

Election Code Time Computation Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

LONG TITLE**General Description:**

This bill amends provisions relating to deadlines and the calculation of time in the Election Code.

Highlighted Provisions:

This bill:

- amends provisions relating to deadlines and the calculation of time in the Election Code;
- clarifies and modifies deadlines in the Election Code; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

20A-1-206, as last amended by Laws of Utah 2023, Chapters 15, 435

20A-1-304, as last amended by Laws of Utah 2024, Chapter 503

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

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

20A-1-503, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

20A-1-506, as last amended by Laws of Utah 2018, Chapter 25

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

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

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

20A-1-510, as last amended by Laws of Utah 2024, Chapters 438, 450

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

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

- 32 **20A-1-512**, as last amended by Laws of Utah 2024, Chapter 388
- 33 **20A-1-513**, as last amended by Laws of Utah 2024, Chapter 448
- 34 **20A-1-802**, as enacted by Laws of Utah 2014, Chapter 254
- 35 **20A-1-803**, as enacted by Laws of Utah 2014, Chapter 254
- 36 **20A-2-101**, as last amended by Laws of Utah 2023, Chapter 15
- 37 **20A-2-101.1**, as last amended by Laws of Utah 2018, Chapter 223
- 38 **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406
- 39 **20A-2-105**, as last amended by Laws of Utah 2023, Chapter 215
- 40 **20A-2-107**, as last amended by Laws of Utah 2023, Chapters 45, 89 and last amended by
- 41 Coordination Clause, Laws of Utah 2023, Chapter 89
- 42 **20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
- 43 **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
- 44 Coordination Clause, Laws of Utah 2020, Chapter 95
- 45 **20A-2-304**, as last amended by Laws of Utah 2022, Chapter 156
- 46 **20A-2-502**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 47 **20A-2-503**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 48 **20A-2-504**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 49 **20A-2-505**, as last amended by Laws of Utah 2023, Chapters 327, 406 and renumbered
- 50 and amended by Laws of Utah 2023, Chapter 297
- 51 **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
- 52 **20A-3a-203**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 53 **20A-3a-401**, as last amended by Laws of Utah 2024, Chapter 477
- 54 **20A-3a-502**, as enacted by Laws of Utah 2020, Chapter 31
- 55 **20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and
- 56 amended by Laws of Utah 2020, Chapter 31
- 57 **20A-3a-604**, as last amended by Laws of Utah 2023, Chapters 45, 435
- 58 **20A-3a-703**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 59 **20A-3a-803**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 60 **20A-3a-804**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 61 **20A-3a-807**, as enacted by Laws of Utah 2022, Chapter 380
- 62 **20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 63 **20A-4-301**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 64 **20A-4-302**, as enacted by Laws of Utah 1993, Chapter 1
- 65 **20A-4-304**, as last amended by Laws of Utah 2024, Chapter 503

- 66 **20A-4-305**, as last amended by Laws of Utah 2023, Chapter 15
- 67 **20A-4-306**, as last amended by Laws of Utah 2024, Chapter 503
- 68 **20A-4-401**, as last amended by Laws of Utah 2024, Chapter 503
- 69 **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342
- 70 **20A-5-101**, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435
- 71 **20A-5-303**, as last amended by Laws of Utah 2021, Chapters 162, 345
- 72 **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
- 73 **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 74 **20A-5-405**, as last amended by Laws of Utah 2023, Chapters 45, 435
- 75 **20A-5-410**, as last amended by Laws of Utah 2022, Chapter 248
- 76 **20A-5-602**, as last amended by Laws of Utah 2023, Chapter 15
- 77 **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406
- 78 **20A-6-106**, as last amended by Laws of Utah 2019, Chapter 255
- 79 **20A-6-302**, as last amended by Laws of Utah 2020, Chapter 31
- 80 **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49
- 81 **20A-7-103**, as last amended by Laws of Utah 2024, Chapter 465
- 82 **20A-7-105**, as last amended by Laws of Utah 2024, Chapters 442, 465
- 83 **20A-7-201**, as last amended by Laws of Utah 2023, Chapter 107
- 84 **20A-7-202.5**, as last amended by Laws of Utah 2024, Chapter 442
- 85 **20A-7-204**, as last amended by Laws of Utah 2024, Chapter 442
- 86 **20A-7-204.1**, as last amended by Laws of Utah 2023, Chapters 107, 435 and last
- 87 amended by Coordination Clause, Laws of Utah 2023, Chapter 107
- 88 **20A-7-207**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 89 **20A-7-211**, as last amended by Laws of Utah 2023, Chapter 107
- 90 **20A-7-212**, as last amended by Laws of Utah 2019, Chapter 206
- 91 **20A-7-214**, as last amended by Laws of Utah 2023, Chapter 107
- 92 **20A-7-216**, as last amended by Laws of Utah 2024, Chapter 442
- 93 **20A-7-217**, as last amended by Laws of Utah 2023, Chapter 107
- 94 **20A-7-302**, as last amended by Laws of Utah 2023, Chapter 107
- 95 **20A-7-304**, as last amended by Laws of Utah 2023, Chapter 107
- 96 **20A-7-307**, as last amended by Laws of Utah 2023, Chapters 107, 116 and last amended
- 97 by Coordination Clause, Laws of Utah 2023, Chapter 116
- 98 **20A-7-308**, as last amended by Laws of Utah 2024, Chapter 442
- 99 **20A-7-310**, as last amended by Laws of Utah 2023, Chapter 107

100 **20A-7-311**, as last amended by Laws of Utah 2023, Chapter 107
101 **20A-7-314**, as last amended by Laws of Utah 2024, Chapter 442
102 **20A-7-315**, as last amended by Laws of Utah 2023, Chapter 107
103 **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
104 **20A-7-402**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
105 **20A-7-501**, as last amended by Laws of Utah 2024, Chapter 438
106 **20A-7-502.7**, as last amended by Laws of Utah 2024, Chapter 438
107 **20A-7-504**, as last amended by Laws of Utah 2024, Chapters 438, 442
108 **20A-7-507**, as last amended by Laws of Utah 2023, Chapters 107, 116
109 **20A-7-508**, as last amended by Laws of Utah 2024, Chapter 442
110 **20A-7-510**, as last amended by Laws of Utah 2023, Chapter 107
111 **20A-7-511**, as enacted by Laws of Utah 1994, Chapter 272
112 **20A-7-513**, as last amended by Laws of Utah 2023, Chapter 107
113 **20A-7-515**, as last amended by Laws of Utah 2024, Chapter 442
114 **20A-7-516**, as last amended by Laws of Utah 2023, Chapter 107
115 **20A-7-601**, as last amended by Laws of Utah 2024, Chapters 427, 438
116 **20A-7-602.7**, as last amended by Laws of Utah 2024, Chapter 438
117 **20A-7-602.8**, as last amended by Laws of Utah 2024, Chapter 438
118 **20A-7-604**, as last amended by Laws of Utah 2024, Chapters 438, 442
119 **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
120 **20A-7-608**, as last amended by Laws of Utah 2024, Chapter 442
121 **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31
122 **20A-7-610**, as last amended by Laws of Utah 2023, Chapter 107
123 **20A-7-611**, as last amended by Laws of Utah 2023, Chapter 107
124 **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
125 **20A-7-615**, as last amended by Laws of Utah 2024, Chapter 442
126 **20A-7-616**, as last amended by Laws of Utah 2023, Chapter 107
127 **20A-7-702.5**, as enacted by Laws of Utah 2022, Chapter 11
128 **20A-7-703**, as last amended by Laws of Utah 2024, Chapter 465
129 **20A-7-703.1**, as enacted by Laws of Utah 2024, Chapter 465
130 **20A-7-705**, as last amended by Laws of Utah 2019, Chapters 217, 255
131 **20A-7-706**, as last amended by Laws of Utah 2019, Chapter 255
132 **20A-7-801**, as last amended by Laws of Utah 2021, Chapter 100
133 **20A-8-103**, as last amended by Laws of Utah 2023, Chapter 116

- 134 **20A-8-401**, as last amended by Laws of Utah 2019, Chapter 255
135 **20A-8-402**, as last amended by Laws of Utah 2019, Chapter 255
136 **20A-8-404**, as last amended by Laws of Utah 2023, Chapter 68
137 **20A-9-201**, as last amended by Laws of Utah 2024, Chapter 465
138 **20A-9-201.5**, as last amended by Laws of Utah 2023, Chapter 45
139 **20A-9-202**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
140 **20A-9-203**, as last amended by Laws of Utah 2024, Chapter 465
141 **20A-9-207**, as last amended by Laws of Utah 2024, Chapter 465
142 **20A-9-403**, as last amended by Laws of Utah 2024, Chapter 503
143 **20A-9-404**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
144 **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116
145 **20A-9-502**, as last amended by Laws of Utah 2024, Chapter 17
146 **20A-9-601**, as last amended by Laws of Utah 2024, Chapter 465
147 **20A-11-101**, as last amended by Laws of Utah 2024, Chapter 438
148 **20A-11-103**, as last amended by Laws of Utah 2024, Chapter 443
149 **20A-11-105**, as last amended by Laws of Utah 2019, Chapter 255
150 **20A-11-201**, as last amended by Laws of Utah 2021, Chapter 20
151 **20A-11-204**, as last amended by Laws of Utah 2021, Chapter 20
152 **20A-11-206**, as last amended by Laws of Utah 2023, Chapter 45
153 **20A-11-301**, as last amended by Laws of Utah 2021, Chapter 20
154 **20A-11-303**, as last amended by Laws of Utah 2021, Chapter 20
155 **20A-11-305**, as last amended by Laws of Utah 2023, Chapter 45
156 **20A-11-401**, as last amended by Laws of Utah 2018, Chapter 83
157 **20A-11-402**, as last amended by Laws of Utah 2019, Chapter 74
158 **20A-11-403**, as last amended by Laws of Utah 2021, Chapter 20
159 **20A-11-507**, as last amended by Laws of Utah 2019, Chapter 74
160 **20A-11-508**, as last amended by Laws of Utah 2020, Chapter 22
161 **20A-11-511**, as last amended by Laws of Utah 2019, Chapter 74
162 **20A-11-512**, as last amended by Laws of Utah 2020, Chapter 22
163 **20A-11-601**, as last amended by Laws of Utah 2022, Chapter 340
164 **20A-11-602**, as last amended by Laws of Utah 2019, Chapters 74, 116
165 **20A-11-603**, as last amended by Laws of Utah 2022, Chapter 340
166 **20A-11-701.5**, as renumbered and amended by Laws of Utah 2019, Chapter 74
167 **20A-11-702**, as last amended by Laws of Utah 2017, Chapter 276

168 **20A-11-703**, as last amended by Laws of Utah 2020, Chapter 22
169 **20A-11-704**, as last amended by Laws of Utah 2018, Chapter 83
170 **20A-11-705**, as last amended by Laws of Utah 2021, Chapter 20
171 **20A-11-801**, as last amended by Laws of Utah 2021, Chapter 20
172 **20A-11-802**, as last amended by Laws of Utah 2023, Chapter 116
173 **20A-11-803**, as last amended by Laws of Utah 2020, Chapter 22
174 **20A-11-1203**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
175 **20A-11-1301**, as last amended by Laws of Utah 2021, Chapter 20
176 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20
177 **20A-11-1305**, as last amended by Laws of Utah 2023, Chapter 45
178 **20A-11-1406**, as enacted by Laws of Utah 2003, Chapter 284
179 **20A-11-1502**, as last amended by Laws of Utah 2018, Chapter 83
180 **20A-11-1503**, as last amended by Laws of Utah 2020, Chapter 22
181 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
182 **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20
183 **20A-11-1702**, as enacted by Laws of Utah 2014, Chapter 60
184 **20A-11-1704**, as last amended by Laws of Utah 2018, Chapter 83
185 **20A-12-303**, as last amended by Laws of Utah 2021, Chapter 20
186 **20A-12-305**, as last amended by Laws of Utah 2019, Chapter 255
187 **20A-12-306**, as last amended by Laws of Utah 2010, Chapter 389
188 **20A-13-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
189 **20A-13-104**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
190 **20A-13-301**, as last amended by Laws of Utah 2020, Chapter 22
191 **20A-14-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
192 10
193 **20A-14-102.3**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
194 10
195 **20A-14-201**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
196 **20A-15-103**, as last amended by Laws of Utah 2023, Chapter 116
197 **20A-15-201**, as enacted by Laws of Utah 1995, Chapter 1
198 **20A-16-202**, as last amended by Laws of Utah 2020, Chapter 31
199 **20A-16-403**, as last amended by Laws of Utah 2023, Chapter 215
200 **20A-16-502**, as last amended by Laws of Utah 2023, Chapter 215
201 **20A-21-201**, as last amended by Laws of Utah 2024, Chapter 17

202 REPEALS AND REENACTS:

203 **20A-1-104**, as renumbered and amended by Laws of Utah 2019, Chapter 255

204 **63G-1-301**, as last amended by Laws of Utah 2022, Chapter 331

205

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

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

208 **10-3-301 . Notice -- Eligibility and residency requirements for elected municipal**
 209 **office -- Mayor and recorder limitations.**

210 (1) As used in this section:

211 (a) "Absent" means that an elected municipal officer fails to perform official duties,
 212 including the officer's failure to attend each regularly scheduled meeting that the
 213 officer is required to attend.

214 (b) "Principal place of residence" means the same as that term is defined in Section
 215 20A-2-105.

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

218 (2)(a) On or before May 1 in a year in which there is a municipal general election, the
 219 municipal clerk shall publish a notice that identifies:

220 (i) the municipal offices to be voted on in the municipal general election; and
 221 (ii) the dates for filing a declaration of candidacy for the offices identified under
 222 Subsection (2)(a)(i).

223 (b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the
 224 municipality, as a class A notice under Section 63G-30-102, for at least seven days.

225 (3)(a) An individual who files a declaration of candidacy for a municipal office shall
 226 comply with the requirements described in Section 20A-9-203.

227 (b)(i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
 228 each municipality shall maintain office hours from 8 a.m. to 5 p.m. [~~on the dates~~
 229 ~~described in Subsections 20A-9-203(3)(a)(i) and (e)(i)~~] during the filing period
 230 described in Subsection 20A-9-203(3)(d), unless the date occurs on a:

231 (A) Saturday or Sunday; or

232 (B) state holiday as listed in Section 63G-1-301.

233 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule
 234 that is less than 40 hours per week, the city recorder or town clerk may comply
 235 with Subsection (3)(b)(i) without maintaining office hours by:

- 236 (A) posting the recorder's or clerk's contact information, including a phone
237 number and email address, on the recorder's or clerk's office door, the main
238 door to the municipal offices, and, if available, on the municipal website; and
239 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection
240 (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).
- 241 (4) An individual elected to municipal office shall be a registered voter in the municipality
242 in which the individual is elected.
- 243 (5)(a) Each elected officer of a municipality shall maintain a principal place of residence
244 within the municipality, and within the district that the elected officer represents,
245 during the officer's term of office.
- 246 (b) Except as provided in Subsection (6), an elected municipal office is automatically
247 vacant if the officer elected to the municipal office, during the officer's term of office:
248 (i) establishes a principal place of residence outside the district that the elected officer
249 represents;
250 (ii) resides at a secondary residence outside the district that the elected officer
251 represents for a continuous period of more than 60 days while still maintaining a
252 principal place of residence within the district;
253 (iii) is absent from the district that the elected officer represents for a continuous
254 period of more than 60 days; or
255 (iv) fails to respond to a request, within 30 days after the day on which the elected
256 officer receives the request, from the county clerk or the lieutenant governor
257 seeking information to determine the officer's residency.
- 258 (6)(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
259 consent of the municipal legislative body in accordance with Subsection (6)(b) before
260 the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the
261 officer may:
- 262 (i) reside at a secondary residence outside the district that the elected officer
263 represents while still maintaining a principal place of residence within the district
264 for a continuous period of up to one year during the officer's term of office; or
265 (ii) be absent from the district that the elected officer represents for a continuous
266 period of up to one year during the officer's term of office.
- 267 (b) At a public meeting, the municipal legislative body may give the consent described
268 in Subsection (6)(a) by majority vote after taking public comment regarding:
269 (i) whether the legislative body should give the consent; and

- 270 (ii) the length of time to which the legislative body should consent.
- 271 (7)(a) The mayor of a municipality may not also serve as the municipal recorder or
272 treasurer.
- 273 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 274 (c) An individual who holds a county elected office may not, at the same time, hold a
275 municipal elected office.
- 276 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
277 individual is elected to the office or appointed to fill a vacancy in the office.
- 278 Section 2. Section **20A-1-102** is amended to read:
- 279 **20A-1-102 . Definitions.**
- 280 As used in this title:
- 281 (1) "Active voter" means a registered voter who has not been classified as an inactive voter
282 by the county clerk.
- 283 (2) "Automatic tabulating equipment" means apparatus that automatically examines and
284 counts votes recorded on ballots and tabulates the results.
- 285 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
286 storage medium, that records an individual voter's vote.
- 287 (b) "Ballot" does not include a record to tally multiple votes.
- 288 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on
289 the ballot for their approval or rejection including:
- 290 (a) an opinion question specifically authorized by the Legislature;
- 291 (b) a constitutional amendment;
- 292 (c) an initiative;
- 293 (d) a referendum;
- 294 (e) a bond proposition;
- 295 (f) a judicial retention question;
- 296 (g) an incorporation of a city or town; or
- 297 (h) any other ballot question specifically authorized by the Legislature.
- 298 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together
299 using staples or another means in at least three places across the top of the paper in the
300 blank space reserved for securing the paper.
- 301 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
302 20A-4-306 to canvass election returns.
- 303 (7) "Bond election" means an election held for the purpose of approving or rejecting the

- 304 proposed issuance of bonds by a government entity.
- 305 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not
306 a holiday.
- 307 [(8)] (9) "Business reply mail envelope" means an envelope that may be mailed free of
308 charge by the sender.
- 309 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday,
310 a business day, or any other type of day.
- 311 [(9)] (11) "Canvass" means the review of election returns and the official declaration of
312 election results by the board of canvassers.
- 313 [(10)] (12) "Canvassing judge" means a poll worker designated to assist in counting ballots
314 at the canvass.
- 315 [(11)] (13) "Contracting election officer" means an election officer who enters into a
316 contract or interlocal agreement with a provider election officer.
- 317 [(12)] (14) "Convention" means the political party convention at which party officers and
318 delegates are selected.
- 319 [(13)] (15) "Counting center" means one or more locations selected by the election officer in
320 charge of the election for the automatic counting of ballots.
- 321 [(14)] (16) "Counting judge" means a poll worker designated to count the ballots during
322 election day.
- 323 [(15)] (17) "Counting room" means a suitable and convenient private place or room for use
324 by the poll workers and counting judges to count ballots.
- 325 [(16)] (18) "County officers" means those county officers that are required by law to be
326 elected.
- 327 [(17)] (19) "Date of the election" or "election day" or "day of the election":
328 (a) means the day that is specified in the calendar year as the day [that] on which the
329 election occurs; and
330 (b) does not include:
331 (i) deadlines established for voting by mail, military-overseas voting, or emergency
332 voting; or
333 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,
334 Early Voting.
- 335 [(18)] (20) "Elected official" means:
336 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
337 Municipal Alternate Voting Methods Pilot Project;

- 338 (b) a person who is considered to be elected to a municipal office in accordance with
339 Subsection 20A-1-206(1)(c)(ii); or
- 340 (c) a person who is considered to be elected to a special district office in accordance
341 with Subsection 20A-1-206(3)(b)(ii).
- 342 [(19)] (21) "Election" means a regular general election, a municipal general election, a
343 statewide special election, a local special election, a regular primary election, a
344 municipal primary election, and a special district election.
- 345 [(20)] (22) "Election Assistance Commission" means the commission established by the
346 Help America Vote Act of 2002, Pub. L. No. 107-252.
- 347 [(21)] (23) "Election cycle" means the period beginning on the first day [~~persons~~] on which
348 individuals are eligible to file declarations of candidacy and ending when the canvass is
349 completed.
- 350 [(22)] (24) "Election judge" means a poll worker that is assigned to:
- 351 (a) preside over other poll workers at a polling place;
- 352 (b) act as the presiding election judge; or
- 353 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 354 [(23)] (25) "Election officer" means:
- 355 (a) the lieutenant governor, for all statewide ballots and elections;
- 356 (b) the county clerk for:
- 357 (i) a county ballot and election; and
- 358 (ii) a ballot and election as a provider election officer as provided in Section
359 20A-5-400.1 or 20A-5-400.5;
- 360 (c) the municipal clerk for:
- 361 (i) a municipal ballot and election; and
- 362 (ii) a ballot and election as a provider election officer as provided in Section
363 20A-5-400.1 or 20A-5-400.5;
- 364 (d) the special district clerk or chief executive officer for:
- 365 (i) a special district ballot and election; and
- 366 (ii) a ballot and election as a provider election officer as provided in Section
367 20A-5-400.1 or 20A-5-400.5; or
- 368 (e) the business administrator or superintendent of a school district for:
- 369 (i) a school district ballot and election; and
- 370 (ii) a ballot and election as a provider election officer as provided in Section
371 20A-5-400.1 or 20A-5-400.5.

- 372 ~~[(24)]~~ (26) "Election official" means any election officer, election judge, or poll worker.
- 373 ~~[(25)]~~ (27) "Election results" means:
- 374 (a) for an election other than a bond election, the count of votes cast in the election and
- 375 the election returns requested by the board of canvassers; or
- 376 (b) for bond elections, the count of those votes cast for and against the bond proposition
- 377 plus any or all of the election returns that the board of canvassers may request.
- 378 ~~[(26)]~~ (28) "Election returns" includes:
- 379 (a) the pollbook, the military and overseas absentee voter registration and voting
- 380 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all
- 381 excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 382 the total votes cast form; and
- 383 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
- 384 ballot.
- 385 ~~[(27)]~~ (29) "Electronic signature" means an electronic sound, symbol, or process attached to
- 386 or logically associated with a record and executed or adopted by a person with the intent
- 387 to sign the record.
- 388 (30) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 389 ~~[(28)]~~ (31) "Inactive voter" means a registered voter who is listed as inactive by a county
- 390 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).
- 391 ~~[(29)]~~ (32) "Judicial office" means the office filled by any judicial officer.
- 392 ~~[(30)]~~ (33) "Judicial officer" means any justice or judge of a court of record or any county
- 393 court judge.
- 394 ~~[(31)]~~ (34) "Local election" means a regular county election, a regular municipal election, a
- 395 municipal primary election, a local special election, a special district election, and a
- 396 bond election.
- 397 ~~[(32)]~~ (35) "Local political subdivision" means a county, a municipality, a special district, or
- 398 a local school district.
- 399 ~~[(33)]~~ (36) "Local special election" means a special election called by the governing body of
- 400 a local political subdivision in which all registered voters of the local political
- 401 subdivision may vote.
- 402 ~~[(34)]~~ (37) "Manual ballot" means a paper document produced by an election officer on
- 403 which an individual records an individual's vote by directly placing a mark on the paper
- 404 document using a pen or other marking instrument.
- 405 ~~[(35)]~~ (38) "Mechanical ballot" means a record, including a paper record, electronic record,

- 406 or mechanical record, that:
- 407 (a) is created via electronic or mechanical means; and
- 408 (b) records an individual voter's vote cast via a method other than an individual directly
- 409 placing a mark, using a pen or other marking instrument, to record an individual
- 410 voter's vote.
- 411 ~~[(36)]~~ (39) "Municipal executive" means:
- 412 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 413 (b) the mayor in the council-manager form of government defined in Subsection
- 414 10-3b-103(6).
- 415 ~~[(37)]~~ (40) "Municipal general election" means the election held in municipalities and, as
- 416 applicable, special districts on the first Tuesday after the first Monday in November of
- 417 each odd-numbered year for the purposes established in Section 20A-1-202.
- 418 ~~[(38)]~~ (41) "Municipal legislative body" ~~[meansthe]~~ means the council of the city or town in
- 419 any form of municipal government.
- 420 ~~[(39)]~~ (42) "Municipal office" means an elective office in a municipality.
- 421 ~~[(40)]~~ (43) "Municipal officers" means those municipal officers that are required by law to
- 422 be elected.
- 423 ~~[(41)]~~ (44) "Municipal primary election" means an election held to nominate candidates for
- 424 municipal office.
- 425 ~~[(42)]~~ (45) "Municipality" means a city or town.
- 426 ~~[(43)]~~ (46) "Official ballot" means the ballots distributed by the election officer for voters to
- 427 record their votes.
- 428 ~~[(44)]~~ (47) "Official endorsement" means the information on the ballot that identifies:
- 429 (a) the ballot as an official ballot;
- 430 (b) the date of the election; and
- 431 (c)(i) for a ballot prepared by an election officer other than a county clerk, the
- 432 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 433 (ii) for a ballot prepared by a county clerk, the words required by Subsection
- 434 20A-6-301(1)(b)(iii).
- 435 ~~[(45)]~~ (48) "Official register" means the official record furnished to election officials by the
- 436 election officer that contains the information required by Section 20A-5-401.
- 437 ~~[(46)]~~ (49) "Political party" means an organization of registered voters that has qualified to
- 438 participate in an election by meeting the requirements of Chapter 8, Political Party
- 439 Formation and Procedures.

- 440 [(47)] (50)(a) "Poll worker" means a person assigned by an election official to assist with
441 an election, voting, or counting votes.
- 442 (b) "Poll worker" includes election judges.
- 443 (c) "Poll worker" does not include a watcher.
- 444 [(48)] (51) "Pollbook" means a record of the names of voters in the order that they appear to
445 cast votes.
- 446 [(49)] (52) "Polling place" means a building where voting is conducted.
- 447 [(50)] (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
448 in which the voter marks the voter's choice.
- 449 [(51)] (54) "Presidential Primary Election" means the election established in Chapter 9, Part
450 8, Presidential Primary Election.
- 451 [(52)] (55) "Primary convention" means the political party conventions held during the year
452 of the regular general election.
- 453 [(53)] (56) "Protective counter" means a separate counter, which cannot be reset, that:
454 (a) is built into a voting machine; and
455 (b) records the total number of movements of the operating lever.
- 456 [(54)] (57) "Provider election officer" means an election officer who enters into a contract or
457 interlocal agreement with a contracting election officer to conduct an election for the
458 contracting election officer's local political subdivision in accordance with Section
459 20A-5-400.1.
- 460 [(55)] (58) "Provisional ballot" means a ballot voted provisionally by a person:
461 (a) whose name is not listed on the official register at the polling place;
462 (b) whose legal right to vote is challenged as provided in this title; or
463 (c) whose identity was not sufficiently established by a poll worker.
- 464 [(56)] (59) "Provisional ballot envelope" means an envelope printed in the form required by
465 Section 20A-6-105 that is used to identify provisional ballots and to provide information
466 to verify a person's legal right to vote.
- 467 [(57)] (60)(a) "Public figure" means an individual who, due to the individual being
468 considered for, holding, or having held a position of prominence in a public or
469 private capacity, or due to the individual's celebrity status, has an increased risk to the
470 individual's safety.
- 471 (b) "Public figure" does not include an individual:
472 (i) elected to public office; or
473 (ii) appointed to fill a vacancy in an elected public office.

