ballot proposition shall:

6139 (i) ensure that the written argument does not exceed 500 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv);

6141 (ii) list, at the end of the argument, at least one, but no more than five, names as sponsors;

6143

## SB0164S02 compared with SB0164S03

- (iii) except as provided in Subsection (13), submit the written argument to the election officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 55 calendar days before the election day on which the ballot proposition will be submitted to the voters;
- 6147 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and
- 6149 (v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.
- 6151 (i) An election officer shall refuse to accept and publish an argument submitted after the deadline described in Subsection (2)(h)(iii).
- 6153 (3)
- (a) An election officer who timely receives the written arguments in favor of and against a special local ballot proposition shall, within one business day after the day on which the election office receives both written arguments, send, via mail or email:
- 6156 (i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and
- 6159 (ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.
- 6162 (b) The eligible voter who submitted a timely written argument in favor of the special local ballot proposition:
- 6164 (i) may submit to the election officer a written rebuttal argument of the written argument against the special local ballot proposition;
- 6166 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
- 6168 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 45 calendar days before the election day on which the special local ballot proposition will be submitted to the voters.
- 6172 (c) The eligible voter who submitted a timely written argument against the special local ballot proposition:
- 6174 (i) may submit to the election officer a written rebuttal argument of the written argument in favor of the special local ballot proposition;
- 6176

## SB0164S02 compared with SB0164S03

- (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
- 6178 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [~~before 5 p.m. no~~  
~~later than~~] no later than 5 p.m. on the last business day that is at least 45 calendar days before the  
election day on which the special local ballot proposition will be submitted to the voters.
- 6182 (d) An election officer shall refuse to accept and publish a written rebuttal argument in relation to a  
special local ballot proposition that is submitted after the deadline described in Subsection (3)(b)(iii)  
or (3)(c)(iii).
- 6185 (4)
- (a) Except as provided in Subsection (4)(b), in relation to a special local ballot proposition:
- 6187 (i) an eligible voter may not modify a written argument or a written rebuttal argument after the  
eligible voter submits the written argument or written rebuttal argument to the election officer;  
and
- 6190 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify a written  
argument or a written rebuttal argument.
- 6192 (b) The election officer, and the eligible voter who submits a written argument or written rebuttal  
argument in relation to a special local ballot proposition, may jointly agree to modify a written  
argument or written rebuttal argument in order to:
- 6195 (i) correct factual, grammatical, or spelling errors; and
- 6196 (ii) reduce the number of words to come into compliance with the requirements of this section.
- 6198 (c) An election officer shall refuse to accept and publish a written argument or written rebuttal  
argument in relation to a special local ballot proposition if the eligible voter who submits the  
written argument or written rebuttal argument fails to negotiate, in good faith, to modify the written  
argument or written rebuttal argument in accordance with Subsection (4)(b).
- 6203 (5) In relation to a special local ballot proposition, an election officer may designate another eligible  
voter to take the place of an eligible voter described in this section if the original eligible voter is,  
due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an  
eligible voter described in this section.
- 6207 (6) Sponsors whose written argument in favor of a standard local ballot proposition is included in a  
proposition information pamphlet under Section 20A-7-401.5:
- 6209

## SB0164S02 compared with SB0164S03

- (a) may, if a written argument against the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;
- 6212 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
- 6214 (c) shall submit the written rebuttal argument no later than 5 p.m. on the last business day that is at least 45 calendar days before the election day on which the standard local ballot proposition will be submitted to the voters.
- 6217 (7)
- (a) A county or municipality that submitted a written argument against a standard local ballot proposition that is included in a proposition information pamphlet under Section 20A-7-401.5:
- 6220 (i) may, if a written argument in favor of the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;
- 6223 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
- 6225 (iii) shall submit the written rebuttal argument no later than 5 p.m. on the last business day that is at least 45 calendar days before the election day on which the ballot proposition will be submitted to the voters.
- 6228 (b) If a county or municipality submits more than one written rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of a local legislative body.
- 6232 (8)
- (a) An election officer shall refuse to accept and publish a written rebuttal argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 6234 (b) Before an election officer publishes a local voter information pamphlet under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
- 6237 (c) An election officer who receives a written rebuttal argument described in this section may not, before publishing the local voter information pamphlet described in this section, disclose the written rebuttal argument, or any information contained in the written rebuttal argument, to any person who may in any way be involved in preparing an opposing rebuttal argument.
- 6242 (9)
- (a) Except as provided in Subsection (9)(b), a person may not modify a written rebuttal argument after the written rebuttal argument is submitted to the election officer.

## SB0164S02 compared with SB0164S03

- 6245 (b) The election officer, and the person who submits a written rebuttal argument, may jointly agree to  
modify a written rebuttal argument in order to:
- 6247 (i) correct factual, grammatical, or spelling errors; or
- 6248 (ii) reduce the number of words to come into compliance with the requirements of this section.
- 6250 (c) An election officer shall refuse to accept and publish a written rebuttal argument if the person who  
submits the written rebuttal argument:
- 6252 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with  
Subsection (9)(b); or
- 6254 (ii) does not timely submit the written rebuttal argument to the election officer.
- 6255 (d) An election officer shall make a good faith effort to negotiate a modification described in  
Subsection (9)(b) in an expedited manner.
- 6257 (10) An election officer may designate another person to take the place of a person who submits a  
written rebuttal argument in relation to a standard local ballot proposition if the person is, due to  
injury, illness, death, or another circumstance, unable to continue to fulfill the person's duties.
- 6261 (11)
- (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate and  
the legal impact statement prepared for each initiative under Section 20A-7-502.5.
- 6264 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the  
following statement in bold type:
- 6266 "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."
- 6269 (12)
- (a) In preparing the local voter information pamphlet, the election officer shall:
- 6270 (i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot  
proposition is also printed;
- 6272 (ii) ensure that the following statement is printed on the front cover or the heading of the first page of  
the printed written arguments:
- 6274 "The arguments for or against a ballot proposition are the opinions of the authors.";
- 6275 (iii) pay for the printing and binding of the local voter information pamphlet; and
- 6276

## SB0164S02 compared with SB0164S03

(iv) not less than 15 calendar days before, but not more than 45 calendar days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

6279 (A) a voter information pamphlet; or

6280 (B) the notice described in Subsection (12)(c).

6281 (b)

(i) If the language of the ballot proposition exceeds 500 words in length, the election officer may summarize the ballot proposition in 500 words or less.

6283 (ii) The summary shall state where a complete copy of the ballot proposition is available for public review.

6285 (c)

(i) The election officer may distribute 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.

6288 (ii) The notice described in Subsection (12)(c)(i) shall include:

6289 (A) the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

6291 (B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.

6293 (13) For 2024 only, in relation to an election that will appear on the regular general election ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72 calendar days before the day of the election:

6297 (a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later than five business days after the notice is published;

6299 (b) the deadline to grant a request under Subsection (2)(f) is no later than seven business days after the notice is published;

6301 (c) the deadline to submit the written argument to the election officer under Subsection (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published; and

6304 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or (c)(iii) is no later than 17 business days after the notice is published.

6306 Section 85. Section 20A-7-501 is amended to read:

6307 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

## SB0164S02 compared with SB0164S03

- 6308 (1) As used in this section:
- 6309 (a) "Number of active voters" means the number of active voters in the county, city, or town on the  
immediately preceding January 1.
- 6311 (b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).
- 6313 (2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of  
the people for approval or rejection shall, after filing an initiative application, obtain legal signatures  
equal to:
- 6316 (a) for a county of the first class:
- 6317 (i) 7.75% of the number of active voters in the county; and
- 6318 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6320 (b) for a city of the first class:
- 6321 (i) 7.5% of the number of active voters in the city; and
- 6322 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the city's voter  
participation areas;
- 6324 (c) for a county of the second class:
- 6325 (i) 8% of the number of active voters in the county; and
- 6326 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6328 (d) for a city of the second class:
- 6329 (i) 8.25% of the number of active voters in the city; and
- 6330 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the city's  
voter participation areas;
- 6332 (e) for a county of the third class:
- 6333 (i) 9.5% of the number of active voters in the county; and
- 6334 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6336 (f) for a city of the third class:
- 6337 (i) 10% of the number of active voters in the city; and
- 6338 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the city's voter  
participation areas;

## SB0164S02 compared with SB0164S03

- 6340 (g) for a county of the fourth class:
- 6341 (i) 11.5% of the number of active voters in the county; and
- 6342 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6344 (h) for a city of the fourth class:
- 6345 (i) 11.5% of the number of active voters in the city; and
- 6346 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the city's  
voter participation areas;
- 6348 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active voters in the  
city or county; or
- 6350 (j) for a town or a county of the sixth class, 35% of the number of active voters in the town or county.
- 6352 (3) If the total number of certified signatures collected for the initiative petition equals or exceeds the  
number of signatures required by this section, the clerk or recorder shall deliver the proposed law to  
the local legislative body at the local legislative body's next meeting.
- 6356 (4)
- (a) The local legislative body shall either adopt or reject the proposed law without change or  
amendment within 30 calendar days after the day on which the local legislative body receives the  
proposed law under Subsection (3).
- 6359 (b) The local legislative body may:
- 6360 (i) adopt the proposed law and refer the proposed law to the people;
- 6361 (ii) adopt the proposed law without referring the proposed law to the people; or
- 6362 (iii) reject the proposed law.
- 6363 (c) If the local legislative body adopts the proposed law but does not refer the proposed law to the  
people, the proposed law is subject to referendum as with other local laws.
- 6365 (d)
- (i) If a county legislative body rejects a proposed law, or takes no action on a proposed law, the county  
clerk shall submit the proposed law to the voters of the county at the next regular general election  
immediately after the initiative application for the proposed law is filed under Section 20A-7-502.
- 6369 (ii) If a local legislative body of a municipality rejects a proposed law, or takes no action on a proposed  
law, the municipal recorder or clerk shall submit the proposed law to the voters of the municipality



## SB0164S02 compared with SB0164S03

at the next municipal general election immediately after the initiative application is filed under Section 20A-7-502.

6374 (e)

(i) If a local legislative body rejects a proposed law, or takes no action on a proposed law, the local legislative body may adopt a competing local law.

6376 (ii) The local legislative body shall prepare and adopt the competing local law within the [30-day] 30-calendar-day period described in Subsection (4)(a).

6378 (iii) If a local legislative body adopts a competing local law, the clerk or recorder shall refer the competing local law to the voters of the county or municipality at the same election at which the law proposed by initiative is submitted under Subsection (4)(d).

6382 (f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, the proposed law that receives the greatest number of affirmative votes shall control all conflicts.

6385 Section 86. Section 20A-7-502.7 is amended to read:

6386 **20A-7-502.7. Referability to voters.**

6387 (1) Within 20 calendar days after the day on which an eligible voter files an initiative application under Section 20A-7-502, counsel for the county, city, or town to which the initiative pertains shall:

6390 (a) review the proposed law that is the subject of the initiative application to determine whether the law is legally referable to voters; and

6392 (b) notify the first three sponsors, in writing, whether the proposed law is:

6393 (i) legally referable to voters; or

6394 (ii) rejected as not legally referable to voters.

6395 (2) A proposed law that is the subject of an initiative application is legally referable to voters unless:

6397 (a) the proposed law:

6398 (i) is patently unconstitutional;

6399 (ii) is nonsensical;

6400 (iii) is administrative, rather than legislative, in nature;

6401 (iv) could not become law if passed; or

6402 (v) contains more than one subject as evaluated in accordance with Subsection 20A-7-502(3);~~[-or]~~

6404

## SB0164S02 compared with SB0164S03

- (b) is identical or substantially similar to a legally referable proposed law sought by an initiative application submitted to the local clerk, under Section 20A-7-502, within two years before the day on which the initiative application for the current proposed law is filed;
- 6408 (c) the subject of the proposed law is not clearly expressed in the law's title; or
- 6409 (d) the initiative application was not timely filed or does not comply with the requirements of this part.
- 6411 (3) After the end of the [20-day] 20-calendar-day period described in Subsection (1), a county, city, or town may not:
- 6413 (a) reject a proposed initiative as not legally referable to voters; or
- 6414 (b) bring a legal action, other than to appeal a court decision, challenging a proposed initiative on the grounds that the proposed initiative is not legally referable to voters.
- 6416 (4) If a county, city, or town rejects a proposed initiative, a sponsor of the proposed initiative may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), appeal the decision to:
- 6419 (a) district court; or
- 6420 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
- 6421 (5) If, on appeal, the court determines that the law proposed by the initiative application is legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(3), or give the sponsors access to the website defined in Section 20A-21-101, within five calendar days after the day on which the determination, and any appeal of the determination, is final.

Section 87. Section 20A-7-504 is amended to read:

**20A-7-504. Manual initiative process -- Circulation requirements -- Local clerk to provide sponsors with materials.**

- 6429 (1) This section applies only to the manual initiative process.
- 6430 (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 Subsections (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form requirements of this part.
- 6434 (3) Within five calendar days after the day on which a county, city, town, or court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative petition is legally referable to voters, the local clerk shall provide to the sponsors:
- 6437 (a) a copy of the initiative petition;
- 6438 (b) a signature sheet; and

## SB0164S02 compared with SB0164S03

- 6439 (c) a copy of the proposition information pamphlet provided to the sponsors under Subsection  
20A-7-401.5(4)(b).
- 6441 (4) The sponsors of the initiative shall:
- 6442 (a) arrange and pay for the printing of all documents that are part of the initiative packets; and
- 6444 (b) ensure that the initiative packets and the documents described in Subsection (4)(a) meet the  
requirements of this part.
- 6446 (5)
- (a) The sponsors or an agent of the sponsors may prepare the initiative packets for circulation by  
creating multiple initiative packets.
- 6448 (b) The sponsors or an agent of the sponsors shall create initiative packets by binding a copy of the  
initiative petition with the text of the proposed law and no more than 50 signature sheets together at  
the top in a manner that the initiative packets may be conveniently opened for signing.
- 6452 (c) An initiative packet is not required to have a uniform number of signature sheets.
- 6453 (d) The sponsors or an agent of the sponsors shall include, with each initiative packet, a copy of the  
proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).
- 6456 (6)
- (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 6457 (i) contact the county clerk to receive a range of numbers that the sponsors may use to number  
initiative packets; and
- 6459 (ii) number each initiative packet, sequentially, within the range of numbers provided by the county  
clerk, starting with the lowest number in the range.
- 6461 (b) The sponsors or an agent of the sponsors may not:
- 6462 (i) number an initiative packet in a manner not directed by the county clerk; or
- 6463 (ii) circulate or submit an initiative packet that is not numbered in the manner directed by the county  
clerk.
- 6465 (c) The county clerk shall keep a record of the number range provided under Subsection (6)(a).
- 6467 Section 88. Section 20A-7-507 is amended to read:
- 6468 **20A-7-507. Evaluation by the local clerk.**
- 6469 (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.
- 6472 (2) The county clerk shall:

## SB0164S02 compared with SB0164S03

- 6473 (a) in relation to the manual initiative process:
- 6474 (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 website, in a conspicuous location designated by  
the lieutenant governor, for at least 90 calendar days; and
- 6478 (ii) update on the local government's website the number of signatures certified as of the date of the  
update; or
- 6480 (b) in relation to the electronic initiative process:
- 6481 (i) post the names, voter identification numbers, and dates of signatures described in Subsection  
20A-7-516(4) on the lieutenant governor's website, in a conspicuous location designated by the  
lieutenant governor, for at least 90 calendar days; and
- 6484 (ii) update on the local government's website the number of signatures certified as of the date of the  
update.
- 6486 (3) The local clerk:
- 6487 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be sufficient or  
insufficient:
- 6489 (i) in relation to the manual initiative process, no later than 21 calendar days after the day of the  
applicable deadline described in Subsection 20A-7-105(5)(a)(iii); or
- 6491 (ii) in relation to the electronic initiative process, no later than 21 calendar days after the day of the  
applicable deadline described in Subsection 20A-7-516(2); or
- 6493 (b) may declare the initiative petition to be insufficient before the day described in Subsection (3)(a) if:
- 6495 (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;
- 6500 (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
- 6505 (iii) a requirement of this part has not been met.
- 6506 (4)

## SB0164S02 compared with SB0164S03

- (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."
- 6510 (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."
- 6514 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
- 6516 (d) After an initiative petition is declared insufficient, a person may not submit additional signatures to qualify the initiative for the ballot.
- 6518 (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.
- 6522 (6) An initiative petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section 89. Section 20A-7-508 is amended to read:

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

- 6527 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the initiative petition and the proposed law to the local attorney.
- 6529 (2) The local attorney shall:
- 6530 (a) entitle each county or municipal initiative that has qualified for the ballot "Proposition Number \_\_\_\_" and give it a number as assigned under Section 20A-6-107;
- 6532 (b) prepare for each initiative:
- 6533 (i) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and
- 6535 (ii) an impartial summary of the contents of the initiative, not exceeding 125 words;
- 6536 (c) file the proposed short title, summary, and the numbered initiative titles with the local clerk within 20 calendar days after the day on which an eligible voter submits the initiative petition to the local clerk; and
- 6539 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 6540 (i) the sponsors of the initiative; and
- 6541 (ii) the local legislative body for the jurisdiction where the initiative petition was circulated.

## SB0164S02 compared with SB0164S03

- 6543 (3)
- 6544 (a) The short title and summary may be distinct from the title of the proposed law.
- 6546 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the initiative.
- 6548 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the initiative.
- 6550 (d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the initiative.
- 6552 (e) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the summary:
- 6555 "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."
- 6557 (4)
- 6560 (a) Within five calendar days after the date the local attorney files a proposed short title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the initiative may file written comments in response to the proposed short title and summary with the local clerk.
- 6562 (b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:
- 6564 (i) review any written comments filed in accordance with Subsection (4)(a);
- 6566 (ii) prepare a final short title and summary that meets the requirements of Subsection (3); and
- 6568 (iii) return the initiative petition and file the short title and summary with the local clerk.
- 6570 (c) Subject to Subsection (6), for each county or municipal initiative, the following shall be printed on the official ballot:
- 6572 (i) the short title; and
- 6574 (ii) except as provided in Subsection (4)(d):
- 6576 (A) the summary;
- 6578 (B) a copy of the proposed law; and
- 6580 (C) a link to a location on the election officer's website where a voter may review additional information relating to each initiative, including the information described in Subsection

## SB0164S02 compared with SB0164S03

20A-7-502(2), the initial fiscal impact and legal statement described in Section 20A-7-502.5, as updated, and the arguments relating to the initiative that are included in the local voter information pamphlet.

- 6579 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the election  
officer shall include with the ballot a separate ballot proposition insert that includes the short title  
and summary for each initiative on the ballot and a link to a location on the election officer's website  
where a voter may review the additional information described in Subsection (4)(c)(ii)(C).
- 6584 (e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the ballot, and the  
information described in Subsection 20A-7-608(4)(c)(ii) for all referenda on the ballot, is printed  
on the ballot, the ballot shall include the following statement at the beginning of the portion of the  
ballot that includes ballot measures[,-] :
- 6588 "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.".
- 6591 (5) Immediately after the local attorney files a copy of the short title and summary with the local clerk,  
the local clerk shall send a copy of the short title and summary to the sponsors of the initiative and  
the local legislative body for the jurisdiction where the initiative petition was circulated.
- 6595 (6)
- (a) If the short title or summary furnished by the local attorney is unsatisfactory or does not comply  
with the requirements of this section, the decision of the local attorney may be appealed to the  
appropriate court by:
- 6598 (i) at least three sponsors of the initiative; or
- 6599 (ii) a majority of the local legislative body for the jurisdiction where the initiative petition was  
circulated.
- 6601 (b) The court:
- 6602 (i) shall examine the short title and summary and consider arguments; and
- 6603 (ii) enter an order consistent with the requirements of this section.
- 6604 (c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as  
required by this section.

Section 90. Section 20A-7-510 is amended to read:

**20A-7-510. Return and canvass -- Conflicting measures -- Law effective on proclamation.**

## SB0164S02 compared with SB0164S03

(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~~] Chapter 4, Part 3, Canvassing Returns.

6612 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the initiative petition.

6615 (3)

(a) The local legislative body shall immediately issue a proclamation that:

6616 (i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by an initiative petition; and

6618 (ii) declares those laws proposed by an initiative petition that are approved by majority vote to be in full force and effect as the law of the local jurisdiction.

6620 (b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, the local legislative body shall proclaim as law the initiative that received the greatest number of affirmative votes, regardless of the difference in the majorities which those initiatives have received.

6625 (c)

(i) Within 10 days after the day on which the local legislative body issues the proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the local legislative body to be superseded by another initiative approved at the same election may bring an action in the appropriate court to review the decision.

6630 (ii) The court shall:

6631 (A) consider the matter and decide whether the proposed laws are entirely in conflict; and

6633 (B) issue an order, consistent with the court's decision, to the local legislative body.

6635 (4) Within 10 calendar days after the day on which the court enters an order under Subsection (3)(c)(ii), the local legislative body shall:

6637 (a) proclaim as law all initiatives approved by the people that the court determines are not in conflict; and

6639 (b) for the initiatives approved by the people as law that the court determines to be in conflict, proclaim as law the initiative that received the greatest number of affirmative votes, regardless of the difference in majorities.

6642 Section 91. Section 20A-7-511 is amended to read:



## SB0164S02 compared with SB0164S03

6643 **20A-7-511. Effective date.**

6644 (1)

(a) Any proposed law submitted to the people by initiative petition that is approved by the voters at any election takes effect on the date specified in the initiative petition.

6646 (b) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five calendar days after the date of the official proclamation of the vote by the county legislative body.

6649 (2) The local legislative body may amend any laws approved by the people at any meeting after the law has taken effect.

6651 Section 92. Section 20A-7-513 is amended to read:

6652 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

6653 (1) No later than 60 calendar days after the date of an election in which the voters approve an initiative, the budget officer shall:

6655 (a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-502.5(2), except for the information required by Subsection 20A-7-502.5(2)(a)(vii); and

6659 (b) deliver a copy of the final fiscal impact statement to:

6660 (i) the local legislative body of the jurisdiction where the initiative was circulated;

6661 (ii) the local clerk; and

6662 (iii) the first three sponsors listed on the initiative application.

6663 (2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact and legal statement by 25% or more, the local legislative body shall review the final fiscal impact statement and may, by a majority vote:

6666 (a) repeal the law established by passage of the initiative;

6667 (b) amend the law established by the passage of the initiative; or

6668 (c) pass a resolution informing the voters that they may file an initiative petition to repeal the law enacted by passage of the initiative.

6670 Section 93. Section 20A-7-515 is amended to read:

6671 **20A-7-515. Electronic initiative process -- Obtaining signatures -- Request to remove signature.**

6673 (1) This section applies to the electronic initiative process.

## SB0164S02 compared with SB0164S03

- 6674 (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.
- 6676 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:
- 6678 (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and
- 6680 (b) is informed that each signer is required to read and understand the law proposed by the initiative.
- 6682 (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:
- 6686 (i) the first business day that is at least 30 calendar days after the day on which the voter signs the signature removal statement;
- 6688 (ii) the first business day that is at least 90 calendar days after the day on which the local clerk posts the voter's name under Subsection 20A-7-516(4);
- 6690 (iii) the first business day that is at least 316 calendar days after the day on which the initiative application is filed; or
- 6692 (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
- 6695 (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.
- 6698 (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 establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.
- 6702 (c) A person may only remove an electronic signature from an initiative petition in accordance with this section.
- 6704 (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).

Section 94. Section 20A-7-516 is amended to read:

**20A-7-516. Electronic initiative process -- Collecting signatures -- Email notification -- Removal of signatures.**

## SB0164S02 compared with SB0164S03

- 6710 (1) This section applies only to the electronic initiative process.
- 6711 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:
- 6712 (a) 316 calendar days after the day on which the initiative application is filed; or
- 6713 (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
- 6716 (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.
- 6719 (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:
- 6721 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and
- 6723 (b) the body of the email shall include the following statement in 12-point type:
- 6724 "You signed a petition for the following initiative:
- 6725 [insert title of initiative]
- 6726 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 website that includes the information referred to in the email]."
- 6731 (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 website, in a conspicuous location designated by the lieutenant governor.
- 6736 (5)
- (a) If the local clerk timely receives a statement requesting signature removal under Subsection 20A-7-515(4), the local clerk shall:
- 6738 (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
- 6740 (ii) remove the voter's signature from the initiative petition and the initiative petition signature totals.