- 474 [(58)] (61) "Qualify" or "qualified" means to take the oath of office and begin performing
475 the duties of the position for which the individual was elected.
- 476 [(59)] (62) "Receiving judge" means the poll worker that checks the voter's name in the
477 official register at a polling place and provides the voter with a ballot.
- 478 [(60)] (63) "Registration form" means a form by which an individual may register to vote
479 under this title.
- 480 [(61)] (64) "Regular ballot" means a ballot that is not a provisional ballot.
- 481 [(62)] (65) "Regular general election" means the election held throughout the state on the
482 first Tuesday after the first Monday in November of each even-numbered year for the
483 purposes established in Section 20A-1-201.
- 484 [(63)] (66) "Regular primary election" means the election, held on the date specified in
485 Section 20A-1-201.5, to nominate candidates of political parties and candidates for
486 nonpartisan local school board positions to advance to the regular general election.
- 487 [(64)] (67) "Resident" means a person who resides within a specific voting precinct in Utah.
- 488 [(65)] (68) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
489 provided to a voter with a manual ballot:
- 490 (a) into which the voter places the manual ballot after the voter has voted the manual
491 ballot in order to preserve the secrecy of the voter's vote; and
- 492 (b) that includes the voter affidavit and a place for the voter's signature.
- 493 [(66)] (69) "Sample ballot" means a mock ballot similar in form to the official ballot,
494 published as provided in Section 20A-5-405.
- 495 [(67)] (70) "Special district" means a local government entity under Title 17B, Limited
496 Purpose Local Government Entities - Special Districts, and includes a special service
497 district under Title 17D, Chapter 1, Special Service District Act.
- 498 [(68)] (71) "Special district officers" means those special district board members who are
499 required by law to be elected.
- 500 [(69)] (72) "Special election" means an election held as authorized by Section 20A-1-203.
- 501 [(70)] (73) "Spoiled ballot" means each ballot that:
- 502 (a) is spoiled by the voter;
- 503 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 504 (c) lacks the official endorsement.
- 505 [(71)] (74) "Statewide special election" means a special election called by the governor or
506 the Legislature in which all registered voters in Utah may vote.
- 507 [(72)] (75) "Tabulation system" means a device or system designed for the sole purpose of

508 tabulating votes cast by voters at an election.

509 [~~(73)~~] (76) "Ticket" means a list of:

510 (a) political parties;

511 (b) candidates for an office; or

512 (c) ballot propositions.

513 [~~(74)~~] (77) "Transfer case" means the sealed box used to transport voted ballots to the
514 counting center.

515 [~~(75)~~] (78) "Vacancy" means:

516 (a) except as provided in Subsection [~~(75)(b)~~] (78)(b), the absence of an individual to
517 serve in a position created by state constitution or state statute, whether that absence
518 occurs because of death, disability, disqualification, resignation, or other cause[-]; or

519 (b) in relation to a candidate for a position created by state constitution or state statute,
520 the removal of a candidate due to the candidate's death, resignation, or
521 disqualification.

522 [~~(76)~~] (79) "Valid voter identification" means:

523 (a) a form of identification that bears the name and photograph of the voter which may
524 include:

525 (i) a currently valid Utah driver license;

526 (ii) a currently valid identification card that is issued by:

527 (A) the state; or

528 (B) a branch, department, or agency of the United States;

529 (iii) a currently valid Utah permit to carry a concealed weapon;

530 (iv) a currently valid United States passport; or

531 (v) a currently valid United States military identification card;

532 (b) one of the following identification cards, whether or not the card includes a
533 photograph of the voter:

534 (i) a valid tribal identification card;

535 (ii) a Bureau of Indian Affairs card; or

536 (iii) a tribal treaty card; or

537 (c) two forms of identification not listed under Subsection [~~(76)(a) or (b)~~] (79)(a) or (b)
538 but that bear the name of the voter and provide evidence that the voter resides in the
539 voting precinct, which may include:

540 (i) a current utility bill or a legible copy thereof, dated within the 90 calendar days
541 before the day of the election;

- 542 (ii) a bank or other financial account statement, or a legible copy thereof;
- 543 (iii) a certified birth certificate;
- 544 (iv) a valid social security card;
- 545 (v) a check issued by the state or the federal government or a legible copy thereof;
- 546 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 547 (vii) a currently valid Utah hunting or fishing license;
- 548 (viii) certified naturalization documentation;
- 549 (ix) a currently valid license issued by an authorized agency of the United States;
- 550 (x) a certified copy of court records showing the voter's adoption or name change;
- 551 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 552 (xii) a currently valid identification card issued by:
- 553 (A) a local government within the state;
- 554 (B) an employer for an employee; or
- 555 (C) a college, university, technical school, or professional school located within
- 556 the state; or
- 557 (xiii) a current Utah vehicle registration.
- 558 ~~[(77)]~~ (80) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 559 candidate by following the procedures and requirements of this title.
- 560 ~~[(78)]~~ (81) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter,
- 561 by:
- 562 (a) mailing the ballot to the location designated in the mailing; or
- 563 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 564 ~~[(79)]~~ (82) "Voter" means an individual who:
- 565 (a) meets the requirements for voting in an election;
- 566 (b) meets the requirements of election registration;
- 567 (c) is registered to vote; and
- 568 (d) is listed in the official register book.
- 569 ~~[(80)]~~ (83) "Voter registration deadline" means the registration deadline provided in Section
- 570 20A-2-102.5.
- 571 ~~[(81)]~~ (84) "Voting area" means the area within six feet of the voting booths, voting
- 572 machines, and ballot box.
- 573 ~~[(82)]~~ (85) "Voting booth" means:
- 574 (a) the space or compartment within a polling place that is provided for the preparation
- 575 of ballots, including the voting enclosure or curtain; or

576 (b) a voting device that is free standing.

577 [(83)] (86) "Voting device" means any device provided by an election officer for a voter to
578 vote a mechanical ballot.

579 [(84)] (87) "Voting precinct" means the smallest geographical voting unit, established under
580 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

581 [(85)] (88) "Watcher" means an individual who complies with the requirements described in
582 Section 20A-3a-801 to become a watcher for an election.

583 [(86)] (89) "Write-in ballot" means a ballot containing any write-in votes.

584 [(87)] (90) "Write-in vote" means a vote cast for an individual, whose name is not printed on
585 the ballot, in accordance with the procedures established in this title.

586 Section 3. Section **20A-1-104** is repealed and reenacted to read:

587 **20A-1-104 . Computation of time.**

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

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

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

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

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

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

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

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

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

601 **20A-1-206 . Cancellation of local election or local race -- Municipalities -- Special**
602 **districts -- Notice.**

603 (1) As used in this section:

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

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

609 (c)(i) "Race" means a contest between candidates to obtain the number of votes

- 610 necessary to take a particular public office.
- 611 (ii) "Race," as the term relates to a contest for an at-large position, includes all open
612 positions for the same at-large office.
- 613 (iii) "Race," as the term relates to a contest for a municipal council position that is not
614 an at-large position, includes only the contest to represent a particular district on
615 the council.
- 616 (2) A municipal legislative body may cancel a local election if:
- 617 (a) the ballot for the local election will not include any contested races or ballot
618 propositions; and
- 619 (b) the municipal legislative body passes, no later than 20 calendar days before the day
620 of the scheduled election, a resolution that cancels the election and certifies that:
- 621 (i) the ballot for the election would not include any contested races or ballot
622 propositions; and
- 623 (ii) the candidates who qualified for the ballot are considered elected.
- 624 (3) A municipal legislative body may cancel a race in a local election if:
- 625 (a) the ballot for the race will not include any contested races or ballot propositions; and
- 626 (b) the municipal legislative body passes, no later than 20 calendar days before the day
627 of the scheduled election, a resolution that cancels the race and certifies that:
- 628 (i) the ballot for the race would not include any contested races or ballot propositions;
629 and
- 630 (ii) the candidate for the race is considered elected.
- 631 (4) A municipal legislative body that cancels a local election in accordance with Subsection
632 (2) shall give notice that the election is cancelled by:
- 633 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be
634 posted on the Statewide Electronic Voter Information Website described in Section
635 20A-7-801, for at least 15 [consecutive] calendar days before the day of the scheduled
636 election; and
- 637 (b) providing notice for the municipality, as a class A notice under Section 63G-30-102,
638 for at least 15 calendar days before the day of the scheduled election.
- 639 (5) A special district board may cancel a local election if:
- 640 (a) the ballot for the local election will not include any contested races or ballot
641 propositions; and
- 642 (b) the special district board passes, no later than 20 calendar days before the day of the
643 scheduled election, a resolution that cancels the election and certifies that:

- 644 (i) the ballot for the election would not include any contested races or ballot
 645 propositions; and
- 646 (ii) the candidates who qualified for the ballot are considered elected.
- 647 (6) A special district board may cancel a special district race if:
- 648 (a) the race is uncontested; and
- 649 (b) the special district board passes, no later than 20 calendar days before the day of the
 650 scheduled election, a resolution that cancels the race and certifies that the candidate
 651 who qualified for the ballot for that race is considered elected.
- 652 (7) A special district that cancels a local election in accordance with Subsection (5) shall
 653 provide notice that the election is cancelled:
- 654 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter
 655 Information Website described in Section 20A-7-801, for at least 15 [consecutive]
 656 calendar days before the day of the scheduled election; and
- 657 (b) as a class A notice under Section 63G-30-102, for at least 15 calendar days before
 658 the day of the scheduled election.
- 659 (8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or
 660 a special district that posts a notice in accordance with Subsection (7)(a) is not liable for
 661 a notice that fails to post due to technical or other error by the publisher of the Statewide
 662 Electronic Voter Information Website.

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

664 **20A-1-304 . Tie votes.**

- 665 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
 667 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- 668 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection
 669 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no
 670 later than the first business day that is at least three calendar days after the day on which
 671 the recount canvass is completed:
- 672 (a) determine the winning candidate, by lot, in whatever manner the election officer
 673 determines; and
- 674 (b) provide notice and an opportunity for each candidate involved in the tie to observe
 675 the casting or drawing of the lot or to send a representative to observe the casting or
 676 drawing of the lot.
- 677 (3)(a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in
 678 a primary election race for a national, statewide, or other office that represents more

679 than one county, the governor, lieutenant governor, and attorney general shall, at a
 680 public meeting called by the governor and held no later than the first business day
 681 that is at least three calendar days after the day on which the recount canvass is
 682 completed:

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

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

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

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

699 **20A-1-502 . Midterm vacancy in office of United States senator.**

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

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

706 (i) a municipal general election;
 707 (ii) a presidential primary election;
 708 (iii) a regular primary election; or
 709 (iv) a regular general election;

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

- 713 (c) sets the date of the general special congressional election on the same day as the next
714 election described in Subsection (1)(a) that is more than 90 calendar days after the
715 primary special congressional election described in Subsection (1)(b);
- 716 (d) provides each registered political party that is not a qualified political party at least
717 21 calendar days, but no more than 28 calendar days, to select one candidate, in a
718 manner determined by the registered political party, as a candidate for the registered
719 political party;
- 720 (e) for each qualified political party, provides at least 21 calendar days, but no more than
721 28 calendar days:
- 722 (i) for the qualified political party to select one candidate, using the convention
723 process described in Section 20A-9-407, as a candidate for the qualified political
724 party; and
- 725 (ii) for a member of the qualified political party to submit signatures to qualify as a
726 candidate for the qualified political party using the signature-gathering process
727 described in Section 20A-9-408;
- 728 (f) consistent with the requirements of this section, establishes the deadlines, time
729 frames, and procedures for filing a declaration of candidacy, giving notice of an
730 election, and other election requirements; and
- 731 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform
732 Military and Overseas Voters Act.
- 733 (2)(a) The governor may set a date for a primary special congressional election or a
734 general special congressional election on a date other than a date described in
735 Subsection (1)(a) if:
- 736 (i) on the same day on which the governor issues the proclamation described in
737 Subsection (1) the governor calls a special session for the Legislature to
738 appropriate money to hold the election on a different day; or
- 739 (ii) if the governor issues the proclamation described in Subsection (1) on or after
740 January 1, but before the end of the general session of the Legislature, and
741 requests in the proclamation described in Subsection (1) that the Legislature
742 appropriate money to hold the election on a different day.
- 743 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the
744 election on a different day, the proclamation described in Subsection (1) is void and
745 the governor shall, within seven calendar days after the day on which the Legislature
746 declines to appropriate money to hold the election on a different day, issue a

- 747 proclamation, in accordance with Subsection (1), that sets the special congressional
748 primary and general elections on dates described in Subsections (1)(a)(i) through (iv).
- 749 (3) A special congressional election to fill a vacancy in the office of United States senator
750 will not be held if:
- 751 (a) the next regular general election that occurs after the day on which the vacancy
752 occurs is the regular general election that occurs immediately before the six-year term
753 for the senate office ends; and
- 754 (b) the vacancy occurs after August 1 of the year before the regular general election
755 described in Subsection (3)(a).
- 756 (4)(a) The governor shall appoint an individual to temporarily fill a vacancy in the office
757 of United States senator from one of three individuals nominated by the Legislature,
758 each of whom is a member of the political party of which the prior officeholder was a
759 member at the time the prior officeholder was elected.
- 760 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator
761 until the earlier of the day on which:
- 762 (i) the vacancy is filled by election under Subsection (1) or (2); or
763 (ii) the six-year term for the senate office ends.
- 764 (5) An individual elected to fill a vacancy under this section shall serve until the end of the
765 current term in which the vacancy filled by the election occurs.
- 766 (6) A vacancy in the office of United States senator does not occur unless the senator:
- 767 (a) has left the office; or
768 (b) submits an irrevocable letter of resignation to the governor or to the president of the
769 United States Senate.

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

771 **20A-1-502.5 . Midterm vacancy in office of United States representative.**

- 772 (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of
773 United States representative, the governor shall, within seven calendar days after the day
774 on which the vacancy occurs, issue a proclamation calling a special congressional
775 election to fill the vacancy that:
- 776 (a) sets a date for a primary congressional special election, and a later date for a general
777 congressional special election, on the same day as one of the following elections:
- 778 (i) a municipal general election;
779 (ii) a presidential primary election;
780 (iii) a regular primary election; or

- 781 (iv) a regular general election;
- 782 (b) sets the date of the primary congressional special election on the same day as the
783 next election described in Subsections (1)(a)(i) through (iv) that is more than 90
784 calendar days after the day on which the governor issues the proclamation;
- 785 (c) sets the date of the general special congressional election on the same day as the next
786 election described in Subsection (1)(a) that is more than 90 calendar days after the
787 primary special congressional election described in Subsection (1)(b);
- 788 (d) provides each registered political party that is not a qualified political party at least 21
789 calendar days, but no more than 28 calendar days, to select one candidate, in a
790 manner determined by the registered political party, as a candidate for the registered
791 political party;
- 792 (e) for each qualified political party, provides at least 21 calendar days, but no more than
793 28 calendar days:
- 794 (i) for the qualified political party to select one candidate, using the convention
795 process described in Section 20A-9-407, as a candidate for the qualified political
796 party; and
- 797 (ii) for a member of the qualified political party to submit signatures to qualify as a
798 candidate for the qualified political party using the signature-gathering process
799 described in Section 20A-9-408;
- 800 (f) consistent with the requirements of this section, establishes the deadlines, time
801 frames, and procedures for filing a declaration of candidacy, giving notice of an
802 election, and other election requirements; and
- 803 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform
804 Military and Overseas Voters Act.
- 805 (2) The governor may set a date for a primary special congressional election or a general
806 special congressional election on a date other than a date described in Subsection (1)(a)
807 if:
- 808 (a) on the same day on which the governor issues the proclamation described in
809 Subsection (1) the governor calls a special session for the Legislature to appropriate
810 money to hold the election on a different day; or
- 811 (b) if the governor issues the proclamation described in Subsection (1) on or after
812 January 1, but before the end of the general session of the Legislature, and requests in
813 the proclamation described in Subsection (1) that the Legislature appropriate money
814 to hold the election on a different day.

- 815 (3) If the Legislature does not, under Subsection (2), appropriate money to hold the election
816 on a different day, the proclamation described in Subsection (1) is void and the governor
817 shall, within seven calendar days after the day on which the Legislature declines to
818 appropriate money to hold the election on a different day, issue a proclamation, in
819 accordance with Subsection (1), that sets the special congressional primary and general
820 elections on dates described in Subsections (1)(a)(i) through (iv).
- 821 (4) A special congressional election to fill a vacancy in the office of United States
822 representative will not be held if the vacancy occurs fewer than 180 calendar days before
823 the next regular general election.
- 824 (5) An individual who fills a vacancy under this section shall serve until the end of the
825 current term in which the vacancy occurs.
- 826 (6) A vacancy in the office of United States representative does not occur unless the
827 representative:
- 828 (a) has left the office; or
829 (b) submits an irrevocable letter of resignation to the governor or to the speaker of the
830 United States House of Representatives.
- 831 Section 8. Section **20A-1-503** is amended to read:
832 **20A-1-503 . Midterm vacancies in the Legislature.**
- 833 (1) As used in this section:
- 834 (a) "Filing deadline" means the final date for filing:
835 (i) a declaration of candidacy as provided in Section 20A-9-202; and
836 (ii) a certificate of nomination as provided in Section 20A-9-503.
837 (b) "Party liaison" means the political party officer designated to serve as a liaison with
838 the lieutenant governor on all matters relating to the political party's relationship with
839 the state as required by Section 20A-8-401.
- 840 (2) When a vacancy occurs for any reason in the office of representative in the Legislature,
841 the governor shall fill the vacancy by immediately appointing the person whose name
842 was submitted by the party liaison of the same political party as the prior representative.
- 843 (3)(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
844 the office of senator in the Legislature, it shall be filled for the unexpired term at the
845 next regular general election.
- 846 (b) The governor shall fill the vacancy until the next regular general election by
847 immediately appointing the person whose name was submitted by the party liaison of
848 the same political party as the prior senator.

- 849 (4)(a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
850 before August 31 of an even-numbered year in which the term of office does not
851 expire, the lieutenant governor shall:
- 852 (i) establish a date and time, which is before the date for a candidate to be certified
853 for the ballot under Section 20A-9-701 and no later than 21 calendar days after the
854 day on which the vacancy occurred, by which a person intending to obtain a
855 position on the ballot for the vacant office shall file:
- 856 (A) a declaration of candidacy; or
857 (B) a certificate of nomination; and
- 858 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
859 (A) on the lieutenant governor's website; and
860 (B) to each registered political party.
- 861 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 862 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
863 candidacy or certificate of nomination according to the procedures and
864 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
865 and
- 866 (ii) run in the regular general election if:
867 (A) nominated as a party candidate; or
868 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
869 Qualifications and Nominating Procedures.
- 870 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
871 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
872 which the term of office does not expire, a party liaison from each registered political
873 party may submit a name of a person described in Subsection (4)(b) to the lieutenant
874 governor before 5 p.m. no later than August 30 for placement on the regular general
875 election ballot.
- 876 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
877 even-numbered year in which a term does not expire, the governor shall fill the vacancy
878 for the unexpired term by immediately appointing the person whose name was submitted
879 by the party liaison of the same political party as the prior senator.
- 880 Section 9. Section **20A-1-506** is amended to read:
881 **20A-1-506 . Vacancy in the office of justice court judge.**
882 (1) As used in this section:

- 883 (a) "Appointing authority" means:
- 884 (i) for a county:
- 885 (A) the chair of the county commission in a county having the county commission
- 886 or expanded county commission form of county government; and
- 887 (B) the county executive in a county having the county executive-council form of
- 888 government; and
- 889 (ii) for a city or town, the mayor of the city or town.
- 890 (b) "Local legislative body" means:
- 891 (i) for a county, the county commission or county council; and
- 892 (ii) for a city or town, the council of the city or town.
- 893 (2)(a) If a vacancy occurs in the office of a municipal justice court judge before the
- 894 completion of the judge's term of office, the appointing authority:
- 895 (i) shall fill the vacancy by following the procedures and requirements for
- 896 appointments in Section 78A-7-202; and
- 897 (ii) may contract with a justice court judge of the county, an adjacent county, or
- 898 another municipality within those counties for judicial services until the vacancy
- 899 is filled.
- 900 (b) The appointing authority shall notify the Administrative Office of the Courts in
- 901 writing of an appointment of a municipal justice court judge under this section within
- 902 30 calendar days after the day on which the appointment is made.
- 903 (3)(a) If a vacancy occurs in the office of a county justice court judge before the
- 904 completion of the judge's term of office, the appointing authority shall fill the
- 905 vacancy by following the procedures and requirements for appointments in Section
- 906 78A-7-202.
- 907 (b) The appointing authority shall notify the Administrative Office of the Courts in
- 908 writing of an appointment of a county justice court judge under this section within 30
- 909 calendar days after the day on which the appointment is made.
- 910 (4)(a) When a vacancy occurs in the office of a justice court judge, the appointing
- 911 authority shall:
- 912 (i) advertise the vacancy and solicit applications for the vacancy;
- 913 (ii) appoint the best qualified candidate to office based solely upon fitness for office;
- 914 (iii) comply with the procedures and requirements of Title 52, Chapter 3, Prohibiting
- 915 Employment of Relatives, in making appointments to fill the vacancy; and
- 916 (iv) submit the name of the appointee to the local legislative body.

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

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

923 **20A-1-508 . Midterm vacancies in county elected offices -- Temporary manager**
 924 **-- Interim replacement.**

925 (1) As used in this section:

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

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

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

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

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

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

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

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

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

948 (A) if one management-level employee serving under the county office has a
 949 higher-seniority management level than any other employee serving under the
 950 county office, that management-level employee;

- 951 (B) if two or more management-level employees serving under the county office
952 have the same and highest-seniority management level, the highest-seniority
953 management-level employee with the most cumulative time served in the
954 employee's current position; or
- 955 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
956 officer vacates the office, the county officer files with the county clerk a
957 written statement designating one of the county officer's employees to
958 discharge the county officer's duties in the event the county officer vacates the
959 office, the designated employee.
- 960 (b) Except as provided in Subsection (2)(c), a temporary manager described in
961 Subsection (2)(a) who temporarily discharges the duties of a county office holds the
962 powers and duties of the county office until the county legislative body appoints an
963 interim replacement under Subsection (3).
- 964 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
965 the duties of a county office:
- 966 (i) may not take an oath of office for the county office as a temporary manager;
967 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
968 Counties, and the county's budget ordinances and policies;
969 (iii) unless approved by the county legislative body, may not change the
970 compensation of an employee;
971 (iv) unless approved by the county legislative body, may not promote or demote an
972 employee or change an employee's job title;
973 (v) may terminate an employee only if the termination is conducted in accordance
974 with:
975 (A) personnel rules described in Subsection 17-33-5(4) that are approved by the
976 county legislative body; and
977 (B) applicable law;
978 (vi) unless approved by the county legislative body, may not exceed by more than 5%
979 an expenditure that was planned before the county office for which the temporary
980 manager discharges duties was vacated;
981 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
982 compensation; and
983 (viii) if approved by the county legislative body, may receive a performance award
984 after:

985 (A) the county legislative body appoints an interim replacement under Subsection
986 (3); and

987 (B) the interim replacement is sworn into office.

988 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
989 body member.

990 (3)(a) Until a replacement is selected as provided in this section and has qualified, the
991 county legislative body shall appoint an interim replacement to fill the vacant office
992 by following the procedures and requirements of this Subsection (3).

993 (b)(i) To appoint an interim replacement, the county legislative body shall, within 10
994 calendar days after the day on which the vacancy occurs, give notice of the
995 vacancy to the party liaison of the same political party of the prior office holder
996 and invite that party liaison to submit the name of an individual to fill the vacancy.

997 (ii) That party liaison shall, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
998 business day that is at least 30 calendar days after the day on which the liaison
999 receives the notice described in Subsection (3)(b)(i), or if the party liaison does
1000 not receive the notice, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
1001 business day that is at least 40 calendar days after the day on which the vacancy
1002 occurs, submit to the county legislative body the name of an individual the party
1003 selects in accordance with the party's constitution or bylaws to serve as the interim
1004 replacement.

1005 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after
1006 the day on which a party liaison submits the name of the individual to serve as the
1007 interim replacement, appoint the individual to serve out the unexpired term.

1008 (c)(i) If the county legislative body fails to appoint an interim replacement to fill the
1009 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later
1010 than [~~five~~] seven calendar days after the day of the deadline described in
1011 Subsection (3)(b)(iii), send to the governor a letter that:

1012 (A) informs the governor that the county legislative body has failed to appoint a
1013 replacement within the statutory time period; and

1014 (B) contains the name of the individual submitted by the party liaison to fill the
1015 vacancy.

1016 (ii) The governor shall, within 10 calendar days after the day on which the governor
1017 receives the letter described in Subsection (3)(c)(i), appoint the individual named
1018 by the party liaison as an interim replacement to fill the vacancy.

1019 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
1020 office until a successor is elected and has qualified.

1021 (4)(a) The requirements of this Subsection (4) apply to all county offices that become
1022 vacant if:

1023 (i) the vacant office has an unexpired term of two years or more; and

1024 (ii) the vacancy occurs after the election at which the officeholder was elected, but
1025 before the first day of the declaration of candidacy filing period described in
1026 Section 20A-9-201.5.

1027 (b)(i) When the conditions described in Subsection (4)(a) are met, the county clerk
1028 shall as soon as practicable, but no later than 180 calendar days before the next
1029 regular general election, notify the public and each registered political party that
1030 the vacancy exists.

1031 (ii) An individual intending to become a party candidate for the vacant office shall
1032 file a declaration of candidacy in accordance with:

1033 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
1034 and

1035 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
1036 if applicable.

1037 (iii) An individual who is nominated as a party candidate, who qualifies as an
1038 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not
1039 Affiliated with a Party, or who qualifies as a write-in candidate for the vacant
1040 office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1041 general election.

1042 (5)(a) The requirements of this Subsection (5) apply to all county offices that become
1043 vacant if:

1044 (i) the vacant office has an unexpired term of two years or more; and

1045 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing
1046 period described in Section 20A-9-201.5, but more than 75 calendar days before
1047 the regular primary election.

1048 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as
1049 soon as practicable, but no later than 70 calendar days before the next regular primary
1050 election, notify the public and each registered political party:

1051 (i) that the vacancy exists; and

1052 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established

- 1053 under Subsection (5)(d)(ii).
- 1054 (c)(i) An individual intending to become a party candidate for a vacant office shall, [
1055 ~~within~~] no later than 5 p.m. on the first business day that is at least five calendar
1056 days after the day on which the notice is given, [~~ending at the close of normal~~
1057 office hours on the fifth day,] file a declaration of candidacy for the vacant office
1058 in accordance with:
- 1059 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
1060 and
- 1061 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
1062 if applicable.
- 1063 (ii) The county central committee of each party shall:
- 1064 (A) select a candidate or candidates from among those qualified candidates who
1065 have filed declarations of candidacy; and
- 1066 (B) certify the name of the candidate or candidates to the county clerk as soon as
1067 practicable, but [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
1068 business day that is at least 60 calendar days before the day of the regular
1069 primary election.
- 1070 (d)(i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
1071 candidate for a vacant office who does not wish to affiliate with a registered
1072 political party shall file a verified certificate of nomination described in Section
1073 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates
1074 not Affiliated with a Party.
- 1075 (ii)(A) The county clerk shall establish, in the clerk's reasonable discretion, a
1076 deadline that is [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
1077 business day that is at least 65 calendar days before the day of the next regular
1078 general election by which an individual who is not affiliated with a registered
1079 political party is required to submit a certificate of nomination under
1080 Subsection (5)(d)(i).
- 1081 (B) The county clerk shall establish the deadline described in Subsection
1082 (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal
1083 opportunity to access the regular general election ballot.
- 1084 (e) An individual who is nominated as a party candidate for the vacant office, who
1085 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
1086 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the

1087 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1088 general election.

1089 (6)(a) The requirements of this Subsection (6) apply to all county offices that become
1090 vacant:

1091 (i) if the vacant office has an unexpired term of two years or more; and

1092 (ii) when 75 calendar days or less remain before the day of the regular primary
1093 election but more than 65 calendar days remain before the day of the regular
1094 general election.

1095 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as
1096 soon as practicable, notify the public and each registered political party:

1097 (i) that the vacancy exists; and

1098 (ii) of the deadlines established under Subsection (6)(d).

1099 (c)(i) Before the deadline that the county clerk establishes under Subsection

1100 (6)(d)(i)(A), the county central committee of each registered political party that
1101 wishes to submit a candidate for the office shall certify the name of one candidate
1102 to the county clerk for placement on the regular general election ballot.

1103 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),
1104 a candidate who does not wish to affiliate with a registered political party shall file
1105 a verified certificate of nomination described in Section 20A-9-502 with the
1106 county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with
1107 a Party.

1108 (iii) Before the deadline that the county clerk establishes under Subsection

1109 (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of
1110 candidacy described in Section 20A-9-601.

1111 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines

1112 that are [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day
1113 that is at least 65 calendar days before the day of the next regular general election
1114 by which:

1115 (A) a registered political party is required to certify a name under Subsection
1116 (6)(c)(i);

1117 (B) an individual who does not wish to affiliate with a registered political party is
1118 required to submit a certificate of nomination under Subsection (6)(c)(ii); and

1119 (C) a write-in candidate is required to submit a declaration of candidacy under
1120 Subsection (6)(c)(iii).