## SB0164S02 compared with SB0164S03

- 6742 (b) The local clerk shall comply with Subsection (5)(a) before the later of:  
6743 (i) the deadline described in Subsection (4); or  
6744 (ii) two business days after the day on which the county clerk receives a statement requesting signature  
removal under Subsection 20A-7-515(4).
- 6746 Section 95. Section 20A-7-601 is amended to read:  
6747 **20A-7-601. Referenda -- General signature requirements -- Signature requirements for land  
use laws, subjurisdictional laws, and transit area land use laws -- Time requirements.**
- 6750 (1) As used in this section:  
6751 (a) "Number of active voters" means the number of active voters in the county, city, or town on the  
immediately preceding January 1.  
6753 (b) "Qualifying county" means a county that has created a small public transit district, as defined in  
Section 17B-2a-802, on or before January 1, 2022.  
6755 (c) "Qualifying transit area" means:  
6756 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over  
the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a)(i), as demonstrated  
by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or  
6760 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a  
qualifying county.  
6762 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a  
county, city, or town that are subject to a subjurisdictional law.  
6764 (e)  
(i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body  
that imposes a tax or other payment obligation on property in an area that does not include all  
precincts and subprecincts under the jurisdiction of the county, city, or town.  
6768 (ii) "Subjurisdictional law" does not include a land use law.  
6769 (f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying  
transit area.  
6771 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).  
6773 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law  
passed by the local legislative body submitted to a vote of the people shall, after filing a referendum  
application, obtain legal signatures equal to:

## SB0164S02 compared with SB0164S03

- 6776 (a) for a county of the first class:
- 6777 (i) 7.75% of the number of active voters in the county; and
- 6778 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6780 (b) for a city of the first class:
- 6781 (i) 7.5% of the number of active voters in the city; and
- 6782 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the city's voter  
participation areas;
- 6784 (c) for a county of the second class:
- 6785 (i) 8% of the number of active voters in the county; and
- 6786 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6788 (d) for a city of the second class:
- 6789 (i) 8.25% of the number of active voters in the city; and
- 6790 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the city's  
voter participation areas;
- 6792 (e) for a county of the third class:
- 6793 (i) 9.5% of the number of active voters in the county; and
- 6794 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6796 (f) for a city of the third class:
- 6797 (i) 10% of the number of active voters in the city; and
- 6798 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the city's voter  
participation areas;
- 6800 (g) for a county of the fourth class:
- 6801 (i) 11.5% of the number of active voters in the county; and
- 6802 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's  
voter participation areas;
- 6804 (h) for a city of the fourth class:
- 6805 (i) 11.5% of the number of active voters in the city; and
- 6806

## SB0164S02 compared with SB0164S03

- (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the city's voter participation areas;
- 6808 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active voters in the city or county; or
- 6810 (j) for a town or a county of the sixth class, 35% of the number of active voters in the town or county.
- 6812 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:
- 6815 (a) for a county of the first, second, third, or fourth class:
- 6816 (i) 16% of the number of active voters in the county; and
- 6817 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;
- 6819 (b) for a county of the fifth or sixth class:
- 6820 (i) 16% of the number of active voters in the county; and
- 6821 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;
- 6823 (c) for a city of the first class:
- 6824 (i) 15% of the number of active voters in the city; and
- 6825 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the city's voter participation areas;
- 6827 (d) for or a city of the second class:
- 6828 (i) 16% of the number of active voters in the city; and
- 6829 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the city's voter participation areas;
- 6831 (e) for a city of the third class:
- 6832 (i) 27.5% of the number of active voters in the city; and
- 6833 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the city's voter participation areas;
- 6835 (f) for a city of the fourth class:
- 6836 (i) 29% of the number of active voters in the city; and
- 6837

## SB0164S02 compared with SB0164S03

- (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75% of the city's voter participation areas;
- 6839 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 6840 (h) for a town, 40% of the number of active voters in the town.
- 6841 (4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures of the residents in the subjurisdiction equal to:
- 6844 (a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;
- 6846 (b) ~~[12-1/2]~~ 12.5% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;
- 6848 (c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;
- 6850 (d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;
- 6852 (e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and
- 6854 (f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.
- 6856 (5) An eligible voter seeking to have a transit area land use law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:
- 6859 (a) for a county:
- 6860 (i) 20% of the number of active voters in the county; and
- 6861 (ii) 21% of the number of active voters in at least 75% of the county's voter participation areas;
- 6863 (b) for a city of the first class:
- 6864 (i) 20% of the number of active voters in the city; and
- 6865 (ii) 20% of the number of active voters in at least 75% of the city's voter participation areas;
- 6867 (c) for a city of the second class:
- 6868 (i) 20% of the number of active voters in the city; and
- 6869 (ii) 21% of the number of active voters in at least 75% of the city's voter participation areas;

## SB0164S02 compared with SB0164S03

- 6871 (d) for a city of the third class:
- 6872 (i) 34% of the number of active voters in the city; and
- 6873 (ii) 34% of the number of active voters in at least 75% of the city's voter participation areas;
- 6875 (e) for a city of the fourth class:
- 6876 (i) 36% of the number of active voters in the city; and
- 6877 (ii) 36% of the number of active voters in at least 75% of the city's voter participation areas; or
- 6879 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or town.
- 6881 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5), any local law passed by a local legislative body shall file the application [~~before 5 p.m. within~~] no later than the first business day that is at least five days after the day on which the local law was passed.
- 6885 (7) [~~Nothing in this section authorizes~~] This section does not authorize a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.
- 6888 Section 96. Section 20A-7-602.7 is amended to read:
- 6889 **20A-7-602.7. Referability to voters of local law other than land use law.**
- 6890 (1) Within 20 calendar days after the day on which an eligible voter files a referendum application under Section 20A-7-602 for a local law other than a land use law, counsel for the county, city, or town to which the referendum pertains shall:
- 6893 (a) review the referendum application to determine whether the proposed referendum is legally referable to voters; and
- 6895 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 6896 (i) legally referable to voters; or
- 6897 (ii) rejected as not legally referable to voters.
- 6898 (2) For a local law other than a land use law, a proposed referendum is legally referable to voters unless:
- 6900 (a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;
- 6902 (b) the proposed referendum challenges more than one law passed by the local legislative body; or
- 6904 (c) the referendum application was not timely filed or does not comply with the requirements of this part.
- 6906



## SB0164S02 compared with SB0164S03

(3) After the end of the [~~20-day~~] 20-calendar-day period described in Subsection (1), a county, city, or town may not, for a local law other than a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4)

(a) If, under Subsection (1)(b)(ii), a county, city, or town rejects a proposed referendum concerning a local law other than a land use law, a sponsor of the proposed referendum may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.

(5) If, on a challenge or appeal, the court determines that the proposed referendum described in Subsection (4) is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give the sponsors access to the website defined in Section 20A-21-101, within five calendar days after the day on which the determination, and any challenge or appeal of the determination, is final.

Section 97. Section 20A-7-602.8 is amended to read:

**20A-7-602.8. Referability to voters of local land use law.**

(1) Within 20 calendar days after the day on which a referendum eligible voter files an application under Section 20A-7-602 for a land use law, counsel for the county, city, or town to which the referendum pertains shall:

(a) review the referendum application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2)

## SB0164S02 compared with SB0164S03

(a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally referable to voters unless:

(i) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

(ii) the proposed referendum challenges a land use decision, rather than a land use regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

(iii) the proposed referendum challenges more than one law passed by the local legislative body; or

(iv) the referendum application was not timely filed or does not comply with the requirements of this part.

(b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not legally referable to voters for a:

(i) municipal land use law, as defined in Section 20A-7-101, if the land use law was passed by a unanimous vote of the local legislative body; or

(ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land use law was passed by a two-thirds vote of the local legislative body.

(3) After the end of the ~~[20-day]~~ 20-calendar-day period described in Subsection (1), a county, city, or town may not, for a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4)

(a) If a county, city, or town rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.

(5) If, on challenge or appeal, the court determines that the proposed referendum is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give the sponsors access

## SB0164S02 compared with SB0164S03

to the website defined in Section 20A-21-101, within five calendar days after the day on which the determination, and any challenge or appeal of the determination, is final.

Section 98. Section 20A-7-604 is amended to read:

**20A-7-604. Manual referendum process -- Circulation requirements -- Local clerk to provide sponsors with materials.**

- (1) This section applies only to the manual referendum process.
- (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 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.
- (3) Within five calendar days after the day on which a county, city, town, or court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is legally referable to voters, the local clerk shall provide the sponsors with:
  - (a) a copy of the referendum petition;
  - (b) a signature sheet; and
  - (c) a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).
- (4) The sponsors of the referendum petition shall:
  - (a) arrange and pay for the printing of all documents that are part of the referendum packets; and
  - (b) ensure that the referendum packets and the documents described in Subsection (4)(a) meet the form requirements of this section.
- (5)
  - (a) The sponsors or an agent of the sponsors may prepare the referendum packets for circulation by creating multiple referendum packets.
  - (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.
  - (c) A referendum packet is not required to have a uniform number of signature sheets.
  - (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).
- (6)

## SB0164S02 compared with SB0164S03

(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

- 7003 (i) contact the county clerk to receive a range of numbers that the sponsors may use to number referendum packets;
- 7005 (ii) sign an agreement with the local clerk, specifying the range of numbers that the sponsor will use to number the referendum packets; and
- 7007 (iii) number each referendum packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.

7009 (b) The sponsors or an agent of the sponsors may not:

- 7010 (i) number a referendum packet in a manner not directed by the county clerk; or
- 7011 (ii) circulate or submit a referendum packet that is not numbered in the manner directed by the county clerk.

7013 Section 99. Section 20A-7-607 is amended to read:

7014 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.**

- 7016 (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.
- 7019 (2) The county clerk shall:
- 7020 (a) in relation to the manual referendum process:
- 7021 (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 website, in a conspicuous location designated by the lieutenant governor, for at least 45 calendar days; and
- 7025 (ii) update on the local clerk's website the number of signatures certified as of the date of the update; or
- 7027 (b) in relation to the electronic referendum process:
- 7028 (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 calendar days; and
- 7031 (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
- 7033 (3) The local clerk:
- 7034 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient:

## SB0164S02 compared with SB0164S03

- 7036 (i) in relation to the manual referendum process, no later than 111 calendar 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
- 7039 (ii) in relation to the electronic referendum process, no later than 111 calendar days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or
- 7042 (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:
- 7044 (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;
- 7049 (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
- 7054 (iii) a requirement of this part has not been met.
- 7055 (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."
- 7059 (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."
- 7063 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
- 7065 (d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.
- 7067 (5)
- (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.

7071

## SB0164S02 compared with SB0164S03

- (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.
- 7075 (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:
- 7077 (i) certifying or printing the ballot title and numbers of that referendum on the official ballot for the next election; or
- 7079 (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.
- 7082 (6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.
- 7084 (7)
- (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.
- 7088 (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:
- 7092 (i) the local clerk;
- 7093 (ii) the county clerk; and
- 7094 (iii) the attorney for the county or municipality that took the legislative action.
- 7095 (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:
- 7099 (i) the next general election; or
- 7100 (ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:
- 7102 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
- 7104 (B) the local clerk;
- 7105 (C) the county clerk; and

## SB0164S02 compared with SB0164S03

- 7106 (D) the attorney for the county or municipality that took the legislative action.
- 7107 Section 100. Section 20A-7-608 is amended to read:
- 7108 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and local attorney.**
- 7110 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the referendum petition and the law to which the referendum relates to the local attorney.
- 7112 (2) The local attorney shall:
- 7113 (a) entitle each county or municipal referendum that qualifies for the ballot "Proposition Number \_\_\_\_" and give the referendum a number assigned in accordance with Section 20A-6-107;
- 7116 (b) prepare for the referendum:
- 7117 (i) an impartial short title, not exceeding 25 words, that generally describes the subject of the law to which the referendum relates; and
- 7119 (ii) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words;
- 7121 (c) file the proposed short title, summary, and the numbered referendum title with the local clerk within 20 calendar days after the day on which an eligible voter submits the referendum petition to the local clerk; and
- 7124 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 7125 (i) the sponsors of the petition; and
- 7126 (ii) the local legislative body for the jurisdiction where the referendum petition was circulated.
- 7128 (3)
- (a) The short title and summary may be distinct from the title of the law that is the subject of the referendum petition.
- 7130 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the referendum.
- 7132 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the referendum.
- 7134 (d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the referendum.
- 7136 (4)

## SB0164S02 compared with SB0164S03

- (a) Within five calendar days after the day on which the local attorney files a proposed short title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the referendum petition may file written comments in response to the proposed short title and summary with the local clerk.
- 7141 (b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:
- 7143 (i) review any written comments filed in accordance with Subsection (4)(a);
- 7144 (ii) prepare a final short title and summary that meets the requirements of Subsection (3); and
- 7146 (iii) return the referendum petition and file the short title and summary with the local clerk.
- 7148 (c) Subject to Subsection (6), for each county or municipal referendum, the following shall be printed on the official ballot:
- 7150 (i) the short title; and
- 7151 (ii) except as provided in Subsection (4)(d):
- 7152 (A) the summary;
- 7153 (B) a copy of the ordinance, resolution, or written description of the local law; and
- 7154 (C) a link to a location on the election officer's website where a voter may review additional information relating to each referendum, including the information described in Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the local voter information pamphlet.
- 7158 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each referendum on the ballot and a link to a location on the election officer's website where a voter may review the additional information described in Subsection (4)(c)(ii)(C).
- 7163 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."
- 7170 (5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall send a copy of the short title and summary to the sponsors of the referendum



## SB0164S02 compared with SB0164S03

petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

7174 (6)

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

7177 (i) at least three sponsors of the referendum petition; or

7178 (ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.

7180 (b) The court:

7181 (i) shall examine the short title and summary and consider the arguments; and

7182 (ii) enter an order consistent with the requirements of this section.

7183 (c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

7185 Section 101. Section 20A-7-609.5 is amended to read:

7186 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely by mail.**

7188 (1) An election officer may administer an election on a referendum challenging a local tax law entirely by mail.

7190 (2) For purposes of an election conducted under this section, the election officer shall:

7191 (a) designate as the election day the first business day that is at least 30 calendar days after the day on which the election officer complies with Subsection (2)(b); and

7193 (b) within 30 calendar days after the day on which the referendum described in Subsection (1) qualifies for the ballot, mail to each registered voter within the voting precincts to which the local tax law applies:

7196 (i) a manual ballot;

7197 (ii) a statement that there will be no polling place for the election;

7198 (iii) a statement specifying the election day described in Subsection (2)(a);

7199 (iv) a business reply mail envelope;

7200 (v) 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;

7203

## SB0164S02 compared with SB0164S03

(vi) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the manual ballot, the voter will be unable to vote in that election because there will be no polling place for the election; and

7207 (vii)

(A) a copy of the proposition information pamphlet relating to the referendum if a proposition information pamphlet relating to the referendum was published under Section 20A-7-401.5; or

7210 (B) a website address where an individual may view a copy of the proposition information pamphlet described in Subsection (2)(b)(vii)(A).

7212 (3) An election officer who administers an election under this section shall:

7213 (a)

(i) obtain, in person, the signatures of each voter within that voting precinct before the election; or

7215 (ii) obtain the signature of each voter within the voting precinct from the county clerk; and

7217 (b) maintain the signatures on file in the election officer's office.

7218 (4)

(a) Upon receiving a returned manual ballot under this section, the election officer shall compare the signature on each return envelope with the voter's signature that is maintained on file and verify that the signatures are the same.

7221 (b) If the election officer questions the authenticity of the signature on the return envelope, the election officer shall immediately contact the voter to verify the signature.

7224 (c) If there is not a signature on the return envelope or if the election officer determines that the signature on the return envelope does not match the voter's signature that is maintained on file, the election officer shall:

7227 (i) disqualify the ballot; and

7228 (ii) notify the voter of the disqualification and the reason for the disqualification.

7229 Section 102. Section 20A-7-610 is amended to read:

7230 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on proclamation.**

7232 (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~~] Chapter 4, Part 3, Canvassing Returns.

7235 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the law that is the subject of the referendum petition.

## SB0164S02 compared with SB0164S03

- 7238 (3)
- 7239 (a) The local legislative body shall immediately issue a proclamation that:
- 7241 (i) gives the total number of votes cast in the local jurisdiction for and against each law that is the subject of a referendum petition; and
- 7244 (ii) in accordance with Section 20A-7-611, 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 the local jurisdiction.
- 7244 (b) When the local legislative body determines that two laws, or that parts of two laws approved by the people at the same election are entirely in conflict, the local legislative body 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.
- 7249 (4)
- (a) Within 10 days after the day on which the local legislative body issues the proclamation described in Subsection (3), any qualified voter residing in the jurisdiction for a law that is declared by the local legislative body to be superseded by another law approved at the same election may bring an action in the appropriate court to review the decision.
- 7254 (b) The court shall:
- 7255 (i) consider the matter and decide whether the approved laws are entirely in conflict; and
- 7257 (ii) issue an order, consistent with the court's decision, to the local legislative body.
- 7258 (5) Within 10 calendar days after the day on which the court enters an order under Subsection (4)(b)(ii), the local legislative body shall:
- 7260 (a) proclaim as law all those laws approved by the people that the court determines are not in conflict; and
- 7262 (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 the difference in majorities.
- 7265 Section 103. Section 20A-7-611 is amended to read:
- 7266 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative body.**
- 7268 (1) Any law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.
- 7270

## SB0164S02 compared with SB0164S03

(2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the local clerk shall:

(a) issue an order temporarily staying the law from going into effect; and

(b) continue the process of certifying signatures and removing signatures as required by this part.

(3) The temporary stay described in Subsection (2) remains in effect, regardless of whether a future count falls below the signature threshold, until~~[the day on which]~~:

(a) if the local clerk declares the referendum petition insufficient, five calendar days after the day on which the local clerk declares the referendum petition insufficient; or

(b) if the local clerk declares the referendum petition sufficient, the day on which the local legislative body issues the proclamation described in Section 20A-7-610.

(4) A law submitted to the people by referendum that is approved by the voters at an election takes effect the later of:

(a) five calendar days after the date of the official proclamation of the vote by the local legislative body; or

(b) the effective date specified in the approved law.

(5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares the referendum petition insufficient, the law that is the subject of the referendum petition takes effect the later of:

(a) five calendar days after the day on which the local clerk declares the petition insufficient; or

(b) the effective date specified in the proposed law.

(6)

(a) A law approved by the people under this part is not subject to veto.

(b) The local legislative body may amend any laws approved by the people under this part after the people approve the law.

(7) If the local legislative body 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.

Section 104. Section 20A-7-613 is amended to read:

**20A-7-613. Property tax referendum petition.**

(1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.

## SB0164S02 compared with SB0164S03

- 7303 (2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.
- 7306 (3)
- (a) Notwithstanding Subsection 20A-7-105(5)(a)(iv), and subject to Subsection (3)(b), the sponsors or an agent of the sponsors shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
- 7310 ~~[(a)]~~ (i) the first business day that is at least 30 calendar days after the day on which the first individual signs the packet; or
- 7312 ~~[(b)]~~ (ii) the first business day that is at least 40 calendar days after the day on which the local clerk complies with Subsection 20A-7-604(3).
- 7314 (b) For a county where the county clerk's office is closed on a business day, if the deadline described in Subsection (3)(a) is on that business day, the deadline is extended until 5 p.m. the next day that the office is open.
- 7317 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the actions required in Subsections 20A-7-105(6)(a) and (9) within 10 ~~[working]~~ business days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).
- 7321 (5) The local clerk shall take the actions required by Section 20A-7-607 within two ~~[working]~~ business days after:
- 7323 (a) in relation to the manual referendum process, the day on which the local clerk receives the referendum packets from the county clerk; or
- 7325 (b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).
- 7327 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two ~~[working]~~ business days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.
- 7330 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.
- 7333 (8) The election officer shall mail manual ballots on a referendum under this section the later of:
- 7335 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

## SB0164S02 compared with SB0164S03

- 7336 (b) the time that ballots are prepared for mailing under this section.
- 7337 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 7338 (10)
- (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:
- 7341 (i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and
- 7343 (ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.
- 7347 (b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.
- 7350 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.
- 7354 (11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity].".
- 7358 (12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.
- 7361 (13)
- (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:
- 7363 (i) sponsors file an application for a referendum described in this section;
- 7364 (ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and
- 7366

## SB0164S02 compared with SB0164S03

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

7368 (b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).

7370 (c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

7374 Section 105. Section 20A-7-615 is amended to read:

7375 **20A-7-615. Electronic referendum process -- Obtaining signatures -- Request to remove signature.**

7377 (1) This section applies to the electronic referendum process described in Section 20A-21-201.

7379 (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

7381 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

7383 (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

7385 (b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.

7387 (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:

7391 (i) the first business day that is at least 30 calendar days after the day on which the voter signs the statement requesting removal; or

7393 (ii) the first business day that is at least 45 calendar days after the day on which the local clerk posts the voter's name under Subsection 20A-7-616(3).

7395 (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 establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

7399

## SB0164S02 compared with SB0164S03

(c) A person may only remove an electronic signature from a referendum petition in accordance with this section.

7401 (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).

7404 Section 106. Section 20A-7-616 is amended to read:

7405 **20A-7-616. Electronic referendum process -- Collecting signatures -- Removal of signatures.**

7407 (1) This section applies only to the electronic referendum process.

7408 (2) A signature-gatherer may not collect a signature after 5 p.m. 45 calendar 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.

7411 (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:

7413 (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition  
Signature"; and

7415 (b) the body of the email shall include the following statement in 12-point type:

7416 "You signed a petition for the following referendum:

7417 [insert title of referendum]

7418 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 website that includes the information referred to in the email]."

7423 (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 website, in a conspicuous location designated by the lieutenant governor,  
for at least 45 calendar days.

7428 (5)

(a) If the local clerk timely receives a statement requesting signature removal under Subsection  
20A-7-615(4), the local clerk shall:

7430 (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



## SB0164S02 compared with SB0164S03

- 7432 (ii) remove the voter's signature from the referendum petition and the signature totals.
- 7433 (b) The local clerk shall comply with Subsection (5)(a) before the later of:
- 7434 (i) the deadline described in Subsection (4); or
- 7435 (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-615(4).
- 7437 Section 107. Section 20A-7-702.5 is amended to read:
- 7438 **20A-7-702.5. Publication of voter information pamphlet.**
- 7439 (1) No earlier than 75 calendar days, and no later than 15 calendar days, before the day on which voting commences, the lieutenant governor 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.
- 7443 (2) The lieutenant governor 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.
- 7446 Section 108. Section 20A-7-703 is amended to read:
- 7447 **20A-7-703. Analysis of initiative or referendum -- Determination of fiscal effects.**
- 7448 (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:
- 7450 (a) prepare an impartial analysis of each measure submitted to the voters by initiative or referendum petition; and
- 7452 (b) submit the impartial analysis to the lieutenant governor no later than [~~the day that falls~~]90 calendar days before the date of the election in which the measure will appear on the ballot.
- 7455 (2) The director shall ensure that the impartial analysis:
- 7456 (a) is not more than 1,000 words long;
- 7457 (b) is prepared in clear and concise language that will easily be understood by the average voter;
- 7459 (c) avoids the use of technical terms as much as possible;
- 7460 (d) shows the effect of the measure on existing law;
- 7461 (e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;
- 7463 (f) fairly describes the operation of the measure;
- 7464 (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

## SB0164S02 compared with SB0164S03

- 7467 (h) identifies the amount of any increase or decrease in revenue or cost to state or local government.
- 7469 (3)
- (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.
- 7471 (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.
- 7474 (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.
- 7477 Section 109. Section 20A-7-703.1 is amended to read:
- 7478 **20A-7-703.1. Analysis of measure submitted to voters by Legislature -- Determination of fiscal effects.**
- 7480 (1) The presiding officers shall:
- 7481 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is submitted to the voters by the Legislature; and
- 7483 (b) submit the analysis to the lieutenant governor no later than [~~the day that falls~~]90 calendar days before the date of the election in which the measure will appear on the ballot.
- 7486 (2) The presiding officers shall ensure that the analysis:
- 7487 (a) is not more than 1,000 words long;
- 7488 (b) is prepared in clear and concise language that will easily be understood by the average voter;
- 7490 (c) to the extent possible, avoids the use of technical terms;
- 7491 (d) shows the effect of the measure on existing law;
- 7492 (e) describes the measure;
- 7493 (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
- 7496 (g) identifies the amount of any increase or decrease in revenue or cost to state or local government.
- 7498 (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.
- 7502 (4)

## SB0164S02 compared with SB0164S03

(a) In determining the fiscal effects of a measure, the presiding officers shall confer with the legislative fiscal analyst.