1121 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
1122 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to
1123 access the regular general election ballot.

1124 (e) An individual who is certified as a party candidate for the vacant office, who
1125 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
1126 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
1127 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1128 general election.

1129 (7)(a) The requirements of this Subsection (7) apply to all county offices that become
1130 vacant:

1131 (i) if the vacant office has an unexpired term of less than two years; or

1132 (ii) if the vacant office has an unexpired term of two years or more but 65 calendar
1133 days or less remain before the day of the next regular general election.

1134 (b)(i) When the conditions described in Subsection (7)(a) are met, the county
1135 legislative body shall as soon as practicable, but no later than 10 calendar days
1136 after the day on which the vacancy occurs, give notice of the vacancy to the party
1137 liaison of the same political party as the prior office holder and invite that party
1138 liaison to submit the name of an individual to fill the vacancy.

1139 (ii) That party liaison shall, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
1140 business day that is at least 30 calendar days after the day on which the party
1141 liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison
1142 does not receive the notice, [~~before 5 p.m. no later than~~] no later than 5 p.m. on the
1143 first business day that is at least 40 calendar days after the day on which the
1144 vacancy occurs, submit to the county legislative body the name of an individual to
1145 fill the vacancy.

1146 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after
1147 the day on which a party liaison submits the name of the individual to fill the
1148 vacancy, appoint the individual to serve out the unexpired term.

1149 (c)(i) If the county legislative body fails to appoint an individual to fill the vacancy in
1150 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor
1151 a letter that:

1152 (A) informs the governor that the county legislative body has failed to appoint an
1153 individual to fill the vacancy within the statutory time period; and

1154 (B) contains the name of the individual submitted by the party liaison to fill the

- 1155 vacancy.
- 1156 (ii) The governor shall, within 10 calendar days after the day on which the governor
1157 receives the letter described in Subsection (7)(c)(i), appoint the individual named
1158 by the party liaison to fill the vacancy.
- 1159 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office
1160 until a successor is elected and has qualified.
- 1161 (8) Except as otherwise provided by law, the county legislative body may appoint
1162 replacements to fill all vacancies that occur in those offices filled by appointment of the
1163 county legislative body.
- 1164 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
1165 political party from filing a certificate of nomination for a vacant office within the same
1166 time limits as a candidate that is affiliated with a political party.
- 1167 (10)(a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a
1168 county office shall serve for the remainder of the unexpired term of the individual
1169 who created the vacancy and until a successor is elected and qualified.
- 1170 (b) Nothing in this section may be construed to contradict or alter the provisions of
1171 Section 17-16-6.
- 1172 Section 11. Section **20A-1-509.1** is amended to read:
- 1173 **20A-1-509.1 . Procedure for filling midterm vacancy in county or district with 15**
1174 **or more attorneys.**
- 1175 (1) When a vacancy occurs in the office of county or district attorney in a county or district
1176 having 15 or more attorneys who are licensed active members in good standing with the
1177 Utah State Bar and registered voters, the vacancy shall be filled as provided in this
1178 section.
- 1179 (2)(a) The requirements of this Subsection (2) apply when the office of county attorney
1180 or district attorney becomes vacant and:
- 1181 (i) the vacant office has an unexpired term of two years or more; and
1182 (ii) the vacancy occurs before the first day of the declaration of candidacy filing
1183 period described in Section 20A-9-201.5.
- 1184 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
1185 notify the public and each registered political party that the vacancy exists.
- 1186 (c) All persons intending to become candidates for the vacant office shall:
- 1187 (i) file a declaration of candidacy according to the procedures and requirements of
1188 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

- 1189 (ii) if nominated as a party candidate or qualified as an independent or write-in
1190 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures,
1191 run in the regular general election; and
- 1192 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 1193 (d) If the vacancy occurs during the declaration of candidacy filing period described in
1194 Section 20A-9-201.5:
- 1195 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
1196 extended until 5 p.m. on the first business day that is no later than seven calendar
1197 days after the last day of the filing period described in Section 20A-9-201.5; and
- 1198 (ii) the county clerk shall notify the public and each registered political party that the
1199 vacancy exists.
- 1200 (3)(a) The requirements of this Subsection (3) apply when the office of county attorney
1201 or district attorney becomes vacant and:
- 1202 (i) the vacant office has an unexpired term of two years or more; and
- 1203 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
1204 but more than 75 calendar days before the regular primary election.
- 1205 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 1206 (i) notify the public and each registered political party that the vacancy exists; and
- 1207 (ii) identify the date and time by which a person interested in becoming a candidate
1208 shall file a declaration of candidacy.
- 1209 (c) All persons intending to become candidates for the vacant office shall:
- 1210 (i) [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least
1211 five calendar days after the day on which the county clerk gives the notice
1212 described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant
1213 office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations
1214 of Candidacy; and
- 1215 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1216 (d) The county central committee of each party shall:
- 1217 (i) select a candidate or candidates from among those qualified candidates who have
1218 filed declarations of candidacy; and
- 1219 (ii) certify the name of the candidate or candidates to the county clerk:
- 1220 (A) [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is
1221 at least 60 calendar days before the day of the regular primary election; or
- 1222 (B) electronically, before midnight no later than 60 calendar days before the day

- 1223 of the regular primary election.
- 1224 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
1225 or district attorney becomes vacant and:
- 1226 (i) the vacant office has an unexpired term of two years or more; and
1227 (ii) 75 calendar days or less remain before the regular primary election but more than
1228 65 calendar days remain before the regular general election.
- 1229 (b) When the conditions established in Subsection (4)(a) are met, the county central
1230 committees of each registered political party that wish to submit a candidate for the
1231 office shall, not later than five calendar days after the day on which the vacancy
1232 occurs, certify the name of one candidate to the county clerk for placement on the
1233 regular general election ballot.
- 1234 (c) The candidate elected shall complete the unexpired term of the person who created
1235 the vacancy.
- 1236 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
1237 or district attorney becomes vacant and:
- 1238 (i) the vacant office has an unexpired term of less than two years; or
1239 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days
1240 or less remain before the next regular general election.
- 1241 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
1242 body shall give notice of the vacancy to the county central committee of the same
1243 political party of the prior officeholder and invite that committee to submit the names
1244 of three nominees to fill the vacancy.
- 1245 (c) That county central committee shall, within 30 calendar days after the day on which
1246 the county legislative body gives the notice described in Subsection (5)(b), submit to
1247 the county legislative body the names of three nominees to fill the vacancy.
- 1248 (d) The county legislative body shall, within 45 calendar days after the vacancy occurs,
1249 appoint one of those nominees to serve out the unexpired term.
- 1250 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
1251 calendar days, the county clerk shall send to the governor a letter that:
- 1252 (i) informs the governor that the county legislative body has failed to appoint a
1253 person to fill the vacancy within the statutory time period; and
1254 (ii) contains the list of nominees submitted by the party central committee.
- 1255 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
1256 within 30 calendar days after [~~receipt of the letter~~] the day on which the governor

1257 receives the letter described in Subsection (5)(e).

1258 (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the
1259 unexpired term of the person who created the vacancy.

1260 (6) Nothing in this section prevents or prohibits independent candidates from filing a
1261 declaration of candidacy for the office within the required time limits.

1262 Section 12. Section **20A-1-509.2** is amended to read:

1263 **20A-1-509.2 . Procedure for filling vacancy in county or district with fewer than**
1264 **15 attorneys.**

1265 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy
1266 created by the failure of a person to file as a candidate for the office of county or district
1267 attorney in an election, in a county or district having fewer than 15 attorneys who are
1268 licensed, active members in good standing with the Utah State Bar and registered voters,
1269 the vacancy shall be filled as provided in this section.

1270 (2) The county clerk shall send a letter to each attorney residing in the county or district
1271 who is a licensed, active member in good standing with the Utah State Bar and a
1272 registered voter that:

1273 (a) informs the attorney of the vacancy;

1274 (b) invites the attorney to apply for the vacancy; and

1275 (c) informs the attorney that if the attorney [~~has not responded~~] does not respond before 5
1276 p.m. [~~within~~] on the first business day that is at least 10 calendar days after the day on
1277 which the county clerk sends the letter, the attorney's candidacy to fill the vacancy
1278 will not be considered.

1279 (3)(a)(i) If, before the deadline described in Subsection (2)(c), more than three
1280 attorneys who are licensed, active members in good standing with the Utah State
1281 Bar and registered voters in the county or district have applied for the vacancy, the
1282 county clerk shall, except as provided in Subsection (3)(a)(ii), submit the
1283 applications to the county central committee of the same political party of the
1284 prior officeholder.

1285 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
1286 county central committee of each county within the prosecution district.

1287 (b) The central committee shall nominate three of the applicants and forward the
1288 applicants' names to the county legislative body [~~before 5 p.m. within~~] no later than 5
1289 p.m. on the first business day that is at least 20 calendar days after the day on which
1290 the county clerk submits the applicants' names under Subsection (3)(a).

- 1291 (c) The county legislative body shall appoint one of the nominees to fill the vacant
1292 position.
- 1293 (d) If the central committee of the political party fails to submit at least three names to
1294 the county legislative body before the deadline described in Subsection (3)(b), the
1295 county legislative body shall appoint one of the applicants to fill the vacant position.
- 1296 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120
1297 calendar days after the day on which the vacancy occurs, the county clerk shall mail
1298 to the governor:
- 1299 (i) a letter informing the governor that the county legislative body has failed to
1300 appoint a person to fill the vacancy; and
- 1301 (ii)(A) the list of nominees, if any, submitted by the central committee of the
1302 political party; or
- 1303 (B) if the party central committee has not submitted a list of at least three
1304 nominees within the required time, the names of the persons who submitted
1305 applications for the vacant position to the county clerk.
- 1306 (f) The governor shall appoint, within 30 calendar days after the day on which the
1307 governor receives the letter described in Subsection (3)(e), a person from the list to
1308 fill the vacancy.
- 1309 (4)(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who
1310 are licensed, active members in good standing with the Utah State Bar and registered
1311 voters in the county or district have applied for the vacancy, the county legislative
1312 body may:
- 1313 (i) appoint one of them to be county or district attorney; or
- 1314 (ii) solicit additional applicants and appoint a county or district attorney as provided
1315 in Subsection (4)(b).
- 1316 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
1317 Utah State Bar and registered voters in the county or district submit applications,
1318 the county legislative body may publicly solicit and accept additional applications
1319 for the position from licensed, active members in good standing of the Utah State
1320 Bar who are not residents of the county or prosecution district.
- 1321 (ii) The county legislative body shall consider the applications submitted by the
1322 attorneys who are residents of and registered voters in the county or prosecution
1323 district and the applications submitted by the attorneys who are not residents of
1324 the county or prosecution district and shall appoint one of the applicants to be

- 1325 county attorney or district attorney.
- 1326 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar
 1327 days after the day on which the vacancy occurs, the county clerk shall:
- 1328 (i) notify the governor that the legislative body has failed to fill the vacancy within
 1329 the required time period; and
- 1330 (ii) provide the governor with a list of all the applicants.
- 1331 (d) The governor shall appoint a person to fill the vacancy within 30 calendar days after
 1332 the day on which the governor receives the notification described in Subsection (4)(c).
- 1333 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person
 1334 who created the vacancy.
- 1335 Section 13. Section **20A-1-510** is amended to read:
- 1336 **20A-1-510 . Midterm vacancies in municipal offices.**
- 1337 (1)(a) As used in this section:
- 1338 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined
 1339 in Section 20A-1-102.
- 1340 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
- 1341 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of
 1342 municipal executive or member of a municipal legislative body, the municipal
 1343 legislative body shall, within 30 calendar days after the day on which the vacancy
 1344 occurs, appoint a registered voter in the municipality who meets the qualifications for
 1345 office described in Section 10-3-301 to fill the unexpired term of the vacated office.
- 1346 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 1347 (i) give public notice of the vacancy at least 14 calendar days before the day on
 1348 which the municipal legislative body meets to fill the vacancy;
- 1349 (ii) identify, in the notice:
- 1350 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1351 (B) the person to whom an individual interested in being appointed to fill the
 1352 vacancy may submit the interested individual's name for consideration; and
- 1353 (C) the deadline for submitting an interested individual's name; and
- 1354 (iii) in an open meeting, interview each individual whose name is submitted for
 1355 consideration, and who meets the qualifications for office, regarding the
 1356 individual's qualifications.
- 1357 (d)(i) The municipal legislative body shall take an initial vote to fill the vacancy from
 1358 among the names of the candidates interviewed under Subsection (1)(c)(iii).

- 1359 (ii)(A) If no candidate receives a majority vote of the municipal legislative body
1360 in the initial vote described in Subsection (1)(d)(i), the two candidates that
1361 received the most votes in the initial vote, as determined by the tie-breaking
1362 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,
1363 shall be placed before the municipal legislative body for a second vote to fill
1364 the vacancy.
- 1365 (B) If the initial vote results in a tie for second place, the candidates tied for
1366 second place shall be reduced to one by a coin toss conducted in accordance
1367 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection
1368 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the
1369 initial vote and the candidate that wins the coin toss described in this
1370 Subsection (1)(d)(ii)(B).
- 1371 (C) If the initial vote results in a tie among three or more candidates for first place,
1372 the candidates tied for first place shall be reduced to two by a coin toss
1373 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote
1374 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that
1375 remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 1376 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the
1377 municipal clerk or recorder in the presence of the municipal legislative body.
- 1378 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate
1379 receives a majority vote of the municipal legislative body, the vacancy shall be
1380 determined by a coin toss between the two candidates in accordance with
1381 Subsection (1)(d)(ii)(D).
- 1382 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)
1383 through (d), the municipal clerk or recorder shall immediately notify the lieutenant
1384 governor.
- 1385 (f) After receiving notice that a municipal legislative body has failed to timely comply
1386 with Subsections (1)(b) through (d), the lieutenant governor shall:
- 1387 (i) notify the municipal legislative body of the violation; and
1388 (ii) direct the municipal legislative body to, within 30 calendar days after the day on
1389 which the lieutenant governor provides the notice described in this Subsection
1390 (1)(f), appoint an eligible individual to fill the vacancy in accordance with
1391 Subsections (1)(c) and (d).
- 1392 (g) If the municipality fails to timely comply with a directive described in Subsection

- 1393 (1)(f):
- 1394 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill
- 1395 the vacancy; and
- 1396 (ii) the governor shall, within 45 calendar days after the day on which the governor
- 1397 receives the notice described in Subsection (1)(g)(i), provide public notice
- 1398 soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and
- 1399 appoint an individual to fill the vacancy.
- 1400 (2)(a) A vacancy in the office of municipal executive or member of a municipal
- 1401 legislative body shall be filled by an interim appointment, followed by an election to
- 1402 fill a two-year term, if:
- 1403 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
- 1404 executive at least 14 calendar days before the deadline for filing for election in an
- 1405 odd-numbered year; and
- 1406 (ii) two years of the vacated term will remain after the first Monday of January
- 1407 following the next municipal election.
- 1408 (b) In appointing an interim replacement, the municipal legislative body shall:
- 1409 (i) comply with the notice requirements of this section; and
- 1410 (ii) in an open meeting, interview each individual whose name is submitted for
- 1411 consideration, and who meets the qualifications for office, regarding the
- 1412 individual's qualifications.
- 1413 (3)(a) In a municipality operating under the council-mayor form of government, as
- 1414 defined in Section 10-3b-102:
- 1415 (i) the council may appoint an individual to fill a vacancy in the office of mayor
- 1416 before the effective date of the mayor's resignation by making the effective date of
- 1417 the appointment the same as the effective date of the mayor's resignation; and
- 1418 (ii) if a vacancy in the office of mayor occurs before the effective date of an
- 1419 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council
- 1420 members, by majority vote, shall appoint a council member to serve as acting
- 1421 mayor during the time between the creation of the vacancy and the effective date
- 1422 of the appointment to fill the vacancy.
- 1423 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
- 1424 (i) act as a council member; and
- 1425 (ii) vote at council meetings.
- 1426 (4)(a)(i) For a vacancy of a member of a municipal legislative body as described in

- 1427 this section, the municipal legislative body member whose resignation creates the
 1428 vacancy on the municipal legislative body may:
- 1429 (A) interview an individual whose name is submitted for consideration under
 1430 Subsection (1)(c)(iii) or (2)(b)(ii); and
 - 1431 (B) vote on the appointment of an individual to fill the vacancy.
- 1432 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is
 1433 removed from office in accordance with state law may not cast a vote under
 1434 Subsection (4)(a)(i).
- 1435 (b) A member of a municipal legislative body who submits his or her resignation to the
 1436 municipal legislative body may not rescind the resignation.
 - 1437 (c) A member of a municipal legislative body may not vote on an appointment under
 1438 this section for himself or herself to fill a vacancy in the municipal legislative body.
- 1439 (5) In a municipality operating under the council-mayor form of government, the mayor
 1440 may not:
- 1441 (a) participate in the vote to fill a vacancy;
 - 1442 (b) veto a decision of the council to fill a vacancy; or
 - 1443 (c) vote in the case of a tie.
- 1444 (6) A mayor whose resignation from the municipal legislative body is due to election or
 1445 appointment as mayor may, in the case of a tie, participate in the vote under this section.
- 1446 (7) A municipal legislative body may, consistent with the provisions of state law, adopt
 1447 procedures governing the appointment, interview, and voting process for filling
 1448 vacancies in municipal offices.
- 1449 Section 14. Section **20A-1-510.1** is amended to read:
- 1450 **20A-1-510.1 . Candidate vacancies in local office.**
- 1451 (1) A vacancy that occurs in a candidacy for an elected office in a local political subdivision
 1452 may be filled in accordance with the requirements of this section if:
- 1453 (a) a nonpartisan primary election is held for the office;
 - 1454 (b) the vacancy occurs after the date of the primary election but before:
 - 1455 (i) for a county office, August 31; or
 - 1456 (ii) for all other offices, 65 calendar days before the day of the applicable general
 1457 election; and
 - 1458 (c) after the vacancy occurs, the number of remaining candidates for the office is less
 1459 than or equal to the number of open positions to be filled for that office in the
 1460 applicable general election.

- 1461 (2) An election officer shall:
- 1462 (a) fill a candidate vacancy described in Subsection (1) by certifying the next available
- 1463 candidate for the office for the general election ballot who received the highest
- 1464 number of votes in the primary election without receiving a sufficient number of
- 1465 votes to qualify for the general election ballot; and
- 1466 (b) immediately notify the candidate described in Subsection (2)(a) that the candidate is
- 1467 certified for the general election ballot.

1468 Section 15. Section **20A-1-511** is amended to read:

1469 **20A-1-511 . Midterm vacancy on a local school board.**

- 1470 (1)(a) A local school board shall fill a vacancy on the local school board by
- 1471 appointment, except as otherwise provided in Subsections (1)(b) and (2).
- 1472 (b) The county legislative body, or municipal legislative body in a city district, shall fill
- 1473 a vacancy on a local school board by appointment if the local school board fails to
- 1474 make an appointment to fill the vacancy:
- 1475 (i) except as provided in Subsection (1)(b)(ii), within 30 calendar days after a
- 1476 vacancy occurs on the local school board; or
- 1477 (ii) within 45 calendar days after a vacancy occurs on the local school board due to
- 1478 the death of a local school board member.
- 1479 (c) A member appointed and qualified under this Subsection (1) shall serve until a
- 1480 successor is elected or appointed and qualified.
- 1481 (2)(a) A vacancy on the board shall be filled by an interim appointment, followed by an
- 1482 election to fill a two-year term if:
- 1483 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
- 1484 at least 14 calendar days before the deadline for filing a declaration of candidacy;
- 1485 and
- 1486 (ii) two years of the vacated term will remain after the first Monday of January
- 1487 following the next school board election.
- 1488 (b) A member elected under this Subsection (2) shall serve for the remaining two years
- 1489 of the vacated term and until a successor is elected and qualified.
- 1490 (3) Before appointing an individual to fill a vacancy under this section, the local school
- 1491 board shall:
- 1492 (a) give public notice of the vacancy at least two weeks before the local school board
- 1493 meets to fill the vacancy;
- 1494 (b) identify, in the public notice:

- 1495 (i) the date, time, and place of the meeting where the vacancy will be filled; and
 1496 (ii) the person to whom and the date and time before which an individual interested in
 1497 being appointed to fill the vacancy may submit the individual's name for
 1498 consideration; and
- 1499 (c) in an open meeting, interview each individual whose name is submitted for
 1500 consideration and who meets the qualifications for office, regarding the individual's
 1501 qualifications.
- 1502 (4)(a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill
 1503 a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member
 1504 of the local school board submits a letter of resignation.
- 1505 (b) An individual appointed under Subsection (4)(a) may not take office until on or after
 1506 the day on which the vacancy occurs for which the individual is appointed.
- 1507 (c) A member of a local school board who submits a letter of resignation under
 1508 Subsection (4)(a) may not rescind the resignation after the local school board makes
 1509 an appointment to fill the vacancy created by the resignation.

1510 Section 16. Section **20A-1-512** is amended to read:

1511 **20A-1-512 . Midterm vacancies on local district boards -- Notice.**

- 1512 (1)(a) When a vacancy occurs on any special district board for any reason, the following
 1513 shall appoint a replacement to serve out the unexpired term in accordance with this
 1514 section:
- 1515 (i) the special district board, if the person vacating the position was elected; or
 1516 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the
 1517 appointing authority appointed the person vacating the position.
- 1518 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
 1519 special district board or appointing authority shall:
- 1520 (i) give public notice of the vacancy for at least two weeks before the special district
 1521 board or appointing authority meets to fill the vacancy by publishing the notice, as
 1522 a class A notice under Section 63G-30-102, for the special district; and
 1523 (ii) identify, in the notice:
- 1524 (A) the date, time, and place of the meeting where the vacancy will be filled;
 1525 (B) the individual to whom an individual who is interested in an appointment to
 1526 fill the vacancy may submit the individual's name for consideration; and
 1527 (C) any submission deadline.
- 1528 (c) An appointing authority is not subject to Subsection (1)(b) if:

- 1529 (i)(A) the appointing authority appoints one of the appointing authority's own
 1530 members; and
- 1531 (B) that member meets all applicable statutory board member qualifications; or
 1532 (ii) the vacancy is on the board of trustees of an infrastructure financing district with
 1533 no residents within the district's boundary.
- 1534 (d) When a vacancy occurs on the board of a water conservancy district located in more
 1535 than one county:
- 1536 (i) the board shall give notice of the vacancy to the county legislative bodies that
 1537 nominated the vacating trustee as provided in Section 17B-2a-1005;
 1538 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
 1539 compile a list of three nominees to fill the vacancy; and
 1540 (iii) the governor shall, with the advice and consent of the Senate, appoint an
 1541 individual to fill the vacancy from nominees submitted as provided in Subsection
 1542 17B-2a-1005(2)(c).
- 1543 (2) If [~~90 days after a vacancy occurs;~~] the special district board [~~has failed]~~ fails to appoint
 1544 an individual to complete an elected board member's term within 90 calendar days after
 1545 the day on which the vacancy occurs, the vacancy shall be filled:
- 1546 (a) in accordance with the procedure for a special district described in Subsection (1)(b);
 1547 and
- 1548 (b) by, as applicable:
- 1549 (i) the legislative body of the county or municipality that created the special district;
 1550 or
 1551 (ii) for a vacancy on a board of trustees of an infrastructure financing district, the
 1552 legislative body of the county whose unincorporated area contains or the
 1553 municipality whose boundary contains more of the area within the infrastructure
 1554 financing district than is contained within the unincorporated area of any other
 1555 county or within the boundary of any other municipality.

1556 Section 17. Section **20A-1-513** is amended to read:

1557 **20A-1-513 . Temporary absence in elected office of a political subdivision for**
 1558 **military service.**

- 1559 (1) As used in this section:
- 1560 (a)(i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
 1561 Space Force, and Coast Guard.
- 1562 (ii) "Armed forces" includes the National Guard.

- 1563 (b)(i) "Elected official" means an individual who holds an office of a political
1564 subdivision that is required by law to be filled by an election.
- 1565 (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an
1566 office described in Subsection (1)(b)(i).
- 1567 (c) "Elected official reservist" means an elected official who is:
- 1568 (i) a member of the armed forces reserves component;
- 1569 (ii) a member of the National Guard; or
- 1570 (iii) a retired member of the armed forces who may be called to active, full-time duty
1571 in the armed forces under Title 10, U.S.C., Armed Forces.
- 1572 (d)(i) "Military leave" means the temporary absence from an office:
- 1573 (A) by an elected official reservist called to active, full-time duty in the armed
1574 forces; and
- 1575 (B) for a period of time that exceeds 30 calendar days and does not exceed 400
1576 calendar days.
- 1577 (ii) "Military leave" includes the time an individual on leave, as described in
1578 Subsection (1)(d)(i), spends for:
- 1579 (A) out processing;
- 1580 (B) an administrative delay;
- 1581 (C) accrued leave; and
- 1582 (D) on rest and recuperation leave program of the armed forces.
- 1583 (e) "Political subdivision's governing body" means:
- 1584 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 1585 (ii) for a special district, the board of trustees of the special district;
- 1586 (iii) for a local school district, the local school board;
- 1587 (iv) for a special service district:
- 1588 (A) the legislative body of the county, city, or town that established the special
1589 service district, if no administrative control board has been appointed under
1590 Section 17D-1-301; or
- 1591 (B) the administrative control board of the special service district, if an
1592 administrative control board has been appointed under Section 17D-1-301; and
- 1593 (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body
1594 that governs the affairs of the political subdivision.
- 1595 (f) "Temporary replacement" means the individual appointed by the political
1596 subdivision's governing body in accordance with this section to exercise the powers

- 1597 and duties of the office of an elected official reservist who takes military leave.
- 1598 (2) An elected official reservist who takes military leave in accordance with this section
1599 does not create a vacancy in the elected official's office.
- 1600 (3)(a) An elected official reservist who is called to active, full-time duty in the armed
1601 forces under Title 10, U.S.C., Armed Forces, shall notify the political subdivision's
1602 governing body of the elected official's orders no later than 5 p.m. on the first
1603 business day that is at least five calendar days after the day on which the elected
1604 official receives the orders.
- 1605 (b) An elected official reservist described in Subsection (3)(a) may:
- 1606 (i) if the period of active, full-time duty does not exceed 270 calendar days:
- 1607 (A) continue to carry out the elected official's duties if possible while on active,
1608 full-time duty; or
- 1609 (B) take military leave if the elected official submits to the political subdivision's
1610 governing body written notice of the intent to take military leave and the
1611 expected duration of the military leave; or
- 1612 (ii) if the period of active, full-time duty exceeds 270 calendar days but does not
1613 exceed 400 calendar days, take military leave if the elected official submits to the
1614 political subdivision's governing body:
- 1615 (A) written notice of the intent to take military leave and the expected duration of
1616 the military leave; and
- 1617 (B) written certification that the secretary of the armed force of which the elected
1618 official is a member granted the elected official permission under U.S.
1619 Department of Defense Directive 1344.10 to continue to hold the elected
1620 official's office while on active, full-time duty.
- 1621 (4)(a) An elected official reservist who chooses to continue to carry out the elected
1622 official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 calendar days
1623 after the day of the elected official's deployment, confirm in writing to the political
1624 subdivision's governing body that the elected official has the ability to carry out the
1625 elected official's duties.
- 1626 (b) If an elected official reservist does not submit the confirmation to the political
1627 subdivision's governing body before the deadline described in Subsection (4)(a), the
1628 political subdivision's governing body shall:
- 1629 (i) place the elected official in military leave status; and
- 1630 (ii) appoint a temporary replacement in accordance with Subsection (8).