7504 (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.

7508 (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.

7511 Section 110. Section 20A-7-705 is amended to read:

7512 **20A-7-705. Measures to be submitted to voters and referendum measures -- Preparation of argument of adoption.**

7514 (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.

7519 (b)

(i) The argument may not exceed 500 words in length, not counting the information described in Subsection (4)(e).

7521 (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).

7525 (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.

7530 (b)

(i) The argument may not exceed 500 words, not counting the information described in Subsection (4)(e).

## SB0164S02 compared with SB0164S03

- 7532 (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).
- 7537 (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 not later than ~~[the day that falls]~~150 calendar days before the date of the election.
- 7541 (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.
- 7543 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.
- 7545 (d) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:
- 7547 (i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and
- 7549 (ii) the argument has not yet been submitted for typesetting.
- 7550 (4)
- (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:
- 7553 (i) the lieutenant governor shall immediately:
- 7554 (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 has an email address; or
- 7557 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home page of the lieutenant governor's website; and
- 7559 (ii) any voter may, ~~[before 5 p.m.]~~no later than the first business day that is at least seven calendar days after the day on which the lieutenant governor 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.

## SB0164S02 compared with SB0164S03

- 7565 (b) A notice described in Subsection (4)(a)(i) shall contain:
- 7566 (i) the ballot title for the measure;
- 7567 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
- 7568 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
- 7569 (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.
- 7572 (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.
- 7576 (d) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant governor [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least seven calendar days after the day on which the presiding officer grants permission to submit the argument.
- 7580 (e) The lieutenant governor may not accept a ballot argument submitted under this section unless the ballot argument lists:
- 7582 (i) the name and address of the individual submitting the argument, if the argument is submitted by an individual voter; or
- 7584 (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.
- 7587 (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.
- 7589 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the arguments in any way.
- 7591 (h) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:
- 7593 (i) they jointly agree that changes to the argument must be made to:
- 7594 (A) correct spelling or grammatical errors; or
- 7595 (B) properly characterize the position of a state entity, if the argument mischaracterizes the position of a state entity; and
- 7597 (ii) the argument has not yet been submitted for typesetting.
- 7598

## SB0164S02 compared with SB0164S03

(i) If, after the lieutenant governor determines that an argument described in this section mischaracterizes the position of a state entity, the lieutenant governor and the authors of the argument cannot jointly agree on a change to the argument, the lieutenant governor:

(i) shall publish the argument with the mischaracterization; and

(ii) may, immediately following the argument, publish a brief description of the position of the state entity.

### Section 111. Section 20A-7-706 is amended to read:

#### **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal arguments.**

(1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, the lieutenant governor 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.

(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).

(3)

(a) The authors shall file the rebuttal arguments [~~shall be filed~~] electronically with the lieutenant governor:

(i) for constitutional amendments and referendum petitions, [~~before 5 p.m.~~]no later than 120 calendar days before the date of the election; and

(ii) for initiatives, [~~before 5 p.m.~~]no later than July 30.

(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.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a rebuttal argument after it is submitted if:

(i) they jointly agree that changes to the rebuttal argument must be made to correct spelling or grammatical errors; and

(ii) the rebuttal argument has not yet been submitted for typesetting.

(4) The lieutenant governor shall ensure that:

(a) rebuttal arguments are printed in the same manner as the direct arguments; and

## SB0164S02 compared with SB0164S03

- 7630 (b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.
- 7632 Section 112. Section 20A-7-801 is amended to read:
- 7633 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.**
- 7636 (1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.
- 7639 (2) In accordance with this section, and as resources become available, the lieutenant governor, 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:
- 7642 (a) the offices and candidates up for election;
- 7643 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters; and
- 7645 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5, accessible only by the voter.
- 7647 (3) Except as provided under Subsection (6), the website shall include:
- 7648 (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;
- 7652 (b) on the homepage of the website, a link to the Judicial Performance Evaluation Commission's website, [judges.utah.gov](http://judges.utah.gov);
- 7654 (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;
- 7658 (d) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;
- 7660 (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;
- 7663

## SB0164S02 compared with SB0164S03

(f) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions;

7666 (g) any differences in voting method, time, or location designated by the lieutenant governor under Subsection 20A-1-308(2); and

7668 (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:

7670 (i) when a ballot has been mailed to the voter;

7671 (ii) when an election official has received the voter's ballot; and

7672 (iii) when the voter's ballot has been counted.

7673 (4)

(a) An election official shall submit the following information for each ballot under the election official's direct responsibility under this title:

7675 (i) a list of all candidates for each office;

7676 (ii) if submitted by the candidate to the election official's office [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 45 calendar days before the primary election or [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at least 60 calendar days before the general election:

7681 (A) a statement of qualifications, not exceeding 200 words in length, for each candidate;

7683 (B) the following current biographical information if desired by the candidate, current:

7685 (I) age;

7686 (II) occupation;

7687 (III) city of residence;

7688 (IV) years of residence in current city; and

7689 (V) email address; and

7690 (C) a single web address where voters may access more information about the candidate and the candidate's views; and

7692 (iii) factual information pertaining to all ballot propositions submitted to the voters, including:

7694 (A) a copy of the number and ballot title of each ballot proposition;

7695 (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;

7697



## SB0164S02 compared with SB0164S03

- (C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and
- 7699 (D) other factual information determined helpful by the election official.
- 7700 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant governor no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.
- 7703 (c) The lieutenant governor shall:
- 7704 (i) review the information submitted under this section, to determine compliance under this section, prior to placing it on the website;
- 7706 (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
- 7708 (iii) organize, format, and arrange the information submitted under this section for the website.
- 7710 (d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:
- 7712 (i) Utah voter needs;
- 7713 (ii) public decency; or
- 7714 (iii) the purposes, organization, or uniformity of the website.
- 7715 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).
- 7717 (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 governor 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:
- 7722 (i) a listing of each objection to the lieutenant governor's determination; and
- 7723 (ii) the basis for each objection.
- 7724 (b) The lieutenant governor 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.
- 7727 (c) An appeal of the response of the lieutenant governor shall be made to the district court, which shall review the matter de novo.
- 7729 (6)

## SB0164S02 compared with SB0164S03

(a) The lieutenant governor 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.

7733 (b) The information on the website will anticipate and answer frequent voter questions including the following:

7735 (i) what offices are up in the current year for which the voter may cast a vote;

7736 (ii) who is running for what office and who is the incumbent, if any;

7737 (iii) what address each candidate may be reached at and how the candidate may be contacted;

7739 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

7740 (v) what qualifications have been submitted by each candidate;

7741 (vi) where additional information on each candidate may be obtained;

7742 (vii) what ballot propositions will be on the ballot; and

7743 (viii) what judges are up for retention election.

7744 (7) The lieutenant governor 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.

7748 (8) As resources are made available and in cooperation with the county clerks, the lieutenant governor may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

7752 Section 113. Section 20A-8-103 is amended to read:

7753 **20A-8-103. Petition procedures -- Criminal penalty -- Removal of signature.**

7754 (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.

7758 (2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:

7760 (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;

7764

## SB0164S02 compared with SB0164S03

(b) file a petition with the lieutenant governor 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

7767 (c) file, with the petition described in Subsection (2)(b), a document certifying:

7768 (i) the identity of one or more registered political parties whose members may vote for the organization's candidates;

7770 (ii) whether unaffiliated voters may vote for the organization's candidates; and

7771 (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.

7773 (3) The petition shall:

7774 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

7775 (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;

7777 (c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;

7779 (d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);

7781 (e) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

7783 "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 registered to vote in this state before the petition is submitted to the lieutenant governor.";

7788 (f) contain the following statement directly under the statement described in Subsection (3)(e):

7789 "POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

7791 We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_ (name);

7793 Each signer says:

7794 I have personally signed this petition with a holographic signature;

7795 I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor;

7797 I am or desire to become a member of the political party; and

## SB0164S02 compared with SB0164S03

- 7798 My street address is written correctly after my name.";
- 7799 (g) be vertically divided into columns as follows:
- 7800 (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;
- 7803 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be  
legible to be counted)";
- 7805 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";
- 7807 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
- 7808 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
- 7810 (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.";
- 7816 (h) have a final page bound to one or more signature sheets that are bound together that contains the  
following printed statement:
- 7818 "Verification
- 7819 State of Utah, County of \_\_\_\_
- 7820 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:
- 7821 I am a Utah resident and am at least 18 years old;
- 7822 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;
- 7825 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.
- 7828 \_\_\_\_\_
- 7829
- 7830 (Signature) (Residence Address) (Date)"; and
- 7831 (i) be bound to a cover sheet that:
- 7832 (i) identifies the political party's name, which may not exceed four words, and the emblem of the party;

## SB0164S02 compared with SB0164S03

- 7834 (ii) states the process that the organization will follow to organize and adopt a constitution and bylaws;  
and
- 7836 (iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.
- 7838 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in whose  
presence each signature sheet is signed:
- 7840 (a) is at least 18 years old;
- 7841 (b) meets the residency requirements of Section 20A-2-105; and
- 7842 (c) verifies each signature sheet by completing the verification bound to one or more signature sheets  
that are bound together.
- 7844 (5) An individual may not sign the verification if the individual signed a signature sheet bound to the  
verification.
- 7846 (6) The lieutenant governor shall:
- 7847 (a) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered  
voter;
- 7849 (b) review the proposed name and emblem to determine if they are "distinguishable" from the names  
and emblems of other registered political parties; and
- 7851 (c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii)  
within 30 calendar days [~~of the filing of~~] after the day on which the organization files the petition  
described in Subsection (2)(b).
- 7854 (7)
- (a) If the lieutenant governor determines that the petition meets the requirements of this section, and  
that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the  
filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.
- 7858 (b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the  
names and emblems of other registered political parties, the lieutenant governor shall notify the  
filing officer that the filing officer has seven calendar days to electronically submit a new name or  
emblem to the lieutenant governor.
- 7863 (8) A registered political party may not change its name or emblem during the regular general election  
cycle.
- 7865 (9)
- (a) It is unlawful for an individual to:

## SB0164S02 compared with SB0164S03

- 7866 (i) knowingly sign a political party registration petition:
- 7867 (A) with any name other than the individual's own name;
- 7868 (B) more than once for the same political party; or
- 7869 (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; or
- 7872 (ii) sign the verification of a political party registration petition signature sheet if the individual:
- 7874 (A) does not meet the residency requirements of Section 20A-2-105;
- 7875 (B) has not witnessed the signing by those individuals whose names appear on the political party registration petition signature sheet; or
- 7877 (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.
- 7880 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.
- 7881 (10)
- (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, submitting to the lieutenant governor a statement requesting that the voter's signature be removed.
- 7885 (b) A statement described in Subsection (10)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 7887 (c) The lieutenant governor 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.
- 7890 Section 114. Section 20A-8-401 is amended to read:
- 7891 **20A-8-401. Registered political parties -- Bylaws -- Report name of midterm vacancy candidate.**
- 7893 (1)
- (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.

7897

## SB0164S02 compared with SB0164S03

- (b) Each registered state political party shall file revised copies of the party's constitution or bylaws with the lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least 15 calendar days after the day on which the constitution or bylaws are adopted or amended.
- 7901 (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:
- 7904 (a) provisions establishing party organization, structure, membership, and governance that include:
- 7906 (i) a description of the position, selection process, qualifications, duties, and terms of each party officer  
and committees defined by constitution and bylaws;
- 7908 (ii) a provision requiring a designated party officer to serve as liaison with:
- 7909 (A) the lieutenant governor on all matters relating to the political party's relationship with the state; and
- 7911 (B) each county legislative body on matters relating to the political party's relationship with a county;
- 7913 (iii) a description of the requirements for participation in party processes;
- 7914 (iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other  
conclaves; and
- 7916 (v) a mechanism for making the names of delegates, candidates, and elected party officers available to  
the public shortly after they are selected;
- 7918 (b) a procedure for selecting party officers that allows active participation by party members;
- 7920 (c) a procedure for selecting party candidates at the federal, state, and county levels that allows active  
participation by party members;
- 7922 (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
- 7925 (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;
- 7927 (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;
- 7930 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 7931 (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;
- 7934

## SB0164S02 compared with SB0164S03

(h) provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;

7936 (i) provisions governing access to party records;

7937 (j) a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives;

7939 (k) a process for resolving grievances against the political party; and

7940 (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:

7943 (i) the performance of the two United States Senators from Utah, including specifically:

7945 (A) their views and actions regarding the defense of state's rights and federalism; and

7947 (B) their performance in representing Utah's interests;

7948 (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:

7951 (A) their views and actions regarding the defense of state's rights and federalism; and

7953 (B) their performance in representing Utah's interests; and

7954 (iii) the members' collective or individual endorsement or rating of a particular candidate for United States Senate from Utah.

7956 (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 before 5 p.m. no later than the day following the day on which the party receives the declaration or notification.

7964 Section 115. Section 20A-8-402 is amended to read:

7965 **20A-8-402. Political party officers -- Submission of names of officers to the lieutenant governor.**

7967 (1) Each state political party shall:

7968 (a) designate a party officer to act as liaison with:

7969 (i) the lieutenant governor's office; and

7970 (ii) each county legislative body; and



## SB0164S02 compared with SB0164S03

- 7971 (b) ~~[before 5 p.m.]~~no later than 5 p.m. on the first business day that is at least seven calendar 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.
- 7974 (2) Each state political party and each county political party shall:
- 7975 (a) submit the name, address, and phone number of each officer to the lieutenant governor ~~[within]~~ no later than 5 p.m. on the first business day that is at least seven calendar days after the officers are selected; and
- 7978 (b) ~~[before 5 p.m.]~~no later than 5 p.m. on the first business day that is at least seven calendar 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.
- 7982 Section 116. Section 20A-8-404 is amended to read:
- 7983 **20A-8-404. Use of public meeting buildings by political parties.**
- 7984 (1) The legislative body of a county, municipality, school district, or public institution of higher education shall make all meeting facilities in buildings under its control available to registered political parties, without discrimination, to be used for political party activities if:
- 7988 (a) the political party requests the use of the meeting facility ~~[before 5 p.m. no later than]~~ no later than 5 p.m. on the last business day that is at least 30 calendar days before the day on which the use by the political party will take place; and
- 7991 (b) the meeting facility is not already scheduled for another purpose at the time of the proposed use.
- 7993 (2) Subject to the requirements of Subsection (3), when a legislative body makes a meeting facility available under Subsection (1), it may establish terms and conditions for use of that meeting facility.
- 7996 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by a registered political party may not exceed the actual cost of:
- 7998 (a) custodial services for cleaning the meeting facility after the use by the political party; and
- 8000 (b) any service requested by the political party and provided by the meeting facility.
- 8001 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling an event in a government building for the same evening as an announced party caucus meeting.
- 8004 (5) This section does not apply to a publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.
- 8008 Section 117. Section 20A-9-201 is amended to read:

## SB0164S02 compared with SB0164S03

- 8009           **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.**
- 8012           (1) Before filing a declaration of candidacy for election to any office, an individual shall:
- 8013           (a) be a United States citizen;
- 8014           (b) meet the legal requirements of that office; and
- 8015           (c) if seeking a registered political party's nomination as a candidate for elective office, state:
- 8017           (i) the registered political party of which the individual is a member; or
- 8018           (ii) that the individual is not a member of a registered political party.
- 8019           (2)
- (a) Except as provided in Subsection (2)(b), an individual may not:
- 8020           (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;
- 8022           (ii) appear on the ballot as the candidate of more than one political party; or
- 8023           (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.
- 8026           (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.
- 8031           (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.
- 8033           (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.
- 8038           (3)
- (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:

## SB0164S02 compared with SB0164S03

- 8040 (i) read to the individual the constitutional and statutory qualification requirements for the office  
that the individual is seeking;
- 8042 (ii) require the individual to state whether the individual meets the requirements described in  
Subsection (3)(a)(i);
- 8044 (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
- 8047 (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.
- 8051 (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:
- 8053 (i) a United States citizen;
- 8054 (ii) an attorney licensed to practice law in the state who is an active member in good standing of the  
Utah State Bar;
- 8056 (iii) a registered voter in the county in which the individual is seeking office; and
- 8057 (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 calendar days  
after appointment to the office.
- 8061 (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:
- 8064 (i) a United States citizen;
- 8065 (ii) an attorney licensed to practice law in the state who is an active member in good standing of the  
Utah State Bar;
- 8067 (iii) a registered voter in the prosecution district in which the individual is seeking office; and
- 8069 (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  
was appointed and is currently serving as district attorney and became a resident of the prosecution  
district within 30 calendar days after receiving appointment to the office.

8074

## SB0164S02 compared with SB0164S03

(d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the individual filing the declaration:

(i) is a United States citizen;

(ii) is a registered voter in the county in which the individual seeks office;

(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

(B) has met the waiver requirements in Section 53-6-206;

(iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and

(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.

(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.

(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.

(5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:

(a) inform the individual that:

(i) the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;

(ii) the individual may be required to comply with state or local campaign finance disclosure laws; and

(iii) the individual is required to file a financial statement before the individual's political convention under:

(A) Section 20A-11-204 for a candidate for constitutional office;

(B) Section 20A-11-303 for a candidate for the Legislature; or

(C) local campaign finance disclosure laws, if applicable;

(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

## SB0164S02 compared with SB0164S03

failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;

8110 (c)

(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);

8113 (ii) inform the individual that the individual must provide the filing officer with an email address that the individual actively monitors:

8115 (A) to receive a communication from a filing officer or an election officer; and

8116 (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);

8120 (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

8123 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);

8124 (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:

8126 (i) signing the pledge is voluntary; and

8127 (ii) signed pledges shall be filed with the filing officer;

8128 (e) accept the individual's declaration of candidacy; and

8129 (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.

8132 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

8134 (a) accept the candidate's pledge; and

8135 (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.

8138 (7)

(a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:

8140 (i) be substantially as follows:

8141 "State of Utah, County of \_\_\_\_

## SB0164S02 compared with SB0164S03

8142 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 \_\_\_\_\_.

8152 \_\_\_\_\_

8153 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

8154 Notary Public (or other officer qualified to administer oath)."; and

8155 (ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):

8157 (A) the registered political party of which the candidate is a member; or

8158 (B) that the candidate is not a member of a registered political party.

8159 (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.

8162 (8)

(a) Except for a candidate for president or vice president of the United States, the fee for filing a  
declaration of candidacy is:

8164 (i) \$50 for candidates for the local school district board; and

8165 (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.

8167 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

8169 (i) who is disqualified; or

8170 (ii) who the filing officer determines has filed improperly.

8171 (c)

(i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.

8173 (ii) The lieutenant governor shall:

8174 (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of  
nomination certificates or acceptances; and

## SB0164S02 compared with SB0164S03

- 8176 (B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor  
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.
- 8181 (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.
- 8186 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 8187 (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.
- 8191 (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).
- 8194 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the  
following form:
- 8196 "Affidavit of Impecuniosity
- 8197 Individual Name \_\_\_\_\_ Address \_\_\_\_\_
- 8199 Phone Number \_\_\_\_\_
- 8200 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.
- 8203 Date \_\_\_\_\_ Signature \_\_\_\_\_
- Affiant
- 8205 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)
- 8206 \_\_\_\_\_
- 8207 (signature)
- 8208 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_".
- 8209

## SB0164S02 compared with SB0164S03

(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:

8212 "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."

8215 (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.

8218 (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.

8220 (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.

8222 Section 118. Section 20A-9-201.5 is amended to read:

8223 **20A-9-201.5. Declaration of candidacy filing period for a qualified political party.**

8225 [(1) In 2022, for a qualified political party, the filing period to file a declaration of candidacy for an  
elective office that is to be filled at the next regular general election begins at 8 a.m. on February 28,  
2022, and ends at 5 p.m. on March 4, 2022.]

8228 [(2) Beginning on January 1, 2024, for] For a qualified political party, the filing period to file a  
declaration of candidacy for an elective office that is to be filled at the next regular general election:

8231 [(a)] (1) begins at 8[:00] a.m. on the later of:

8232 [(i)] (a) January 2 of the year in which the next regular general election is held; or

8233 [(ii)] (b) if January 2 is not a business day, the first business day after January 2; and

8234 [(b)] (2) ends at 5 p.m. on the fourth business day after the day on which the filing period begins.

8236 Section 119. Section 20A-9-202 is amended to read:

8237 **20A-9-202. Declarations of candidacy for regular general elections.**

8238 (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:

8240 (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



## SB0164S02 compared with SB0164S03

- 8244 (ii) pay the filing fee.
- 8245 (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.
- 8249 (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:
- 8251 (i) the individual is located outside of the state during the entire filing period;
- 8252 (ii) the designated agent appears in person before the filing officer;
- 8253 (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
- 8255 (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).
- 8257 (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 within one business day after the candidate files the declaration of candidacy.
- 8261 (e) Each business day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of candidates who have filed a declaration of candidacy with the county clerk.
- 8264 (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.
- 8267 (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:
- 8270 (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
- 8274 (ii) pay the filing fee.
- 8275 (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.

## SB0164S02 compared with SB0164S03

- 8278 (3)
- (a) Before the deadline described in Subsection (1)(b), each lieutenant governor candidate shall:
- 8280 (i) file a declaration of candidacy with the lieutenant governor;
- 8281 (ii) pay the filing fee; and
- 8282 (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.
- 8285 (b)
- (i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 8286 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to replace the  
disqualified candidate.
- 8288 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 8289 (a) certify the names of the political party's candidates for president and vice president of the United  
States to the lieutenant governor; or
- 8291 (b) provide written authorization for the lieutenant governor to accept the certification of candidates for  
president and vice president of the United States from the national office of the registered political  
party.
- 8294 (5)
- (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the  
clerk or lieutenant governor [~~before~~] no later than 5 p.m. on the last business day that is at least 10  
calendar days before the deadline described in Subsection 20A-9-409(4)(c).
- 8298 (b) If an objection is made, the clerk or lieutenant governor shall:
- 8299 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- 8301 (ii) decide any objection within 48 hours after it is filed.
- 8302 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by:
- 8304 (i) amending the declaration or petition [~~before 5 p.m. within~~] no later than 5 p.m. on the first business  
day that is at least three calendar days after the day on which the objection is sustained[~~or by~~]; or
- 8307 (ii) filing a new declaration [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at  
least three calendar days after the day on which the objection is sustained.
- 8310 (d)
- (i) The clerk's or lieutenant governor's decision upon objections to form is final.

## SB0164S02 compared with SB0164S03

- 8311 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district  
court if prompt application is made to the court.
- 8313 (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.
- 8315 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written  
affidavit with the clerk.
- 8317 (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:
- 8321 (i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the  
lieutenant governor, that:
- 8323 (A) contains the individual's name, address, and telephone number;
- 8324 (B) states that the individual meets the qualifications for the office of vice president of the United  
States;
- 8326 (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;
- 8328 (D) states that the individual agrees to be the running mate of the presidential candidate described in  
Subsection (7)(a)(i)(C); and
- 8330 (E) contains any other necessary information identified by the lieutenant governor;
- 8331 (ii) pay the filing fee; and
- 8332 (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.
- 8335 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of candidacy.
- 8337 (c) A vice presidential candidate who fails to meet the requirements described in this Subsection (7)  
may not appear on the general election ballot.
- 8339 (8) An individual filing a declaration of candidacy for president or vice president of the United States  
shall pay a filing fee of \$500.

Section 120. Section 20A-9-203 is amended to read:

**20A-9-203. Declarations of candidacy -- Municipal general elections -- Nomination petition --  
Removal of signature.**

## SB0164S02 compared with SB0164S03

- 8344 (1) An individual may become a candidate for any municipal office if:
- 8345 (a) the individual is a registered voter; and
- 8346 (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
- 8349 (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.
- 8352 (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.
- 8356 (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.
- 8359 (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.
- 8363 (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:
- 8366 (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 filing period described in Subsection (3)(d) and 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] Subsection 10-3-301(3); and
- 8372 (ii) pay the filing fee, if one is required by municipal ordinance.
- 8373 (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:

## SB0164S02 compared with SB0164S03

- 8375 (i) the individual is located outside of the state during the entire filing period;
- 8376 (ii) the designated agent appears in person before the city recorder or town clerk;
- 8377 (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
- 8380 (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).
- 8383 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 8384 (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 filing period described in  
Subsection (3)(d) and 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] Subsection 10-3-301(3)  
that includes signatures in support of the nomination petition of the lesser of at least:
- 8390 (A) 25 registered voters who reside in the municipality; or
- 8391 (B) 20% of the registered voters who reside in the municipality; and
- 8392 (ii) paying the filing fee, if one is required by municipal ordinance.
- 8393 (d) The filing period to file a declaration of candidacy for an elective office that is to be filled at the  
next municipal general election:
- 8395 (i) begins at 8 a.m. on the later of:
- 8396 (A) June 1 of the year in which the next municipal general election is held; or
- 8397 (B) if June 1 is not a business day, the first business day after June 1; and
- 8398 (ii) ends at 5 p.m. on the fourth business day after the day on which the filing period begins.
- 8400 (4)
- (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing  
officer shall:
- 8402 (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;
- 8404 (ii) require the candidate or individual filing the petition to state whether the candidate meets the  
requirements described in Subsection (4)(a)(i); and
- 8406 (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.
- 8409

## SB0164S02 compared with SB0164S03

- (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.
- 8412 (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:
- 8414 (i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
- 8416 (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;
- 8420 (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);
- 8423 (iv) inform the candidate that the candidate must provide the filing officer with an email address that the candidate actively monitors:
- 8425 (A) to receive a communication from a filing officer or an election officer; and
- 8426 (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);
- 8430 (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;
- 8433 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 8434 (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:
- 8436 (A) signing the pledge is voluntary; and
- 8437 (B) signed pledges shall be filed with the filing officer; and
- 8438 (viii) accept the declaration of candidacy or nomination petition.
- 8439 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- 8441 (i) accept the candidate's pledge; and
- 8442 (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.
- 8445 (5)

## SB0164S02 compared with SB0164S03

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

8446 "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  
from the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

8455 \_\_\_\_\_  
Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this \_\_\_\_\_(month\day\year).  
8457 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)."

8458 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the  
form described in Subsection (5)(a).

8460 (c)

(i) A nomination petition shall be in substantially the following form:

8461 "NOMINATION PETITION

8462 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)."

8464 (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.

8466 (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.

8469 (7)

(a)

(i) The clerk shall verify with the county clerk that all candidates are registered voters.

8471 (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.

8474 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

8476



## SB0164S02 compared with SB0164S03

- (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 calendar days; and
- 8479 (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- 8481 (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.
- 8484 (10)
- (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~~] no later than 5 p.m. on the first business day that is at least 10 calendar days after the last day for filing.
- 8488 (b) If a person files an objection, the clerk shall:
- 8489 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- 8491 (ii) decide any objection within 48 hours after the objection is filed.
- 8492 (c) If the clerk sustains the objection, the candidate may, [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least three calendar 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.
- 8497 (d)
- (i) The clerk's decision upon objections to form is final.
- 8498 (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
- 8500 (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.
- 8502 (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.
- 8504 (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 5 p.m. 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.
- 8509 (b) A statement described in Subsection (12)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).



## SB0164S02 compared with SB0164S03

8511 (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  
8515 from a petition after receiving a timely, valid statement requesting removal of the signature.

8516 Section 121. Section 20A-9-207 is amended to read:

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

As used in this section:

- 8518 (1) "Public office" means the offices of governor, lieutenant governor, attorney general, state auditor,  
state treasurer, state senator, state representative, state school board, or an elective office of a local  
political subdivision.
- 8521 (2) "Public office candidate" means a person who files a declaration of candidacy for a public office.
- 8523 (3) If a public office candidate withdraws as a candidate, an election officer shall:
- 8524 (a) no later than two business days after the day on which the election officer receives notice of the  
withdrawal, notify every opposing candidate for the public office that the public office candidate has  
withdrawn;
- 8527 (b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer calendar days before  
the date of the election, send an email notification to each voter who is eligible to vote in the public  
office race for whom the election officer has an email address informing the voter:
- 8531 (i) that the public office candidate has withdrawn; and
- 8532 (ii) that a vote cast for the public office candidate will not be counted, regardless of whether the public  
office candidate's name appears on the ballot;
- 8534 (c) post notice of the withdrawal on a public website; and
- 8535 (d) if practicable, include with the ballot, including a military or overseas ballot, a written notice that:
- 8537 (i) contains the information described in Subsections (3)(b)(i) and (ii); or
- 8538 (ii) directs the voter to a public website to inform the voter whether a candidate on the ballot has  
withdrawn.
- 8540 (4) An election officer shall send the email notification described in Subsection (3)(b) on or before the  
earlier of:
- 8542 (a) the next day on which the election officer mails ballots in accordance with Section 20A-3a-202; or
- 8544 (b) two business days before the date of the election.

8545 Section 122. Section **122** is enacted to read:

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

## SB0164S02 compared with SB0164S03

As used in this part:

(1) "Candidate nomination document" means:

(a) a candidate signature packet; or

(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 123. 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:

## SB0164S02 compared with SB0164S03

- (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
- 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 31.
- 359 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
- 361 (c)

## SB0164S02 compared with SB0164S03

- (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.
- 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  
calendar 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

## SB0164S02 compared with SB0164S03

- (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 (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;
- 404 (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
- 407 (iii) determine the order of the local board of education candidates' names on the ballot in accordance  
with Section 20A-6-305.
- 409 (4)
- (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide  
to the county clerks:
- 411 (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
- 415 (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.
- 418 (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.
- 420 (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:
- 423 "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."

## SB0164S02 compared with SB0164S03

- 428 (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:
- 430 (i) nominated for that office by the candidate's registered political party; or
- 431 (ii) for a nonpartisan local school board position, nominated for that office.
- 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)
- (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.

8700 Section 124. Section 20A-9-404 is amended to read:

8701 **20A-9-404. Municipal primary elections.**

8702 (1)

## SB0164S02 compared with SB0164S03

(a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.

8705 (b) Municipal primary elections shall be held:

8706 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first Monday in the August before the regular municipal election; and

8708 (ii) whenever possible, at the same polling places as the regular municipal election.

8709 (c) Subsections (3) through (5) do not apply to an election to elect local school board members under Section 53G-3-302.

8711 (d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply to an election to elect local school board members under Section 53G-3-302.

8713 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal office does not exceed twice the number of individuals needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.

8717 (3)

(a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.

8719 (b)

(i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a municipal party convention or committee.

8724 (ii) The municipal party convention or committee described in Subsection (3)(b)(i) shall be held on or before May 30 of an odd-numbered year.

8726 (iii) Any primary election exemption ordinance adopted under this Subsection (3) remains in effect until repealed by ordinance.

8728 (c)

(i) A convention or committee may not nominate more than one candidate for each of the municipal offices to be voted upon at the municipal election.

8730

## SB0164S02 compared with SB0164S03

(ii) A convention or committee may not nominate an individual who has accepted the nomination of a different convention or committee.

8732 (iii) A municipal party may not have more than one group of candidates placed upon the ballot and  
may not group the same candidates on different tickets by the same party under a different name or  
emblem.

8735 (d)

(i) On or before May 31 of an odd-numbered year, a convention or committee shall prepare and submit  
to the filing officer a certificate of nomination for each individual nominated.

8738 (ii) The certificate of nomination shall:

8739 (A) contain the name of the office for which each individual is nominated, the name, post office  
address, and, if in a city, the street number of residence and place of business, if any, of each  
individual nominated;

8742 (B) designate in not more than five words the party that the convention or committee represents;

8744 (C) contain a copy of the resolution passed at the convention that authorized the committee to make the  
nomination;

8746 (D) contain a statement certifying that the name of the candidate nominated by the political party will  
not appear on the ballot as a candidate for any other political party;

8749 (E) be signed by the presiding officer and secretary of the convention or committee; and

8751 (F) contain a statement identifying the residence and post office address of the presiding officer and  
secretary and certifying that the presiding officer and secretary were officers of the convention or  
committee and that the certificates are true to the best of their knowledge and belief.

8755 (iii) A candidate nominated by a municipal party convention or committee shall file a declaration with  
the filing officer in accordance with Subsection 20A-9-203(3) that includes:

8758 (A) the name of the municipal party or convention that nominated the candidate; and

8760 (B) the office for which the convention or committee nominated the candidate.

8761 (e) A committee appointed at a convention, if authorized by an enabling resolution, may also make  
nominations or fill vacancies in nominations made at a convention if the committee makes the  
nomination before the deadline for a write-in candidate to file a declaration of candidacy under  
Section 20A-9-601.

8765



## SB0164S02 compared with SB0164S03

(f) The election ballot shall substantially comply with the form prescribed in Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.

8768 (4)

(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the May 1 that falls before the regular municipal election that:

8770 (i) exempts the city or town from the other methods of nominating candidates to municipal office provided in this section; and

8772 (ii) provides for a municipal partisan convention method of nominating candidates as provided in this Subsection (4).

8774 (b)

(i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.

8777 (ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:

8779 (A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;

8783 (B) is filed with the city recorder or town clerk [~~before 5 p.m. no later than the~~] no later than 5 p.m. on the last business day before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);

8786 (C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and

8788 (D) contains the name of the municipal political party using not more than five words.

8790 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use the procedures described in Section 20A-1-1002 to determine whether each signer is a registered voter who is qualified to sign the petition.

8793 (c)

(i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no primary election for that office shall be held and the candidates are considered to be nominated.

8797

## SB0164S02 compared with SB0164S03

(ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a municipal primary election.

8800 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.

8802 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the blank ballot box.

8804 (f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.

8806 (5)

(a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's signature removed from the petition by, no later than 5 p.m. three business days after the day on which the petition is filed with the city recorder or town clerk, submitting to the city recorder or town clerk a statement requesting that the voter's signature be removed.

8811 (b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

8813 (c) With the assistance of the county clerk and using the procedures described in Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

8817 Section 125. Section **20A-9-408** is amended to read:

8818 **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party**  
**-- Removal of signature.**

457 (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.

460 (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.

464

## SB0164S02 compared with SB0164S03

(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:

(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:

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

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

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

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

(v) other information required by the lieutenant governor;

(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

(c) pay the filing fee.

(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:

(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:

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

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

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

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

(v) other information required by the lieutenant governor;

## SB0164S02 compared with SB0164S03

(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

(c) pay the filing fee.

(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.

(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.

(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.

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

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

(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 the deadline described in Subsection (12), in the following amounts:

(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;

(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;

(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;

## SB0164S02 compared with SB0164S03

(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]~~ the deadline described in Subsection (12).

(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 ~~calendar~~ calendar 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;

## SB0164S02 compared with SB0164S03

- (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;
- 566 (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
- 570 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.
- 572 (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 5 p.m. 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.
- 577 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 579 (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.
- 583 (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.
- 587 (ii) An individual who conducts an audit of signature comparisons under this section may not audit the individual's own work.
- 589 (iii) The election officer shall:
- 590 (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;
- 594 (D) provide additional training or staff reassignments, as needed, based on the results of an audit described in Subsection (9)(e)(i); and
- 596 (E) record any remedial action taken.
- 597 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.

## SB0164S02 compared with SB0164S03

- 598 (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:
- 604 (i) certifies signatures equal to 110% of the applicable signature threshold; or  
605 (ii) has reviewed all signatures submitted for the candidate before reaching an amount equal to 110% of  
the applicable signature threshold.
- 607 (10)
- (a) This Subsection (10) applies only to the electronic candidate qualification process.
- 609 (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]~~ the deadline described in Subsection (12), collect signatures electronically:
- 615 (i) in accordance with Section 20A-21-201; and  
616 (ii) using progressive screens, in a format approved by the lieutenant governor, that complies with  
Subsection 20A-9-405(4).
- 618 (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 calendar 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:
- 623 (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  
626 (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.
- 629 (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.

632

## SB0164S02 compared with SB0164S03

(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 the 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.

(12) The deadline before which a member of a qualified political party must collect and submit signatures to the election officer under this section is 5 p.m. on the last business day that is at least 14 calendar days before the day on which the qualified political party's convention for the office begins.

Section 126. Section **126** 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;



## SB0164S02 compared with SB0164S03

- 661 (c) the chair or vice chair of the state political party whose nomination the candidate described in  
662 Subsection (1)(a) seeks; and
- 663 (d) if the office sought by a candidate described in Subsection (1)(a) relates to a jurisdiction that  
664 does not encompass all or a portion of more than one county, the chair or vice chair of the county  
665 political party whose nomination petition the candidate described in Subsection (1)(a) seeks.
- 666 (2) No individual may view a complete, unredacted candidate nomination document, other than:
- 667 (a) an election officer;
- 668 (b) a government entity or an authorized agent of a government entity, to the extent necessary to fulfill a  
669 duty of the government entity or the authorized agent; or
- 670 (c) an individual described in Subsection (1), in accordance with the requirements of this section.
- 671 (3) Subsection (2) does not prohibit:
- 672 (a) an individual whose name or other personal identifying information appears on a candidate signature  
673 packet from viewing only the portion of the candidate signature packet showing the name or other  
674 personal identifying information of the individual; or
- 675 (b) an individual whose name or other personal identifying information appears on a written request to  
676 remove a signature from a candidate signature packet from viewing the written request.
- 677 (4)
- 678 (a) An individual described in Subsection (1) or (3) may not view a candidate nomination document  
679 after the election officer certifies the results of the primary election race to which the candidate  
680 nomination document relates.
- 681 (b) An individual who, under Subsection (1), views a candidate nomination document may not:
- 682 (i) make a copy, image, or other recording of the candidate nomination document; or
- 683 (ii) disclose a name or other information on the candidate nomination document that relates to an  
684 individual whose voter registration record is classified as a private record.
- 685 (5) After an election officer certifies the results of the primary election race to which a candidate  
686 nomination document relates:
- 687 (a) the election officer shall seal the candidate nomination document and store the candidate nomination  
688 document for 22 months; and
- 689 (b) no person may access or view the candidate nomination document, except:
- 690 (i) the lieutenant governor;
- 691 (ii) the legislative auditor general; or

## SB0164S02 compared with SB0164S03

698 (iii) as ordered by a court with jurisdiction.

699 (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.

9072 Section 127. Section **127** is enacted to read:

9073 **20A-9-408.2. Tracking signatures on candidate nomination petition.**

705 (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:

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

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

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

712 (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.

9084 Section 128. Section **128** is enacted to read:

9085 **20A-9-408.3. Submission of candidate signature packet -- Requirements for submission --**  
**Signature packet chain of custody and storage.**

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

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

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

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

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

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

727 (B) the number of signatures in the candidate signature packet;

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

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

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

733 (A) full name;

734 (B) residential address;

## SB0164S02 compared with SB0164S03

- 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
- 747 (c) if the candidate fails to timely comply with Subsection (2)(b), the election officer shall reject the  
candidate signature packet, and all candidate signature packets collected by the same individual, that  
were submitted at the same time.
- 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.
- 756 (5) An election officer shall preserve the chain of custody of all candidate signature packets and  
signature sheets in accordance with this section.
- 758 (6) An election officer shall, upon receipt of a candidate signature packet:  
759 (a) 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.
- 763 (7) An election officer shall ensure that, when workers review signatures in a candidate signature packet  
for verification, the workers record for the candidate signature packet:
- 765 (a) the names of the workers who review signatures on the candidate signature packet;  
766 (b) if the signature packet is reviewed additional times, the names of the workers who conduct the  
review;
- 768 (c) the total number of signatures in the candidate signature packet;

## SB0164S02 compared with SB0164S03

- (d) the total number of valid signatures in the candidate signature packet;
- (e) the total number of signatures in the candidate signature packet that were rejected, including the reasons for the rejection; and
- (f) if not all signatures in the candidate signature packet are reviewed:
- (i) the number of signatures that were not reviewed;
- (ii) the reason the signatures were not reviewed; and
- (iii) the name of the worker who pulled the candidate signature packet from further review.
- (8) An election officer shall store the candidate signature packets by:
- (a) making a log of the candidate signature packets as the signature packets are placed into storage that specifies:
- (i) the boxes into which the candidate signature packets for a particular candidate are placed; and
- (ii) which candidate signature packet is stored in which box; and
- (b) affixing to each box a description of the contents of the box.

### Section 129. Section 20A-9-502 is amended to read:

#### **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty -- Removal of petition signature.**

(1) The candidate shall:

(a) prepare a certificate of nomination in substantially the following form:

"State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_ Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, zip code \_\_\_\_\_, phone \_\_\_\_\_, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; that, if filing via a designated agent for an office other than president of the United States, 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.

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_(month\day\year).

## SB0164S02 compared with SB0164S03

- 9172 \_\_\_\_\_
- 9173 Notary Public (or other officer
- 9174 qualified to administer oaths)";
- 9175 (b) for each signature packet, bind signature sheets to a copy of the certificate of nomination and the circulator verification, that:
- 9177 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 9178 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
- 9180 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;
- 9183 (iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);
- 9185 (v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:
- 9187 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet 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 does not intend to become registered to vote in this state before the county clerk certifies the signatures.";
- 9191 (vi) contain the following statement directly under the statement described in Subsection (1)(b)(v):
- 9193 "Each signer says:
- 9194 I have personally signed this petition with a holographic signature;
- 9195 I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and
- 9197 My street address is written correctly after my name.";
- 9198 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in Subsection (1)(b)(vi); and
- 9200 (viii) be vertically divided into columns as follows:
- 9201 (A) 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;
- 9204 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
- 9206 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";

## SB0164S02 compared with SB0164S03

- 9208 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
- 9210 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
- 9212 (F) 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."; and
- 9218 (c) bind a final page to one or more signature sheets that are bound together that contains, except as provided by Subsection (3), the following printed statement:
- 9220 "Verification
- 9221 State of Utah, County of \_\_\_\_
- 9222 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:
- 9223 I am at least 18 years old;
- 9224 All the names that appear on the signature sheets bound to this page were signed by 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;
- 9227 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 or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet.
- 9230 \_\_\_\_\_
- 9231 (Signature) (Residence Address) (Date)".
- 9232 (2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).
- 9234 (3)
- (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:
- 9236 (i) is at least 18 years old; and
- 9237 (ii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.
- 9239 (b) A person may not sign the circulator verification if the person signed a signature sheet bound to the verification.

## SB0164S02 compared with SB0164S03

- 9241 (4)
- 9242 (a) It is unlawful for any person to:
- 9243 (i) knowingly sign a certificate of nomination signature sheet:
- 9243 (A) with any name other than the person's own name;
- 9244 (B) more than once for the same candidate; or
- 9245 (C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures; or
- 9248 (ii) sign the verification of a certificate of nomination signature sheet if the person:
- 9249 (A) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or
- 9251 (B) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
- 9254 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- 9255 (5)
- (a) To qualify for placement on the general election ballot, the candidate shall, no earlier than the start of the declaration of candidacy period described in Section 20A-9-201.5 and no later than 5 p.m. on June 15 of the year in which the election will be held:
- 9259 (i) comply with Subsection 20A-9-503(1); and
- 9260 (ii) submit each signature packet to the county clerk where the majority of the signatures in the packet were collected, with signatures totaling:
- 9262 (A) at least 1,000 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or
- 9264 (B) at least 300 registered voters residing within a political division or at least 5% of the registered voters residing within a political division, whichever is less, when the nomination is for an office to be filled by the voters of any political division smaller than the state.
- 9268 (b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks verify that each required signature is a valid signature of a registered voter who is eligible to sign the signature packet and has not signed a signature packet to nominate another candidate for the same office.
- 9272 (c) In reviewing the signature packets, the county clerk shall count and certify only those persons who signed with a holographic signature, who:
- 9274 (i) are registered voters within the political division that the candidate seeks to represent; and

## SB0164S02 compared with SB0164S03

- 9276 (ii) did not sign any other certificate of nomination for that office.
- 9277 (d) The county clerk shall count and certify the number of registered voters who validly signed a signature packet, no later than 30 calendar days after the day on which the candidate submits the signature packet.
- 9280 (e) The candidate may supplement the signatures or amend the certificate of nomination or declaration of candidacy at any time on or before 5 p.m. on June 15 of the year in which the election will be held.
- 9283 (f) The county clerk shall use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter who is qualified to sign the signature packet.
- 9286 (6)
- (a) A voter who signs a signature packet under this section may have the voter's signature removed from the signature packet by, no later than 5 p.m. three business days after the day on which the candidate submits the signature packet to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
- 9291 (b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 9293 (c) 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 signature packet after receiving a timely, valid statement requesting removal of the signature.
- 9296 Section 130. Section 20A-9-601 is amended to read:
- 9297 **20A-9-601. Qualifying as a write-in candidate.**
- 9298 (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 ~~[before 5 p.m.]~~ no later than 5 p.m. on the last business day that is at least 65 calendar 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.
- 9305 (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.



## SB0164S02 compared with SB0164S03

- 9307 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a declaration of candidacy  
with the appropriate filing officer if:
- 9309 (A) the individual is located outside of the state during the entire filing period;
- 9310 (B) the designated agent appears in person before the filing officer; and
- 9311 (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.
- 9313 (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:
- 9315 "State of Utah, County of \_\_\_\_
- 9316 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 \_\_\_\_\_.
- 9326 \_\_\_\_\_
- 9327 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).
- 9328 Notary Public (or other officer qualified to administer oath)."
- 9329 (b) The form of the declaration of candidacy for a write-in candidate for president of the United States  
is substantially as follows:
- 9331 "State of Utah, County of \_\_\_\_
- 9332 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

## SB0164S02 compared with SB0164S03

notices is \_\_\_\_\_. I designate \_\_\_\_\_ as my vice presidential candidate.

9339

\_\_\_\_\_  
Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

9340

9341

Notary Public (or other officer qualified to administer oath.)".

9342

(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).

9345

(d) An agent described in Subsection (1)(a) or (b) may not sign the form described in Subsection (2)(a) or (b).

9347

(3)

(a) The filing officer shall:

9348

(i) read to the candidate the constitutional and statutory requirements for the office;

9349

(ii) ask the candidate whether the candidate meets the requirements; and

9350

(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.

9354

(b) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

9356

(4)

(a) Except as provided in Subsection (4)(b), a write-in candidate is subject to Subsection 20A-9-201(8).

9358

(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.

9360

(5) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

9363

Section 131. Section 20A-11-101 is amended to read:

9364

**20A-11-101. Definitions.**

As used in this chapter:

9366

(1)

(a) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

## SB0164S02 compared with SB0164S03

- 9368 (b) "Address" does not include a post office box.
- 9369 (2) "Agent of a reporting entity" means:
- 9370 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
- 9371 (b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;
- 9373 (c) the personal campaign committee of a candidate or officeholder;
- 9374 (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
- 9377 (e) a political consultant of a reporting entity.
- 9378 (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.
- 9381 (4) "Candidate" means any person who:
- 9382 (a) files a declaration of candidacy for a public office; or
- 9383 (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.
- 9386 (5) "Chief election officer" means:
- 9387 (a) the lieutenant governor 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
- 9391 (b) the county clerk for local school board candidates.
- 9392 (6)
- 9393 (a) "Contribution" means any of the following when done for political purposes:
- 9395 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to  
the filing entity;
- 9398 (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;
- 9399 (iii) any transfer of funds from another reporting entity to the filing entity;
- 9399 (iv) compensation paid by any person or reporting entity other than the filing entity for personal  
services provided without charge to the filing entity;

## SB0164S02 compared with SB0164S03

- 9401 (v) remuneration from:
- 9402 (A) any organization or its directly affiliated organization that has a registered lobbyist; or
- 9404 (B) any agency or subdivision of the state, including school districts;
- 9405 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 9406 (vii) in-kind contributions.
- 9407 (b) "Contribution" does not include:
- 9408 (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;
- 9411 (ii) money lent to the filing entity by a financial institution in the ordinary course of business;
- 9413 (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
- 9415 (iv) data or information described in Subsection (24)(b).
- 9416 (7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:
- 9418 (a) with the political entity's prior knowledge, if the political entity does not object;
- 9419 (b) by agreement with the political entity;
- 9420 (c) in coordination with the political entity; or
- 9421 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 9422 (8)
- 9425 (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:
- 9426 (i) the purpose of expressly advocating for political purposes; or
- 9428 (ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.
- 9429 (b) "Corporation" does not mean:
- 9431 (i) a business organization's political action committee or political issues committee; or
- 9432 (ii) a business entity organized as a partnership or a sole proprietorship.
- 9435 (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.