- 1631 (5)(a) An elected official reservist who chooses to take military leave under Subsection
1632 (3)(b)(ii) shall, no later than 21 calendar days after the date of the elected official's
1633 deployment, submit to the political subdivision's governing body the written notice
1634 and certification described in Subsection (3)(b)(ii).
- 1635 (b) If an elected official reservist does not submit the notice and certification to the
1636 political subdivision's governing body before the deadline described in Subsection
1637 (5)(a):
- 1638 (i) the political subdivision's governing body may not appoint a temporary
1639 replacement under Subsection (8); and
- 1640 (ii) the elected official reservist creates a vacancy in the elected official's office.
- 1641 (6) An elected official reservist who is called to active, full-time duty in the armed forces
1642 under Title 10, U.S.C., Armed Forces, for a period of more than 400 calendar days
1643 creates a vacancy in the elected official's office.
- 1644 (7) An elected official reservist's military leave:
- 1645 (a) begins:
- 1646 (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:
- 1647 (A) the day after the day on which the elected official notifies the political
1648 subdivision's governing body of the intent to take military leave;
- 1649 (B) 11 calendar days after the day of the elected official's deployment if no
1650 confirmation is received by the political subdivision's governing body in
1651 accordance with Subsection (4)(a); or
- 1652 (C) the day on which the elected official begins active, full-time duty in the armed
1653 forces; or
- 1654 (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the
1655 day on which the elected official submits to the political subdivision's governing
1656 body the written notice and certification described in Subsection (3)(b)(ii); and
- 1657 (b) ends the sooner of:
- 1658 (i) the expiration of the elected official reservist's term of office; or
- 1659 (ii) the day on which the elected official reservist ends active, full-time duty in the
1660 armed forces.
- 1661 (8) A temporary replacement shall:
- 1662 (a) meet the qualifications required to hold the office; and
- 1663 (b) be appointed:
- 1664 (i) when an elected official reservist:

- 1665 (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or
1666 (B) is placed in military leave status under Subsection (4)(b)(i); and
1667 (ii) by the political subdivision's governing body:
1668 (A) if a registered political party nominated the elected official reservist as a
1669 candidate for the office, in the same manner as provided in Subsection
1670 20A-1-508(3) for the appointment of an interim replacement; or
1671 (B) if a registered political party did not nominate the elected official reservist as a
1672 candidate for the office, after submitting an application in accordance with
1673 Subsection (10)(b).
- 1674 (9)(a) A temporary replacement shall exercise the powers and duties of the office for
1675 which the temporary replacement is appointed for the duration of the elected official
1676 reservist's military leave.
- 1677 (b) An elected reservist may not exercise the powers or duties of the office while on
1678 military leave.
- 1679 (c) If a temporary replacement is not appointed as required by Subsection (8)(b), no
1680 individual may exercise the powers and duties of the elected official reservist's office
1681 during the elected official's military leave.
- 1682 (10) The political subdivision's governing body shall establish:
- 1683 (a) the distribution of the emoluments of the office between the elected official reservist
1684 and the temporary replacement; and
- 1685 (b) an application form and the date and time before which an individual shall submit
1686 the application to be considered by the political subdivision's governing body for
1687 appointment as a temporary replacement.
- 1688 (11) This section does not apply to an elected official who is not an elected official reservist.
1689 Section 18. Section **20A-1-802** is amended to read:
1690 **20A-1-802 . Definitions.**
1691 As used in this part:
- 1692 (1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):
1693 (a) under circumstances where a reasonable person would not believe that the allegations
1694 are true; or
1695 (b)(i) within 60 calendar days before an election that the candidate to which the
1696 petition relates will appear on the ballot; and
1697 (ii) under circumstances where a reasonable person would not believe that the
1698 allegations constitute a significant violation of a provision of this title.

- 1699 (2) "Defendant" means each person against whom an allegation is made in the verified
 1700 petition described in Subsection 20A-1-803(1).
- 1701 (3) "Receiving official" means:
- 1702 (a) the lieutenant governor, unless the verified petition described in Section 20A-1-803
 1703 alleges a violation by the governor, the lieutenant governor, or an employee of the
 1704 lieutenant governor's office; or
- 1705 (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a
 1706 violation by the governor, the lieutenant governor, or an employee of the lieutenant
 1707 governor's office.
- 1708 (4) "Reviewing official" means:
- 1709 (a) except as provided in Subsection (4)(b), the receiving official; or
- 1710 (b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving
 1711 official appoints another individual as the reviewing official under Subsection
 1712 20A-1-803(3)(a).
- 1713 (5) "Significant violation" means:
- 1714 (a) a violation that, if known by voters before the election, may have resulted in a
 1715 candidate, other than the candidate certified as having won the election, winning the
 1716 election; or
- 1717 (b) a violation that, had the violation not occurred, may have resulted in a candidate,
 1718 other than the candidate certified as having won the election, winning the election.
- 1719 Section 19. Section **20A-1-803** is amended to read:
- 1720 **20A-1-803 . Verified petition by registered voter -- Receiving and reviewing**
 1721 **official -- Special investigation -- Special counsel -- Civil action.**
- 1722 (1) A registered voter may file a verified petition alleging a violation of any provision of
 1723 this title, if the registered voter:
- 1724 (a) has information relating to the alleged violation; and
- 1725 (b) the allegation is against a candidate for whom the registered voter had the right to
 1726 vote, a personal campaign committee of that candidate, or a member of a personal
 1727 campaign committee of that candidate.
- 1728 (2) The registered voter described in Subsection (1) shall file the verified petition with the
 1729 receiving official.
- 1730 (3) If the receiving official determines, in writing, that the receiving official has a conflict
 1731 of interest in relation to taking an action required in this part, the receiving official shall:
- 1732 (a) designate as the reviewing official an individual who does not have a conflict of

- 1733 interest, in the following order of precedence:
- 1734 (i) the attorney general;
- 1735 (ii) the state auditor;
- 1736 (iii) the state treasurer; or
- 1737 (iv) the governor; and
- 1738 (b) forward the petition to the reviewing official for further action.
- 1739 (4)(a) The reviewing official shall gather information and determine whether, in the
- 1740 discretion of the reviewing official, a special investigation is necessary.
- 1741 (b) In making the determination described in Subsection (4)(a), the reviewing official
- 1742 may consider the following:
- 1743 (i) whether, based on the information available to the reviewing official, the
- 1744 reviewing official is able to determine that a violation did not occur;
- 1745 (ii) the seriousness of the alleged violation;
- 1746 (iii) whether the alleged violation was intentional or accidental;
- 1747 (iv) whether the alleged violation could be resolved informally;
- 1748 (v) whether the petition is frivolous or filed for the purpose of harassment;
- 1749 (vi) whether the alleged violation should be addressed in, or is being adequately
- 1750 addressed in, another forum, including a criminal investigation or proceeding;
- 1751 (vii) whether additional investigation, as part of a civil proceeding in relation to the
- 1752 petition, is desirable;
- 1753 (viii) the likelihood that an action, based on the allegations, is likely to be successful;
- 1754 or
- 1755 (ix) other criteria relevant to making the determination.
- 1756 (5) If the reviewing official determines that a special investigation is necessary, the
- 1757 reviewing official shall:
- 1758 (a) except as provided in Subsection (5)(b), refer the information to the attorney general,
- 1759 who shall appoint special counsel; or
- 1760 (b) if the verified petition alleges that the attorney general violated a provision of this
- 1761 title, or if the reviewing official determines that the Office of the Attorney General
- 1762 has a conflict of interest in relation to the verified petition, appoint a person who is
- 1763 not an employee of the Office of the Attorney General as special counsel, in
- 1764 accordance with Title 63G, Chapter 6a, Utah Procurement Code.
- 1765 (6) The special counsel:
- 1766 (a) shall review the petition and any evidence relative to determining whether a

- 1767 defendant committed a violation of a provision of this title;
- 1768 (b) may interview individuals or gather additional evidence relative to determining
1769 whether a defendant committed a violation of a provision of this title;
- 1770 (c) shall advise the reviewing official whether, in the opinion of the special counsel,
1771 sufficient evidence exists to establish that a defendant committed a significant
1772 violation of a provision of this title; and
- 1773 (d) shall, [~~within~~] on or before the first business day that is at least three calendar days
1774 after the day on which the special counsel complies with Subsection (6)(c), prepare
1775 and provide to the reviewing official a document that:
- 1776 (i) states whether, in the opinion of the special counsel, sufficient evidence exists to
1777 establish that a defendant committed at least one significant violation of a
1778 provision of this title; and
- 1779 (ii) if the special counsel is of the opinion that sufficient evidence exists to establish
1780 that a defendant committed at least one significant violation of a provision of this
1781 title:
- 1782 (A) states the name of each defendant for which, in the opinion of the special
1783 counsel, sufficient evidence exists to establish that the defendant committed at
1784 least one significant violation of a provision of this title;
- 1785 (B) states each provision of this title for which, in the opinion of the special
1786 counsel, sufficient evidence exists to establish that the defendant violated; and
- 1787 (C) may not include a description of the evidence supporting the opinion of the
1788 special counsel.
- 1789 (7) The reviewing official shall:
- 1790 (a) [~~within~~] on or before the first business day that is at least three calendar days after the
1791 day on which the reviewing official receives the document described in Subsection
1792 (6)(d), post a conspicuous link to the document on the home page of the reviewing
1793 official's website; and
- 1794 (b) [~~within~~] on or before the first business day that is at least seven calendar days after
1795 the day on which the special counsel complies with Subsection (6)(c):
- 1796 (i) determine whether, in the opinion of the reviewing official, sufficient evidence
1797 exists to establish that a defendant committed a significant violation of a provision
1798 of this title; and
- 1799 (ii) if the reviewing official is of the opinion that sufficient evidence exists to
1800 establish that a defendant committed at least one significant violation of a

- 1801 provision of this title, direct the special counsel to file a civil action and serve
 1802 summons in accordance with the Utah Rules of Civil Procedure:
- 1803 (A) against each defendant for whom the reviewing official determines that
 1804 sufficient evidence exists that the defendant committed a significant violation
 1805 of this title; and
- 1806 (B) that includes each significant violation for which the reviewing official
 1807 determines that sufficient evidence exists.
- 1808 (8)(a) The purpose of the civil action described in Subsection (7)(b)(ii) is to determine
 1809 whether a defendant committed a significant violation of a provision of this title.
- 1810 (b) For a civil action described in Subsection (7)(b)(ii), the complaint may include an
 1811 allegation of any violation of a provision of this title by a defendant, regardless of
 1812 whether the violation is alleged in the petition.
- 1813 (c) The special counsel may amend the complaint at any time after the complaint is filed,
 1814 including by adding allegations to the complaint or amending allegations already
 1815 made in the complaint, if the court determines that the amendment will not violate the
 1816 due process rights of the defendant against whom the added or amended allegation is
 1817 made.
- 1818 (9)(a) An action brought under this section shall:
- 1819 (i) be heard without a jury, with the court determining all issues of fact and issues of
 1820 law; and
- 1821 (ii) have precedence over any other civil actions.
- 1822 (b) The court shall schedule discovery and hearings, and shall otherwise conduct
 1823 proceedings relating to an action brought under this section, in an expedited manner
 1824 while preserving the rights of the parties and the integrity of the proceedings.
- 1825 Section 20. Section **20A-2-101** is amended to read:
- 1826 **20A-2-101 . Eligibility for registration.**
- 1827 (1) Except as provided in Subsection (2), an individual may register to vote in an election
 1828 who:
- 1829 (a) is a citizen of the United States;
- 1830 (b) has been a resident of Utah for at least the 30 calendar days immediately before the
 1831 election;
- 1832 (c) will be:
- 1833 (i) at least 18 years of age on the day of the election; or
- 1834 (ii) if the election is a regular primary election, a municipal primary election, or a

- 1835 presidential primary election:
- 1836 (A) 17 years of age on or before the day of the regular primary election, municipal
- 1837 primary election, or presidential primary election; and
- 1838 (B) 18 years of age on or before the day of the general election that immediately
- 1839 follows the regular primary election, municipal primary election, or
- 1840 presidential primary election; and
- 1841 (d) currently resides within the voting district or precinct in which the individual applies
- 1842 to register to vote.
- 1843 (2)(a)(i) An individual who is involuntarily confined or incarcerated in a jail, prison,
- 1844 or other facility within a voting precinct is not a resident of that voting precinct
- 1845 and may not register to vote in that voting precinct unless the individual was a
- 1846 resident of that voting precinct before the confinement or incarceration.
- 1847 (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a
- 1848 resident of the voting precinct in which the individual resided before the
- 1849 confinement or incarceration.
- 1850 (b) An individual who has been convicted of a felony or a misdemeanor for an offense
- 1851 under this title may not register to vote or remain registered to vote unless the
- 1852 individual's right to vote has been restored as provided in Section 20A-2-101.3 or
- 1853 20A-2-101.5.
- 1854 (c) An individual whose right to vote has been restored, as provided in Section
- 1855 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.
- 1856 (3) An individual who is eligible to vote and who resides within the geographic boundaries
- 1857 of the entity in which the election is held may register to vote in a:
- 1858 (a) regular general election;
- 1859 (b) regular primary election;
- 1860 (c) municipal general election;
- 1861 (d) municipal primary election;
- 1862 (e) statewide special election;
- 1863 (f) local special election;
- 1864 (g) special district election;
- 1865 (h) bond election; and
- 1866 (i) presidential primary election.
- 1867 Section 21. Section **20A-2-101.1** is amended to read:
- 1868 **20A-2-101.1 . Preregistering to vote.**

- 1869 (1) An individual may preregister to vote if the individual:
- 1870 (a) is 16 or 17 years of age;
- 1871 (b) is not eligible to register to vote because the individual does not comply with the age
- 1872 requirements described in Subsection 20A-2-101(1)(c);
- 1873 (c) is a citizen of the United States;
- 1874 (d) has been a resident of Utah for at least 30 calendar days; and
- 1875 (e) currently resides within the voting district or precinct in which the individual
- 1876 preregisters to vote.
- 1877 (2) An individual described in Subsection (1) may not vote in an election and is not
- 1878 registered to vote until:
- 1879 (a) the individual is otherwise eligible to register to vote because the individual complies
- 1880 with the age requirements described in Subsection 20A-2-101(1)(c); and
- 1881 (b) the county clerk registers the individual to vote under Subsection (4).
- 1882 (3) An individual who preregisters to vote shall:
- 1883 (a) complete a voter registration form, including an indication that the individual is
- 1884 preregistering to vote; and
- 1885 (b) submit the voter registration form to a county clerk in person, by mail, or in any
- 1886 other manner authorized by this chapter for the submission of a voter registration
- 1887 form.
- 1888 (4)(a) A county clerk shall:
- 1889 (i) retain the voter registration form of an individual who meets the qualifications for
- 1890 preregistration and who submits a completed voter registration form to the county
- 1891 clerk under Subsection (3)(b);
- 1892 (ii) register the individual to vote in the next election in which the individual will be
- 1893 eligible to vote, before the voter registration deadline established in Section
- 1894 20A-2-102.5 for that election; and
- 1895 (iii) send a notice to the individual that:
- 1896 (A) informs the individual that the individual's voter registration form has been
- 1897 accepted as an application for preregistration;
- 1898 (B) informs the individual that the individual will be registered to vote in the next
- 1899 election in which the individual will be eligible to vote; and
- 1900 (C) indicates in which election the individual will be registered to vote.
- 1901 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is
- 1902 considered to have applied for voter registration on the earlier of:

- 1903 (i) the day of the voter registration deadline immediately preceding the election day
 1904 on which the individual will be at least 18 years of age; or
 1905 (ii) the day on which the individual turns 18 years of age.
- 1906 (c) A county clerk shall refer a voter registration form to the county attorney for
 1907 investigation and possible prosecution if the clerk or the clerk's designee believes the
 1908 individual is attempting to preregister to vote in an election in which the individual
 1909 will not be legally entitled to vote.
- 1910 (5)(a) The lieutenant governor or a county clerk shall classify the voter registration
 1911 record of an individual who preregisters to vote as a private record until the day on
 1912 which the individual turns 18 years of age.
- 1913 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of
 1914 age, the lieutenant governor or county clerk shall classify the individual's voter
 1915 registration record as a public record in accordance with Subsection 63G-2-301(2)(1).
- 1916 (6) If an individual who is at least 18 years of age erroneously indicates on the voter
 1917 registration form that the individual is preregistering to vote, the county clerk shall
 1918 consider the form as a voter registration form and shall process the form in accordance
 1919 with this chapter.
- 1920 Section 22. Section **20A-2-104** is amended to read:
- 1921 **20A-2-104 . Voter registration form -- Registered voter lists -- Fees for copies.**
- 1922 (1) As used in this section:
- 1923 (a) "Candidate for public office" means an individual:
 1924 (i) who files a declaration of candidacy for a public office;
 1925 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or
 1926 (iii) employed by, under contract with, or a volunteer of, an individual described in
 1927 Subsection (1)(a)(i) or (ii) for political campaign purposes.
- 1928 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
 1929 the federal Violence Against Women Act of 1994, as amended.
- 1930 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and
 1931 the federal Violence Against Women Act of 1994, as amended.
- 1932 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
 1933 produce a code that:
 1934 (i) uniquely represents the set of data;
 1935 (ii) is always the same if the same algorithm is applied to the same set of data; and
 1936 (iii) cannot be reversed to reveal the data applied to the algorithm.

- 1937 (e) "Protected individual" means an individual:
- 1938 (i) who submits a withholding request form with the individual's voter registration
- 1939 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 1940 on the form that the individual, or an individual who resides with the individual, is
- 1941 a victim of domestic violence or dating violence or is likely to be a victim of
- 1942 domestic violence or dating violence;
- 1943 (ii) who submits a withholding request form with the individual's voter registration
- 1944 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 1945 on the form and provides verification that the individual, or an individual who
- 1946 resides with the individual, is a law enforcement officer, a member of the armed
- 1947 forces as defined in Section 20A-1-513, a public figure, or protected by a
- 1948 protective order or protection order; or
- 1949 (iii) whose voter registration record was classified as a private record at the request of
- 1950 the individual before May 12, 2020.

1951 (2)(a) An individual applying for voter registration, or an individual preregistering to vote,

1952 shall complete a voter registration form in substantially the following form:

1953 -----

1954 UTAH ELECTION REGISTRATION FORM

1955 Are you a citizen of the United States of America? Yes No

1956 If you checked "no" to the above question, do not complete this form.

1957 Will you be 18 years of age on or before election day? Yes No

1958 If you checked "no" to the above question, are you 16 or 17 years of age and

1959 preregistering to vote? Yes No

1960 If you checked "no" to both of the prior two questions, do not complete this form.

1961 Name of Voter

1962 _____

1963 First Middle Last

1964 Utah Driver License or Utah Identification Card

1965 Number _____

1966 Date of Birth _____

1967 Street Address of Principal Place of Residence

1968 _____

1969 City County State Zip Code

1970 Telephone Number (optional) _____

1971 Email Address (optional) _____

1972 Last four digits of Social Security Number _____

1973 Last former address at which I was registered to vote (if

1974 known) _____

1975 _____

1976 City County State Zip Code

1977 Political Party

1978 (a listing of each registered political party, as defined in Section 20A-8-101 and

1979 maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded

1980 by a checkbox)

1981 Unaffiliated (no political party preference) Other (Please

1982 specify) _____

1983 I do swear (or affirm), subject to penalty of law for false statements, that the information
1984 contained in this form is true, and that I am a citizen of the United States and a resident of the
1985 state of Utah, residing at the above address. Unless I have indicated above that I am
1986 preregistering to vote in a later election, I will be at least 18 years of age and will have resided
1987 in Utah for 30 calendar days immediately before the next election. I am not a convicted felon
1988 currently incarcerated for commission of a felony.

1989 Signed and sworn

1990 _____

1991 Voter's Signature

1992 _____(month/day/year).

1993 **PRIVACY INFORMATION**

1994 Voter registration records contain some information that is available to the public, such
1995 as your name and address, some information that is available only to government entities, and
1996 some information that is available only to certain third parties in accordance with the
1997 requirements of law.

1998 Your driver license number, identification card number, social security number, email
1999 address, full date of birth, and phone number are available only to government entities. Your
2000 year of birth is available to political parties, candidates for public office, certain third parties,
2001 and their contractors, employees, and volunteers, in accordance with the requirements of law.

2002 You may request that all information on your voter registration records be withheld from
2003 all persons other than government entities, political parties, candidates for public office, and
2004 their contractors, employees, and volunteers, by indicating here:

2005 _____ Yes, I request that all information on my voter registration records be withheld
2006 from all persons other than government entities, political parties, candidates for public office,
2007 and their contractors, employees, and volunteers.

2008 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2009 In addition to the protections provided above, you may request that identifying
2010 information on your voter registration records be withheld from all political parties, candidates
2011 for public office, and their contractors, employees, and volunteers, by submitting a
2012 withholding request form, and any required verification, as described in the following
2013 paragraphs.

2014 A person may request that identifying information on the person's voter registration
2015 records be withheld from all political parties, candidates for public office, and their
2016 contractors, employees, and volunteers, by submitting a withholding request form with this
2017 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
2018 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
2019 violence.

2020 A person may request that identifying information on the person's voter registration
2021 records be withheld from all political parties, candidates for public office, and their
2022 contractors, employees, and volunteers, by submitting a withholding request form and any
2023 required verification with this registration form, or to the lieutenant governor or a county clerk,
2024 if the person is, or resides with a person who is, a law enforcement officer, a member of the
2025 armed forces, a public figure, or protected by a protective order or a protection order.

2026 CITIZENSHIP AFFIDAVIT

2027 Name:

2028 Name at birth, if different:

2029 Place of birth:

2030 Date of birth:

2031 Date and place of naturalization (if applicable):

2032 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
2033 citizen and that to the best of my knowledge and belief the information above is true and
2034 correct.

2035 _____

2036 Signature of Applicant

2037 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
2038 allowing yourself to be registered or preregistered to vote if you know you are not entitled to

2039 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

2040 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
2041 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
2042 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
2043 PHOTOGRAPH; OR

2044 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME
2045 AND CURRENT ADDRESS.

2046 FOR OFFICIAL USE ONLY

2047 Type of I.D. _____

2048 Voting Precinct _____

2049 Voting I.D. Number _____

2050 -----

2051 (b) The voter registration form described in Subsection (2)(a) shall include a section in
2052 substantially the following form:

2053 -----

2054 BALLOT NOTIFICATIONS

2055 If you have provided a phone number or email address, you can receive notifications by
2056 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
2057 deposit in the mail or in a ballot drop box, by indicating here:

2058 _____ Yes, I would like to receive electronic notifications regarding the status of my
2059 ballot.

2060 -----

2061 (c)(i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a
2062 copy of each voter registration form in a permanent countywide alphabetical file,
2063 which may be electronic or some other recognized system.

2064 (ii) The county clerk may transfer a superseded voter registration form to the
2065 Division of Archives and Records Service created under Section 63A-12-101.

2066 (3)(a) Each county clerk shall retain lists of currently registered voters.

2067 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

2068 (c) If there are any discrepancies between the two lists, the county clerk's list is the
2069 official list.

2070 (d) The lieutenant governor and the county clerks may charge the fees established under
2071 the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy
2072 of the list of registered voters.

- 2073 (4)(a) As used in this Subsection (4), "qualified person" means:
- 2074 (i) a government official or government employee acting in the government official's
- 2075 or government employee's capacity as a government official or a government
- 2076 employee;
- 2077 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or
- 2078 independent contractor of a health care provider;
- 2079 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee,
- 2080 or independent contractor of an insurance company;
- 2081 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
- 2082 independent contractor of a financial institution;
- 2083 (v) a political party, or an agent, employee, or independent contractor of a political
- 2084 party;
- 2085 (vi) a candidate for public office, or an employee, independent contractor, or
- 2086 volunteer of a candidate for public office;
- 2087 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a
- 2088 year of birth from the list of registered voters:
- 2089 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)
- 2090 through [~~(vii)~~] (vi);
- 2091 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person
- 2092 described in Subsections (4)(a)(i) through [~~(vii)~~] (vi);
- 2093 (C) ensures, using industry standard security measures, that the year of birth may
- 2094 not be accessed by a person other than a person described in Subsections
- 2095 (4)(a)(i) through [~~(vii)~~] (vi);
- 2096 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to
- 2097 whom the person provides the year of birth will only use the year of birth to
- 2098 verify the accuracy of personal information submitted by an individual or to
- 2099 confirm the identity of a person in order to prevent fraud, waste, or abuse;
- 2100 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person
- 2101 provides the year of birth will only use the year of birth in the person's capacity
- 2102 as a government official or government employee; and
- 2103 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
- 2104 person provides the year of birth will only use the year of birth for a political
- 2105 purpose of the political party or candidate for public office; or
- 2106 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining

- 2107 information under Subsection (4)(n) and (o):
- 2108 (A) provides the information only to another person described in Subsection
- 2109 (4)(a)(v) or (vi);
- 2110 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a
- 2111 person described in Subsection (4)(a)(v) or (vi);
- 2112 (C) ensures, using industry standard security measures, that the information may
- 2113 not be accessed by a person other than a person described in Subsection
- 2114 (4)(a)(v) or (vi); and
- 2115 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
- 2116 person provides the information will only use the information for a political
- 2117 purpose of the political party or candidate for public office.
- 2118 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
- 2119 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,
- 2120 when providing the list of registered voters to a qualified person under this section,
- 2121 include, with the list, the years of birth of the registered voters, if:
- 2122 (i) the lieutenant governor or a county clerk verifies the identity of the person and
- 2123 that the person is a qualified person; and
- 2124 (ii) the qualified person signs a document that includes the following:
- 2125 (A) the name, address, and telephone number of the person requesting the list of
- 2126 registered voters;
- 2127 (B) an indication of the type of qualified person that the person requesting the list
- 2128 claims to be;
- 2129 (C) a statement regarding the purpose for which the person desires to obtain the
- 2130 years of birth;
- 2131 (D) a list of the purposes for which the qualified person may use the year of birth
- 2132 of a registered voter that is obtained from the list of registered voters;
- 2133 (E) a statement that the year of birth of a registered voter that is obtained from the
- 2134 list of registered voters may not be provided or used for a purpose other than a
- 2135 purpose described under Subsection (4)(b)(ii)(D);
- 2136 (F) a statement that if the person obtains the year of birth of a registered voter
- 2137 from the list of registered voters under false pretenses, or provides or uses the
- 2138 year of birth of a registered voter that is obtained from the list of registered
- 2139 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor
- 2140 and is subject to a civil fine;

- 2141 (G) an assertion from the person that the person will not provide or use the year of
2142 birth of a registered voter that is obtained from the list of registered voters in a
2143 manner that is prohibited by law; and
- 2144 (H) notice that if the person makes a false statement in the document, the person is
2145 punishable by law under Section 76-8-504.
- 2146 (c) The lieutenant governor or a county clerk:
- 2147 (i) may not disclose the year of birth of a registered voter to a person that the
2148 lieutenant governor or county clerk reasonably believes:
- 2149 (A) is not a qualified person or a person described in Subsection (4)(l); or
2150 (B) will provide or use the year of birth in a manner prohibited by law; and
- 2151 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the
2152 lieutenant governor or county clerk reasonably believes:
- 2153 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
2154 (B) will provide or use the information in a manner prohibited by law.
- 2155 (d) The lieutenant governor or a county clerk may not disclose the voter registration
2156 form of a person, or information included in the person's voter registration form,
2157 whose voter registration form is classified as private under Subsection (4)(h) to a
2158 person other than:
- 2159 (i) a government official or government employee acting in the government official's
2160 or government employee's capacity as a government official or government
2161 employee; or
- 2162 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for
2163 a political purpose.
- 2164 (e)(i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or
2165 information under Subsection (4)(d)(ii), the lieutenant governor or county clerk
2166 shall exclude the information described in Subsection 63G-2-302(1)(j), other than
2167 the year of birth.
- 2168 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the
2169 voter registration record of a protected individual, the lieutenant governor or
2170 county clerk shall comply with Subsections (4)(n) through (p).
- 2171 (f) The lieutenant governor or a county clerk may not disclose a withholding request
2172 form, described in Subsections (7) and (8), submitted by an individual, or information
2173 obtained from that form, to a person other than a government official or government
2174 employee acting in the government official's or government employee's capacity as a

- 2175 government official or government employee.
- 2176 (g) A person is guilty of a class A misdemeanor if the person:
- 2177 (i) obtains from the list of registered voters, under false pretenses, the year of birth of
- 2178 a registered voter or information described in Subsection (4)(n) or (o);
- 2179 (ii) uses or provides the year of birth of a registered voter, or information described in
- 2180 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a
- 2181 manner that is not permitted by law;
- 2182 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k)
- 2183 under false pretenses;
- 2184 (iv) uses or provides information obtained from a voter registration record described
- 2185 in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 2186 (v) unlawfully discloses or obtains a voter registration record withheld under
- 2187 Subsection (7) or a withholding request form described in Subsections (7) and (8);
- 2188 or
- 2189 (vi) unlawfully discloses or obtains information from a voter registration record
- 2190 withheld under Subsection (7) or a withholding request form described in
- 2191 Subsections (7) and (8).
- 2192 (h) The lieutenant governor or a county clerk shall classify the voter registration record
- 2193 of a voter as a private record if the voter:
- 2194 (i) submits a written application, created by the lieutenant governor, requesting that
- 2195 the voter's voter registration record be classified as private;
- 2196 (ii) requests on the voter's voter registration form that the voter's voter registration
- 2197 record be classified as a private record; or
- 2198 (iii) submits a withholding request form described in Subsection (7) and any required
- 2199 verification.
- 2200 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a
- 2201 county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a
- 2202 voter registration record, or information obtained from a voter registration record, if
- 2203 the record is withheld under Subsection (7).
- 2204 (j) In addition to any criminal penalty that may be imposed under this section, the
- 2205 lieutenant governor may impose a civil fine against a person who violates a provision
- 2206 of this section, in an amount equal to the greater of:
- 2207 (i) the product of 30 and the square root of the total number of:
- 2208 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole

- 2209 dollar; or
- 2210 (B) records from which information is obtained, provided, or used unlawfully,
- 2211 rounded to the nearest whole dollar; or
- 2212 (ii) \$200.
- 2213 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
- 2214 voter, if the year of birth is obtained from the list of registered voters or from a voter
- 2215 registration record, unless the person:
- 2216 (i) is a government official or government employee who obtains, provides, or uses
- 2217 the year of birth in the government official's or government employee's capacity
- 2218 as a government official or government employee;
- 2219 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
- 2220 uses the year of birth only to verify the accuracy of personal information
- 2221 submitted by an individual or to confirm the identity of a person in order to
- 2222 prevent fraud, waste, or abuse;
- 2223 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
- 2224 provides, or uses the year of birth for a political purpose of the political party or
- 2225 candidate for public office; or
- 2226 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
- 2227 uses the year of birth to provide the year of birth to another qualified person to
- 2228 verify the accuracy of personal information submitted by an individual or to
- 2229 confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 2230 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of
- 2231 the media, in relation to an individual designated by the member of the media, in
- 2232 order for the member of the media to verify the identity of the individual.
- 2233 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
- 2234 information from a voter registration record for a purpose other than a political
- 2235 purpose.
- 2236 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a
- 2237 county clerk shall, when providing the list of registered voters to a qualified person
- 2238 described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose
- 2239 record is withheld under Subsection (7), the information described in Subsection
- 2240 (4)(o), if:
- 2241 (i) the lieutenant governor or a county clerk verifies the identity of the person and
- 2242 that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and

- 2243 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document
2244 that includes the following:
- 2245 (A) the name, address, and telephone number of the person requesting the list of
2246 registered voters;
 - 2247 (B) an indication of the type of qualified person that the person requesting the list
2248 claims to be;
 - 2249 (C) a statement regarding the purpose for which the person desires to obtain the
2250 information;
 - 2251 (D) a list of the purposes for which the qualified person may use the information;
 - 2252 (E) a statement that the information may not be provided or used for a purpose
2253 other than a purpose described under Subsection (4)(n)(ii)(D);
 - 2254 (F) a statement that if the person obtains the information under false pretenses, or
2255 provides or uses the information in a manner that is prohibited by law, the
2256 person is guilty of a class A misdemeanor and is subject to a civil fine;
 - 2257 (G) an assertion from the person that the person will not provide or use the
2258 information in a manner that is prohibited by law; and
 - 2259 (H) notice that if the person makes a false statement in the document, the person is
2260 punishable by law under Section 76-8-504.
- 2261 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor
2262 or a county clerk is required to provide, under Subsection (4)(n), from the record of a
2263 protected individual is:
- 2264 (i) a single hash code, generated from a string of data that includes both the voter's
2265 voter identification number and residential address;
 - 2266 (ii) the voter's residential address;
 - 2267 (iii) the voter's mailing address, if different from the voter's residential address;
 - 2268 (iv) the party affiliation of the voter;
 - 2269 (v) the precinct number for the voter's residential address;
 - 2270 (vi) the voter's voting history; and
 - 2271 (vii) a designation of which age group, of the following age groups, the voter falls
2272 within:
 - 2273 (A) 25 or younger;
 - 2274 (B) 26 through 35;
 - 2275 (C) 36 through 45;
 - 2276 (D) 46 through 55;

- 2277 (E) 56 through 65;
- 2278 (F) 66 through 75; or
- 2279 (G) 76 or older.
- 2280 (p) The lieutenant governor or a county clerk may not disclose:
- 2281 (i) information described in Subsection (4)(o) that, due to a small number of voters
- 2282 affiliated with a particular political party, or due to another reason, would likely
- 2283 reveal the identity of a voter if disclosed; or
- 2284 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
- 2285 county clerk determines that the nature of the address would directly reveal
- 2286 sensitive information about the voter.
- 2287 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide,
- 2288 or use the information described in Subsection (4)(n) or (o), except to the extent that
- 2289 the qualified person uses the information for a political purpose of a political party or
- 2290 candidate for public office.
- 2291 (5) When political parties not listed on the voter registration form qualify as registered
- 2292 political parties under [~~Title 20A, Chapter 8, Political Party Formation and Procedures~~]
- 2293 Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall
- 2294 inform the county clerks of the name of the new political party and direct the county
- 2295 clerks to ensure that the voter registration form is modified to include that political party.
- 2296 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
- 2297 clerk's designee shall:
- 2298 (a) review each voter registration form for completeness and accuracy; and
- 2299 (b) if the county clerk believes, based upon a review of the form, that an individual may
- 2300 be seeking to register or preregister to vote who is not legally entitled to register or
- 2301 preregister to vote, refer the form to the county attorney for investigation and
- 2302 possible prosecution.
- 2303 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
- 2304 person described in Subsection (4)(a)(i), the voter registration record, and information
- 2305 obtained from the voter registration record, of a protected individual.
- 2306 (8)(a) The lieutenant governor shall design and distribute [~~the~~] a withholding request
- 2307 form for the purpose described in [~~Subsection (7)~~] Subsections (1)(e)(i), (1)(e)(ii), (7),
- 2308 and this Subsection (8) to each election officer and to each agency that provides a
- 2309 voter registration form.
- 2310 (b) An individual described in Subsection (1)(e)(i) is not required to provide

2311 verification, other than the individual's attestation and signature on the withholding
2312 request form, that the individual, or an individual who resides with the individual, is a
2313 victim of domestic violence or dating violence or is likely to be a victim of domestic
2314 violence or dating violence.

2315 (c) The director of elections within the Office of the Lieutenant Governor shall make
2316 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2317 establishing requirements for providing the verification described in Subsection
2318 (1)(e)(ii).

2319 (9) An election officer or an employee of an election officer may not encourage an
2320 individual to submit, or discourage an individual from submitting, a withholding request
2321 form.

2322 (10)(a) The lieutenant governor shall make and execute a plan to provide notice to
2323 registered voters who are protected individuals, that includes the following
2324 information:

2325 (i) that the voter's classification of the record as private remains in effect;

2326 (ii) that certain non-identifying information from the voter's voter registration record
2327 may, under certain circumstances, be released to political parties and candidates
2328 for public office;

2329 (iii) that the voter's name, driver license or identification card number, social security
2330 number, email address, phone number, and the voter's day, month, and year of
2331 birth will remain private and will not be released to political parties or candidates
2332 for public office;

2333 (iv) that a county clerk will only release the information to political parties and
2334 candidates in a manner that does not associate the information with a particular
2335 voter; and

2336 (v) that a county clerk may, under certain circumstances, withhold other information
2337 that the county clerk determines would reveal identifying information about the
2338 voter.

2339 (b) The lieutenant governor may include in the notice described in this Subsection (10) a
2340 statement that a voter may obtain additional information on the lieutenant governor's
2341 website.

2342 (c) The plan described in Subsection (10)(a) may include providing the notice described
2343 in Subsection (10)(a) by:

2344 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;

- 2345 (ii) publication on the lieutenant governor's website or a county's website;
2346 (iii) posting the notice in public locations;
2347 (iv) publication in a newspaper;
2348 (v) sending notification to the voters by electronic means;
2349 (vi) sending notice by other methods used by government entities to communicate
2350 with citizens; or
2351 (vii) providing notice by any other method.
- 2352 (d) The lieutenant governor shall provide the notice included in a plan described in this
2353 Subsection (10) before June 16, 2023.
- 2354 Section 23. Section **20A-2-105** is amended to read:
2355 **20A-2-105 . Determining residency.**
- 2356 (1) As used in this section:
- 2357 (a) "Principal place of residence" means the single location where an individual's
2358 habitation is fixed and to which, whenever the individual is absent, the individual has
2359 the intention of returning, as evidenced by:
2360 (i) the intent expressed by the individual; and
2361 (ii) acts of the individual that are consistent or inconsistent with the intent expressed
2362 by the individual.
- 2363 (b) "Resident" means an individual whose principal place of residence is within a
2364 specific voting precinct in Utah.
- 2365 (2) Election officials and judges shall apply the standards and requirements of this section
2366 when determining whether an individual is a resident for purposes of interpreting this
2367 title or the Utah Constitution.
- 2368 (3) An individual may request that an election official or election judge assist the individual
2369 in determining the individual's principal place of residence for a purpose described in
2370 Subsection (2).
- 2371 (4)(a) An individual resides in Utah if:
2372 (i) the individual's principal place of residence is within Utah; and
2373 (ii) the individual has a present intention to maintain the individual's principal place
2374 of residence in Utah permanently or indefinitely.
- 2375 (b) An individual resides within a particular voting precinct if, on the date of registering
2376 to vote, the individual's principal place of residence is in that voting precinct.
- 2377 (c) An individual's principal place of residence does not change solely because the
2378 individual is present in Utah, present in a voting precinct, absent from Utah, or absent

- 2379 from the individual's voting precinct because the individual is:
- 2380 (i) employed in the service of the United States or of Utah;
- 2381 (ii) a student at an institution of learning;
- 2382 (iii) incarcerated in prison or jail; or
- 2383 (iv) residing upon an Indian or military reservation.
- 2384 (d)(i) A member of the armed forces of the United States is not a resident of Utah
- 2385 merely because that member is stationed at a military facility within Utah.
- 2386 (ii) In order to be a resident of Utah, a member of the armed forces described in this
- 2387 Subsection (4)(d) shall meet the other requirements of this section.
- 2388 (e)(i) Except as provided in Subsection (4)(e)(ii) or (iii), an individual does not lose
- 2389 the individual's principal place of residence in Utah or a precinct if the individual
- 2390 moves to a foreign country, another state, or another voting precinct within Utah,
- 2391 for temporary purposes with the intention of returning.
- 2392 (ii) If an individual leaves the state or a voting precinct and votes or registers to vote
- 2393 in another state or voting precinct, the individual is no longer a resident of the
- 2394 state or voting precinct that the individual left.
- 2395 (iii) An individual loses the individual's principal place of residence in Utah or in a
- 2396 precinct, if, after the individual moves to another state or another precinct under
- 2397 Subsection (4)(e)(i), the individual forms the intent of making the other state or
- 2398 precinct the individual's principal place of residence.
- 2399 (f) An individual is not a resident of a county or voting precinct if the individual comes
- 2400 to the county or voting precinct for temporary purposes and does not intend to make
- 2401 that county or voting precinct the individual's principal place of residence.
- 2402 (g) An individual loses the individual's principal place of residence in Utah or in a
- 2403 precinct if the individual moves to another state or precinct with the intention of
- 2404 making the other state or precinct the individual's principal place of residence.
- 2405 (h) If an individual moves to another state or precinct with the intent of remaining in the
- 2406 other state or precinct for an indefinite time as the individual's principal place of
- 2407 residence, the individual loses the individual's principal place of residence in Utah, or
- 2408 in the precinct, even though the individual intends to return at some future time.
- 2409 (5)(a) An individual may challenge a determination by a voter, election official, or
- 2410 election judge of a voter's principal place of residence, for the purpose of voting, in
- 2411 accordance with the applicable provisions of Sections 20A-3a-803, 20A-3a-804, and
- 2412 20A-3a-805.

- 2413 (b) If an election official or election judge has reasonable, articulable grounds to
2414 question the principal place of residence of an individual for a purpose described in
2415 Subsection (2), the election official or election judge may require the individual to
2416 provide information to resolve the question.
- 2417 (c) Reasonable, articulable grounds to question an individual's principal place of
2418 residence, and require additional information under Subsection (5)(b) include:
- 2419 (i) that the individual has a driver license or other identification from outside Utah;
2420 (ii) that the address claimed as the individual's principal place of residence does not
2421 match the address on the individual's driver license or other identification;
2422 (iii) that the individual owns residential property outside the location claimed as the
2423 individual's principal place of residence; or
2424 (iv) other articulable grounds that would lead a reasonable individual to question an
2425 individual's principal place of residence.
- 2426 (d) If an election official or election judge requires, under Subsection (5)(b), that an
2427 individual provide additional information, the clerk shall:
- 2428 (i) enter the voter registration into the statewide voter registration database; and
2429 (ii) indicate, in the statewide voter registration database, that the voter must provide
2430 additional information before the voter's ballot may be accepted.
- 2431 (6) Subject to Subsection (10), an election official or judge who, under Subsection (5),
2432 makes a determination regarding an individual's principal place of residence, shall, when
2433 making the determination, consider the following factors, to the extent that the factors
2434 are relevant:
- 2435 (a) where the individual's family resides;
2436 (b) whether the individual is single, married, separated, or divorced;
2437 (c) the age of the individual;
2438 (d) where the individual usually sleeps;
2439 (e) where the individual's minor children attend school;
2440 (f) the location of the individual's employment, income sources, or business pursuits;
2441 (g) the location of real property owned by the individual;
2442 (h) the individual's residence for purposes of taxation or tax exemption;
2443 (i) the location where the individual's motor vehicles are registered;
2444 (j) the address for which the individual pays utility services;
2445 (k) the address associated with the individual's hunting or fishing license;
2446 (l) the address associated with the individual's professional licenses; and

- 2447 (m) other relevant factors.
- 2448 (7)(a) An individual changes the individual's principal place of residence if the
2449 individual:
- 2450 (i) acts affirmatively to move from the state or a precinct in the state; and
2451 (ii) has the intent to remain in another state or precinct.
- 2452 (b) An individual may not have more than one principal place of residence.
- 2453 (c) An individual does not lose the individual's principal place of residence until the
2454 individual establishes another principal place of residence.
- 2455 (d) An individual who moves from one county in Utah to another county in Utah retains
2456 the right to vote in the county from which the individual moved for 30 calendar days
2457 after the day on which the individual moved from the county, unless the individual
2458 votes in the new county for that election.
- 2459 (e) An individual who is homeless may, in accordance with the other provisions of this
2460 section, establish a nontraditional location, including a location without a structure,
2461 as the individual's principal place of residence.
- 2462 (8) In computing the period that a person is a resident for a purpose described in Subsection
2463 (2), the period:
- 2464 (a) begins on the day on which the individual establishes the individual's principal place
2465 of residence; and
2466 (b) ends on the day before the day of the next applicable election.
- 2467 (9)(a) Except as provided in Subsection (12), there is a rebuttable presumption that an
2468 individual's principal place of residence is in Utah and in the voting precinct claimed
2469 by the individual, if the individual makes an oath or affirmation upon a registration
2470 application form or declaration of candidacy that the individual's principal place of
2471 residence is in Utah and in the voting precinct claimed by the individual.
- 2472 (b) Except as provided in Subsection (12), the election officers and election officials
2473 shall allow an individual described in Subsection (9)(a) to register and vote in the
2474 precinct for the residence claimed under Subsection (9)(a), or accept the individual's
2475 declaration of candidacy in the district for the residence claimed under Subsection
2476 (9)(a), unless, in accordance with Subsection (5), it is shown by law or by clear and
2477 convincing evidence that:
- 2478 (i) the individual's principal place of residence is not in Utah or not in the applicable
2479 precinct or district; or
2480 (ii) the individual is incarcerated in prison or jail and did not, before the individual

2481 was incarcerated in prison or jail, establish the individual's principal place of
2482 residence in the voting precinct where the prison or jail is located.

2483 (10)(a) The criteria described in this section for establishing an individual's principal
2484 place of residence for voting purposes do not apply in relation to the individual's
2485 location while the individual is incarcerated in prison or jail.

2486 (b) For voting registration purposes, the principal place of residence of an individual
2487 incarcerated in prison or jail is the state and voting precinct where the individual's
2488 principal place of residence was located before incarceration.

2489 (11) If an individual's principal place of residence is a residential parcel of one acre in size
2490 or smaller that is divided by the boundary line between two or more counties, that
2491 individual shall be considered a resident of the county in which a majority of the
2492 residential parcel lies.

2493 (12)(a) If an individual seeking to become a candidate for a political office that includes
2494 a durational residency requirement has been absent from the state for a period of
2495 more than 180 [~~consecutive~~] calendar days during the applicable residency period, the
2496 individual may, at the time that the candidate files a declaration of candidacy, submit
2497 evidence to the filing officer to show that the individual intended to return to the state
2498 during the time of the individual's absence from the state.

2499 (b) There is a rebuttable presumption that an individual described in Subsection (12)(a)
2500 intended to return to the state during the individual's absence if:

2501 (i) the individual submits evidence of the individual's intent to the filing officer at the
2502 time that the individual files a declaration of candidacy; or

2503 (ii) the individual was absent from the state because the individual was:

2504 (A) employed in the service of the United States or of Utah;

2505 (B) a student at an institution of learning; or

2506 (C) engaged solely in religious, missionary, philanthropic, or humanitarian
2507 activities.

2508 (c) If a valid written objection to an individual's declaration of candidacy is filed, there is
2509 a rebuttable presumption that an individual described in Subsection (12)(a) did not
2510 intend to return to the state during the individual's absence if:

2511 (i) the individual did not submit evidence of the individual's intent to the filing officer
2512 at the time that the individual filed a declaration of candidacy; and

2513 (ii) the individual's absence from the state was not for one of the reasons described in
2514 Subsection (12)(b)(ii).

2515 (d) An individual must rebut the presumption described in this Subsection (12) by clear
2516 and convincing evidence.

2517 Section 24. Section **20A-2-107** is amended to read:

2518 **20A-2-107 . Designating or changing party affiliation -- Times permitted.**

2519 (1) As used in this section, "change of affiliation deadline" means:

2520 (a) for an election held in an even-numbered year in which a presidential election will be
2521 held, the day after the declaration of candidacy deadline described in Subsection
2522 20A-9-201.5(2)(b); or

2523 (b) for an election held in an even-numbered year in which a presidential election will
2524 not be held, April 1.

2525 (2) The county clerk shall:

2526 (a) except as provided in Subsection (6) or 20A-2-107.5(3), record the party affiliation
2527 designated by the voter on the voter registration form as the voter's party affiliation; or

2528 (b) if no political party affiliation is designated by the voter on the voter registration
2529 form:

2530 (i) except as provided in Subsection (2)(b)(ii), record the voter's party affiliation as
2531 the party that the voter designated the last time that the voter designated a party on
2532 a voter registration form, unless the voter more recently registered as
2533 "unaffiliated"; or

2534 (ii) record the voter's party affiliation as "unaffiliated" if the voter:

2535 (A) did not previously designate a party;

2536 (B) most recently designated the voter's party affiliation as "unaffiliated"; or

2537 (C) did not previously register.

2538 (3)(a) Any registered voter may designate or change the voter's political party affiliation
2539 by complying with the procedures and requirements of this Subsection (3).

2540 (b) A registered voter may designate or change the voter's political party affiliation by
2541 filing with the county clerk, the municipal clerk, or the lieutenant governor a voter
2542 registration form or another signed form that identifies the registered political party
2543 with which the voter chooses to affiliate.

2544 (c) Except as provided in Subsection (3)(d), a voter registration form or another signed
2545 form designating or changing a voter's political party affiliation takes effect when the
2546 county clerk receives the signed form.

2547 (d) The party affiliation of a voter who changes party affiliation, or who becomes
2548 unaffiliated from a political party, at any time on or after the change of affiliation

2549 deadline and on or before the date of the regular primary election, takes effect the day
2550 after the statewide canvass for the regular primary election.

2551 (4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received by
2552 the county clerk before the change of affiliation deadline if:

2553 (a) the individual submits the form in person at the county clerk's office no later than 5
2554 p.m. on the last business day before the change of affiliation deadline;

2555 (b) the individual submits the form electronically through the system described in
2556 Section 20A-2-206, at or before 11:59 p.m. before the day of the change of affiliation
2557 deadline; or

2558 (c) the individual's form is clearly postmarked before the change of affiliation deadline.

2559 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter
2560 registration form if:

2561 (a) the voter has not previously been registered to vote in the state; or

2562 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county
2563 clerk under Subsection (6).

2564 (6) If the most recent party affiliation designated by a voter is for a political party that is no
2565 longer a registered political party, the county clerk shall:

2566 (a) change the voter's party affiliation to "unaffiliated"; and

2567 (b) notify the voter electronically or by mail:

2568 (i) that the voter's affiliation has been changed to "unaffiliated" because the most
2569 recent party affiliation designated by the voter is for a political party that is no
2570 longer a registered political party; and

2571 (ii) of the methods and deadlines for changing the voter's party affiliation.

2572 Section 25. Section **20A-2-204** is amended to read:

2573 **20A-2-204 . Registering to vote when applying for or renewing a driver license.**

2574 (1) As used in this section, "voter registration form" means, when an individual named on a
2575 qualifying form, as defined in Section 20A-2-108, answers "yes" to the question
2576 described in Subsection 20A-2-108(2)(a), the information on the qualifying form that
2577 can be used for voter registration purposes.

2578 (2)(a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may
2579 register to vote, and a citizen who is qualified to preregister to vote may preregister to
2580 vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a)
2581 and completing the voter registration form.

2582 (b) A citizen who is a program participant in the Safe at Home Program created in

2583 Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a),
2584 but is eligible to register to vote by any other means described in this part.

2585 (3) The Driver License Division shall:

2586 (a) assist an individual in completing the voter registration form unless the individual
2587 refuses assistance;

2588 (b) electronically transmit each address change to the lieutenant governor [~~within~~] on or
2589 before the first business day that is at least five calendar days after the day on which
2590 the division receives the address change; and

2591 (c) [~~within~~] on or before the first business day that is at least five calendar days after the
2592 day on which the division receives a voter registration form, electronically transmit
2593 the form to the Office of the Lieutenant Governor, including the following for the
2594 individual named on the form:

2595 (i) the name, date of birth, driver license or state identification card number, last four
2596 digits of the social security number, Utah residential address, place of birth, and
2597 signature;

2598 (ii) a mailing address, if different from the individual's Utah residential address;

2599 (iii) an email address and phone number, if available;

2600 (iv) the desired political affiliation, if indicated;

2601 (v) an indication of whether the individual requested that the individual's voter
2602 registration record be classified as a private record under Subsection
2603 20A-2-108(2)(b); and

2604 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and
2605 any verification submitted with the form.

2606 (4) Upon receipt of an individual's voter registration form from the Driver License Division
2607 under Subsection (3), the lieutenant governor shall:

2608 (a) enter the information into the statewide voter registration database; and

2609 (b) if the individual requests on the individual's voter registration form that the
2610 individual's voter registration record be classified as a private record or the individual
2611 submits a withholding request form described in Subsections 20A-2-104(7) and (8)
2612 and any required verification, classify the individual's voter registration record as a
2613 private record.

2614 (5) The county clerk of an individual whose information is entered into the statewide voter
2615 registration database under Subsection (4) shall:

2616 (a) ensure that the individual meets the qualifications to be registered or preregistered to

- 2617 vote; and
- 2618 (b)(i) if the individual meets the qualifications to be registered to vote:
- 2619 (A) ensure that the individual is assigned to the proper voting precinct; and
- 2620 (B) send the individual the notice described in Section 20A-2-304; or
- 2621 (ii) if the individual meets the qualifications to be preregistered to vote, process the
- 2622 form in accordance with the requirements of Section 20A-2-101.1.
- 2623 (6)(a) When the county clerk receives a correctly completed voter registration form
- 2624 under this section, the clerk shall:
- 2625 (i) comply with the applicable provisions of this Subsection (6); or
- 2626 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 2627 (b) If the county clerk receives a correctly completed voter registration form under this
- 2628 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11
- 2629 calendar days before the date of an election, the county clerk shall:
- 2630 (i) accept the voter registration form; and
- 2631 (ii) unless the individual is preregistering to vote:
- 2632 (A) enter the individual's name on the list of registered voters for the voting
- 2633 precinct in which the individual resides; and
- 2634 (B) notify the individual that the individual is registered to vote in the upcoming
- 2635 election; and
- 2636 (iii) if the individual named in the form is preregistering to vote, comply with Section
- 2637 20A-2-101.1.
- 2638 (c) If the county clerk receives a correctly completed voter registration form under this
- 2639 section after the deadline described in Subsection (6)(b), the county clerk shall,
- 2640 unless the individual named in the form is preregistering to vote:
- 2641 (i) accept the application for registration of the individual;
- 2642 (ii) process the voter registration form; and
- 2643 (iii) unless the individual is preregistering to vote, and except as provided in
- 2644 Subsection 20A-2-207(6), inform the individual that the individual will not be
- 2645 registered to vote in the pending election, unless the individual registers to vote by
- 2646 provisional ballot during the early voting period, if applicable, or on election day,
- 2647 in accordance with Section 20A-2-207.
- 2648 (7)(a) If the county clerk determines that an individual's voter registration form received
- 2649 from the Driver License Division is incorrect because of an error, because the form is
- 2650 incomplete, or because the individual does not meet the qualifications to be registered

2651 to vote, the county clerk shall mail notice to the individual stating that the individual
 2652 has not been registered or preregistered because of an error, because the registration
 2653 form is incomplete, or because the individual does not meet the qualifications to be
 2654 registered to vote.

2655 (b) If a county clerk believes, based upon a review of a voter registration form, that an
 2656 individual, who knows that the individual is not legally entitled to register or
 2657 preregister to vote, may be intentionally seeking to register or preregister to vote, the
 2658 county clerk shall refer the form to the county attorney for investigation and possible
 2659 prosecution.

2660 Section 26. Section **20A-2-205** is amended to read:

2661 **20A-2-205 . Registration at voter registration agencies.**

2662 (1) As used in this section:

2663 (a) "Discretionary voter registration agency" means the same as that term is defined in
 2664 Section 20A-2-300.5.

2665 (b) "Public assistance agency" means the same as that term is defined in Section
 2666 20A-2-300.5.

2667 (2) An individual may obtain and complete a registration form at a public assistance agency
 2668 or discretionary voter registration agency.