## SB0164S02 compared with SB0164S03

(10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

(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;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the goods or services acquired by the expenditure; and

(iii) the date the expenditure was made.

(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.

(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.

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(14) "Electioneering communication" means a communication that:

(a) has at least a value of \$10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 ~~days of~~ calendar days before the clearly identified candidate's or judge's election date.

(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:

## SB0164S02 compared with SB0164S03

- (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
- 9468 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
- 9470 (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;
- 9473 (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
- 9475 (v) a transfer of funds between the filing entity and a candidate's personal campaign committee;
- 9477 (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
- 9479 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 9480 (b) "Expenditure" does not include:
- 9481 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
- 9483 (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or
- 9485 (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.
- 9487 (16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.
- 9489 (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.
- 9491 (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.
- 9495 (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.
- 9498 (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.

## SB0164S02 compared with SB0164S03

- 9501 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 9502 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 9503 (23) "Individual" means a natural person.
- 9504 (24)
- (a) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.
- 9506 (b) "In-kind contribution" does not include survey results, voter lists, voter contact information, demographic data, voting trend data, or other information that:
- 9508 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
- 9509 (ii) is offered at no cost to a candidate or officeholder.
- 9510 (25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.
- 9512 (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.
- 9515 (27) "Legislative office candidate" means a person who:
- 9516 (a) files a declaration of candidacy for the office of state senator or state representative;
- 9517 (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
- 9520 (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.
- 9523 (28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:
- 9525 (a) an expenditure made using any form of payment;
- 9526 (b) money or funds received by the filing entity;
- 9527 (c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or
- 9529 (d) use of any line of credit.
- 9530

## SB0164S02 compared with SB0164S03

(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.

9532 (30) "Officeholder" means a person who holds a public office.

9533 (31) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

9535 (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.

9539 (33) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

9541 (34) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

9543 (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:

9545 (i) solicit or receive contributions from any other person, group, or entity for political purposes; or

9547 (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.

9550 (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.

9553 (c) "Political action committee" does not mean:

9554 (i) a party committee;

9555 (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;

9558 (iii) an individual;

9559 (iv) individuals who are related and who make contributions from a joint checking account;

9561 (v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or

9563 (vi) a personal campaign committee.

9564 (36)



## SB0164S02 compared with SB0164S03

(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.

9567 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where the person:

9569 (i) has already been paid, with money or other consideration;

9570 (ii) expects to be paid in the future, with money or other consideration; or

9571 (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.

9574 (37) "Political convention" means a county or state political convention held by a registered political party to select candidates.

9576 (38) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.

9578 (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:

9580 (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;

9584 (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

9588 (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.

9590 (b) "Political issues committee" does not mean:

9591 (i) a registered political party or a party committee;

9592 (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;

9595 (iii) an individual;

9596 (iv) individuals who are related and who make contributions from a joint checking account;

9598

## SB0164S02 compared with SB0164S03

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or

9600 (vi) a group of individuals who:

9601 (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;

9605 (B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;

9607 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;

9609 (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

9612 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection (39)(b)(vi)(A).

9614 (40)

(a) "Political issues contribution" means any of the following:

9615 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

9617 (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;

9620 (iii) any transfer of funds received by a political issues committee from a reporting entity;

9622 (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

9624 (v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

9626 (b) "Political issues contribution" does not include:

9627 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

9629 (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

9631 (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:

## SB0164S02 compared with SB0164S03

- 9634 (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:
- 9636 (A) a ballot proposition; or
- 9637 (B) an incorporation petition or incorporation election;
- 9638 (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:
- 9640 (A) a ballot proposition; or
- 9641 (B) an incorporation petition or incorporation election;
- 9642 (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
- 9644 (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or
- 9646 (v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.
- 9648 (b) "Political issues expenditure" does not include:
- 9649 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
- 9651 (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.
- 9653 (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:
- 9656 (a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or
- 9658 (b) judge standing for retention at any election.
- 9659 (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.
- 9663 (b) "Poll" does not include:
- 9664 (i) a ballot; or

## SB0164S02 compared with SB0164S03

- 9665 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 9666 (A) the focus group consists of more than three, and less than thirteen, individuals; and
- 9668 (B) all individuals in the focus group are present during the interview.
- 9669 (44) "Primary election" means any regular primary election held under the election laws.
- 9670 (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 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.
- 9675 (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.
- 9679 (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:
- 9682 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or
- 9684 (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.
- 9686 (b) "Public service assistance" does not include:
- 9687 (i) anything provided by the state;
- 9688 (ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;
- 9690 (iii) money lent to an officeholder by a financial institution in the ordinary course of business;
- 9692 (iv) news coverage or any publication by the news media; or
- 9693 (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.
- 9696 (48) "Receipts" means contributions and public service assistance.
- 9697 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.
- 9699

## SB0164S02 compared with SB0164S03

(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.

9702 (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.

9705 (52) "Registered political party" means an organization of voters that:

9706 (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

9709 (b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.

9711 (53)

(a) "Remuneration" means a payment:

9712 (i) made to a legislator for the period the Legislature is in session; and

9713 (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.

9716 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

9717 (i) the legislator's primary employer in the ordinary course of business; or

9718 (ii) a person or entity in the ordinary course of business:

9719 (A) because of the legislator's ownership interest in the entity; or

9720 (B) for services rendered by the legislator on behalf of the person or entity.

9721 (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.

9725 (55) "School board office" means the office of state school board.

9726 (56)

(a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

9728 (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.

## SB0164S02 compared with SB0164S03

- 9731 (57) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor,  
and state treasurer.
- 9733 (58) "State office candidate" means a person who:
- 9734 (a) files a declaration of candidacy for a state office; or
- 9735 (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.
- 9738 (59) "Summary report" means the year end report containing the summary of a reporting entity's  
contributions and expenditures.
- 9740 (60) "Supervisory board" means the individual or group of individuals that allocate expenditures from a  
political issues committee.
- 9742 Section 132. Section 20A-11-103 is amended to read:
- 9743 **20A-11-103. Notice of pending interim and summary reports -- Form of submission -- Public  
availability -- Notice of reporting and filing requirements.**
- 9745 (1)
- (a) Except as provided under Subsection (1)(b), on the last business day that is at least 10 calendar 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:
- 9749 (i) that the financial statement is due;
- 9750 (ii) of the date that the financial statement is due; and
- 9751 (iii) of the penalty for failing to file the financial statement.
- 9752 (b) The chief election officer is not required to provide notice:
- 9753 (i) to a candidate or political party of the financial statement that is due before the candidate's or  
political party's political convention;
- 9755 (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
- 9757 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- 9758 (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.
- 9760 (3)

## SB0164S02 compared with SB0164S03

- (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.
- 9763 (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.
- 9767 (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.
- 9770 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor shall:
- 9772 (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
- 9774 (b) post on a website established by the lieutenant governor:
- 9775 (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
- 9779 (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 receives the link from:
- 9784 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208(10)(b)(ii); or
- 9786 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).
- 9787 (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.

9791 Section 133. Section 20A-11-105 is amended to read:

9792 **20A-11-105. Deadline for payment of fine.**

A person against whom the lieutenant governor imposes a fine under this chapter shall pay the fine [~~before 5 p.m. within~~] no later than 5 p.m. on the last business day that is at least 30 calendar days after the day on which the lieutenant governor imposes the fine.

## SB0164S02 compared with SB0164S03

9796 Section 134. Section 20A-11-201 is amended to read:

9797 **20A-11-201. State office -- Separate bank account for campaign funds -- No personal use --**  
**State office candidate reporting deadline -- Report other accounts -- Anonymous contributions.**

9800 (1)

(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.

9803 (b) A state office candidate or a candidate's personal campaign committee may not use money deposited in a campaign account for:

9805 (i) a personal use expenditure; or

9806 (ii) an expenditure prohibited by law.

9807 (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.

9810 (d) A state officeholder or a state officeholder's personal campaign committee may not use money deposited in a campaign account for:

9812 (i) a personal use expenditure; or

9813 (ii) an expenditure prohibited by law.

9814 (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.

9816 (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.

9819 (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.

9823 (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.



## SB0164S02 compared with SB0164S03

- 9827 (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.
- 9831 (5)
- (a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection  
20A-11-204(1)(b).
- 9833 (b) Each state office candidate shall report to the lieutenant governor each contribution received by the  
state office candidate:
- 9835 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day on which the  
contribution is received; or
- 9837 (ii) within seven business days after the day on which the contribution is received, if:
- 9838 (A) the state office candidate is contested in a convention and the contribution is received within 30  
calendar days before the day on which the convention is held;
- 9841 (B) the state office candidate is contested in a primary election and the contribution is received within  
30 calendar days before the day on which the primary election is held; or
- 9844 (C) the state office candidate is contested in a general election and the contribution is received within 30  
calendar days before the day on which the general election is held.
- 9847 (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 shall impose a  
fine against the state office candidate in an amount equal to:
- 9851 (i) 10% of the amount of the contribution, if the state office candidate reports the contribution within 60  
calendar days after the day on which the time period described in Subsection (5)(b) ends; or
- 9854 (ii) 20% of the amount of the contribution, if the state office candidate fails to report the contribution  
within 60 calendar days after the day on which the time period described in Subsection (5)(b) ends.
- 9857 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue a warning to  
the state office candidate if:
- 9859 (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;
- 9861 (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
- 9864

## SB0164S02 compared with SB0164S03

(iii) the lieutenant governor 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.

9868 (e) The lieutenant governor shall:

9869 (i) deposit money received under Subsection (5)(c) into the General Fund; and

9870 (ii) report on the lieutenant governor's website, in the location where reports relating to each state office candidate are available for public access:

9872 (A) each fine imposed by the lieutenant governor against the state office candidate;

9873 (B) the amount of the fine;

9874 (C) the amount of the contribution to which the fine relates; and

9875 (D) the date of the contribution.

9876 (6)

(a) As used in this Subsection (6), "account" means an account in a financial institution:

9878 (i) that is not described in Subsection (1)(a); and

9879 (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.

9884 (b) A state office candidate shall include on any financial statement filed in accordance with this part:

9886 (i) a contribution deposited in an account:

9887 (A) since the last campaign finance statement was filed; or

9888 (B) that has not been reported under a statute or ordinance that governs the account; or

9890 (ii) an expenditure made from an account:

9891 (A) since the last campaign finance statement was filed; or

9892 (B) that has not been reported under a statute or ordinance that governs the account.

9894 (7) Within 31 calendar days after ~~[receiving]~~ the day on which a state office candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, [a] the 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.

9899 Section 135. Section 20A-11-204 is amended to read:

9900

## SB0164S02 compared with SB0164S03

### **20A-11-204. State office candidate and state officeholder -- Financial reporting requirements -- Interim reports.**

- 9902 (1) As used in this section:
- 9903 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1)
- 9905 (b) "Received" means:
- 9906 (i) for a cash contribution, that the cash is given to a state office candidate or a member of the state
- 9908 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is
- 9910 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign,
- 9912 (A) the day on which the state office candidate or a member of the state office candidate's personal
- 9915 (B) the day on which the state office candidate or a member of the state office candidate's personal
- 9918 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 9919 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state
- 9921 (2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the
- 9924 (a)
- 9925 (i) seven calendar days before the candidate's political convention; or
- 9926 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 9927 (b) seven calendar days before the regular primary election date;
- 9928 (c) September 30; and
- 9929 (d) seven calendar days before the regular general election date.
- (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the
- state office candidate:

## SB0164S02 compared with SB0164S03

- 9931 (a) shall file an interim report:  
9932 (i)  
(A) no later than seven calendar 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  
9936 (B) two calendar 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  
9940 (ii) if a state office candidate decides to seek the appointment with less than seven calendar days before  
the party meets, or the political party schedules the meeting to declare a nominee less than seven  
calendar days before the day of the meeting, no later than 5 p.m. on the last [~~day of~~]business day  
before the day on which the party meets; and  
9945 (b) is not required to file an interim report at the times described in Subsection [~~(1)~~] (2).  
9946 (4) Each interim report shall include the following information:  
9947 (a) the net balance of the last summary report, if any;  
9948 (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;  
9950 (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;  
9952 (d) a detailed listing of:  
9953 (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  
9955 (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;  
9958 (e) for each nonmonetary contribution:  
9959 (i) the fair market value of the contribution with that information provided by the contributor; and  
9961 (ii) a specific description of the contribution;  
9962 (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;  
9964 (g) for each nonmonetary expenditure, the fair market value of the expenditure;  
9965

## SB0164S02 compared with SB0164S03

(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;

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions and public service assistance received during the period since the last statement;

(iii) total contributions and public service assistance received to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date; and

(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.

(5)

(a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar days before the required filing date of the report.

(b) Any negotiable instrument or check received by a state office candidate or state officeholder more than five calendar days before the required filing date of a report required by this section shall be included in the interim report.

### Section 136. Section 20A-11-206 is amended to read:

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

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

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

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

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

(3)

(a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office

## SB0164S02 compared with SB0164S03

candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for filing the report.

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

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

(a) notify every opposing candidate for the state office that the state office candidate is disqualified;

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

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

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

(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 website to inform the voter whether a candidate on the ballot is disqualified.

(6) A state office candidate is not disqualified if:

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

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

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

(7)

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

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

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

(b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, [~~within five days of discovery of a~~] no later than the first business day that

## SB0164S02 compared with SB0164S03

is at least five days after the day on which the lieutenant governor discovers the violation or [receipt of a] receives the written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.

(c)

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

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

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

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

### Section 137. Section 20A-11-301 is amended to read:

**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.**

(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.

(ii) A legislative office candidate may:

(A) receive a contribution from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(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:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(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.

(ii) A legislative officeholder may:

## SB0164S02 compared with SB0164S03

(A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and

10071 (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

10073 (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:

10076 (i) a personal use expenditure; or

10077 (ii) an expenditure prohibited by law.

10078 (2)

(a) A legislative office candidate may not deposit or mingle any contributions received into a personal or business account.

10080 (b) A legislative officeholder may not deposit or mingle any contributions or public service assistance received into a personal or business account.

10082 (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.

10086 (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.

10090 (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.

10094 (5)

(a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection 20A-11-303(1)(b).

10096 (b) Each legislative office candidate shall report to the lieutenant governor each contribution received by the legislative office candidate:



## SB0164S02 compared with SB0164S03

- 10098 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day on which the contribution is received; or
- 10100 (ii) within seven business days after the day on which the contribution is received, if:
- 10101 (A) the legislative office candidate is contested in a convention and the contribution is received within 30 calendar days before the day on which the convention is held;
- 10104 (B) the legislative office candidate is contested in a primary election and the contribution is received within 30 calendar days before the day on which the primary election is held; or
- 10107 (C) the legislative office candidate is contested in a general election and the contribution is received within 30 calendar days before the day on which the general election is held.
- 10110 (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 shall impose a fine against the legislative office candidate in an amount equal to:
- 10114 (i) 10% of the amount of the contribution, if the legislative office candidate reports the contribution within 60 calendar days after the day on which the time period described in Subsection (5)(b) ends; or
- 10117 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to report the contribution within 60 calendar days after the day on which the time period described in Subsection (5)(b) ends.
- 10120 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue a warning to the legislative office candidate if:
- 10122 (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;
- 10124 (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
- 10127 (iii) the lieutenant governor 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.
- 10131 (e) The lieutenant governor shall:
- 10132 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 10133

## SB0164S02 compared with SB0164S03

(ii) report on the lieutenant governor's website, in the location where reports relating to each legislative office candidate are available for public access:

(A) each fine imposed by the lieutenant governor against the legislative office candidate;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

(6) Within 31 calendar days after ~~[receiving]~~ the day on which a legislative office candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, [a] the 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.

(7)

(a) As used in this Subsection (7), "account" means an account in a financial institution:

(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.

(b) A legislative office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

Section 138. Section 20A-11-303 is amended to read:

**20A-11-303. Legislative office candidate and legislative officeholder -- Financial reporting requirements -- Interim reports.**

(1) As used in this section:

(a) "Campaign account" means a separate campaign account required under Subsection 20A-11-301(1) (a)(i) or (c)(i).

## SB0164S02 compared with SB0164S03

- 10169 (b) "Received" means:
- 10170 (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;
- 10172 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is  
negotiated;
- 10174 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign,  
the earlier of:
- 10176 (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;
- 10179 (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
- 10183 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 10184 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the  
legislative office candidate.
- 10186 (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:
- 10189 (a)
- 10190 (i) seven calendar days before the candidate's political convention; or
- 10191 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 10192 (b) seven calendar days before the regular primary election date;
- 10193 (c) September 30; and
- 10194 (d) seven calendar days before the regular general election date.
- 10194 (3) If a legislative office candidate is a legislative office candidate seeking appointment for a midterm  
vacancy, the legislative office candidate:
- 10196 (a) shall file an interim report:
- 10197 (i)
- (A) seven calendar 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

## SB0164S02 compared with SB0164S03

- 10201 (B) two calendar 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
- 10204 (ii) if the legislative office candidate decides to seek the appointment with less than seven calendar days  
before the party meets, or the political party schedules the meeting to declare a nominee less than  
seven calendar days before the day of the meeting, two calendar days before the day on which the  
party meets; and
- 10208 (b) is not required to file an interim report at the times described in Subsection (2)(a).
- 10209 (4) Each interim report shall include the following information:
- 10210 (a) the net balance of the last summary report, if any;
- 10211 (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;
- 10213 (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;
- 10215 (d) a detailed listing of:
- 10216 (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
- 10218 (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;
- 10221 (e) for each nonmonetary contribution:
- 10222 (i) the fair market value of the contribution with that information provided by the contributor; and
- 10224 (ii) a specific description of the contribution;
- 10225 (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;
- 10227 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10228 (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;
- 10231 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10232 (i) beginning balance;
- 10233 (ii) total contributions and public service assistance received during the period since the last statement;
- 10235 (iii) total contributions and public service assistance received to date;

## SB0164S02 compared with SB0164S03

- 10236 (iv) total expenditures during the period since the last statement; and
- 10237 (v) total expenditures to date; and
- 10238 (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.
- 10241 (5)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar days before the required filing date of the report.
- 10243 (b) Any negotiable instrument or check received by a legislative office candidate or legislative officeholder more than five calendar days before the required filing date of a report required by this section shall be included in the interim report.
- 10246 Section 139. Section 20A-11-305 is amended to read:
- 10247 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**
- 10248 (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.
- 10250 (2) If a legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic notice to the legislative office candidate and the political party of which the legislative office candidate is a member, if any, that states:
- 10254 (a) that the legislative office candidate failed to timely file the report; and
- 10255 (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.
- 10258 (3)
- (a) The lieutenant governor shall disqualify a legislative office candidate and inform the county clerk and other appropriate election officials that the legislative office candidate is disqualified if the legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after the deadline for filing the report.
- 10263 (b) The political party of a legislative office candidate who is disqualified under Subsection (3)(a) may not replace the legislative office candidate.
- 10265 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the election officer shall:

## SB0164S02 compared with SB0164S03

- 10267 (a) notify every opposing candidate for the legislative office that the legislative office candidate is disqualified;
- 10269 (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;
- 10273 (c) post notice of the disqualification on the election officer's website; and
- 10274 (d) if practicable, remove the legislative office candidate's name from the ballot.
- 10275 (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.
- 10279 (6) A legislative office candidate is not disqualified if:
- 10280 (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;
- 10283 (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
- 10286 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.
- 10288 (7)
- (a) Within 60 calendar days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
- 10290 (i) each legislative office candidate that is required to file a summary report has filed one; and
- 10292 (ii) each summary report contains the information required by this part.
- 10293 (b) If it appears that any legislative office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, ~~[within five days of discovery of a]~~ no later than the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or [reecipt of a] receives the 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.

## SB0164S02 compared with SB0164S03

- 10302 (c)
- 10303 (i) It is unlawful for a legislative office candidate to fail to file or amend a summary report within seven
- 10304 calendar days after receiving notice from the lieutenant governor described in this Subsection (7).
- 10305 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a class B
- 10306 misdemeanor.
- 10307 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the attorney general.
- 10308 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant governor shall
- 10309 impose a civil fine of \$100 against a legislative office candidate who violates Subsection (7)(c)(i).

10312 Section 140. Section 20A-11-401 is amended to read:

10313 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary report --**

**Officeholder as a political action committee officer -- Anonymous contribution or public service**

**assistance.**

- 10316 (1)
- 10317 (a) Each officeholder shall file a summary report by January 10 of each year.
- 10318 (b) An officeholder that is required to file a summary report both as an officeholder and as a candidate
- 10319 for office under the requirements of this chapter may file a single summary report as a candidate and
- 10320 an officeholder, provided that the combined report meets the requirements of:
- 10321 (i) this section; and
- 10322 (ii) the section that provides the requirements for the summary report filed by the officeholder in the
- 10323 officeholder's capacity of a candidate for office.
- 10324 (2)
- 10325 (a) Each summary report shall include the following information as of December 31 of the previous
- 10326 year:
- 10327 (i) the net balance of the last summary report, if any;
- 10328 (ii) a single figure equal to the total amount of receipts received since the last summary report, if
- 10329 any;
- 10330 (iii) a single figure equal to the total amount of expenditures made since the last summary report, if
- 10331 any;
- 10332 (iv) a detailed listing of each contribution and public service assistance received since the last
- 10333 summary report;
- (v) for each nonmonetary contribution:

## SB0164S02 compared with SB0164S03

- 10334 (A) the fair market value of the contribution with that information provided by the contributor; and
- 10336 (B) a specific description of the contribution;
- 10337 (vi) a detailed listing of each expenditure made since the last summary report;
- 10338 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10339 (viii) a net balance for the year consisting of the net balance from the last summary report plus all receipts minus all expenditures; and
- 10341 (ix) the name of a political action committee for which the officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- 10344 (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
- 10346 (3) The summary report shall contain a paragraph signed by the officeholder certifying that, to the best of the officeholder's knowledge, all receipts and all expenditures have been reported as of December 31 of the last calendar year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.
- 10350 (4) An officeholder may:
- 10351 (a) receive public service assistance from a political action committee registered under Section 20A-11-601; and
- 10353 (b) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
- 10355 (5) Within 31 calendar days after [~~receiving~~] the day on which an officeholder receives a contribution or public service assistance that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, [~~an~~] the officeholder shall disburse the amount of the contribution or public service assistance to:
- 10359 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- 10361 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

10363 Section 141. Section 20A-11-402 is amended to read:

10364 **20A-11-402. Officeholder financial reporting requirements -- Statement of dissolution.**

10366



## SB0164S02 compared with SB0164S03

- (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 stating that:
- 10369 (a) the officeholder or former officeholder is no longer receiving contributions or public service assistance and is no longer making expenditures;
- 10371 (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
- 10374 (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.
- 10376 (2) A statement of dissolution and a final summary report may be filed at any time.
- 10377 (3)
- (a) Each officeholder shall report to the lieutenant governor each contribution or public service assistance received by the state officeholder within 31 calendar days after the day on which the officeholder receives the contribution or public service assistance.
- 10381 (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 shall impose a fine against the officeholder in an amount equal to:
- 10384 (i) 10% of the amount of the contribution or public service assistance if the officeholder reports the contribution or public service assistance within 60 calendar days after the day on which the time period described in Subsection (3)(a) ends; or
- 10388 (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 calendar days after the day on which the time period described in Subsection (3)(a) ends.
- 10392 (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.
- 10395 (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:
- 10397 (a) a personal use expenditure; or
- 10398 (b) an expenditure prohibited by law.
- 10399 (5)

## SB0164S02 compared with SB0164S03

(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.

(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.

Section 142. Section 20A-11-403 is amended to read:

### **20A-11-403. Failure to file -- Penalties.**

(1) Within 60 calendar days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(a) each officeholder that is required to file a summary report has filed one; and

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

(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 has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, if the lieutenant governor determines that a violation has occurred:

(a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

(b) ~~[within five days of discovery of a]~~ no later than the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or [receipt of a] receives the written complaint, notify the officeholder of the violation or written complaint and direct the officeholder to file a summary report correcting the problem.