2669 (3) Each public assistance agency and discretionary voter registration agency shall provide,
 2670 either as part of existing forms or on a separate form, the following information in
 2671 substantially the following form:

2672 "REGISTERING TO VOTE

2673 If you are not registered to vote where you live now, would you like to apply to register
 2674 or preregister to vote here today? (The decision of whether to register or preregister to vote
 2675 will not affect the amount of assistance that you will be provided by this agency.) Yes____
 2676 No____ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO
 2677 HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If
 2678 you would like help in filling out the voter registration form, we will help you. The decision
 2679 about whether to seek or accept help is yours. You may fill out the application form in private.
 2680 If you believe that someone has interfered with your right to register or preregister or to
 2681 decline to register or preregister to vote, your right to privacy in deciding whether to register or
 2682 preregister, or in applying to register or preregister to vote, or your right to choose your own
 2683 political party or other political preference, you may file a complaint with the Office of the
 2684 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number

- 2685 of the Office of the Lieutenant Governor)."
- 2686 (4) Unless an individual applying for service or assistance from a public assistance agency
2687 or discretionary voter registration agency declines, in writing, to register or preregister to
2688 vote, each public assistance agency and discretionary voter registration agency shall:
- 2689 (a) distribute a voter registration form with each application for service or assistance
2690 provided by the agency or office;
- 2691 (b) assist applicants in completing the voter registration form unless the applicant
2692 refuses assistance;
- 2693 (c) accept completed forms for transmittal to the appropriate election official; and
2694 (d) transmit a copy of each voter registration form to the appropriate election official [
2695 ~~within~~] on or before the first business day that is at least five calendar days after the
2696 day on which the division receives the voter registration form.
- 2697 (5) An individual in a public assistance agency or a discretionary voter registration agency
2698 that helps an applicant complete the voter registration form may not:
- 2699 (a) seek to influence an applicant's political preference or party registration;
2700 (b) display any political preference or party allegiance;
- 2701 (c) make any statement to an applicant or take any action that has the purpose or effect
2702 of discouraging the applicant from registering to vote; or
- 2703 (d) make any statement to an applicant or take any action that has the purpose or effect
2704 of leading the applicant to believe that a decision of whether to register or preregister
2705 has any bearing upon the availability of services or benefits.
- 2706 (6) If the county clerk receives a correctly completed voter registration form under this
2707 section no later than [~~5 p.m.~~] 11 calendar days before the date of an election, the county
2708 clerk shall:
- 2709 (a) accept and process the voter registration form;
- 2710 (b) unless the individual named in the form is preregistering to vote:
- 2711 (i) enter the applicant's name on the list of registered voters for the voting precinct in
2712 which the applicant resides; and
- 2713 (ii) notify the applicant that the applicant is registered to vote in the upcoming
2714 election; and
- 2715 (c) if the individual named in the form is preregistering to vote, comply with Section
2716 20A-2-101.1.
- 2717 (7) If the county clerk receives a correctly completed voter registration form after the
2718 deadline described in Subsection (6), the county clerk shall:

- 2719 (a) accept the application for registration of the individual; and
 2720 (b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the
 2721 individual that the individual will not be registered to vote in the pending election,
 2722 unless the individual registers to vote by provisional ballot during the early voting
 2723 period, if applicable, or on election day, in accordance with Section 20A-2-207.
 2724 (8) If the county clerk determines that a voter registration form received from a public
 2725 assistance agency or discretionary voter registration agency is incorrect because of an
 2726 error or because the voter registration form is incomplete, the county clerk shall mail
 2727 notice to the individual attempting to register or preregister to vote, stating that the
 2728 individual has not been registered or preregistered to vote because of an error or because
 2729 the voter registration form is incomplete.

2730 Section 27. Section **20A-2-304** is amended to read:

2731 **20A-2-304 . County clerk's responsibilities -- Notice of disposition.**

2732 Each county clerk shall:

- 2733 (1) register to vote each individual who meets the requirements for registration and who:
 2734 (a) submits a completed voter registration form to the county clerk;
 2735 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to the
 2736 Driver License Division;
 2737 (c) submits a completed voter registration form to a public assistance agency or a
 2738 discretionary voter registration agency; or
 2739 (d) mails a completed voter registration form to the county clerk; and
 2740 (2) within 30 calendar days after the day on which the county clerk processes a voter
 2741 registration form, send a notice to the individual who submits the form that:
 2742 (a)(i) informs the individual that the individual's voter registration form has been
 2743 accepted and that the individual is registered to vote;
 2744 (ii) informs the individual of the procedure for designating or changing the
 2745 individual's political affiliation;
 2746 (iii) informs the individual of the procedure to cancel a voter registration;
 2747 (iv) provides instructions to the voter on how the voter may sign up to receive
 2748 electronic ballot status notifications via the ballot tracking system described in
 2749 Section 20A-3a-401.5; and
 2750 (v) confirms that the individual has chosen to receive electronic ballot status
 2751 notifications if the individual opted to receive electronic ballot status notifications
 2752 on the voter registration form;

2753 (b) informs the individual that the individual's voter registration form has been rejected
2754 and the reason for the rejection; or

2755 (c)(i) informs the individual that the individual's voter registration form is being
2756 returned to the individual for further action because the form is incomplete; and
2757 (ii) gives instructions to the individual on how to properly complete the form.

2758 Section 28. Section **20A-2-502** is amended to read:

2759 **20A-2-502 . Statewide voter registration system -- Maintenance and update of**
2760 **system -- Record security -- List of incarcerated felons -- Public document showing**
2761 **compliance by county clerks.**

2762 (1) The lieutenant governor shall:

2763 (a) develop, manage, and maintain a statewide voter registration system to be used by
2764 county clerks to maintain an updated statewide voter registration database in
2765 accordance with this section and rules made under Section 20A-2-507;

2766 (b) except as provided in Subsection (2)(c), regularly update the system with
2767 information relevant to voter registration, as follows:

2768 (i) on at least a weekly basis, information received from the Driver License Division
2769 in relation to:

2770 (A) voter registration;

2771 (B) a registered voter's change of address; or

2772 (C) a registered voter's change of name;

2773 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11)
2774 from the state registrar, regarding deceased individuals;

2775 (iii) on at least a monthly basis, the information described in Subsection (3), received
2776 from the Department of Corrections regarding incarcerated individuals;

2777 (iv) on at least a monthly basis, information received from other states, including
2778 information received under an agreement described in Subsection (2); and

2779 (v) within 31 calendar days after [~~receiving~~] the day on which the lieutenant governor
2780 receives information relevant to voter registration, other than the information
2781 described in Subsections (1)(b)(i) through [~~(v)~~] (iv);

2782 (c) regularly monitor the system to ensure that each county clerk complies with the
2783 requirements of this part and rules made under Section 20A-2-507;

2784 (d) establish matching criteria and security measures for identifying a change described
2785 in Subsection (1)(b) to ensure the accuracy of a voter registration record; and

2786 (e) on at least a monthly basis:

- 2787 (i) use the matching criteria and security measures described in Subsection (1)(d) to
2788 compare information in the database to identify duplicate data, contradictory data,
2789 and changes in data;
- 2790 (ii) notify the applicable county clerk of the data identified; and
2791 (iii) notify the county clerk of the county in which a voter's principal place of
2792 residence is located of a change in a registered voter's principal place of residence
2793 or name.
- 2794 (2)(a) Subject to Subsection (2)(b), the lieutenant governor may cooperate or enter into
2795 an agreement with a governmental entity or another state to share information and
2796 increase the accuracy of the database.
- 2797 (b) For a record shared under Subsection (2)(a), the lieutenant governor shall ensure:
2798 (i) that the record is only used to maintain the accuracy of the database;
2799 (ii) compliance with Section 63G-2-206; and
2800 (iii) that the record is secure from unauthorized use by employing data encryption or
2801 another similar technology security system.
- 2802 (c) The lieutenant governor is not required to comply with an updating requirement
2803 described in Subsection (1)(b) to the extent that the person responsible to provide the
2804 information to the lieutenant governor fails to provide the information.
- 2805 (3)(a) The lieutenant governor shall maintain a current list of all incarcerated felons in
2806 Utah.
- 2807 (b) The Department of Corrections shall provide the lieutenant governor's office with:
2808 (i) the name and last-known address of each individual who:
2809 (A) was convicted of a felony in a Utah state court; and
2810 (B) is currently incarcerated for commission of a felony; and
2811 (ii) the name of each convicted felon who has been released from incarceration.
- 2812 (4) The lieutenant governor shall maintain on the lieutenant governor's website a document
2813 that:
2814 (a) describes the utilities and tools within the system that a county clerk is required to
2815 run;
2816 (b) describes the actions, if any, that a county clerk is required to take in relation to the
2817 results of running a utility or tool;
2818 (c) lists, by date, the recurring deadlines by which a county clerk must comply with
2819 Subsection (4)(a) or (b); and
2820 (d) indicates, by county:

- 2821 (i) whether the county clerk timely complies with each deadline described in
2822 Subsection (4)(c); and
- 2823 (ii) if the county clerk fails to timely comply with a deadline described in Subsection
2824 (4)(c), whether the county clerk subsequently complies with the deadline and the
2825 date on which the county clerk complies.
- 2826 Section 29. Section **20A-2-503** is amended to read:
- 2827 **20A-2-503 . County clerk's responsibilities -- Updating voter registration.**
- 2828 (1)(a) Each county clerk shall use the system to record or modify all voter registration
2829 records.
- 2830 (b) A county clerk shall:
- 2831 (i) at the time the county clerk enters a voter registration record into the system, run
2832 the system's voter identification verification tool in relation to the record; and
- 2833 (ii) in accordance with rules made under Section 20A-2-507, regularly report to the
2834 lieutenant governor the information described in Subsection 20A-2-502(4).
- 2835 (2) A county clerk who receives notification from the lieutenant governor, as provided in
2836 Subsection 20A-2-502(1)(e), of a change in a registered voter's principal place of
2837 residence or name may verify the change with the registered voter.
- 2838 (3) Unless the county clerk verifies that a change described in Subsection (2) is incorrect,
2839 the county clerk shall:
- 2840 (a) change the voter registration record to show the registered voter's current name and
2841 address; and
- 2842 (b) notify the registered voter of the change to the voter registration record.
- 2843 (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:
- 2844 (a) on at least a monthly basis, run the duplicate voter utility and take the action required
2845 to resolve potential duplicate data identified by the utility; and
- 2846 (b) every December, run the annual maintenance utility.
- 2847 (5)(a) If a voter does not vote in any election during the period beginning on the date of any
2848 regular general election and ending on the day after the date of the next regular general
2849 election, and the county clerk has not sent the voter a notice described in Section 20A-2-505
2850 during the period, the county clerk shall, within 14 calendar days after the day on which the
2851 county clerk runs the annual maintenance utility, send to the voter a preaddressed return form
2852 in substantially the following form:
- 2853 "VOTER REGISTRATION ADDRESS"
- 2854 To ensure the address on your voter registration is correct, please complete and return

2855 this form if your address has changed. What is your current street address?

2856

2857 Street City County State ZIP

2858

2859 Signature of Voter

2860 (b) The county clerk shall mail the form described in Subsection (5)(a) with a postal
2861 service that will notify the county clerk if the voter has changed the voter's address.

2862 Section 30. Section **20A-2-504** is amended to read:

2863 **20A-2-504 . Removing names from the official register -- General requirements.**

2864 (1) The county clerk may not remove a voter's name from the official register solely

2865 because the voter has failed to vote in an election.

2866 (2) The county clerk shall remove a voter's name from the official register if:

2867 (a) the voter dies and the requirements of Subsection (3) are met;

2868 (b) the county clerk, after complying with the requirements of Section 20A-2-505,
2869 receives written confirmation from the voter that the voter no longer resides within
2870 the county clerk's county;

2871 (c)(i) the county clerk obtains evidence that the voter's residence has changed;

2872 (ii) the county clerk mails notice to the voter as required under Section 20A-2-505;

2873 (iii) the county clerk:

2874 (A) receives no response from the voter; or

2875 (B) does not receive information that confirms the voter's residence; and

2876 (iv) the voter does not vote or appear to vote in an election during the period
2877 beginning on the date of the notice described in Section 20A-2-505 and ending on
2878 the day after the date of the second regular general election occurring after the
2879 date of the notice;

2880 (d) the voter requests, in writing, that the voter's name be removed from the official
2881 register;

2882 (e) the county clerk receives notice that a voter has been convicted of any felony or a
2883 misdemeanor for an offense under this title and the voter's right to vote has not been
2884 restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or

2885 (f) the county clerk receives notice that a voter has registered to vote in another state
2886 after the day on which the voter registered to vote in this state.

2887 (3) The county clerk shall remove a voter's name from the [-]official register within five
2888 business days after the day on which the county clerk receives [-]confirmation from the

2889 Office of Vital Records that the voter is deceased.

2890 (4) No later than 90 calendar days before each primary election day and general election day,
2891 the county clerk shall update the official register by reviewing the official register and
2892 taking the actions permitted or required by law under this section, Section 20A-2-503,
2893 and Section 20A-2-505.

2894 Section 31. Section **20A-2-505** is amended to read:

2895 **20A-2-505 . Removing names from the official register -- Determining and**
2896 **confirming change of residence.**

2897 (1) A county clerk may not remove a voter's name from the official register on the grounds
2898 that the voter has changed residence unless the voter:

2899 (a) confirms in writing that the voter has changed residence to a place outside the
2900 county; or

2901 (b)(i) does not vote in an election during the period beginning on the date of the
2902 notice described in Subsection (3), and ending on the day after the date of the
2903 second regular general election occurring after the date of the notice; and

2904 (ii) does not respond to the notice described in Subsection (3).

2905 (2)(a) Within 31 calendar days after the day on which a county clerk obtains information
2906 that a voter's address has changed, if it appears that the voter still resides within the
2907 same county, the county clerk shall:

2908 (i) change the official register to show the voter's new address; and

2909 (ii) send to the voter, by forwardable mail, the notice described in Subsection (3).

2910 (b) When a county clerk obtains information that a voter's address has changed and it
2911 appears that the voter now resides in a different county, the county clerk shall verify
2912 the changed residence by sending to the voter, by forwardable mail, the notice
2913 described in Subsection (3), printed on a postage prepaid, preaddressed return form.

2914 (3)(a) Each county clerk shall use substantially the following form to notify voters whose
2915 addresses have changed:

2916 "VOTER REGISTRATION NOTICE

2917 We have been notified that your residence has changed. Please read, complete, and
2918 return this form so that we can update our voter registration records. What is your current
2919 street address?

2920 _____
2921 Street City County State Zip

2922 What is your current phone number (optional)? _____

2923 What is your current email address (optional)? _____

2924 If you have not changed your residence, or have moved but stayed within the same
 2925 county, you must complete and return this form to the county clerk so that it is received by the
 2926 county clerk before 5 p.m. no later than 30 calendar days before the date of the election. If you
 2927 fail to return this form within that time:

2928 - you may be required to show evidence of your address to the poll worker before being
 2929 allowed to vote in either of the next two regular general elections; or

2930 - if you fail to vote at least once, from the date this notice was mailed until the passing of
 2931 two regular general elections, you will no longer be registered to vote. If you have changed
 2932 your residence and have moved to a different county in Utah, you may register to vote by
 2933 contacting the county clerk in your county.

2934 _____

2935 Signature of Voter

2936 PRIVACY INFORMATION

2937 Voter registration records contain some information that is available to the public, such
 2938 as your name and address, some information that is available only to government entities, and
 2939 some information that is available only to certain third parties in accordance with the
 2940 requirements of law.

2941 Your driver license number, identification card number, social security number, email
 2942 address, full date of birth, and phone number are available only to government entities. Your
 2943 year of birth is available to political parties, candidates for public office, certain third parties,
 2944 and their contractors, employees, and volunteers, in accordance with the requirements of law.

2945 You may request that all information on your voter registration records be withheld from
 2946 all persons other than government entities, political parties, candidates for public office, and
 2947 their contractors, employees, and volunteers, by indicating here:

2948 _____ Yes, I request that all information on my voter registration records be withheld
 2949 from all persons other than government entities, political parties, candidates for public office,
 2950 and their contractors, employees, and volunteers.

2951 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2952 In addition to the protections provided above, you may request that identifying
 2953 information on your voter registration records be withheld from all political parties, candidates
 2954 for public office, and their contractors, employees, and volunteers, by submitting a
 2955 withholding request form, and any required verification, as described in the following
 2956 paragraphs.

2957 A person may request that identifying information on the person's voter registration
 2958 records be withheld from all political parties, candidates for public office, and their
 2959 contractors, employees, and volunteers, by submitting a withholding request form with this
 2960 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
 2961 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
 2962 violence.

2963 A person may request that identifying information on the person's voter registration
 2964 records be withheld from all political parties, candidates for public office, and their
 2965 contractors, employees, and volunteers, by submitting a withholding request form and any
 2966 required verification with this registration form, or to the lieutenant governor or a county clerk,
 2967 if the person is, or resides with a person who is, a law enforcement officer, a member of the
 2968 armed forces, a public figure, or protected by a protective order or a protection order."

2969 (b) The form described in Subsection (3)(a) shall also include a section in substantially the
 2970 following form:

2971 -----

2972 **BALLOT NOTIFICATIONS**

2973 If you have provided a phone number or email address, you can receive notifications by
 2974 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
 2975 deposit in the mail or in a ballot drop box, by indicating here:

2976 _____ Yes, I would like to receive electronic notifications regarding the status of my
 2977 ballot.

2978 -----

2979 (4)(a) Except as provided in Subsection (4)(b), the county clerk may not remove the
 2980 names of any voters from the official register during the 90 calendar days before a
 2981 regular primary election or the 90 calendar days before a regular general election.

2982 (b) The county clerk may remove the names of voters from the official register during
 2983 the 90 calendar days before a regular primary election or the 90 calendar days before
 2984 a regular general election if:

- 2985 (i) the voter requests, in writing, that the voter's name be removed; or
- 2986 (ii) the voter dies.

2987 (c)(i) After a county clerk mails a notice under this section, the county clerk shall,
 2988 unless otherwise prohibited by law, list that voter as inactive.

2989 (ii) If a county clerk receives a returned voter identification card, determines that
 2990 there was no clerical error causing the card to be returned, and has no further

- 2991 information to contact the voter, the county clerk shall, unless otherwise
 2992 prohibited by law, list that voter as inactive.
- 2993 (iii) An inactive voter may vote, sign petitions, and have all other privileges of a
 2994 registered voter.
- 2995 (iv) A county is not required to:
- 2996 (A) send routine mailings to an inactive voter; or
 2997 (B) count inactive voters when dividing precincts and preparing supplies.
- 2998 (5) The lieutenant governor shall make available to a county clerk United States Social
 2999 Security Administration data received by the lieutenant governor regarding deceased
 3000 individuals.
- 3001 (6) A county clerk shall, within [~~ten~~] 10 business days after the day on which the county
 3002 clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11)
 3003 and (12) relating to a decedent whose name appears on the official register, remove the
 3004 decedent's name from the official register.
- 3005 (7) Ninety calendar days before each primary and general election the lieutenant governor
 3006 shall compare the information the lieutenant governor has received under Subsection
 3007 26B-8-114(11) with the official register of voters to ensure that all deceased voters have
 3008 been removed from the official register.
- 3009 Section 32. Section **20A-3a-202** is amended to read:
- 3010 **20A-3a-202 . Conducting election by mail.**
- 3011 (1)(a) Except as otherwise provided for an election conducted entirely by mail under
 3012 Section 20A-7-609.5, an election officer shall administer an election primarily by
 3013 mail, in accordance with this section.
- 3014 (b) An individual who did not provide valid voter identification at the time the voter
 3015 registered to vote shall provide valid voter identification before voting.
- 3016 (2) An election officer who administers an election:
- 3017 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before
 3018 election day and no later than seven calendar days before election day, mail to each
 3019 active voter within a voting precinct:
- 3020 (i) a manual ballot;
 3021 (ii) a return envelope;
 3022 (iii) instructions for returning the ballot that include an express notice about any
 3023 relevant deadlines that the voter must meet in order for the voter's vote to be
 3024 counted;

- 3025 (iv) for an election administered by a county clerk, information regarding the location
3026 and hours of operation of any election day voting center at which the voter may
3027 vote or a website address where the voter may view this information;
- 3028 (v) for an election administered by an election officer other than a county clerk, if the
3029 election officer does not operate a polling place or an election day voting center, a
3030 warning, on a separate page of colored paper in bold face print, indicating that if
3031 the voter fails to follow the instructions included with the ballot, the voter will be
3032 unable to vote in that election because there will be no polling place for the voting
3033 precinct on the day of the election; and
- 3034 (vi) instructions on how a voter may sign up to receive electronic ballot status
3035 notifications via the ballot tracking system described in Section 20A-3a-401.5;
- 3036 (b) may not mail a ballot under this section to:
- 3037 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
3038 (ii) a voter whom the election officer is prohibited from sending a ballot under
3039 Subsection (9)(c)(ii);
- 3040 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
3041 include instructions for returning the ballot if the individual to whom the election
3042 officer mails the ballot does not live at the address to which the ballot is sent;
- 3043 (d) shall provide a method of accessible voting to a voter with a disability who is not
3044 able to vote by mail; and
- 3045 (e) shall include, on the election officer's website and with each ballot mailed,
3046 instructions regarding how a voter described in Subsection (2)(d) may vote.
- 3047 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
3048 manual ballot to the address:
- 3049 (i) provided at the time of registration; or
3050 (ii) if, at or after the time of registration, the voter files an alternate address request
3051 form described in Subsection (3)(b), the alternate address indicated on the form.
- 3052 (b) The lieutenant governor shall make available to voters an alternate address request
3053 form that permits a voter to request that the election officer mail the voter's ballot to a
3054 location other than the voter's residence.
- 3055 (c) A voter shall provide the completed alternate address request form to the election
3056 officer no later than 11 calendar days before the day of the election.
- 3057 (4) The return envelope shall include:
- 3058 (a) the name, official title, and post office address of the election officer on the front of

- 3059 the envelope;
- 3060 (b) a space where a voter may write an email address and phone number by which the
3061 election officer may contact the voter if the voter's ballot is rejected;
- 3062 (c) a printed affidavit in substantially the following form:
- 3063 "County of ____ State of ____
3064 I, _____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
3065 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
3066 currently incarcerated for commission of a felony.
3067 _____
3068 Signature of Voter"; and
- 3069 (d) a warning that the affidavit must be signed by the individual to whom the ballot was
3070 sent and that the ballot will not be counted if the signature on the affidavit does not
3071 match the signature on file with the election officer of the individual to whom the
3072 ballot was sent.
- 3073 (5) If the election officer determines that the voter is required to show valid voter
3074 identification, the election officer may:
- 3075 (a) mail a ballot to the voter;
- 3076 (b) instruct the voter to include a copy of the voter's valid voter identification with the
3077 return ballot; and
- 3078 (c) provide instructions to the voter on how the voter may sign up to receive electronic
3079 ballot status notifications via the ballot tracking system described in Section
3080 20A-3a-401.5.
- 3081 (6) An election officer who administers an election shall:
- 3082 (a)(i) before the election, obtain the signatures of each voter qualified to vote in the
3083 election; or
- 3084 (ii) obtain the signature of each voter within the voting precinct from the county
3085 clerk; and
- 3086 (b) maintain the signatures on file in the election officer's office.
- 3087 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot
3088 under Section 20A-3a-401.
- 3089 (8) A county that administers an election:
- 3090 (a) shall provide at least one election day voting center in accordance with Part 7,
3091 Election Day Voting Center, and at least one additional election day voting center for
3092 every 5,000 active voters in the county who have requested to not receive a ballot by

- 3093 mail;
- 3094 (b) shall ensure that each election day voting center operated by the county has at least
3095 one voting device that is accessible, in accordance with the Help America Vote Act
3096 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 3097 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 3098 (i) the county clerk conducts early voting on at least four days;
- 3099 (ii) the early voting days are within the period beginning on the date that is 14
3100 calendar days before the date of the election and ending on the day before the
3101 election; and
- 3102 (iii) the county clerk provides notice of the reduced early voting period in accordance
3103 with Section 20A-3a-604; and
- 3104 (d) is not required to pay return postage for a ballot.
- 3105 (9)(a) An individual may request that the election officer not send the individual a ballot
3106 by mail in the next and subsequent elections by submitting a written request to the
3107 election officer.
- 3108 (b) An individual shall submit the request described in Subsection (9)(a) to the election
3109 officer before 5 p.m. no later than 60 calendar days before an election if the
3110 individual does not wish to receive a ballot by mail in that election.
- 3111 (c) An election officer who receives a request from an individual under Subsection (9)(a):
- 3112 (i) shall remove the individual's name from the list of voters who will receive a ballot
3113 by mail; and
- 3114 (ii) may not send the individual a ballot by mail for:
- 3115 (A) the next election, if the individual submits the request described in Subsection
3116 (9)(a) before the deadline described in Subsection (9)(b); or
- 3117 (B) an election after the election described in Subsection (9)(c)(ii)(A).
- 3118 (d) An individual who submits a request under Subsection (9)(a) may resume the
3119 individual's receipt of a ballot by mail by submitting a written request to the election
3120 officer.
- 3121 Section 33. Section **20A-3a-203** is amended to read:
- 3122 **20A-3a-203 . Voting at a polling place.**
- 3123 (1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling
3124 place in an election in accordance with this section.
- 3125 (2)(a) The voter shall give the voter's name, and, if requested, the voter's residence, to
3126 one of the poll workers.

- 3127 (b) The voter shall present valid voter identification to one of the poll workers.
- 3128 (c) If the poll worker is not satisfied that the voter has presented valid voter
3129 identification, the poll worker shall:
- 3130 (i) indicate on the official register that the voter was not properly identified;
- 3131 (ii) issue the voter a provisional ballot;
- 3132 (iii) notify the voter that the voter will have until the close of normal office hours on
3133 Monday after the day of the election or, if Monday is a holiday, on the first
3134 business day after the holiday, to present valid voter identification:
- 3135 (A) to the county clerk at the county clerk's office; or
- 3136 (B) to an election officer who is administering the election; and
- 3137 (iv) follow the procedures and requirements of Section 20A-3a-205.
- 3138 (d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the poll
3139 worker shall follow the procedures and requirements of Section 20A-3a-205.
- 3140 (3) A poll worker shall check the official register to determine whether:
- 3141 (a) a voter is registered to vote; and
- 3142 (b) if the election is a regular primary election or a presidential primary election,
3143 whether a voter's party affiliation designation in the official register allows the voter
3144 to vote the ballot that the voter requests.
- 3145 (4)(a) Except as provided in Subsection (5), if the voter's name is not found on the
3146 official register, the poll worker shall follow the procedures and requirements of
3147 Section 20A-3a-205.
- 3148 (b) If, in a regular primary election or a presidential primary election, the official register
3149 does not affirmatively identify the voter as being affiliated with a registered political
3150 party or if the official register identifies the voter as being "unaffiliated," the voter
3151 shall be considered to be "unaffiliated."
- 3152 (5) In a regular primary election or a presidential primary election:
- 3153 (a) if a voter's name is not found on the official register, and if it is not unduly disruptive
3154 to the election process, the poll worker may attempt to contact the county clerk's
3155 office to request oral verification of the voter's registration;
- 3156 (b) if oral verification is received from the county clerk's office, the poll worker shall:
- 3157 (i) record the verification on the official register;
- 3158 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to
3159 vote; and
- 3160 (iii) except as provided in Subsection (6), comply with Subsection (3).

3161 (6)(a) Except as provided in Subsection (6)(b), if, in a regular primary election or a
3162 presidential primary election, the voter's political party affiliation listed in the official
3163 register does not allow the voter to vote the ballot that the voter requested, the poll
3164 worker shall inform the voter of that fact and inform the voter of the ballot or ballots
3165 that the voter's party affiliation does allow the voter to vote.

3166 (b) If, in a regular primary election or a presidential primary election, the voter is listed
3167 in the official register as unaffiliated, or if the official register does not affirmatively
3168 identify the voter as either unaffiliated or affiliated with a registered political party,
3169 and the voter, as an unaffiliated voter, is not authorized to vote the ballot that the
3170 voter requests, the poll worker shall:

3171 (i) ask the voter if the voter wishes to vote another registered political party ballot
3172 that the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

3173 (ii)(A) if the voter wishes to vote another registered political party ballot that the
3174 unaffiliated voter is authorized to vote, the poll worker shall proceed as
3175 required by Subsection (3); or

3176 (B) if the voter wishes to remain unaffiliated and does not wish to vote another
3177 ballot that unaffiliated voters are authorized to vote, the poll worker shall
3178 instruct the voter that the voter may not vote.

3179 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions of
3180 Subsection (6), if the poll worker determines that the voter is registered, a poll worker
3181 shall:

3182 (a) direct the voter to sign the voter's name in the official register;

3183 (b) provide to the voter the ballot that the voter is qualified to vote; and

3184 (c) allow the voter to enter the voting booth.

3185 Section 34. Section **20A-3a-401** is amended to read:

3186 **20A-3a-401 . Custody of voted ballots mailed or deposited in a ballot drop box --**
3187 **Disposition -- Notice -- Disclosures relating to unresolved ballots.**

3188 (1) This section governs ballots returned by mail or via a ballot drop box.

3189 (2)(a) Poll workers shall open return envelopes containing manual ballots that are in the
3190 custody of the poll workers in accordance with this section.

3191 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of the
3192 return envelope to the signature of the voter in the voter registration records.

3193 (3) After complying with Subsection (2), the poll workers shall determine whether:

3194 (a) the signatures correspond;

- 3195 (b) the affidavit is sufficient;
- 3196 (c) the voter is registered to vote in the correct precinct;
- 3197 (d) the voter's right to vote the ballot has been challenged;
- 3198 (e) the voter has already voted in the election;
- 3199 (f) the voter is required to provide valid voter identification; and
- 3200 (g) if the voter is required to provide valid voter identification, whether the voter has
- 3201 provided valid voter identification.
- 3202 (4)(a) The poll workers shall take the action described in Subsection (4)(b) if the poll
- 3203 workers determine:
- 3204 (i) in accordance with the rules made under Subsection (11):
- 3205 (A) that the signature on the affidavit of the return envelope is reasonably
- 3206 consistent with the individual's signature in the voter registration records; or
- 3207 (B) for an individual who checks the box described in Subsection (5)(c)(v), that
- 3208 the signature is verified by alternative means;
- 3209 (ii) that the affidavit is sufficient;
- 3210 (iii) that the voter is registered to vote in the correct precinct;
- 3211 (iv) that the voter's right to vote the ballot has not been challenged;
- 3212 (v) that the voter has not already voted in the election; and
- 3213 (vi) for a voter required to provide valid voter identification, that the voter has
- 3214 provided valid voter identification.
- 3215 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
- 3216 workers shall:
- 3217 (i) remove the manual ballot from the return envelope in a manner that does not
- 3218 destroy the affidavit on the return envelope;
- 3219 (ii) ensure that the ballot does not unfold and is not otherwise examined in
- 3220 connection with the return envelope; and
- 3221 (iii) place the ballot with the other ballots to be counted.
- 3222 (c) If the poll workers do not make all of the findings described in Subsection (4)(a), the
- 3223 poll workers shall:
- 3224 (i) disallow the vote;
- 3225 (ii) without opening the return envelope, record the ballot as "rejected" and state the
- 3226 reason for the rejection; and
- 3227 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 3228 (5)(a) If the poll workers reject an individual's ballot because the poll workers

3229 determine, in accordance with rules made under Subsection (11), that the signature
3230 on the return envelope is not reasonably consistent with the individual's signature in
3231 the voter registration records, the election officer shall:

- 3232 (i) contact the individual in accordance with Subsection (6); and
- 3233 (ii) inform the individual:
 - 3234 (A) that the individual's signature is in question;
 - 3235 (B) how the individual may resolve the issue; and
 - 3236 (C) that, in order for the ballot to be counted, the individual is required to deliver
3237 to the election officer a correctly completed affidavit, provided by the county
3238 clerk, that meets the requirements described in Subsection (5)(c).
- 3239 (b) The election officer shall ensure that the notice described in Subsection (5)(a)
3240 includes:
 - 3241 (i) when communicating the notice by mail, a printed copy of the affidavit described
3242 in Subsection (5)(c) and a courtesy reply envelope;
 - 3243 (ii) when communicating the notice electronically, a link to a copy of the affidavit
3244 described in Subsection (5)(c) or information on how to obtain a copy of the
3245 affidavit; or
 - 3246 (iii) when communicating the notice by phone, either during a direct conversation
3247 with the voter or in a voicemail, arrangements for the voter to receive a copy of
3248 the affidavit described in Subsection (5)(c), either in person from the clerk's
3249 office, by mail, or electronically.
- 3250 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:
 - 3251 (i) an attestation that the individual voted the ballot;
 - 3252 (ii) a space for the individual to enter the individual's name, date of birth, and driver
3253 license number or the last four digits of the individual's social security number;
 - 3254 (iii) a space for the individual to sign the affidavit;
 - 3255 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
3256 governor's and county clerk's use of the individual's signature on the affidavit for
3257 voter identification purposes; and
 - 3258 (v) a check box accompanied by language in substantially the following form: "I am
3259 a voter with a qualifying disability under the Americans with Disabilities Act that
3260 impacts my ability to sign my name consistently. I can provide appropriate
3261 documentation upon request. To discuss accommodations, I can be contacted at
3262 _____".

- 3263 (d) In order for an individual described in Subsection (5)(a) to have the individual's
3264 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c)
3265 to the election officer.
- 3266 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall
3267 immediately:
- 3268 (i) scan the signature on the affidavit electronically and keep the signature on file in
3269 the statewide voter registration database developed under Section 20A-2-502;
- 3270 (ii) if the election officer receives the affidavit no later than ~~5 p.m. three days~~ noon
3271 on the last business day before the day on which the canvass begins, count the
3272 individual's ballot; and
- 3273 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
3274 rules described in Subsection (11)(c).
- 3275 (6)(a) The election officer shall, within two business days after the day on which an
3276 individual's ballot is rejected, notify the individual of the rejection and the reason for
3277 the rejection, by phone, mail, email, or SMS text message, unless:
- 3278 (i) the ballot is cured within one business day after the day on which the ballot is
3279 rejected; or
- 3280 (ii) the ballot is rejected because the ballot is received late or for another reason that
3281 cannot be cured.
- 3282 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii), the
3283 election officer shall notify the individual of the rejection and the reason for the
3284 rejection by phone, mail, email, or SMS text message, within the later of:
- 3285 (i) 30 calendar days after the day of the rejection; or
3286 (ii) 30 calendar days after the day of the election.
- 3287 (c) The election officer may, when notifying an individual by phone under this
3288 Subsection (6), use auto-dial technology.
- 3289 (7) An election officer may not count the ballot of an individual whom the election officer
3290 contacts under Subsection (5) or (6) unless, no later than 5 p.m. on the last business day
3291 that is at least three calendar days before the day on which the canvass begins, the
3292 election officer:
- 3293 (a) receives a signed affidavit from the individual under Subsection (5); or
3294 (b)(i) contacts the individual;
- 3295 (ii) if the election officer has reason to believe that an individual, other than the voter
3296 to whom the ballot was sent, signed the ballot affidavit, informs the individual that

- 3297 it is unlawful to sign a ballot affidavit for another person, even if the person gives
3298 permission;
- 3299 (iii) verifies the identity of the individual by:
- 3300 (A) requiring the individual to provide at least two types of personal identifying
3301 information for the individual; and
- 3302 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records
3303 relating to the individual that are in the possession or control of an election
3304 officer; and
- 3305 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
- 3306 (A) the name and voter identification number of the individual contacted;
3307 (B) the name of the individual who conducts the verification;
3308 (C) the date and manner of the communication;
3309 (D) the type of personal identifying information provided by the individual;
3310 (E) a description of the records against which the personal identifying information
3311 provided by the individual is compared and verified; and
3312 (F) other information required by the lieutenant governor.
- 3313 (8) The election officer shall:
- 3314 (a) retain and preserve the return envelopes in the manner provided by law for the
3315 retention and preservation of ballots voted at that election;
- 3316 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and
- 3317 (c) if the election officer complies with Subsection (8)(b) by including the
3318 documentation in the voter's voter registration record, make, retain, and preserve a
3319 record of the name and voter identification number of each voter contacted under
3320 Subsection (7)(b).
- 3321 (9)(a) The election officer shall record the following in the database used to verify
3322 signatures:
- 3323 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day
3324 after the day on which the election officer rejects the ballot; and
- 3325 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business
3326 day after the day on which the ballot rejection is resolved.
- 3327 (b) An election officer shall include, in the canvass report, a final report of the
3328 disposition of all rejected and resolved ballots, including, for ballots rejected, the
3329 following:
- 3330 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and

3331 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in
3332 records on file, do not correspond.

3333 (10) Willful failure to comply with this section constitutes willful neglect of duty under
3334 Section 20A-5-701.

3335 (11) The director of elections within the Office of the Lieutenant Governor shall make
3336 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
3337 establish:

3338 (a) criteria and processes for use by poll workers in determining if a signature
3339 corresponds with the signature on file for the voter under Subsections (3)(a) and
3340 (4)(a)(i)(A);

3341 (b) training and certification requirements for election officers and employees of election
3342 officers regarding the criteria and processes described in Subsection (11)(a); and

3343 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.
3344 Secs. 12131 through 12165, an alternative means of verifying the identity of an
3345 individual who checks the box described in Subsection (5)(c)(v).

3346 (12) Subject to Subsection (13), if, in response to a request, and in accordance with the
3347 requirements of law, an election officer discloses the name or address of voters whose
3348 ballots have been rejected and not yet resolved, the election officer shall:

3349 (a) make the disclosure within two business days after the day on which the request is
3350 made;

3351 (b) respond to each request in the order the requests were made; and

3352 (c) make each disclosure in a manner, and within a period of time, that does not reflect
3353 favoritism to one requestor over another.

3354 (13) A disclosure described in Subsection (12) may not include the name or address of a
3355 protected individual, as defined in Subsection 20A-2-104(1).

3356 Section 35. Section **20A-3a-502** is amended to read:

3357 **20A-3a-502 . Intimidation -- Undue influence.**

3358 (1) It is unlawful for a person to induce or compel an individual to vote or refrain from
3359 voting at an election provided by law or to vote or refrain from voting for a particular
3360 individual or measure at an election provided by law, directly or indirectly, by:

3361 (a) using force, violence, or restraint;

3362 (b) inflicting or threatening to inflict injury, damage, harm, or loss; or

3363 (c) by intimidation.

3364 (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or

3365 otherwise interfere with the free exercise of the elective franchise of any voter, either in
 3366 voting at any election provided by law or voting or refraining from voting for a
 3367 particular individual or measure at an election provided by law.

3368 (3) It is unlawful for a person to:

- 3369 (a) enclose in the salary or wage envelopes of an employee of the person, political
 3370 mottoes, devices, or arguments containing threats, express or implied, intended or
 3371 calculated to influence the political opinion, views, or action of the employee; or
- 3372 (b) within 90 calendar days before the day of an election provided by law, post or
 3373 otherwise exhibit, in a location where the person's employees may be working or may
 3374 be present in the course of employment, any handbill, notice, or placard containing
 3375 any threat, notice, or information, that if any particular ticket or candidate is or is not
 3376 elected:
 - 3377 (i) work performed by the person's employees will cease in whole or in part;
 - 3378 (ii) the workplace will close;
 - 3379 (iii) wages of workforce will be reduced; or
 - 3380 (iv) other adverse consequences, under the control of the person, will result.

3381 (4) Violation of this section is a class B misdemeanor.

3382 Section 36. Section **20A-3a-601** is amended to read:

3383 **20A-3a-601 . Early voting.**

3384 (1) Except as provided in Section 20A-7-609.5:

- 3385 (a) an individual who is registered to vote may vote at a polling place before the election
 3386 date in accordance with this section; and
- 3387 (b) except as provided in Subsection 20A-2-207(6), an individual who is not registered
 3388 to vote may register to vote and vote at a polling place before the election date in
 3389 accordance with this section if the individual:
 - 3390 (i) is otherwise legally entitled to vote the ballot; and
 - 3391 (ii) casts a provisional ballot in accordance with Section 20A-2-207.

3392 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:

- 3393 (a) begins on the date that is 14 calendar days before the date of the election; and
- 3394 (b) continues through the Friday before the election if the election date is a Tuesday.

3395 (3)(a) An election officer may extend the end of the early voting period to the day before
 3396 the election date if the election officer provides notice of the extension in accordance
 3397 with Section 20A-3a-604.

3398 (b) For a municipal election, the municipal clerk may reduce the early voting period

- 3399 described in this section if:
- 3400 (i) the municipal clerk conducts early voting on at least four days;
- 3401 (ii) the early voting days are within the period beginning on the date that is 14
- 3402 calendar days before the date of the election and ending on the day before the
- 3403 election; and
- 3404 (iii) the municipal clerk provides notice of the reduced early voting period in
- 3405 accordance with Section 20A-3a-604.
- 3406 (c) For a county election, the county clerk may reduce the early voting period described
- 3407 in this section if:
- 3408 (i) the county clerk conducts early voting on at least four days;
- 3409 (ii) the early voting days are within the period beginning on the date that is 14
- 3410 calendar days before the date of the election and ending on the day before the
- 3411 election; and
- 3412 (iii) the county clerk provides notice of the reduced early voting period in accordance
- 3413 with Section 20A-3a-604.
- 3414 (4) Except as provided in Section 20A-1-308, during the early voting period, the election
- 3415 officer:
- 3416 (a) for a local special election, a municipal primary election, and a municipal general
- 3417 election:
- 3418 (i) shall conduct early voting on a minimum of four days during each week of the
- 3419 early voting period; and
- 3420 (ii) shall conduct early voting on the last day of the early voting period; and
- 3421 (b) for all other elections:
- 3422 (i) shall conduct early voting on each weekday; and
- 3423 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- 3424 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early
- 3425 voting shall be administered in accordance with the requirements of this title.
- 3426 Section 37. Section **20A-3a-604** is amended to read:
- 3427 **20A-3a-604 . Notice of time and place of early voting.**
- 3428 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the election
- 3429 officer shall, for at least 28 calendar days before the date of the election, provide notice
- 3430 of the dates, times, and locations of early voting by publishing notice for the county, as a
- 3431 class A notice under Section 63G-30-102.
- 3432 (2) Instead of specifying all dates, times, and locations of early voting, a notice required

3433 under Subsection (1) may specify the following sources where a voter may view or
3434 obtain a copy of all dates, times, and locations of early voting:

3435 (a) the county's website;

3436 (b) the physical address of the county's offices; and

3437 (c) a mailing address and telephone number.

3438 (3) The election officer shall include in the notice described in Subsection (1):

3439 (a) the address of the Statewide Electronic Voter Information Website and, if available,
3440 the address of the election officer's website, with a statement indicating that the
3441 election officer will post on the website the location of each early voting polling
3442 place, including any changes to the location of an early voting polling place and the
3443 location of additional early voting polling places; and

3444 (b) a phone number that a voter may call to obtain information regarding the location of
3445 an early voting polling place.

3446 Section 38. Section **20A-3a-703** is amended to read:

3447 **20A-3a-703 . Election day voting centers as polling places -- Location --**

3448 **Notification.**

3449 (1) The election officer may designate one or more polling places as an election day voting
3450 center if:

3451 (a) except as provided in Subsection (2), the election officer notifies the lieutenant
3452 governor of the designation and location of the election day voting center at least 15
3453 calendar days before the election;

3454 (b) the polling place meets the requirements for a polling place under Chapter 5,
3455 Election Administration; and

3456 (c) the polling place is located in a government building or office, unless the election
3457 officer determines that there is no government building or office available, in the area
3458 designated by the election officer, that:

3459 (i) can be scheduled for use during election day voting hours;

3460 (ii) has the physical facilities necessary to accommodate election day voting
3461 requirements;

3462 (iii) has adequate space for voting equipment, poll workers, and voters; and

3463 (iv) has adequate security, public accessibility, and parking.

3464 (2)(a) The election officer may, after the deadline described in Subsection (1)(a):

3465 (i) if necessary, change the location of an election day voting center; or

3466 (ii) if the election officer determines that the number of election day voting centers is

3467 insufficient due to the number of registered voters who are voting, designate
3468 additional election day voting centers.

3469 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
3470 of an election day voting center or designates an additional election day voting
3471 center, the election officer shall, as soon as is reasonably possible, give notice of the
3472 dates, times, and location of the changed election day voting center or the additional
3473 election day voting center:

3474 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
3475 Information Website;

3476 (ii) by posting the information on the website of the election officer, if available; and

3477 (iii) by posting notice:

3478 (A) of a change in the location of an election day voting center, at the new
3479 location and, if possible, the old location; and

3480 (B) of an additional election day voting center, at the additional election day
3481 voting center.

3482 Section 39. Section **20A-3a-803** is amended to read:

3483 **20A-3a-803 . Challenges to a voter's eligibility -- Basis for challenge --**

3484 **Procedures.**

3485 (1) An individual may challenge another individual's eligibility to vote on any of the
3486 following grounds:

3487 (a) the individual is not the individual in whose name the individual tries to vote;

3488 (b) the individual is not a resident of Utah;

3489 (c) the individual is not a citizen of the United States;

3490 (d) the individual has not or will not have resided in Utah for 30 calendar days
3491 immediately before the date of the election;

3492 (e) the individual's principal place of residence is not in the voting precinct that the
3493 individual claims;

3494 (f) the individual's principal place of residence is not in the geographic boundaries of the
3495 election area;

3496 (g) the individual has already voted in the election;

3497 (h) the individual is not at least the minimum age required to vote in the election;

3498 (i) the individual has been convicted of a misdemeanor for an offense under this title and
3499 the individual's right to vote in an election has not been restored under Section
3500 20A-2-101.3;

- 3501 (j) the individual is a convicted felon and the voter's right to vote in an election has not
 3502 been restored under Section 20A-2-101.5; or
 3503 (k) in a regular primary election or presidential primary election, the individual does not
 3504 meet the political party affiliation requirements for the ballot the individual seeks to
 3505 vote.

3506 (2) An individual who challenges another individual's right to vote in an election shall make
 3507 the challenge in accordance with:

3508 (a) Section 20A-3a-804, for a challenge that is not made in person at the time an
 3509 individual votes; or

3510 (b) Section 20A-3a-805, for challenges made in person at the time an individual votes.

3511 Section 40. Section **20A-3a-804** is amended to read:

3512 **20A-3a-804 . Pre-election challenges to a voter's eligibility in writing --**

3513 **Procedure -- Form of challenge.**

3514 (1)(a) An individual may challenge an individual's eligibility to vote by filing a written
 3515 statement with the election officer in accordance with Subsection (1)(b) that:

3516 (i) lists the name and address of the individual filing the challenge;

3517 (ii) for each individual who is challenged:

3518 (A) identifies the name of the challenged individual;

3519 (B) lists the last known address or telephone number of the challenged individual;

3520 (C) provides the basis for the challenge, as provided under Section 20A-3a-803;

3521 (D) provides facts and circumstances supporting the basis provided; and

3522 (E) may include supporting documents, affidavits, or other evidence; and

3523 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:

3524 (A) the filer exercised due diligence to personally verify the facts and

3525 circumstances establishing the basis for the challenge; and

3526 (B) according to the filer's personal knowledge and belief, the basis for the
 3527 challenge under Section 20A-3a-803 for each challenged individual is valid.

3528 (b) An individual who files a written statement under Subsection (1)(a) shall file the
 3529 written statement during the election officer's regular business hours:

3530 (i) at least 45 calendar days before the day of the election; or

3531 (ii) if the challenge is to an individual who registered to vote between the day that is
 3532 45 calendar days before the election and the day of the election:

3533 (A) on or before the day of the election; and

3534 (B) before the individual's ballot is removed from a ballot envelope or otherwise

3535 separated from any information that could be used to identify the ballot as the
3536 individual's ballot.

3537 (c) The challenge may not be based on unsupported allegations or allegations by an
3538 anonymous individual.

3539 (d) An election officer may require an individual who files a challenge under this section
3540 to file the challenge on a form provided by the election officer that meets the
3541 requirements of this section.

3542 (2) If the challenge is not in the proper form, is incomplete, or if the basis for the challenge
3543 does not meet the requirements of this part, the election officer shall dismiss the
3544 challenge and notify the filer in writing of the reasons for the dismissal.

3545 (3)(a) Upon receipt of a challenge that meets the requirements for filing under this
3546 section, the election officer shall attempt to notify each challenged individual in
3547 accordance with Subsection (3)(b):

3548 (i) at least 28 calendar days before the date of the election, if the election officer
3549 receives the challenge under Subsection (1)(b)(i); or

3550 (ii) within one business day, if the election officer receives the challenge under
3551 Subsection (1)(b)(ii).

3552 (b) The election officer shall attempt to notify each challenged individual:

3553 (i) that a challenge has been filed against the challenged individual;

3554 (ii) that the challenged individual may be required to cast a provisional ballot at the
3555 time the individual votes if the individual votes in person;

3556 (iii) that if the individual votes by mail, the individual's ballot will be treated as a
3557 provisional ballot unless the challenge is resolved;

3558 (iv) of the basis for the challenge, which may include providing a copy of the
3559 challenge the filer filed with the election officer; and

3560 (v) that the challenged individual may submit information, a sworn statement,
3561 supporting documents, affidavits, or other evidence supporting the challenged
3562 individual's eligibility to vote in the election to the election officer no later than:

3563 (A) 21 calendar days before the date of the election, if the election officer receives
3564 the challenge under Subsection (1)(b)(i); or

3565 (B) five calendar days before the day on which the canvass is held, if the election
3566 officer receives the challenge under Subsection (1)(b)(ii).

3567 (4)(a) The election officer shall determine whether each challenged individual is eligible
3568 to vote before the day on which:

- 3569 (i) early voting commences, if the election officer receives the challenge under
3570 Subsection (1)(b)(i); or
- 3571 (ii) the canvass is held, if the election officer receives the challenge under Subsection
3572 (1)(b)(ii).
- 3573 (b)(i) The filer has the burden to prove, by clear and convincing evidence, that the
3574 basis for challenging the individual's eligibility to vote is valid.
- 3575 (ii) The election officer shall resolve the challenge based on the available facts and
3576 information submitted, which may include voter registration records and other
3577 documents or information available to the election officer.
- 3578 (5) An individual who files a challenge in accordance with the requirements of this section
3579 is subject to criminal penalties for false statements as provided under Sections 76-8-503
3580 and 76-8-504 and any other applicable criminal provision.
- 3581 (6)(a) A challenged individual may appeal an election officer's decision regarding the
3582 individual's eligibility to vote to the district court having jurisdiction over the location
3583 where the challenge was filed.
- 3584 (b) The district court shall uphold the decision of the election officer unless the district
3585 court determines that the decision was arbitrary, capricious, or unlawful.
- 3586 (c) In making the district court's determination, the district court's review is limited to:
- 3587 (i) the information filed under Subsection (1)(a) by the filer;
- 3588 (ii) the information submitted under Subsection (3)(b)(v) by the challenged
3589 individual; and
- 3590 (iii) any additional facts and information used by the election official to determine
3591 whether the challenged individual is eligible to vote, as indicated by the election
3592 official.
- 3593 (7) A challenged individual may register to vote or change the location of the individual's
3594 voter registration if otherwise permitted by law.
- 3595 (8) A document pertaining to a challenge filed under this section is a public record.
- 3596 Section 41. Section **20A-3a-807** is amended to read:
- 3597 **20A-3a-807 . Notification of ballot processes.**
- 3598 (1) As used in this section, "ballot process" includes:
- 3599 (a) signature verification;
- 3600 (b) opening ballots;
- 3601 (c) scanning ballots;
- 3602 (d) adjudicating ballots;

- 3603 (e) replicating damaged or defective ballots; or
 3604 (f) tabulating votes.
- 3605 (2) A county clerk shall:
- 3606 (a) beginning at least three calendar days before the day on which the county clerk
 3607 begins mailing ballots for an election, and ending on the first day of the canvass, post
 3608 on the county clerk's website a schedule of the hours, over the next three calendar
 3609 days, during which the county clerk plans to conduct one or more ballot processes;
 3610 and
- 3611 (b) update any changes to the schedule at least 24 hours before the clerk modifies the
 3612 hours.
- 3613 Section 42. Section **20A-4-104** is amended to read:
- 3614 **20A-4-104 . Counting ballots electronically -- Notice of testing tabulating**
 3615 **equipment.**
- 3616 (1)(a) Before beginning to count ballots using automatic tabulating equipment, the
 3617 election officer shall test the automatic tabulating equipment to ensure that it will
 3618 accurately count the votes cast for all offices and all measures.
- 3619 (b) The election officer shall provide public notice of the time and place of the test by
 3620 publishing the notice, as a class A notice under Section 63G-30-102, for the county,
 3621 municipality, or jurisdiction where the equipment is used, for at least 10 calendar
 3622 days before the day of the test.
- 3623 (c) The election officer shall conduct the test by processing a preaudited group of ballots.
- 3624 (d) The election officer shall ensure that:
- 3625 (i) a predetermined number of valid votes for each candidate and measure are
 3626 recorded on the ballots;
- 3627 (ii) for each office, one or more ballots have votes in excess of the number allowed
 3628 by law in order to test the ability of the automatic tabulating equipment to reject
 3629 those votes; and
- 3630 (iii) a different number of valid votes are assigned to each candidate for an office, and
 3631 for and against each measure.
- 3632 (e) If any error is detected, the election officer shall determine the cause of the error and
 3633 correct it.
- 3634 (f) The election officer shall ensure that:
- 3635 (i) the automatic tabulating equipment produces an errorless count before beginning
 3636 the actual counting; and

- 3637 (ii) before the election returns are approved as official , the automatic [~~tabulating~~
3638 tabulating equipment passes a post election audit conducted in accordance with
3639 the rules described in Subsection 20A-1-108(1).
- 3640 (2)(a) The election officer or the election officer's designee shall supervise and direct all
3641 proceedings at the counting center.
- 3642 (b)(i) Proceedings at the counting center are public and may be observed by
3643 interested persons.
- 3644 (ii) Only those persons authorized to participate in the count may touch any ballot or
3645 return.
- 3646 (c) The election officer shall deputize and administer an oath or affirmation to all
3647 persons who are engaged in processing and counting the ballots that they will
3648 faithfully perform their assigned duties.
- 3649 (3)(a) If any ballot is damaged or defective so that it cannot properly be counted by the
3650 automatic tabulating equipment, the election officer shall ensure that two counting
3651 judges jointly:
- 3652 (i) make a true replication of the ballot with an identifying serial number;
3653 (ii) substitute the replicated ballot for the damaged or defective ballot;
3654 (iii) label the replicated ballot "replicated"; and
3655 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 3656 (b) The lieutenant governor shall provide to each election officer a standard form on
3657 which the election officer shall maintain a log of all replicated ballots, that includes,
3658 for each ballot:
- 3659 (i) the serial number described in Subsection (3)(a);
3660 (ii) the identification of the individuals who replicated the ballot;
3661 (iii) the reason for the replication; and
3662 (iv) any other information required by the lieutenant governor.
- 3663 (c) An election officer shall:
- 3664 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner,
3665 as ballots are replicated;
3666 (ii) at the end of each day during which one or more ballots are replicated, make an
3667 electronic copy of the log; and
3668 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.
- 3669 (4) The election officer may:
- 3670 (a) conduct an unofficial count before conducting the official count in order to provide

- 3671 early unofficial returns to the public;
- 3672 (b) release unofficial returns from time to time after the polls close; and
- 3673 (c) report the progress of the count for each candidate during the actual counting of
- 3674 ballots.
- 3675 (5) Beginning on the day after the date of the election, if an election officer releases early
- 3676 unofficial returns or reports the progress of the count for each candidate under
- 3677 Subsection (4), the election officer shall, with each release or report, disclose an estimate
- 3678 of the total number of voted ballots in the election officer's custody that have not yet
- 3679 been counted.
- 3680 (6) The election officer shall review and evaluate the provisional ballot envelopes and
- 3681 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.
- 3682 (7)(a) The election officer or the election officer's designee shall:
- 3683 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 3684 (ii) complete the standard form provided by the clerk for recording valid write-in
- 3685 votes.
- 3686 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 3687 more votes for an office than that voter is entitled to vote for that office, the poll
- 3688 workers shall count the valid write-in vote as being the obvious intent of the voter.
- 3689 (8)(a) The election officer shall certify the return printed by the automatic tabulating
- 3690 equipment, to which have been added write-in and absentee votes, as the official
- 3691 return of each voting precinct.
- 3692 (b) Upon completion of the count, the election officer shall make official returns open to
- 3693 the public.
- 3694 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
- 3695 tabulating equipment, the election officer may direct that they be counted manually
- 3696 according to the procedures and requirements of this part.
- 3697 (10) After the count is completed, the election officer shall seal and retain the programs,
- 3698 test materials, and ballots as provided in Section 20A-4-202.
- 3699 Section 43. Section **20A-4-301** is amended to read:
- 3700 **20A-4-301 . Board of canvassers.**
- 3701 (1)(a) Each county legislative body is the board of county canvassers for:
- 3702 (i) the county; and
- 3703 (ii) each special district whose election is conducted by the county if:
- 3704 (A) the election relates to the creation of the special district;