(3)

(a) It is unlawful for any officeholder to fail to file or amend a summary report within seven calendar days after receiving notice from the lieutenant governor under this section.

(b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$100 against an officeholder who violates Subsection (3)(a).

Section 143. Section 20A-11-507 is amended to read:

### **20A-11-507. Political party financial reporting requirements -- Interim reports.**

## SB0164S02 compared with SB0164S03

- (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:
- 10435 (a) seven calendar days before the registered political party's political convention;
  - 10436 (b) seven calendar days before the regular primary election date;
  - 10437 (c) September 30; and
  - 10438 (d) seven calendar days before the general election date.
- (2) Each interim report shall include the following information:
- 10439 (a) the net balance of the last financial statement, if any;
  - 10440 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any,
  - 10441 during the calendar year in which the interim report is due;
  - 10443 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any,
  - 10444 filed during the calendar year in which the interim report is due;
  - 10445 (d) a detailed listing of each contribution received since the last summary report that has not been
  - 10446 reported in detail on a prior interim report;
  - 10447 (e) for each nonmonetary contribution, the fair market value of the contribution;
  - 10448 (f) a detailed listing of each expenditure made since the last summary report that has not been reported
  - 10449 in detail on a prior interim report;
  - 10450 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - 10451 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all
  - 10452 receipts since the last summary report minus all expenditures since the last summary report; and
  - 10453 (i) a summary page in the form required by the lieutenant governor that identifies:
  - 10454 (i) beginning balance;
  - 10455 (ii) total contributions during the period since the last statement;
  - 10456 (iii) total contributions to date;
  - 10457 (iv) total expenditures during the period since the last statement; and
  - 10458 (v) total expenditures to date.
  - 10459 (3)
  - 10460 (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without
  - 10461 separate detailed listings.
  - 10462 (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.

## SB0164S02 compared with SB0164S03

(4) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar days before the required filing date of the report.

Section 144. Section 20A-11-508 is amended to read:

**20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

(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.

(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.

(c) The lieutenant governor shall report all violations of Subsection (1)(b) to the attorney general.

(2) Within 60 calendar days after a deadline for the filing of a summary report required by this part, the lieutenant governor shall review each filed report to ensure that:

(a) each political party that is required to file a report has filed one; and

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

(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 has received a written complaint alleging a violation of the law or the falsity of any report, the lieutenant governor shall, ~~[within five days of discovery of a]~~ no later than the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or [receipt of a] receives the 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.

(4)

(a) It is unlawful for any political party to fail to file or amend a summary report within seven calendar days after receiving notice from the lieutenant governor under this section.

(b) Each political party who violates Subsection (4)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor 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 shall impose a civil fine of \$1,000 against a political party that violates Subsection (4)(a).

Section 145. Section 20A-11-511 is amended to read:

**20A-11-511. County political party financial reporting requirements -- Interim reports.**

(1)

## SB0164S02 compared with SB0164S03

- (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:
- 10503 (i) seven calendar days before the county political party's convention;
  - 10504 (ii) seven calendar days before the regular primary election date;
  - 10505 (iii) September 30; and
  - 10506 (iv) seven calendar days before the general election date.
- (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.
- (2) Each interim report shall include the following information:
- 10509 (a) the net balance of the last financial statement, if any;
  - 10510 (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;
  - 10511 (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;
  - 10513 (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;
  - 10515 (e) for each nonmonetary contribution, the fair market value of the contribution;
  - 10517 (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;
  - 10518 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - 10520 (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
  - 10521 (i) a summary page in the form required by the lieutenant governor that identifies:
    - 10524 (i) beginning balance;
    - 10525 (ii) total contributions during the period since the last statement;
    - 10526 (iii) total contributions to date;
    - 10527 (iv) total expenditures during the period since the last statement; and
    - 10528 (v) total expenditures to date.
  - 10529 (3)
  - 10530

## SB0164S02 compared with SB0164S03

(a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(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.

(4) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar days before the required filing date of the report.

Section 146. Section 20A-11-512 is amended to read:

### **20A-11-512. County political party -- Criminal penalties -- Fines.**

(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.

(2) Within 60 calendar days after a deadline for the filing of the January 10 statement required by Section 20A-11-510, the lieutenant governor shall review each filed statement to ensure that:

(a) a county political party officer who is required to file a statement has filed one; and

(b) each statement contains the information required by Section 20A-11-510.

(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 has received a written complaint alleging a violation of the law or the falsity of any financial statement, the lieutenant governor shall, [~~within~~] no later than the first business day that is at least five calendar days after the day on which the lieutenant governor 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.

(4)

(a) A county political party that fails to file or amend a financial statement within seven calendar days after the day on which the county political party receives notice from the lieutenant governor under this section is subject to a fine of the lesser of:

(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

(ii) \$1,000.

## SB0164S02 compared with SB0164S03

(b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into the General Fund.

Section 147. 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. on the first business day that is at least seven calendar 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.

(c) After filing an initial statement of organization, a political action committee shall, before January 10 each year after the year in which the political action committee files an initial statement of organization, file an updated statement of organization with the lieutenant governor's office.

(2) A statement of organization described in Subsection (1) shall include:

(a) the full name of the political action committee, a second name, if any, and an acronym, if any;

(b) the address and phone number of the political action committee;

(c) the name, address, telephone number, title, and occupation of:

(i) the two officers described in Subsection (5) and the treasurer of the political action committee;

(ii) all other officers, advisory members, and governing board members of the political action committee; and

(iii) each individual or entity represented by, or affiliated with, the political action committee; and

(d) other relevant information requested by the lieutenant governor.

(3)



## SB0164S02 compared with SB0164S03

- (a) A political action committee may not use a name or acronym:
- 10597 (i) other than a name or acronym disclosed in the political action committee's latest statement of organization;
  - 10599 (ii) that is the same, or deceptively similar to, the name or acronym of another political action committee; or
  - 10601 (iii) that is likely to mislead a potential donor regarding the individuals or entities represented by, or affiliated with, the political action committee.
- (b) Within seven calendar days after the day on which a political action committee files an initial statement of organization, the lieutenant governor's office shall:
- 10603 (i) review the statement and determine whether a name or acronym used by the political action committee violates Subsection (3)(a)(ii) or (iii); and
  - 10607 (ii) if the lieutenant governor's office determines that a name or acronym used by the political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing, that the political action committee:
    - 10610 (A) immediately cease and desist use of the name or acronym; and
    - 10611 (B) within seven calendar days after the day of the order, electronically file an updated statement of organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).
- (c) If a political action committee uses a name or acronym that is the same, or deceptively similar to, the name or acronym of another political action committee, the lieutenant governor shall 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:
- 10619 (i) immediately cease and desist use of the name or acronym; and
  - 10620 (ii) within seven calendar days after the day of the order, electronically file an updated statement of organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).
- (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:
- 10625 (i) the lieutenant governor shall order, in writing, that the political action committee cease and desist use of the name or acronym; and
  - 10627 (ii) the political action committee shall immediately comply with the order described in Subsection (3)(d)(i).
  - 10629 (4)



## SB0164S02 compared with SB0164S03

- (a) The lieutenant governor 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:
- 10632 (i) fails to timely file a complete and accurate statement of organization or subsequent statement of organization; or
- 10634 (ii) fails to comply with an order described in Subsection (3).
- 10635 (b) If the lieutenant governor imposes a fine described in Subsection (4)(a)(i):
- 10636 (i) the person against whom the fine is imposed shall, [~~within~~] no later than the first business day that is at least seven calendar days after the day on which the lieutenant governor imposes the fine:
- 10639 (A) pay the fine; and
- 10640 (B) file a complete and accurate statement, or subsequent statement, of organization, as applicable; and
- 10642 (ii) the lieutenant governor shall provide written notice to the person against whom the fine is imposed:
- 10644 (A) of the requirements described in Subsection (4)(b)(i); and
- 10645 (B) that failure to timely comply with the requirement described in Subsection (4)(b)(i)(B) is a class B misdemeanor.
- 10647 (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 political action committee, or an officer of the violating political action committee, to enforce the provisions of this section.
- 10651 (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.
- 10655 (5)
- (a) Each political action committee shall designate two officers who have primary decision-making authority for the political action committee.
- 10657 (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).
- 10659 (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.
- 10661 (7)

## SB0164S02 compared with SB0164S03

- (a) A registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the lieutenant governor's office.
- 10663 (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.
- 10667 (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:
- 10669 (i) returning the money to the donors;
- 10670 (ii) donating the money to the campaign account of a candidate or officeholder;
- 10671 (iii) donating the money to another political action committee;
- 10672 (iv) donating the money to a political party;
- 10673 (v) donating the money to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; or
- 10675 (vi) making another lawful expenditure of the money for a political purpose.
- 10676 (d) A political action committee shall report all money donated or expended in a financial report to the lieutenant governor, in accordance with the financial reporting requirements described in this chapter.
- 10679 (8)
- (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).
- 10682 (b) A political action committee may not accept a contribution from a political issues committee, but may donate money to a political issues committee.
- 10684 (c) A political action committee shall:
- 10685 (i) electronically file a notice of a change of a primary officer described in Subsection (5)(a) [~~before 5 p.m.~~] within 10 calendar days after the day on which the change occurs; and
- 10688 (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.
- 10690 (9)

## SB0164S02 compared with SB0164S03

- (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.
- 10693 (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:
- 10696 (i) was organized less than 90 calendar days before the date of the general election; and
- 10698 (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.
- 10701 (c) A violation of this Subsection (9) is a third degree felony.

10702 Section 148. Section 20A-11-602 is amended to read:

### 10703 **20A-11-602. Political action committees -- Financial reporting.**

- 10704 (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:
- 10707 (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;
- 10709 (ii) seven calendar days before the state political convention of each major political party;
- 10711 (iii) seven calendar 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;
- 10715 (iv) seven calendar days before the regular primary election date;
- 10716 (v) on September 30; and
- 10717 (vi) seven calendar days before:
- 10718 (A) the municipal general election; and
- 10719 (B) the regular general election.
- 10720 (b) The registered political action committee shall report:
- 10721 (i) a detailed listing of all contributions received and expenditures made since the last statement; and
- 10723 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all contributions and expenditures as of five calendar days before the required filing date of the financial statement.

## SB0164S02 compared with SB0164S03

(c) The registered political action committee need not file a statement under this section if [it received] the registered political action committee receives no contributions and [made] makes no expenditures during the reporting period.

10729 (2)

(a) The verified financial statement shall include:

10730 (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;

10732 (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;

10735 (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;

10738 (iv) for each nonmonetary contribution, the fair market value of the contribution;

10739 (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;

10741 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

10742 (vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;

10744 (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

10747 (ix) a summary page in the form required by the lieutenant governor that identifies:

10748 (A) beginning balance;

10749 (B) total contributions during the period since the last statement;

10750 (C) total contributions to date;

10751 (D) total expenditures during the period since the last statement; and

10752 (E) total expenditures to date.

10753 (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.

10756 (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.

10759

## SB0164S02 compared with SB0164S03

(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:

(i) includes the independent expenditure;

(ii) identifies the independent expenditure as an independent expenditure; and

(iii) provides the information, described in Section 20A-11-1704, in relation to the independent expenditure.

(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.

(4)

(a) As used in this Subsection (4), "received" means:

(i) for a cash contribution, that the cash is given to a political action committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political action committee.

(b) A political action committee shall report each contribution to the lieutenant governor within 31 calendar days after the contribution is received.

(5) A political action committee may not expend a contribution for political purposes if the contribution:

(a) is cash or a negotiable instrument;

(b) exceeds \$50; and

(c) is from an unknown source.

(6) Within 31 calendar 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:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

## SB0164S02 compared with SB0164S03

Section 149. Section 20A-11-603 is amended to read:

**20A-11-603. 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 action committee corrects the omissions, errors, or inaccuracies described in Subsection (1)(a) in an amended report or the next scheduled report.

(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.

(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.

(d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney general.

(2) Within 60 calendar days after a deadline for the filing of the January 10 statement required by this part, the lieutenant governor shall review each filed statement to ensure that:

(a) each political action 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 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 has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, ~~[within five days]~~ no later than the first business day that is at least five calendar days after the day on which the lieutenant governor 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.

(4)

(a) It is unlawful for any political action committee to fail to file or amend a statement within seven calendar days after the day on which the political action committee receives notice from the lieutenant governor under this section.

(b) Each political action committee that violates Subsection (4)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.

## SB0164S02 compared with SB0164S03

(d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a political action committee that violates Subsection (4)(a).

(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 calendar days after the day on which the person receives the notice described in Subsection 20A-11-601(4)(b)(ii).

(b) A violation of Subsection (5)(a) is a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (5)(a) to the attorney general.

Section 150. Section 20A-11-701.5 is amended to read:

**20A-11-701.5. Campaign financial reporting by corporations -- Filing requirements -- Statement contents.**

(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:

(i) on January 10, reporting expenditures as of December 31 of the previous year;

(ii) seven calendar days before the state political convention for each major political party;

(iii) seven calendar days before the regular primary election date;

(iv) on September 30; and

(v) seven calendar days before the regular general election date.

(b) The corporation shall report:

(i) a detailed listing of all expenditures made since the last financial statement;

(ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all expenditures as of five calendar days before the required filing date of the financial statement; and

(iii) whether the corporation, including an officer of the corporation, director of the corporation, or person with at least 10% ownership in the corporation:

(A) has bid since the last financial statement on a contract, as defined in Section 63G-6a-103, in excess of \$100,000;

(B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of \$100,000; or

(C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.

(c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.

## SB0164S02 compared with SB0164S03

(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.

(2) The financial statement shall include:

(a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;

(b) the total amount of expenditures disbursed by the corporation; and

(c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.

Section 151. Section 20A-11-702 is amended to read:

**20A-11-702. Campaign financial reporting of political issues expenditures by corporations -- Financial reporting.**

(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:

(i) on January 10, reporting expenditures as of December 31 of the previous year;

(ii) seven calendar days before the state political convention of each major political party;

(iii) seven calendar days before the regular primary election date;

(iv) on September 30; and

(v) seven calendar days before the regular general election date.

(b) The corporation shall report:

(i) a detailed listing of all expenditures made since the last financial statement; and

(ii) for a financial statement described in Subsections (1)(a)(ii) through (v), expenditures as of five calendar days before the required filing date of the financial statement.

(c) The corporation need not file a statement under this section if it made no expenditures during the reporting period.

(2) That statement shall include:

(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;



## SB0164S02 compared with SB0164S03

- (b) the total amount of political issues expenditures disbursed by the corporation; and
- (c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the verified financial statement.

Section 152. Section 20A-11-703 is amended to read:

**20A-11-703. Criminal penalties -- Fines.**

- (1) Within 60 calendar days after a deadline for the filing of any statement required by this part, the lieutenant governor shall review each filed statement to ensure that:
- (a) each corporation that is required to file a statement has filed one; and
- (b) each statement contains the information required by this part.
- (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 has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall:
- (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and
- (b) within five days [~~of discovery of a~~] after the day on which the lieutenant governor discovers the violation or [~~receipt of a~~] receives the written complaint, notify the corporation of the violation or written complaint and direct the corporation to file a statement correcting the problem.
- (3)
- (a) It is unlawful for any corporation to fail to file or amend a statement within seven calendar days after receiving notice from the lieutenant governor under this section.
- (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.
- (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a corporation that violates Subsection (3)(a).

Section 153. Section 20A-11-704 is amended to read:

**20A-11-704. Statement of organization required for certain new corporations.**

- (1) A corporation that is incorporated, organized, or otherwise created less than 90 calendar 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.
- (2) The statement of organization shall include:
- (a) the name and street address of the corporation;

## SB0164S02 compared with SB0164S03

- 10930 (b) the name, street address, phone number, occupation, and title of one or more individuals that have primary decision-making authority for the corporation;
- 10932 (c) the name, street address, phone number, occupation, and title of the corporation's chief financial officer;
- 10934 (d) the name, street address, occupation, and title of all other officers or managers of the corporation; and
- 10936 (e) the name, street address, and occupation of each member of the corporation's governing and advisory boards, if any.
- 10938 (3)
- (a) A corporation shall file with the lieutenant governor's office a notice of intent to cease making contributions, if the corporation:
- 10940 (i) has made a contribution described in Subsection (1); and
- 10941 (ii) intends to permanently cease making contributions described in Subsection (1).
- 10942 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from complying with the financial reporting requirements described in this chapter.
- 10944 Section 154. Section 20A-11-705 is amended to read:
- 10945 **20A-11-705. Notice of in-kind contributions.**
- 10946 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in accordance with Subsection (2), provide the reporting entity a written notice that includes:
- 10949 (a) the name and address of the corporation;
- 10950 (b) the date of the in-kind expenditure;
- 10951 (c) a description of the in-kind expenditure; and
- 10952 (d) the value, in dollars, of the in-kind expenditure.
- 10953 (2) A corporation shall provide the written notice described in Subsection (1) to the reporting entity:
- 10955 (a) except as provided in Subsection (2)(b), within 31 calendar days after the day on which the corporation makes the in-kind contribution; or
- 10957 (b) within seven business days after the day on which the corporation makes the in-kind contribution, if:
- 10959 (i) the in-kind contribution is to a candidate who is contested in a convention and the corporation makes the in-kind contribution within 30 calendar days before the day on which the convention is held;
- 10962

## SB0164S02 compared with SB0164S03

(ii) the in-kind contribution is to a candidate who is contested in a primary election and the corporation makes the in-kind contribution within 30 calendar days before the day on which the primary election is held; or

(iii) the in-kind contribution is to a candidate who is contested in a general election and the corporation makes the in-kind contribution within 30 calendar days before the day on which the general election is held.

(3) A corporation that provides, and a reporting entity that receives, the written notice described in Subsection (1) shall retain a copy of the notice for five years after the day on which the written notice is provided to the reporting entity.

(4) A corporation or reporting entity that fails to comply with the requirements of this section is guilty of a class B misdemeanor.

(5) A person that intentionally or knowingly provides, or conspires to provide, false information on a written notice described in this section is guilty of a class B misdemeanor.

Section 155. Section 20A-11-801 is amended to read:

**20A-11-801. Political issues committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.**

(1)

(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:

(i) before 5 p.m. on January 10 of each year; or

(ii) electronically, before midnight on January 10 of each year.

(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 5 p.m. on the first business day that is at least seven calendar days after the day on which the political issues committee:

(i) receives political issues contributions totaling at least \$750; or

(ii) distributes political issues expenditures totaling at least \$750.

(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.

(2)

## SB0164S02 compared with SB0164S03

(a) Each political issues committee shall designate two officers that have primary decision-making authority for the political issues committee.

10995 (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).

10997 (3) The statement of organization shall include:

10998 (a) the name and address of the political issues committee;

10999 (b) the name, address, phone number, occupation, and title of the two primary officers designated under Subsection (2);

11001 (c) the name, address, occupation, and title of all other officers of the political issues committee;

11003 (d) the name and address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;

11005 (e) the name and address of all affiliated or connected organizations and their relationships to the political issues committee;

11007 (f) the name, residential address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;

11009 (g) the name, address, and occupation of each member of the supervisory and advisory boards, if any; and

11011 (h) the ballot proposition whose outcome they wish to affect, and whether they support or oppose it.

11013 (4)

(a) A registered political issues committee that intends to permanently cease operations during a calendar year shall:

11015 (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

11018 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the lieutenant governor's office.

11020 (b) A political issues committee may not donate money to a political action committee, but may accept a contribution from a political action committee.

11022 (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.

## SB0164S02 compared with SB0164S03

- 11026 (d) A political issues committee shall report all money donated or expended under Subsection (4)(a) in  
a financial report to the lieutenant governor, in accordance with the financial reporting requirements  
described in this chapter.
- 11029 (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).
- 11032 (b) A political issues committee shall:
- 11033 (i) electronically file a notice of a change of a primary officer described in Subsection (2)(a) [~~before 5~~  
~~p.m.~~] within 10 calendar days after the day on which the change occurs; and
- 11036 (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.
- 11038 (6)
- (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.
- 11042 (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:
- 11045 (i) was organized less than 90 calendar days before the date of the general election; and
- 11047 (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.
- 11050 (c) A violation of this Subsection (6) is a third degree felony.
- 11051 (7)
- (a) As used in this Subsection (7), "received" means:
- 11052 (i) for a cash contribution, that the cash is given to a political issues committee;
- 11053 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or  
check is negotiated; and
- 11055 (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the  
political issues committee.
- 11057

## SB0164S02 compared with SB0164S03

(b) Each political issues committee shall report to the lieutenant governor 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 calendar 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.

(c) For each contribution that a political issues committee fails to report within the period described in Subsection (7)(b), the lieutenant governor shall impose a fine against the political issues committee in an amount equal to:

(i) 10% of the amount of the contribution, if the political issues committee reports the contribution within 60 calendar days after the last day on which the political issues committee should have reported the contribution under Subsection (7)(b); or

(ii) 20% of the amount of the contribution, if the political issues committee fails to report the contribution within 60 calendar days after the last day on which the political issues committee should have reported the contribution under Subsection (7)(b).

(d) The lieutenant governor shall:

(i) deposit money received under Subsection (7)(c) into the General Fund; and

(ii) report on the lieutenant governor's website, in the location where reports relating to each political issues committee are available for public access:

(A) each fine imposed by the lieutenant governor against the political issues committee;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

Section 156. Section 20A-11-802 is amended to read:

**20A-11-802. Political issues committees -- Financial reporting.**

(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:

(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

(ii) seven calendar days before the state political convention of each major political party;

(iii) seven calendar days before the regular primary election date;

## SB0164S02 compared with SB0164S03

- 11093 (iv) seven calendar days before the date of an incorporation election, if the political issues  
committee has received or expended funds to affect an incorporation;
- 11095 (v) at least three calendar days before the first public hearing held as required by Section  
20A-7-204.1;
- 11097 (vi) if the political issues committee has received or expended funds in relation to an initiative or  
referendum, five calendar days before the deadline for the initiative or referendum sponsors to  
submit:
- 11100 (A) the verified and certified initiative packets under Section 20A-7-105; or
- 11101 (B) the signed and verified referendum packets under Section 20A-7-105;
- 11102 (vii) on September 30; and
- 11103 (viii) seven calendar days before:
- 11104 (A) the municipal general election; and
- 11105 (B) the regular general election.
- 11106 (b) The political issues committee shall report:
- 11107 (i) a detailed listing of all contributions received and expenditures made since the last statement; and
- 11109 (ii) all contributions and expenditures as of five calendar days before the required filing date of the  
financial statement, except for a financial statement filed on January 10.
- 11112 (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.
- 11114 (2)
- (a) That statement shall include:
- 11115 (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;
- 11118 (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;
- 11121 (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;
- 11124 (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;

## SB0164S02 compared with SB0164S03

- 11127 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 11128 (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;
- 11132 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11133 (viii) the total amount of political issues contributions received and political issues expenditures  
disbursed by the reporting political issues committee;
- 11135 (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
- 11138 (x) a summary page in the form required by the lieutenant governor that identifies:
- 11139 (A) beginning balance;
- 11140 (B) total contributions during the period since the last statement;
- 11141 (C) total contributions to date;
- 11142 (D) total expenditures during the period since the last statement; and
- 11143 (E) total expenditures to date.
- 11144 (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.
- 11147 (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.
- 11150 (c) When reporting political issue expenditures made to circulators of initiative petitions, the political  
issues committee:
- 11152 (i) need only report the amount paid to each initiative petition circulator; and
- 11153 (ii) need not report the name or address of the circulator.
- 11154 (3)
- (a) As used in this Subsection (3), "received" means:
- 11155 (i) for a cash contribution, that the cash is given to a political issues committee;
- 11156 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or  
check is negotiated; and
- 11158



## SB0164S02 compared with SB0164S03

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.

(b) A political issues committee shall report each contribution to the lieutenant governor within 31 calendar days after the contribution is received.

(4) A political issues committee may not expend a contribution for a political issues expenditure if the contribution:

(a) is cash or a negotiable instrument;

(b) exceeds \$50; and

(c) is from an unknown source.

(5) Within 31 calendar 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:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

### Section 157. 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) 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 shall report all violations of Subsection (1)(c) to the attorney general.

(2) Within 60 calendar days after a deadline for the filing of the January 10 statement, the lieutenant governor shall review each filed statement to ensure that:

## SB0164S02 compared with SB0164S03

- 11192 (a) each political issues committee that is required to file a statement has filed one; and
- 11193 (b) each statement contains the information required by this part.
- 11194 (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 has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, ~~[within]~~ no later than the first business day that is at least five calendar days after the day on which the lieutenant governor 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.
- 11202 (4)
- (a) It is unlawful for any political issues committee to fail to file or amend a statement within seven calendar days after the day on which the political issues committee receives notice from the lieutenant governor under this section.
- 11205 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B misdemeanor.
- 11207 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
- 11209 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a political issues committee that violates Subsection (4)(a).
- 11212 Section 158. Section 20A-11-1203 is amended to read:
- 11213 **20A-11-1203. Public entity prohibited from expending public funds on certain electoral matters.**
- 11215 (1) Unless specifically required by law, and except as provided in Subsection (5) or Section 20A-11-1206, a public entity may not:
- 11217 (a) make an expenditure from public funds for political purposes, to influence a ballot proposition, or to influence a proposed initiative or proposed referendum; or
- 11219 (b) publish on the public entity's website an argument for or against a ballot proposition, a proposed initiative, or a proposed referendum.
- 11221 (2) A violation of this section does not invalidate an otherwise valid election.
- 11222 (3) This section does not prohibit the reasonable expenditure of public funds to gather information for, and respond directly to, an individual who makes an inquiry regarding a ballot proposition, a proposed initiative, or a proposed referendum.
- 11225 (4) This section does not prohibit:

## SB0164S02 compared with SB0164S03

- 11226 (a) a public entity from conducting research, or collecting and compiling information or arguments in relation to, a ballot proposition, a proposed initiative, or a proposed referendum;
- 11229 (b) an elected or appointed official of the public entity described in Subsection (4)(a) from using the research, information, or arguments described in Subsection (4)(a) for the purpose of advocating for or against a ballot proposition, proposed initiative, or proposed referendum via a website, or another medium, not owned or controlled by the public entity;
- 11234 (c) a public entity from posting on the public entity's website a link to another website, with a brief description, that is not owned or controlled by a public entity, or from publishing in any medium owned, controlled, or paid for by a public entity a website address, with a brief description, where an individual may view research, information, and arguments for or against a ballot proposition, proposed initiative, or proposed referendum if the public entity:
- 11240 (i) before posting the link or publishing the address, provides at least seven calendar days written notice to the sponsors of the ballot proposition, proposed initiative, or proposed referendum:
- 11243 (A) of the public entity's intent to post the link or publish the address;
- 11244 (B) a description of each medium in which the public entity intends to post the link or publish the address; and
- 11246 (C) the dates of the publication or posting; and
- 11247 (ii) posts, immediately adjacent to the link or address, and brief description described in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief description, containing the sponsors' research, information, and arguments for or against the ballot proposition, proposed initiative, or proposed referendum, if the sponsors provide a link or address within seven calendar days after the day on which the sponsors receive the notice described in Subsection (4)(c)(i); or
- 11253 (d) a public entity from posting on the public entity's website, or any medium, a complete copy of a proposition information pamphlet described in Section 20A-7-401.5 or a voter information pamphlet.
- 11256 (5) Subsection (1) does not prohibit a public entity from taking an action under Title 53G, Chapter 3, Part 3, Creating a New School District, that is necessary for the public entity to seek the creation of a new school district.

11259 Section 159. Section 20A-11-1301 is amended to read:

11260

## SB0164S02 compared with SB0164S03

**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.**

(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.

(ii) A school board office candidate may:

(A) receive a contribution from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(b) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(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.

(ii) A school board officeholder may:

(A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(d) A school board officeholder may not use money deposited in an account described in Subsection (1)(a)(i) or (1)(c)(i) for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2)

(a) A school board office candidate may not deposit or mingle any contributions received into a personal or business account.

## SB0164S02 compared with SB0164S03

(b) A school board officeholder may not deposit or mingle any contributions or public service assistance received into a personal or business account.

11291 (3) A school board office candidate or school board officeholder may not make any political expenditures prohibited by law.

11293 (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.

11298 (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.

11302 (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.

11306 (6)

(a) As used in this Subsection (6), "received" means the same as that term is defined in Subsection 20A-11-1303(1)(a).

11308 (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:

11311 (i) except as provided in Subsection (6)(b)(ii), within 31 calendar days after the day on which the contribution is received; or

11313 (ii) within seven business days after the day on which the contribution is received, if:

11314 (A) the school board office candidate is contested in a convention and the contribution is received within 30 calendar days before the day on which the convention is held;

11317 (B) the school board office candidate is contested in a primary election and the contribution is received within 30 calendar days before the day on which the primary election is held; or

11320 (C) the school board office candidate is contested in a general election and the contribution is received within 30 calendar days before the day on which the general election is held.

## SB0164S02 compared with SB0164S03

- 11323 (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:
- 11326 (i) 10% of the amount of the contribution, if the school board office candidate reports the contribution within 60 calendar days after the day on which the time period described in Subsection (6)(b) ends; or
- 11329 (ii) 20% of the amount of the contribution, if the school board office candidate fails to report the contribution within 60 calendar days after the day on which the time period described in Subsection (6)(b) ends.
- 11332 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and issue a warning to the school board office candidate if:
- 11334 (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;
- 11337 (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
- 11340 (iii) the lieutenant governor 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.
- 11344 (e) The chief election officer shall:
- 11345 (i) deposit money received under Subsection (6)(c) into the General Fund; and
- 11346 (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:
- 11348 (A) each fine imposed by the chief election officer against the school board office candidate;
- 11350 (B) the amount of the fine;
- 11351 (C) the amount of the contribution to which the fine relates; and
- 11352 (D) the date of the contribution.
- 11353 (7) Within 31 calendar days after ~~[receiving]~~ the day on which a school board office candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source,

## SB0164S02 compared with SB0164S03

[a] the 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.

(8)

(a) As used in this Subsection (8), "account" means an account in a financial institution:

(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.

(b) A school board office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

Section 160. Section 20A-11-1303 is amended to read:

**20A-11-1303. School board office candidate and school board officeholder -- Financial reporting requirements -- Interim reports.**

(1)

(a) As used in this section, "received" means:

(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;

(ii) for a contribution that is a check or other negotiable instrument, that the check or other negotiable instrument is negotiated;

(iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

(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;

## SB0164S02 compared with SB0164S03

- 11389 (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
- 11392 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 11393 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the  
school board office candidate.
- 11395 (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).
- 11397 (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:
- 11400 (i) May 15;
- 11401 (ii) seven calendar days before the regular primary election date;
- 11402 (iii) September 30; and
- 11403 (iv) seven calendar days before the regular general election date.
- 11404 (2) Each interim report shall include the following information:
- 11405 (a) the net balance of the last summary report, if any;
- 11406 (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;
- 11408 (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;
- 11410 (d) a detailed listing of:
- 11411 (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
- 11413 (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;
- 11416 (e) for each nonmonetary contribution:
- 11417 (i) the fair market value of the contribution with that information provided by the contributor; and
- 11419 (ii) a specific description of the contribution;
- 11420 (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;
- 11422 (g) for each nonmonetary expenditure, the fair market value of the expenditure;



## SB0164S02 compared with SB0164S03

- 11423 (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;
- 11426 (i) a summary page in the form required by the lieutenant governor that identifies:
- 11427 (i) beginning balance;
- 11428 (ii) total contributions during the period since the last statement;
- 11429 (iii) total contributions to date;
- 11430 (iv) total expenditures during the period since the last statement; and
- 11431 (v) total expenditures to date; and
- 11432 (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.
- 11435 (3)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar  
days before the required filing date of the report.
- 11437 (b) Any negotiable instrument or check received by a school board office candidate or school board  
officeholder more than five calendar days before the required filing date of a report required by this  
section shall be included in the interim report.
- 11440 Section 161. Section 20A-11-1305 is amended to read:
- 11441 **20A-11-1305. School board office candidate -- Failure to file statement -- Penalties.**
- 11443 (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.
- 11445 (2) If a school board office candidate fails to file an interim report described in Subsections  
20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic notice to the  
school board office candidate and the political party of which the school board office candidate is a  
member, if any, that states:
- 11449 (a) that the school board office candidate failed to timely file the report; and
- 11450 (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.
- 11453 (3)

## SB0164S02 compared with SB0164S03

- (a) The lieutenant governor shall disqualify a school board office candidate and inform the county clerk and other appropriate election officials that the school board office candidate is disqualified if the school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline for filing the report.
- 11458 (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.
- 11460 (4) If a school board office candidate is disqualified under Subsection (3)(a), the election officer shall:
- 11462 (a) notify every opposing candidate for the school board office that the school board office candidate is disqualified;
- 11464 (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;
- 11468 (c) post notice of the disqualification on the election officer's website; and
- 11469 (d) if practicable, remove the school board office candidate's name from the ballot.
- 11470 (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.
- 11474 (6) A school board office candidate is not disqualified if:
- 11475 (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;
- 11478 (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
- 11481 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.
- 11483 (7)
- (a) Within 60 calendar days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
- 11485 (i) each school board office candidate who is required to file a summary report has filed the report; and

## SB0164S02 compared with SB0164S03

- 11487 (ii) each summary report contains the information required by this part.
- 11488 (b) If it appears that a school board office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, ~~[within five days of discovery of a]~~ the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or ~~[receipt of a]~~ receives the 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.
- 11497 (c)
- (i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven calendar days after receiving the notice described in Subsection (7)(b) from the lieutenant governor.
- 11500 (ii) Each school board office candidate who violates Subsection (7)(c)(i) is guilty of a class B misdemeanor.
- 11502 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the attorney general.
- 11504 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a school board office candidate who violates Subsection (7)(c)(i).
- 11507 Section 162. Section 20A-11-1406 is amended to read:
- 11508 **20A-11-1406. Enforcement of part -- Attorney general.**
- 11509 (1) Subject to the requirements of Subsections (2) and (3), the attorney general may bring an action to require the labor organization to comply with the requirements of this part.
- 11511 (2) Before bringing an action under Subsection (1), the attorney general shall:
- 11512 (a) notify the labor organization in writing of the precise nature of the violation of this part; and
- 11514 (b) give the labor organization 10 calendar days to cease and desist the violation of this part.
- 11516 (3) The attorney general may not bring an action under Subsection (1) if the labor organization:
- 11518 (a) ceases and desists from violating this part within 10 calendar days; and
- 11519 (b) provides the attorney general with written confirmation that the labor organization has ceased from engaging in the conduct the attorney general determined to be a violation of this part.
- 11522 Section 163. Section 20A-11-1502 is amended to read:
- 11523

## SB0164S02 compared with SB0164S03

### 20A-11-1502. Campaign financial reporting of expenditures -- Filing requirements --

#### Statement contents.

- (1)
- (a) Each labor organization that has made expenditures for political purposes or 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:
- (i) on January 10, reporting expenditures as of December 31 of the previous year;
- (ii) seven calendar days before the regular primary election date;
- (iii) on September 30; and
- (iv) seven calendar days before the regular general election date.
- (b) The labor organization shall report:
- (i) a detailed listing of all expenditures made since the last statement; and
- (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all expenditures as of five calendar days before the required filing date of the financial statement.
- (c) The labor organization is not required to file a financial statement under this section if the labor organization:
- (i) made no expenditures during the reporting period; or
- (ii) reports the labor organization's expenditures during the reporting period under another part of this chapter.
- (2) The financial statement shall include:
- (a) the name and address of each reporting entity that received an expenditure or political issues expenditure of more than \$50 from the labor organization, and the amount of each expenditure or political issues expenditure;
- (b) the total amount of expenditures disbursed by the labor organization; and
- (c) a statement by the labor organization's treasurer or chief financial officer certifying the accuracy of the financial statement.

#### Section 164. Section 20A-11-1503 is amended to read:

### 20A-11-1503. Criminal penalties -- Fines.

- (1) Within 60 calendar days after a deadline for the filing of a financial statement required by this part, the lieutenant governor shall review each filed financial statement to ensure that:
- (a) each labor organization that is required to file a financial statement has filed one; and

## SB0164S02 compared with SB0164S03

- (b) each financial statement contains the information required by this part.
- (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 has received a written complaint alleging a violation of the law or the falsity of a financial statement, the lieutenant governor shall:
- (a) impose a fine against the labor organization in accordance with Section 20A-11-1005; and
- (b) ~~[within five days of discovery of a]~~ no later than the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or [receipt of a] receives the 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.
- (3)
- (a) It is unlawful for any labor organization to fail to file or amend a financial statement within seven calendar days after receiving notice from the lieutenant governor under this section.
- (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B misdemeanor.
- (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a labor organization that violates Subsection (3)(a).
- Section 165. Section 20A-11-1604 is amended to read:
- 20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**
- (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.
- (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 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.

## SB0164S02 compared with SB0164S03

(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.

(2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:

(a) on the official record of the action taken, for a state constitutional officer;

(b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or

(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.

(3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:

(a)

(i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the state constitutional officer takes office after January 10, within 10 calendar days after the day on which the state constitutional officer takes office; and

(b) each time the state constitutional officer changes employment.

(4) A legislator shall make a complete conflict of interest disclosure on the website:

(a)

(i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the legislator takes office after January 10, within 10 calendar days after the day on which the legislator takes office; and

(b) each time the legislator changes employment.

(5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:

(a)

(i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the member takes office after January 10, within 10 calendar days after the day on which the member takes office; and

(b) each time the member changes employment.

(6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:

(a) the regulated officeholder's name;

## SB0164S02 compared with SB0164S03

- 11623 (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;
- 11625 (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;
- 11628 (d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:
- 11630 (i) the name of the entity;
- 11631 (ii) a brief description of the type of business or activity conducted by the entity; and
- 11632 (iii) the regulated officeholder's position in the entity;
- 11633 (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:
- 11636 (i) the name of the individual or entity; and
- 11637 (ii) a brief description of the type of business or activity conducted by the individual or entity;
- 11639 (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:
- 11643 (i) the name of the entity; and
- 11644 (ii) a brief description of the type of business or activity conducted by the entity;
- 11645 (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:
- 11648 (i) the name of the entity or organization;
- 11649 (ii) a brief description of the type of business or activity conducted by the entity; and
- 11650 (iii) the type of position held by the regulated officeholder;
- 11651 (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;
- 11655 (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;

## SB0164S02 compared with SB0164S03

- 11658 (j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to  
provide under Subsection (6)(b);
- 11660 (k) a brief description of the employment and occupation of each adult who:
- 11661 (i) resides in the regulated officeholder's household; and
- 11662 (ii) is not related to the regulated officeholder by blood or marriage;
- 11663 (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;
- 11665 (m) the date the form was completed;
- 11666 (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
- 11668 (o) the signature of the regulated officeholder.
- 11669 (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.
- 11676 (8) The disclosure requirements described in this section do not prohibit a regulated officeholder from  
voting or acting on any matter.
- 11678 (9) A regulated officeholder may amend a conflict of interest disclosure described in this part at any  
time.
- 11680 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B  
misdemeanor.
- 11682 (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.
- 11684 (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant governor shall  
impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this  
section, other than Subsection (1).

Section 166. Section 20A-11-1605 is amended to read:

**20A-11-1605. Failure to file -- Penalties.**



## SB0164S02 compared with SB0164S03

- 11689 (1) Within 60 calendar 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 shall  
review each filed conflict of interest disclosure to ensure that:
- 11692 (a) each regulated officeholder who is required to file a conflict of interest disclosure has filed one; and  
11694 (b) each conflict of interest disclosure contains the information required under Section 20A-11-1604.
- 11696 (2) The lieutenant governor shall take the action described in Subsection (3) if:
- 11697 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;  
11698 (b) a filed conflict of interest disclosure does not comply with the requirements of Section  
20A-11-1604; or
- 11700 (c) the lieutenant governor 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 determines that a  
violation occurred.
- 11704 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, [~~within~~] no later  
than the first business day that is at least five calendar days after the day on which the lieutenant  
governor 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.
- 11709 (4)
- (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of interest disclosure  
within seven calendar days after the day on which the regulated officeholder receives the notice  
described in Subsection (3).
- 11712 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B misdemeanor.
- 11714 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
- 11716 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall  
impose a civil fine of \$100 against a regulated officeholder who violates Subsection (4)(a).
- 11719 (5) The lieutenant governor 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.
- 11721 Section 167. Section 20A-11-1702 is amended to read:  
11722 **20A-11-1702. Definitions.**  
As used in this part:
- 11724 (1) "Clearly identified" means:

## SB0164S02 compared with SB0164S03

- 11725 (a) the name of the candidate appears;
- 11726 (b) a photograph or drawing of the candidate appears; or
- 11727 (c) the identity of the candidate or ballot proposition is apparent by unambiguous reference.
- 11729 (2)
- (a) "Independent expenditure" means an expenditure by a person expressly advocating the success or defeat of a clearly identified candidate or ballot proposition if the expenditure is not made in coordination with, or at the request or suggestion of:
- 11732 (i) a candidate;
- 11733 (ii) a candidate's personal campaign committee;
- 11734 (iii) a member of a candidate's personal campaign committee;
- 11735 (iv) a political action committee for which the candidate is an officer with primary decision making authority;
- 11737 (v) an agent of a candidate; or
- 11738 (vi) a political issues committee.
- 11739 (b) "Independent expenditure" includes:
- 11740 (i) the cost of creating and disseminating material for a public communication, including design and production costs; and
- 11742 (ii) a contract or other promise to make an expenditure described in Subsection (2)(a) or (2)(b)(i).
- 11744 (3)
- (a) "Public communication" means a communication by:
- 11745 (i) broadcast, cable, satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank; or
- 11747 (ii) another medium used for political advertising to the general public.
- 11748 (b) "Public communication" does not include:
- 11749 (i) a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, satellite television or radio provider, website, newspaper, magazine, or other periodical publication, that is not controlled by a candidate or political party; or
- 11753 (ii) a candidate debate or forum.
- 11754 (4) "Telephone bank" means 500 or more identical or substantially similar telephone calls within any [30-day] 30-calendar-day period.

## SB0164S02 compared with SB0164S03

Section 168. Section 20A-11-1704 is amended to read:

**20A-11-1704. Independent expenditure report.**

- (1) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on which a person has made a total of at least \$1,000 in independent expenditures during an election cycle, the person shall file an independent expenditure report with the chief election officer.
- (2) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on which a person has made a total of at least \$1,000 in independent expenditures during an election cycle that were not reported in an independent expenditure report already filed with the chief election officer during the same election cycle, the person shall file another independent expenditure report with the chief election officer.
- (3) An independent expenditure report shall include the following information:
  - (a) if the person who made the independent expenditures is an individual, the person's name, address, and phone number;
  - (b) if the person who made the independent expenditures is not an individual:
    - (i) the person's name, address, and phone number; and
    - (ii) the name, address, and phone number of an individual who may be contacted by the chief election officer in relation to the independent expenditure report; and
  - (c) for each independent expenditure made by the person during the current election cycle that was not reported in a previous independent expenditure report:
    - (i) the date of the independent expenditure;
    - (ii) the amount of the independent expenditure;
    - (iii) the candidate or ballot proposition for which the independent expenditure expressly advocates the success or defeat and a description of whether the independent expenditure supports or opposes the candidate or ballot proposition;
    - (iv) the identity, address, and phone number of the person to whom the independent expenditure was made;
    - (v) a description of the goods or services obtained by the independent expenditure; and
    - (vi) for each person who, for political purposes, made cumulative donations of \$1,000 or more during the current election cycle to the filer of the independent expenditure report:
      - (A) the identity, address, and phone number of the person;
      - (B) the date of the donation; and

## SB0164S02 compared with SB0164S03

- 11790 (C) the amount of the donation.
- 11791 (4)
- (a) If the person filing an independent expenditure report is an individual, the person shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.
- 11794 (b) If the person filing an independent expenditure report is not an individual:
- 11795 (i) the person filing the independent expenditure report shall designate an authorized individual to sign the independent expenditure report on behalf of the person; and
- 11797 (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.
- 11800 (5) If a person who files an independent expenditure report previously filed an independent expenditure report during, or in relation to, the same election cycle that includes information, described in Subsection (3)(a) or (b), that has changed since the person filed the previous independent expenditure report, the person shall include in the most recent independent expenditure report a description of the information that has changed that includes both the old information and the new information.
- 11806 (6) An independent expenditure report is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.
- 11808 Section 169. Section 20A-12-303 is amended to read:
- 11809 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**
- 11810 (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.
- 11812 (2) The judge or the judge's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.
- 11814 (3)
- (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:
- 11815 (i) for a cash contribution, that the cash is given to a judge or the judge's personal campaign committee;
- 11817 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
- 11819

## SB0164S02 compared with SB0164S03

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the judge.

(b) The judge or the judge's personal campaign committee shall report to the lieutenant governor each contribution received by the judge, within 31 calendar days after the day on which the contribution is received.

(c) For each contribution that a judge fails to report within the time period described in Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount equal to:

(i) 10% of the amount of the contribution if the judge reports the contribution within 60 calendar days after the day on which the time period described in Subsection (3)(b) ends; or

(ii) 20% of the amount of the contribution, if the judge fails to report the contribution within 60 calendar days after the day on which the time period described in Subsection (3)(b) ends.

(d) The lieutenant governor shall:

(i) deposit money received under Subsection (3)(c) into the General Fund; and

(ii) report on the lieutenant governor's website, in the location where reports relating to each judge are available for public access:

(A) each fine imposed by the lieutenant governor against the judge;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

(4) Within 31 calendar days after ~~[receiving]~~ the day on which a judge receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, [a] the 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.

Section 170. Section 20A-12-305 is amended to read:

**20A-12-305. Judicial retention election candidates -- Financial reporting requirements -- Interim report.**

(1) The judge's personal campaign committee shall file an interim report with the lieutenant governor ~~[on the date seven]~~ seven calendar days before the regular general election date.

(2) Each interim report shall include the following information:

(a) a detailed listing of each contribution received since the last financial statement;

## SB0164S02 compared with SB0164S03

- (b) for each nonmonetary contribution, the fair market value of the contribution;
  - (c) a detailed listing of each expenditure made since the last summary report;
  - (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
  - (e) a net balance for the year consisting of all contributions since the last summary report minus all expenditures since the last summary report.
- (3)
- (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.
  - (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.
  - (4) In preparing each interim report, all contributions and expenditures shall be reported as of five calendar days before the required filing date of the report.
  - (5) A negotiable instrument or check received by a judge or the judge's personal campaign committee more than five calendar days before the required filing date of a report required by this section shall be included in the interim report.

Section 171. Section 20A-12-306 is amended to read:

### **20A-12-306. Judges -- Failure to file reports -- Penalties.**

- (1)
- (a) If a judge's personal campaign committee fails to file the interim report due before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed:
    - (i) inform the county clerk and other appropriate election officials who:
      - (A) (I) shall, if practicable, remove the name of the judge from the ballots before the ballots are delivered to voters; or
      - (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
      - (B) may not count any votes for that judge; and
      - (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.
  - (b) Any judge who fails to file timely a financial statement required by this part is disqualified.

## SB0164S02 compared with SB0164S03

- 11882 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the lieutenant  
governor may not impose a fine if:
- 11884 (i) the candidate timely files the reports required by this section in accordance with Section  
20A-11-103;
- 11886 (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
- 11889 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in an amended  
report or in the next scheduled report.
- 11891 (2)
- (a) Within 30 calendar days after a deadline for the filing of a summary report, the lieutenant governor  
shall review each filed summary report to ensure that:
- 11893 (i) each judge that is required to file a summary report has filed one; and
- 11894 (ii) each summary report contains the information required by this part.
- 11895 (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 has received a  
written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant  
governor shall, [~~within five days of discovery of a violation or receipt of a~~] no later than the first  
business day that is at least five calendar days after the day on which the lieutenant governor  
discovers the violation or receives the written complaint, notify the judge of the violation or written  
complaint and direct the judge to file a summary report correcting the problem.
- 11903 (c)
- (i) It is unlawful for [~~any~~] a judge to fail to file or amend a summary report within 14 calendar days  
after [~~receiving~~] the day on which the judge receives notice from the lieutenant governor under this  
section.
- 11906 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
- 11907 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.
- 11909 Section 172. Section 20A-13-102.2 is amended to read:
- 11910 **20A-13-102.2. County clerk, Utah Geospatial Resource Center, and lieutenant governor  
responsibilities -- Maps and voting precinct boundaries.**
- 11912 (1) As used in this section[~~,"redistricting"~~] :
- 11913 (a) "Geospatial center" means the Utah Geospatial Resource Center.

## SB0164S02 compared with SB0164S03

- 11914 (b) "Redistricting boundary data" means the Congressional shapefile in the possession of the lieutenant governor's office.
- 11916 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.
- 11918 (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.
- 11920 (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 and to the [~~Utah Geospatial Resource Center~~] geospatial center for review.
- 11924 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial center receives a county map and data from a county clerk, the [~~Utah Geospatial Resource Center~~] geospatial center shall:
- 11927 (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;
- 11930 (ii) determine whether the county map and data are correct or incorrect; and
- 11931 (iii) communicate those findings to the lieutenant governor.
- 11932 (d) The lieutenant governor 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.
- 11934 (e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:
- 11936 (i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and
- 11938 (ii) resubmit the corrected county map and data to the lieutenant governor and to the [~~Utah Geospatial Resource Center~~] geospatial center for a new review under this Subsection (3).
- 11941 (4)
- (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.



## SB0164S02 compared with SB0164S03

- 11944 (b) Within five [~~working~~] business 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 and to the [~~Utah Geospatial Resource Center~~] geospatial center for review.
- 11949 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial center receives a map from a county clerk, the [~~Utah Geospatial Resource Center~~] geospatial center shall:
- 11952 (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;
- 11955 (ii) determine whether the voting precinct map is correct or incorrect; and
- 11956 (iii) communicate those findings to the lieutenant governor.
- 11957 (d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the map is incorrect.
- 11959 (e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:
- 11961 (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and
- 11963 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the [~~Utah Geospatial Resource Center~~] geospatial center for a new review under this Subsection (4).
- 11966 Section 173. Section 20A-13-104 is amended to read:
- 11967 **20A-13-104. Uncertain boundaries -- How resolved.**
- 11968 (1) As used in this section, "affected party" means:
- 11969 (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;
- 11974 (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
- 11979

## SB0164S02 compared with SB0164S03

(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.

(2)

(a) An affected party may file a written request petitioning the lieutenant governor to determine:

(i) the precise location of the Congressional district boundary;

(ii) the number of the Congressional district in which an individual resides; or

(iii) both Subsections (2)(a)(i) and (ii).

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:

(i) the Congressional block equivalency file and the resulting Congressional shapefile; and

(ii) any other relevant data such as aerial photographs, aerial maps, or other data about the area.

(c) Within five days ~~[of receipt of]~~ after the day on which the lieutenant governor receives the request, the lieutenant governor shall:

(i) complete the review described in Subsection (2)(b); and

(ii) make a determination.

(d) When the lieutenant governor determines the location of the Congressional district boundary, the lieutenant governor shall:

(i) prepare a certification identifying the appropriate boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to:

(A) the affected party;

(B) the county clerk of the affected county; and

(C) the Utah Geospatial Resource Center created under Section 63A-16-505.

(e) If the lieutenant governor determines the number of the Congressional district in which a particular individual resides, the lieutenant governor shall send a letter identifying that district by number to:

(i) the individual;

(ii) the affected party who filed the petition, if different than the individual whose Congressional district number was identified; and

(iii) the county clerk of the affected county.

Section 174. Section 20A-13-301 is amended to read:

**20A-13-301. Presidential elections -- Effect of vote.**

## SB0164S02 compared with SB0164S03

- 12015 (1)
- (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.
- 12019 (b) Each registered political party shall certify to the lieutenant governor 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.
- 12022 (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]~~ on the first business day that is at least 10 calendar days after the day on which the candidate files a declaration of candidacy, certify to the lieutenant governor 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.
- 12029 (2) The highest number of votes cast for candidates for president and vice president of the United States elects the presidential electors for:
- 12031 (a) except as provided in Subsection (2)(b), the political party of those candidates; or
- 12032 (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).
- 12035 Section 175. Section 20A-14-102.2 is amended to read:
- 12036 **20A-14-102.2. Uncertain boundaries -- How resolved.**
- 12037 (1) As used in this section:
- 12038 (a) "Affected party" means:
- 12039 (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, 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;
- 12044 (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
- 12049

## SB0164S02 compared with SB0164S03

(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.

(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.

(2)

(a) An affected party may file a written request petitioning the lieutenant governor to determine:

(i) the precise location of the State Board of Education district boundary;

(ii) the number of the State Board of Education district in which an individual resides; or

(iii) both Subsections (2)(a)(i) and (ii).

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:

(i) the Board block equivalency file and the resulting Board shapefile; and

(ii) any other relevant data such as aerial photographs, aerial maps, or other data about the area.

(c) ~~[Within five days of receipt of]~~ No later than the first business day that is at least five calendar days after the day on which the lieutenant governor receives the request, the lieutenant governor shall:

(i) complete the review described in Subsection (2)(b); and

(ii) make a determination.

(d) If the lieutenant governor determines the precise location of the State Board of Education district boundary, the lieutenant governor shall:

(i) prepare a certification identifying the appropriate State Board of Education district boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to:

(A) the affected party;

(B) the county clerk of the affected county; and

(C) the Utah Geospatial Resource Center created under Section 63A-16-505.

(e) If the lieutenant governor determines the number of the State Board of Education district in which a particular individual resides, the lieutenant governor shall send a letter identifying that district by number to:

(i) the individual;

## SB0164S02 compared with SB0164S03

(ii) the affected party who filed the petition, if different than the individual whose State Board of Education district number was identified; and

(iii) the county clerk of the affected county.

Section 176. Section 20A-14-102.3 is amended to read:

**20A-14-102.3. County clerk, Utah Geospatial Resource Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

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

(a) "Geospatial center" means the Utah Geospatial Resource Center.

(b) "Redistricting boundary data" means the Board shapefile in the possession of the lieutenant governor's office.

(2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.

(3)

(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.

(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 and to the ~~[Utah Geospatial Resource Center]~~ geospatial center for review.

(c) Within 30 ~~[days after receipt of]~~ calendar days after the day on which the geospatial center receives a county map and data from a county clerk, the ~~[Utah Geospatial Resource Center]~~ geospatial center shall:

(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;

(ii) determine whether the county map and data are correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor 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.

(e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:

## SB0164S02 compared with SB0164S03

- 12115 (i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and
- 12117 (ii) resubmit the corrected county map and data to the lieutenant governor for a new review under this Subsection (3).
- 12119 (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.
- 12122 (b) Within five ~~[working days after approval of voting precincts and polling places by]~~ business days after the day on which the county legislative body [as required by] approves the voting precincts under 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 and to the ~~[Utah Geospatial Resource Center]~~ geospatial center for review.
- 12128 (c) Within 30 ~~[days after receipt of]~~ calendar days after the day on which the geospatial center receives a voting precinct map from a county clerk, the ~~[Utah Geospatial Resource Center]~~ geospatial center shall:
- 12131 (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;
- 12134 (ii) determine whether the voting precinct map is correct or incorrect; and
- 12135 (iii) communicate those findings to the lieutenant governor.
- 12136 (d) The lieutenant governor 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.
- 12138 (e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:
- 12140 (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and
- 12142 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the ~~[Utah Geospatial Resource Center]~~ geospatial center for a new review under this Subsection (4).

Section 177. Section 20A-14-201 is amended to read:

**20A-14-201. Boards of education -- School board districts -- Creation -- Redistricting.**

## SB0164S02 compared with SB0164S03

- 12148 (1) The county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for local school districts contained completely within a municipality, shall divide the local school district into local school board districts as required under Subsection 20A-14-202(1).
- 12152 (2) The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact as practicable.
- 12155 (3) County and municipal legislative bodies shall redistrict local school board districts to meet the population, compactness, and contiguity requirements of this section:
- 12157 (a) at least once every 10 years;
- 12158 (b) for a new school district or a reorganized new school district that is approved by the voters at a regular general election under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, before April 1 of the following year;
- 12161 (c) whenever school districts are consolidated;
- 12162 (d) whenever a school district loses more than 20% of the population of the entire school district to another school district;
- 12164 (e) whenever a school district loses more than 50% of the population of a local school board district to another school district;
- 12166 (f) whenever a school district receives new residents equal to at least 20% of the population of the school district at the time of the last redistricting because of a transfer of territory from another school district; and
- 12169 (g) whenever it is necessary to increase the membership of a board as a result of changes in student membership under Section 20A-14-202.
- 12171 (4) If a school district receives territory containing less than 20% of the population of the transferee district at the time of the last redistricting, the local school board may assign the new territory to one or more existing school board districts.
- 12174 (5) Except as provided in Subsection 53G-3-302(1)(b)(ii), redistricting does not affect the right of any school board member to complete the term for which the member was elected.
- 12177 (6)
- (a) After redistricting, representation in a local school board district shall be determined as provided in this Subsection (6).

## SB0164S02 compared with SB0164S03

- 12179 (b) If, after redistricting, only one board member whose term extends beyond redistricting lives within a local school board district, that board member shall represent that local school board district.
- 12182 (c) If, after redistricting, two or more members whose terms extend beyond redistricting live within a local school board district, the members involved shall select one member by lot to represent the local school board district.
- 12185 (d) The other members shall serve at-large for the remainder of their terms.
- 12186 (e) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.
- 12188 (f) If there is no board member living within a local school board district whose term extends beyond redistricting, the seat shall be treated as vacant and filled as provided in this part.
- 12191 (7)
- (a) If, before an election affected by redistricting, the county or municipal legislative body that conducted the redistricting determines that one or more members shall be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the redistricted local school board districts will elect members to two-year terms and which will elect members to four-year terms.
- 12197 (b) All subsequent elections are for four-year terms.
- 12198 (8) Within 10 calendar days after [any] the day of a local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the boundary change to the Utah Geospatial Resource Center created under Section 63A-16-505.
- 12202 (9) Subsections (4) through (7) do not apply to a redistricting that occurs under Subsection (3)(b).
- 12204 Section 178. Section 20A-15-103 is amended to read:
- 12205 **20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures -- Removal of petition signature.**
- 12207 (1) Candidates for the office of delegate to the ratification convention shall be citizens, residents of Utah, and at least 21 years old.
- 12209 (2) Persons wishing to be delegates to the ratification convention shall:
- 12210 (a) circulate a nominating petition meeting the requirements of this section; and
- 12211 (b) obtain the signature of at least 100 registered voters.
- 12212 (3)



## SB0164S02 compared with SB0164S03

- (a) A single nominating petition may nominate any number of candidates up to 21, the total number of delegates to be elected.
- 12214 (b) Nominating petitions may not contain anything identifying a candidate's party or political affiliation.
- 12216 (c) Each nominating petition shall contain a written statement signed by each nominee, indicating either that the candidate will:
- 12218 (i) vote for ratification of the proposed amendment; or
- 12219 (ii) vote against ratification of the proposed amendment.
- 12220 (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.
- 12223 (4)
- (a) ~~[Candidates shall file their nominating petitions]~~ A candidate shall file the candidate's nominating petition with the lieutenant governor [before 5 p.m.]no later than 5 p.m. on the last business day that is at least 40 calendar days before the proclaimed date of the election.
- 12227 (b) Within 10 calendar days after the last day for filing the petitions, the lieutenant governor shall:
- 12229 (i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter;
- 12231 (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;
- 12234 (iii) decide any ties by lot drawn by the lieutenant governor; and
- 12235 (iv) certify the nominated candidates of each group to the county clerk of each county within the state.
- 12237 (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 5 p.m. three business days after the last day for filing the petitions, submitting to the lieutenant governor a statement requesting that the voter's signature be removed.
- 12241 (b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 12243 (c) The lieutenant governor 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.

## SB0164S02 compared with SB0164S03

Section 179. Section 20A-15-201 is amended to read:

**20A-15-201. Convening -- Vacancies -- Election of officers -- Journal of proceedings.**

- (1) The delegates to the convention shall convene at the state capitol at noon on the 28th calendar day after [their] the delegates' election to pass upon the question of whether [~~or not~~] the proposed amendment shall be ratified.
- (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.
- (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.
- (3) The convention may:
- (a) elect a president, secretary, and other officers; and
- (b) adopt its own rules.
- (4) The convention shall:
- (a) keep a journal of its proceedings;
- (b) record in the journal the vote of each delegate on the question of ratification of the proposed amendment; and
- (c) file the journal with the lieutenant governor after the convention adjourns.
- (5)
- (a) Delegates to the ratification convention shall:
- (i) serve without pay;
- (ii) receive a per diem of \$4 per day while the convention is in session; and
- (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.
- (b) The lieutenant governor shall pay the per diem and mileage, together with the necessary expenses of the convention for printing and stenographic services, from the state treasury.

Section 180. Section 20A-16-202 is amended to read:

**20A-16-202. Report on ballots.**

- (1) No later than 60 calendar days after each regular general election date, each county clerk shall submit a report to the lieutenant governor indicating:

## SB0164S02 compared with SB0164S03

- 12279 (a) the number of ballots sent to covered voters; and
- 12280 (b) the number of ballots returned by covered voters that were counted.
- 12281 (2) No later than 90 calendar days after each regular general election date, the lieutenant governor shall submit a statewide report to the Election Assistance Commission that includes the information required by Subsection (1).

12284 Section 181. Section 20A-16-403 is amended to read:

12285 **20A-16-403. Transmission of unvoted ballots.**

- 12286 (1) For an election for which the state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act, 52 U.S.C. Sec. 20302(g)(2), not later than 45 calendar days before the day of the election or, notwithstanding Section 20A-1-104, if the 45th calendar day before the day of the election is a weekend or holiday, not later than the business day preceding the 45th calendar day before the day of the election, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.
- 12294 (2)
- (a) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose:
- 12296 (i) facsimile transmission;
- 12297 (ii) email delivery; or
- 12298 (iii) if offered by the voter's jurisdiction, Internet delivery.
- 12299 (b) The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.
- 12302 (3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter no later than two business days after the day on which the application arrives.

12307 Section 182. Section 20A-16-502 is amended to read:

12308 **20A-16-502. Publication of election notice.**

- 12309 (1) At least 100 calendar days before the day of an election, other than a statewide special election or local special election, and as soon as practicable before a statewide special election or local special

## SB0164S02 compared with SB0164S03

election, the election officer shall prepare an election notice for the election officer's jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

(2) The election notice must contain:

(a) a list of all of the ballot propositions and federal, state, and local offices that as of that date the election officer expects to be on the ballot on the date of the election; and

(b) specific instructions for how a covered voter is to indicate on the federal write-in absentee ballot the covered voter's choice for each office to be filled and for each ballot proposition to be contested.

(3)

(a) A covered voter may request a copy of an election notice.

(b) The election officer shall send the notice to the covered voter by facsimile, email, or regular mail, as the covered voter requests.

(4) As soon as the ballot is certified, and not later than the date ballots are required to be transmitted to voters under Chapter 3a, Voting, the election officer charged with preparing the election notice under Subsection (1) shall update the notice with the certified candidates for each office and ballot propositions and make the updated notice publicly available.

(5) A political subdivision that maintains a website shall make the election notice prepared under this section and updated versions of the election notice regularly available on the website.

Section 183. Section 20A-21-201 is amended to read:

**20A-21-201. Electronic signature gathering for an initiative, a referendum, or candidate qualification.**

(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, sign a form provided by the Office of the Lieutenant Governor indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures electronically:

(i) in relation to a statewide initiative, signatures for that initiative:

(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

## SB0164S02 compared with SB0164S03

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and

12345 (ii) in relation to a statewide referendum, signatures for that referendum:

12346 (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

12348 (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304.

12350 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures manually:

12352 (i) in relation to a statewide initiative, signatures for that initiative:

12353 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and

12355 (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

12357 (ii) in relation to a statewide referendum, signatures for that referendum:

12358 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304; and

12360 (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.

12362 (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.

12366 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures electronically:

12368 (i) in relation to a local initiative, signatures for that initiative:

12369 (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

12371 (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

12373 (ii) in relation to a local referendum, signatures for that referendum:

12374

## SB0164S02 compared with SB0164S03

(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

12376 (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604.

12378 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures manually:

12380 (i) in relation to a local initiative, signatures for that initiative:

12381 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

12383 (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

12385 (ii) in relation to a local referendum, signatures for that referendum:

12386 (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604; and

12388 (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.

12390 (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.

12394 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures electronically, signatures for the candidate:

12396 (i) may only be gathered and submitted using the electronic candidate qualification process; and

12398 (ii) may not be gathered or submitted using the manual candidate qualification process.

12400 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures manually, signatures for the candidate:

12402 (i) may only be gathered and submitted using the manual candidate qualification process; and

12404 (ii) may not be gathered or submitted using the electronic candidate qualification process.

12406 (4) To gather a signature electronically, a signature-gatherer shall:

12407 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:

12408 (i) is approved by the lieutenant governor;

## SB0164S02 compared with SB0164S03

- 12409 (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;
- 12412 (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;
- 12415 (iv) does not contain any applications, software, or data other than those approved by the lieutenant governor; and
- 12417 (v) complies with cyber-security and other security protocols required by the lieutenant governor;
- 12419 (b) use the approved device to securely access a website designated by the lieutenant governor, directly, or via an application designated by the lieutenant governor; and
- 12421 (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:
- 12424 (i) wait for the individual to reach each screen presented to the individual on the approved device; and
- 12426 (ii) wait for the individual to advance to each subsequent screen by clicking on the acknowledgement at the bottom of the screen.
- 12428 (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.
- 12433 (6) After advancing through each screen required for the petition, the signature process shall proceed as follows:
- 12435 (a) except as provided in Subsection (6)(b):
- 12436 (i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;
- 12438 (ii) the signature-gatherer shall verify that the individual pictured on the driver license or state identification card is the individual signing the petition;
- 12440 (iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and
- 12442 (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;
- 12445

## SB0164S02 compared with SB0164S03

- (b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:
- 12447 (i) the individual may present other valid voter identification;
- 12448 (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;
- 12451 (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;
- 12455 (iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and
- 12457 (v) the individual:
- 12458 (A) shall enter the individual's address; and
- 12459 (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
- 12467 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:
- 12468 (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
- 12473 (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 and, immediately after the signature-gather timely complies with Subsection (10), certify the signature; or
- 12477 (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.
- 12480



## SB0164S02 compared with SB0164S03

(7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven calendar days after the day on which the individual submits the valid voter identification, certify the signature if:

- (a) the individual is eligible to sign the petition;
- (b) the identification provided matches the information on file; and
- (c) the signature-gatherer timely complies with Subsection (10).

(8) For each signature submitted under this section, the website shall record:

- (a) the information identifying the individual who signs;
- (b) the date the signature was collected; and
- (c) the name of the signature-gatherer.

(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.

(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:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of \_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, 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 did not knowingly make a misrepresentation of fact concerning the law or proposed law to which the petition relates;

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."

## SB0164S02 compared with SB0164S03

- 12511 (11) Except for a petition for a candidate to seek the nomination of a registered political party:
- 12513 (a) the county clerk may not certify a signature that is not timely verified in accordance with Subsection (10); and
- 12515 (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:
- 12517 (i) revoke the certification;
- 12518 (ii) remove the signature from the posting described in Subsection 20A-7-217(4), 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and
- 12520 (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).
- 12522 (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 in the manner specified by the lieutenant governor:
- 12526 "VERIFICATION OF SIGNATURE-GATHERER
- 12527 State of Utah, County of \_\_\_\_
- 12528 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:
- 12529 I am at least 18 years old;
- 12530 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;
- 12533 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
- 12535 Each signature correctly reflects the date on which the individual signed the petition."
- 12536 (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).
- 12539 Section 184. Section **63G-1-301** is repealed and re-enacted to read:
- 12540 **63G-1-301. Legal holidays -- Personal preference day -- Governor authorized to declare additional legal holidays.**
- 12542 (1) The following days are legal holidays in Utah:
- 12543 (a) except as provided in Subsection (2)(a) or (b):

## SB0164S02 compared with SB0164S03

- 12544 (i) January 1, New Year's Day;
- 12545 (ii) July 4, Independence Day;
- 12546 (iii) July 24, Pioneer Day;
- 12547 (iv) November 11, Veteran's Day;
- 12548 (v) December 25, Christmas; and
- 12549 (vi) a day designated by proclamation issued by the president of the United States or the governor as a  
day of fasting or thanksgiving;
- 12551 (b)
- (i) the third Monday of January, Dr. Martin Luther King, Jr. Day;
- 12552 (ii) the third Monday of February, Washington and Lincoln Day;
- 12553 (iii) the last Monday of May, Memorial Day;
- 12554 (iv) the first Monday of September, Labor Day;
- 12555 (v) the second Monday of October, Columbus Day;
- 12556 (vi) the fourth Thursday of November, Thanksgiving Day; and
- 12557 (vii) except as provided in Subsection (2)(c) or (d), June 19, Juneteenth National Freedom Day; and
- 12559 (c) except as provided in Subsection (3), every Sunday.
- 12560 (2)
- (a) If a day described in Subsection (1)(a) falls on a Saturday, the preceding Friday is the legal holiday.
- 12562 (b) If a day described in Subsection (1)(a) falls on a Sunday, the following Monday is the legal holiday.
- 12564 (c) If June 19 falls on a Tuesday, Wednesday, Thursday, or Friday, the preceding Monday is the legal  
holiday.
- 12566 (d) If June 19 falls on Saturday or Sunday, the following Monday is the legal holiday.
- 12567 (3) For purposes of Utah Constitution, Article VI, Section 16, Subsection (1), regarding the exclusion of  
state holidays from the 45-day legislative general session, Sunday is not considered a state holiday.
- 12570 (4) Each employee may select one additional day, called Personal Preference Day, to be scheduled  
in accordance with rules made, in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, by the Division of Human Resource Management.
- 12573 (5)
- (a) If, in the governor's opinion, extraordinary conditions exist justifying the action, the governor may:
- 12575 (i) declare, by proclamation, legal holidays in addition to those legal holidays described in  
Subsections (1) and (2); or

## SB0164S02 compared with SB0164S03

- 12577        (ii) limit the legal holidays described in Subsection (5)(a)(i) to certain classes of business and activities to be designated by the governor.
- 12579        (b) Except as provided in Subsection (5)(c), a legal holiday described in Subsection (5)(a) may not extend for a longer period than 60 consecutive days.
- 12581        (c) The governor may, by proclamation:
- 12582        (i) renew a legal holiday described in Subsection (5)(a) for one or more periods not exceeding 30 days each as the governor determines necessary; or
- 12584        (ii) terminate a legal holiday described under Subsection (5)(a) or (b) earlier than the time period described in a preceding proclamation.

12586        Section 185. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

12588        Section 186. **Coordinating S.B. 164 with H.B. 351.**

If S.B. 164, Modifications to Election Law, and H.B. 351, Election Day Amendments, both pass and become law, the Legislature intends that, on January 1, 2026, the following language be inserted as new Subsection 63G-1-301(1)(b)(vi) in S.B. 164 and that the remaining subsections in Subsection 63G-1-301(1)(b) in S.B. 164 be renumbered accordingly: "(vi) the first Tuesday after the first Monday in November, Election Day;"

12594        Section 187. **Coordinating S.B. 164 with S.B. 259.**

If S.B. 164, Modifications to Election Law, and S.B. 259, State Holy Days, both pass and become law, the Legislature intends that, on May 7, 2025:

(1) the following language be inserted as new Subsection 63G-1-301(1)(b)(i) in S.B. 164 and that the remaining subsections in Subsection 63G-1-301(1)(b) in S.B. 164 be renumbered accordingly:

"(i) the first Sunday after the first full moon that occurs on or after the spring equinox, Easter Sunday;" and

(2) Subsection 63G-1-301(4) enacted in S.B. 164 be amended to read:

"(4) Each employee may select one additional day, called Personal Preference Day, to be scheduled in accordance with rules made, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the Division of Human Resource Management, which the employee may use to observe a state holy day, as described in Section 63G-1-1101, or any

## **SB0164S02 compared with SB0164S03**

other day the employee chooses to recognize.".

3-7-25 10:48 AM