- 3705 (B) the county legislative body serves as the governing body of the special
3706 district; or
- 3707 (C) there is no duly constituted governing body of the special district.
- 3708 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
3709 meeting of the county legislative body, at a date and time determined by the county
3710 clerk that is no sooner than seven calendar days after the day of the election and no
3711 later than 14 calendar days after the day of the election.
- 3712 (c) If one or more of the county legislative body fails to attend the meeting of the board
3713 of county canvassers, the remaining members shall replace the absent member by
3714 appointing in the order named:
- 3715 (i) the county treasurer;
- 3716 (ii) the county assessor; or
- 3717 (iii) the county sheriff.
- 3718 (d) Attendance of the number of persons equal to a simple majority of the county
3719 legislative body, but not less than three persons, shall constitute a quorum for
3720 conducting the canvass.
- 3721 (e) The county clerk is the clerk of the board of county canvassers.
- 3722 (2)(a) The mayor and the municipal legislative body are the board of municipal
3723 canvassers for the municipality.
- 3724 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
3725 place of meeting of the municipal legislative body:
- 3726 (i) for canvassing of returns from a municipal general election, no sooner than seven
3727 calendar days after the day of the election and no later than 14 calendar days after
3728 the day of the election; or
- 3729 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
3730 calendar days after the day of the election and no later than 14 calendar days after
3731 the election.
- 3732 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
3733 quorum for conducting the canvass.
- 3734 (3)(a) The legislative body of the entity authorizing a bond election is the board of
3735 canvassers for each bond election.
- 3736 (b) The board of canvassers for the bond election shall comply with the canvassing
3737 procedures and requirements of Section 11-14-207.
- 3738 (c) Attendance of a simple majority of the legislative body of the entity authorizing a

- 3739 bond election shall constitute a quorum for conducting the canvass.
- 3740 (4)(a) If a board of trustees or an administrative control board is the governing body of a
 3741 special district, the board of trustees or the administrative control board is the board
 3742 of special district canvassers for the special district.
- 3743 (b) The board of special district canvassers shall meet to canvass the returns at the usual
 3744 place of meeting for the board of trustees or the administrative control board, as
 3745 applicable, at a date and time determined by the special district clerk that is no sooner
 3746 than seven calendar days after the day of the election and no later than 14 calendar
 3747 days after the day of the election.
- 3748 (c) Attendance of a simple majority of the board of trustees or the administrative control
 3749 board is a quorum for conducting the canvass.
- 3750 (5) In relation to an election for the creation of a new school district under Section
 3751 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a
 3752 local school board for a new school district or a reorganized new school district under
 3753 Section 53G-3-302, the board of canvassers is:
- 3754 (a) if the voters permitted to vote in the election are all residents of the same
 3755 municipality, the mayor and the municipal legislative body;
- 3756 (b) if the voters permitted to vote in the election are not all residents of the same
 3757 municipality, but are all residents of the same county, the county legislative body; or
- 3758 (c) if the voters permitted to vote in the election are not all residents of the same
 3759 municipality and are not all residents of the same county, the county legislative body
 3760 of the county where the majority of the voters permitted to vote in the election are
 3761 residents.
- 3762 Section 44. Section **20A-4-302** is amended to read:
- 3763 **20A-4-302 . Duties of the board of canvassers -- Receiving returns.**
- 3764 (1) If the election returns from each voting precinct in which polls were opened have been
 3765 received at the time the board of canvassers convenes, the board of canvassers shall
 3766 canvass the election returns as provided in this part.
- 3767 (2) If all of the election returns have not been received, the board shall postpone the canvass
 3768 from day to day, Sundays and legal holidays excepted, until:
- 3769 (a) all of the election returns are received; or
- 3770 (b) the board has postponed the canvass seven times.
- 3771 (3)(a) If the election officer has not received the election returns from any voting
 3772 precinct within seven calendar days after the election, the election officer shall send a

- 3773 messenger to the judges to obtain the missing election returns.
- 3774 (b) The messenger shall obtain the election returns from the judges and return the
3775 election returns to the election officer.
- 3776 (c) The election officer shall pay the messenger 10 cents per mile for the distance
3777 necessarily traveled.
- 3778 (4) If the board determines that election returns were not received from a voting precinct
3779 because the polls did not open in that precinct, the board shall:
- 3780 (a) sign a certificate attesting to that fact; and
3781 (b) file the certificate with the election officer.
- 3782 Section 45. Section **20A-4-304** is amended to read:
- 3783 **20A-4-304 . Declaration of results -- Canvassers' report.**
- 3784 (1)(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
3785 board of canvassers shall declare "elected" or "nominated" those persons who:
- 3786 (i) had the highest number of votes; and
3787 (ii) sought election or nomination to an office completely within the board's
3788 jurisdiction.
- 3789 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
3790 board of canvassers shall declare a "tie vote" if:
- 3791 (i) two or more candidates for an office receive an equal and the highest number of
3792 votes for that office; or
3793 (ii) in a race for an at-large office:
3794 (A) two or more candidates receive an equal number of votes; and
3795 (B) a recount is necessary to determine which candidates are elected to the at-large
3796 office.
- 3797 (c) A board of canvassers shall declare:
- 3798 (i) "approved" those ballot propositions that:
3799 (A) had more "yes" votes than "no" votes; and
3800 (B) were submitted only to the voters within the board's jurisdiction; or
3801 (ii) "rejected" those ballot propositions that:
3802 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and
3803 "yes" votes; and
3804 (B) were submitted only to the voters within the board's jurisdiction.
- 3805 (d) A board of canvassers shall:
- 3806 (i) certify the vote totals for persons and for and against ballot propositions that were

- 3807 submitted to voters within and beyond the board's jurisdiction and transmit those
3808 vote totals to the lieutenant governor; and
- 3809 (ii) if applicable, certify the results of each special district election to the special
3810 district clerk.
- 3811 (2) The election officer shall submit a report to the board of canvassers that includes the
3812 following information:
- 3813 (a) the total number of votes cast in the board's jurisdiction;
3814 (b) the names of each candidate whose name appeared on the ballot;
3815 (c) the title of each ballot proposition that appeared on the ballot;
3816 (d) each office that appeared on the ballot;
3817 (e) from each voting precinct:
3818 (i) the number of votes for each candidate;
3819 (ii) for each race conducted by instant runoff voting under Part 6, Municipal
3820 Alternate Voting Methods Pilot Project, the number of valid votes cast for each
3821 candidate for each potential ballot-counting phase and the name of the candidate
3822 excluded in each ballot-counting phase; and
3823 (iii) the number of votes for and against each ballot proposition;
3824 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
3825 and against each ballot proposition;
3826 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
3827 (i) the number of ballots counted;
3828 (ii) provisional ballots; and
3829 (iii) the number of ballots rejected;
3830 (h) a final ballot reconciliation report;
3831 (i) other information required by law to be provided to the board of canvassers; and
3832 (j) a statement certifying that the information contained in the report is accurate.
- 3833 (3) The election officer and the board of canvassers shall:
3834 (a) review the report to ensure that the report is correct; and
3835 (b) sign the report.
- 3836 (4) The election officer shall:
3837 (a) record or file the certified report in a book kept for that purpose;
3838 (b) prepare and transmit a certificate of nomination or election under the officer's seal to
3839 each nominated or elected candidate;
3840 (c) publish a copy of the certified report in accordance with Subsection (5); and

- 3841 (d) file a copy of the certified report with the lieutenant governor.
- 3842 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
3843 calendar days after the day on which the board of canvassers declares the election
3844 results, publicize the certified report described in Subsection (2) for the jurisdiction, as a
3845 class A notice under Section 63G-30-102, for at least seven calendar days.
- 3846 (6) Instead of including a copy of the entire certified report, a notice required under
3847 Subsection (5) may contain a statement that:
- 3848 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction]
3849 has prepared a report of the election results for the [indicate type and date of
3850 election]."; and
- 3851 (b) specifies the following sources where an individual may view or obtain a copy of the
3852 entire certified report:
- 3853 (i) if the jurisdiction has a website, the jurisdiction's website;
3854 (ii) the physical address for the jurisdiction; and
3855 (iii) a mailing address and telephone number.
- 3856 (7) When there has been a regular general or a statewide special election for statewide
3857 officers, for officers that appear on the ballot in more than one county, or for a statewide
3858 or two or more county ballot proposition, each board of canvassers shall:
- 3859 (a) prepare a separate report detailing the number of votes for each candidate and the
3860 number of votes for and against each ballot proposition; and
3861 (b) transmit the separate report by registered mail to the lieutenant governor.
- 3862 (8) In each county election, municipal election, school election, special district election, and
3863 local special election, the election officer shall transmit the reports to the lieutenant
3864 governor within 14 calendar days after the date of the election.
- 3865 (9) In a regular primary election and in a presidential primary election, the board shall
3866 transmit to the lieutenant governor:
- 3867 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
3868 governor not later than the second Tuesday after the election; and
3869 (b) a complete tabulation showing voting totals for all primary races, precinct by
3870 precinct, to be mailed to the lieutenant governor on or before the third Friday
3871 following the primary election.

3872 Section 46. Section **20A-4-305** is amended to read:

3873 **20A-4-305 . Delivery of checked official register to county clerk after canvass.**

3874 Within 10 calendar days after the canvass of a November municipal election, special

3875 district election, bond election, or special election, the clerk or recorder shall transmit the
 3876 checked official register to the county clerk.

3877 Section 47. Section **20A-4-306** is amended to read:

3878 **20A-4-306 . Statewide canvass.**

3879 (1)(a) The state board of canvassers shall convene:

3880 (i) on the fourth Monday of November, at noon; or

3881 (ii) at noon on the day following the ~~[receipt by]~~ day on which the lieutenant governor [
 3882 ~~of]~~ receives the last of the returns of a statewide special election.

3883 (b) The state auditor, the state treasurer, and the attorney general are the state board of
 3884 canvassers.

3885 (c) Attendance of all members of the state board of canvassers is required to constitute a
 3886 quorum for conducting the canvass.

3887 (2)(a) The state board of canvassers shall:

3888 (i) meet in the lieutenant governor's office; and

3889 (ii) compute and determine the vote for officers and for and against any ballot
 3890 propositions voted upon by the voters of the entire state or of two or more
 3891 counties.

3892 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant
 3893 governor's office that details:

3894 (i) for each statewide officer and ballot proposition:

3895 (A) the name of the statewide office or ballot proposition that appeared on the
 3896 ballot;

3897 (B) the candidates for each statewide office whose names appeared on the ballot,
 3898 plus any recorded write-in candidates;

3899 (C) the number of votes from each county cast for each candidate and for and
 3900 against each ballot proposition;

3901 (D) the total number of votes cast statewide for each candidate and for and against
 3902 each ballot proposition; and

3903 (E) the total number of votes cast statewide; and

3904 (ii) for each officer or ballot proposition voted on in two or more counties:

3905 (A) the name of each of those offices and ballot propositions that appeared on the
 3906 ballot;

3907 (B) the candidates for those offices, plus any recorded write-in candidates;

3908 (C) the number of votes from each county cast for each candidate and for and

- 3909 against each ballot proposition; and
- 3910 (D) the total number of votes cast for each candidate and for and against each
- 3911 ballot proposition.
- 3912 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 3913 (i) prepare certificates of election for:
- 3914 (A) each successful candidate; and
- 3915 (B) each of the presidential electors of the candidate for president who received a
- 3916 majority of the votes;
- 3917 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 3918 (iii) deliver a certificate of election to:
- 3919 (A) each candidate who had the highest number of votes for each office; and
- 3920 (B) each of the presidential electors of the candidate for president who received a
- 3921 majority of the votes.
- 3922 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
- 3923 tie vote if:
- 3924 (i) two or more officers receive an equal and the highest number of votes for an
- 3925 office; or
- 3926 (ii) in a race for an at-large office:
- 3927 (A) two or more candidates receive an equal number of votes; and
- 3928 (B) a recount is necessary to determine which candidates are elected to the at-large
- 3929 office.
- 3930 (3) If the lieutenant governor has not received election returns from all counties on the fifth
- 3931 calendar day before the day designated for the meeting of the state board of canvassers,
- 3932 the lieutenant governor shall:
- 3933 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
- 3934 county;
- 3935 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
- 3936 required by Section 20A-4-304 from the clerk; and
- 3937 (c) pay the messenger the per diem provided by law as compensation.
- 3938 (4) The state board of canvassers may not withhold the declaration of the result or any
- 3939 certificate of election because of any defect or informality in the returns of any election
- 3940 if the board can determine from the returns, with reasonable certainty, what office is
- 3941 intended and who is elected to it.
- 3942 (5)(a) At noon on the fourth Monday after the regular primary election, the lieutenant

3943 governor shall:

3944 (i) canvass the returns for all multicounty candidates required to file with the office

3945 of the lieutenant governor; and

3946 (ii) publish and file the results of the canvass in the lieutenant governor's office.

3947 (b) Not later than the August 1 after the primary election, the lieutenant governor shall

3948 certify the results of the primary canvass to the county clerks.

3949 (6)(a) At noon on the fourth Tuesday in March of a year in which a presidential election

3950 will be held, the lieutenant governor shall:

3951 (i) canvass the returns of the presidential primary election; and

3952 (ii) publish and file the results of the canvass in the lieutenant governor's office.

3953 (b) The lieutenant governor shall certify the results of the presidential primary election

3954 canvass to each registered political party that participated in the primary not later

3955 than the April 15 after the primary election.

3956 Section 48. Section **20A-4-401** is amended to read:

3957 **20A-4-401 . Recounts -- Procedure.**

3958 (1) This section does not apply to a race conducted by instant runoff voting under Chapter

3959 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

3960 (2) The election officer shall conduct a recount of votes cast in a race if:

3961 (a) two or more candidates for an office receive an equal and the highest number of

3962 votes for that office; or

3963 (b) in a race for an at-large office, two or more candidates receive an equal number of

3964 votes and at least one of the candidates must be eliminated to determine which

3965 candidates are elected.

3966 (3)(a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if

3967 the difference between the number of votes cast for a winning candidate in the race

3968 and a losing candidate in the race is equal to or less than .25% of the total number of

3969 votes cast for all candidates in the race, the losing candidate may file a request for a

3970 recount in accordance with Subsection (4).

3971 (b) Except as provided in Subsection (2), for a race between candidates where the total

3972 of all votes cast in the race is 400 or less, if the difference between the number of

3973 votes cast for a winning candidate in the race and a losing candidate in the race is one

3974 vote, the losing candidate may file a request for a recount in accordance with

3975 Subsection (4).

3976 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall

- 3977 file the request:
- 3978 (a) for a municipal primary election, with the municipal clerk, [~~before 5 p.m., no later~~
- 3979 ~~than three~~] no later than 5 p.m. on the first business day that is at least three calendar
- 3980 days after the day on which the canvass is completed; or
- 3981 (b) for all other elections, [~~before 5 p.m., no later than seven~~] no later than 5 p.m. on the
- 3982 first business day that is at least three calendar days after the day on which the
- 3983 canvass is completed, with:
- 3984 (i) the municipal clerk, if the election is a municipal general election;
- 3985 (ii) the special district clerk, if the election is a special district election;
- 3986 (iii) the county clerk, for a race voted on entirely within a single county; or
- 3987 (iv) the lieutenant governor, for a statewide race or multi-county race.
- 3988 (5)(a) The election officer shall conduct the recount:
- 3989 (i) for a race described in Subsection (2), no later than 10 calendar days after the day
- 3990 on which the board of canvassers certifies the vote totals; or
- 3991 (ii) for a race described in Subsection (3), no later than seven calendar days after the
- 3992 day on which the losing candidate requests the recount.
- 3993 (b) In conducting the recount, the election officer shall:
- 3994 (i) supervise the recount;
- 3995 (ii) recount all ballots cast in the race;
- 3996 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
- 3997 Disposition of Ballots; and
- 3998 (iv)(A) for a race between candidates for a single office, declare elected the
- 3999 candidate who receives the highest number of votes on the recount;
- 4000 (B) for a race for an at-large office, declare elected the candidate who receives the
- 4001 highest number of votes on the recount, until all offices are filled by the
- 4002 candidates who received the highest number of votes;
- 4003 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more
- 4004 candidates receive an equal and the highest number of votes, declare a tie vote;
- 4005 or
- 4006 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more
- 4007 candidates receive an equal number of votes, declare a tie vote if the selection
- 4008 of the winning candidate by lot under Section 20A-1-304 is necessary to
- 4009 determine which candidate is elected to the at-large office.
- 4010 (6) The cost of a recount under Subsection (5) shall be paid by:

- 4011 (a) for a statewide race or multi-county race, the state; or
 4012 (b) for all other races:
 4013 (i) the political subdivision that conducts the election; or
 4014 (ii) the political subdivision that enters into a contract or interlocal agreement under
 4015 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer
 4016 to conduct the election.
- 4017 (7)(a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond
 4018 proposition, if the proposition passes or fails by a margin that is equal to or less than
 4019 .25% of the total votes cast for or against the proposition, any 10 voters who voted in
 4020 the election where the proposition was on the ballot may file a request for a recount [
 4021 ~~before 5 p.m. within seven~~] no later than 5 p.m. on the first business day that is at
 4022 least seven calendar days after the day of the canvass with the person described in
 4023 Subsection (8).
- 4024 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
 4025 against the proposition is 400 or less, if the difference between the number of votes
 4026 cast for the proposition and the number of votes cast against the proposition is one
 4027 vote, any 10 voters who voted in the election where the proposition was on the ballot
 4028 may file a request for a recount [~~before 5 p.m. within seven~~] no later than 5 p.m. on
 4029 the first business day that is at least seven calendar days after the day of the canvass
 4030 with the person described in Subsection (8).
- 4031 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file
 4032 the request with:
 4033 (a) the municipal clerk, if the election is a municipal election;
 4034 (b) the special district clerk, if the election is a special district election;
 4035 (c) the county clerk, for a proposition voted on entirely within a single county; or
 4036 (d) the lieutenant governor, for a statewide proposition or multi-county proposition.
- 4037 (9)(a) In conducting the recount, the election officer shall:
 4038 (i) supervise the recount;
 4039 (ii) recount all ballots cast for the ballot proposition or bond proposition;
 4040 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
 4041 Disposition of Ballots; and
 4042 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
 4043 based upon the results of the recount.
- 4044 (b) Proponents and opponents of the ballot proposition or bond proposition may

- 4045 designate representatives to witness the recount.
- 4046 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the
4047 recount.
- 4048 (11)(a) Upon completing a recount described in Subsection (5) or (9), the election
4049 officer shall immediately convene the board of canvassers.
- 4050 (b) The board of canvassers shall:
- 4051 (i) canvass the election returns for the race or proposition that was the subject of the
4052 recount; and
- 4053 (ii) with the assistance of the election officer, prepare and sign the report required by
4054 Section 20A-4-304 or 20A-4-306.
- 4055 (c) If the recount is for a statewide race, multi-county race, or a statewide proposition,
4056 the board of county canvassers shall prepare and transmit a separate report to the
4057 lieutenant governor as required by Subsection 20A-4-304(7).
- 4058 (d) The canvassers' report prepared as provided in this Subsection (11) is the official
4059 result of the race or proposition that is the subject of the recount.
- 4060 Section 49. Section **20A-4-603** is amended to read:
- 4061 **20A-4-603 . Instant runoff voting.**
- 4062 (1) In a multi-candidate race, the election officer for a participating municipality shall:
- 4063 (a)(i) conduct the first ballot-counting phase by counting the valid first preference
4064 rankings for each candidate; and
- 4065 (ii) if one of the candidates receives more than 50% of the valid first preference
4066 rankings counted, declare that candidate elected;
- 4067 (b) if, after counting the valid first preference rankings for each candidate, no candidate
4068 receives more than 50% of the valid first preference rankings counted, conduct the
4069 second ballot-counting phase by:
- 4070 (i) excluding from the multi-candidate race:
- 4071 (A) the candidate who received the fewest valid first preference rankings counted;
4072 or
- 4073 (B) in the event of a tie for the fewest valid first preference rankings counted, one
4074 of the tied candidates, determined by the election officer by lot, in accordance
4075 with Subsection (6);
- 4076 (ii) adding, to the valid first preference rankings counted for the remaining
4077 candidates, the next valid preference rankings cast for the remaining candidates by
4078 the voters who cast a valid first preference ranking for the excluded candidate; and

- 4079 (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one
4080 candidate receives more than 50% of the valid rankings counted, declaring that
4081 candidate elected; and
- 4082 (c) if, after adding the next valid preference rankings in accordance with Subsection
4083 (1)(b)(ii), no candidate receives more than 50% of the valid rankings counted,
4084 conduct subsequent ballot-counting phases by continuing the process described in
4085 Subsection (1)(b) until a candidate receives more than 50% of the valid rankings
4086 counted, as follows:
- 4087 (i) excluding from consideration the candidate who has the fewest valid rankings
4088 counted or, in the event of a tie for the fewest valid rankings counted, excluding
4089 one of the tied candidates, by lot, in accordance with Subsection (6); and
- 4090 (ii) adding the next valid preference ranking cast by each voter whose ranking was
4091 counted for the last excluded candidate to one of the remaining candidates, in the
4092 order of the next preference indicated by the voter.
- 4093 (2) The election officer shall declare elected the first candidate who receives more than
4094 50% of the valid rankings counted under the process described in Subsection (1).
- 4095 (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:
- 4096 (a) the voter indicates the voter's preference for that ballot-counting phase and all
4097 previous ballot-counting phases; or
- 4098 (b) in the event that the voter skips a number in filling out the rankings on a ballot:
- 4099 (i) the voter clearly indicates an order of preference for the candidates;
- 4100 (ii) the voter does not skip two or more consecutive numbers at any point before the
4101 preference ranking that would otherwise be counted for the current ballot-counting
4102 phase;
- 4103 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent
4104 number that most closely follows the number assigned by the voter for the
4105 previously-ranked candidate; and
- 4106 (iv) the voter did not give the same rank to more than one candidate for the
4107 applicable ballot-counting phase or a previous ballot-counting phase.
- 4108 (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate race,
4109 and for all subsequent ballot-counting phases, if:
- 4110 (a) the voter indicates the same rank for more than one candidate for that ballot-counting
4111 phase; or
- 4112 (b) the voter skips two or more consecutive numbers before ranking another candidate.

- 4113 (5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from the
4114 race, the next-ranked candidate who has not withdrawn from the race will be counted for
4115 that ballot-counting phase.
- 4116 (6) For each ballot-counting phase after the first phase, if two or more candidates tie as
4117 having received the fewest valid rankings counted at that point in the ballot count, the
4118 election officer shall eliminate one of those candidates from consideration, by lot, in the
4119 following manner:
- 4120 (a) determine the names of the candidates who tie as having received the fewest valid
4121 rankings for that ballot-counting phase;
 - 4122 (b) cast the lot in the presence of at least two election officials and any counting poll
4123 watchers who are present and desire to witness the casting of the lot; and
 - 4124 (c) sign a public document that:
 - 4125 (i) certifies the method used for casting the lot and the result of the lot; and
 - 4126 (ii) includes the name of each individual who witnessed the casting of the lot.
- 4127 (7) In a multi-candidate race for an at-large office, where the number of candidates who
4128 qualify for the race exceeds the total number of at-large seats to be filled for the office,
4129 the election officer shall count the rankings by:
- 4130 (a) except as provided in Subsection (8), counting rankings in the same manner as
4131 described in Subsections (1) through (6), until a candidate is declared elected;
 - 4132 (b) repeating the process described in Subsection (7)(a) for all candidates that are not
4133 declared elected until another candidate is declared elected; and
 - 4134 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the
4135 race are filled.
- 4136 (8) After a candidate is declared elected under Subsection (7), the election officer shall, in
4137 repeating the process described in Subsections (1) through (6) to declare the next
4138 candidate elected, add to the ranking totals the next valid preference vote of each voter
4139 whose ranking was counted for a candidate already declared elected.
- 4140 (9) An election officer for a participating municipality may choose to conduct a primary
4141 election by using instant runoff voting in the manner described in Subsections (1)
4142 through (6), except that:
- 4143 (a) instead of determining whether a candidate receives more than 50% of the valid
4144 preference rankings for a particular ballot-counting phase, the election officer shall
4145 proceed to a subsequent ballot-counting stage, and exclude the candidate who
4146 receives the fewest valid preference rankings in that phase, until twice the number of

- 4147 seats to be filled in the race remain; and
- 4148 (b) after complying with Subsection (9)(a), the election officer shall declare the
4149 remaining candidates nominated to participate in the municipal general election.
- 4150 (10) After completing all ballot-counting phases in a multi-candidate race, the election
4151 officer shall order a full recount of the ballots cast for that race if, in one or more of the
4152 ballot-counting phases:
- 4153 (a) the difference between the number of rankings counted for a candidate who is
4154 declared elected and the number of rankings counted for any other candidate in the
4155 same ballot-counting phase is equal to or less than the product of the following,
4156 rounded up to the nearest whole number:
- 4157 (i) the total number of voters who cast a valid ranking counted in that ballot-counting
4158 phase; and
- 4159 (ii) the recount threshold; or
- 4160 (b) the difference between the number of rankings counted for the candidate who
4161 received the fewest valid rankings in a ballot-counting phase and the number of
4162 rankings counted for any other candidate in the same ballot-counting phase is equal
4163 to or less than the product of the following, rounded up to the nearest whole number:
- 4164 (i) the total number of voters who cast a valid ranking counted in that ballot-counting
4165 phase; and
- 4166 (ii) the recount threshold.
- 4167 (11) A recount described in Subsection (10):
- 4168 (a) requires rescanning and tabulating all valid ballots; and
- 4169 (b) provides for only one recount.
- 4170 (12) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the
4171 canvass deadline by up to seven additional calendar days, if necessary, to conduct a
4172 recount required under Subsection (10).
- 4173 Section 50. Section **20A-5-101** is amended to read:
- 4174 **20A-5-101 . Notice of election.**
- 4175 (1) On or before November 15 in the year before each regular general election year, the
4176 lieutenant governor shall prepare and transmit a written notice to each county clerk that:
- 4177 (a) designates the offices to be filled at the next year's regular general election;
- 4178 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
4179 certifying nomination petition signatures, as applicable, under Sections 20A-9-403,
4180 20A-9-407, and 20A-9-408 for those offices; and

- 4181 (c) contains a description of any ballot propositions to be decided by the voters that have
4182 qualified for the ballot as of that date.
- 4183 (2)(a) No later than seven business days after the day on which the lieutenant governor
4184 transmits the written notice described in Subsection (1), each county clerk shall
4185 provide notice for the county, as a class A notice under Section 63G-30-102, for
4186 seven business days before the day of the election and in accordance with Subsection
4187 (3).
- 4188 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a),
4189 showing a copy of the notice and the places where the notice was posted.
- 4190 (3) The notice described in Subsection (2) shall:
- 4191 (a) designate the offices to be voted on in that election; and
4192 (b) identify the dates for filing a declaration of candidacy for those offices.
- 4193 (4) Except as provided in Subsection (6), before each election, the election officer shall give
4194 printed notice of the following information:
- 4195 (a) the date of election;
4196 (b) the hours during which the polls will be open;
4197 (c) the polling places for each voting precinct, early voting polling place, and election
4198 day voting center;
4199 (d) the address of the Statewide Electronic Voter Information Website and, if available,
4200 the address of the election officer's website, with a statement indicating that the
4201 election officer will post on the website any changes to the location of a polling place
4202 and the location of any additional polling place;
4203 (e) a phone number that a voter may call to obtain information regarding the location of
4204 a polling place;
4205 (f) the qualifications for persons to vote in the election; and
4206 (g) instructions regarding how an individual with a disability, who is not able to vote a
4207 manual ballot by mail, may obtain information on voting in an accessible manner.
- 4208 (5) The election officer shall provide the notice described in Subsection (4) for the
4209 jurisdiction, as a class A notice under Section 63G-30-102, for at least seven business
4210 days before the day of the election.
- 4211 (6) Instead of including the information described in Subsection (4) in the notice, the
4212 election officer may give printed notice that:
- 4213 (a) is entitled "Notice of Election";
4214 (b) includes the following: "A [indicate election type] will be held in [indicate the

4215 jurisdiction] on [indicate date of election]. Information relating to the election,
 4216 including polling places, polling place hours, and qualifications of voters may be
 4217 obtained from the following sources:"; and

4218 (c) specifies the following sources where an individual may view or obtain the
 4219 information described in Subsection (4):

4220 (i) if the jurisdiction has a website, the jurisdiction's website;

4221 (ii) the physical address of the jurisdiction offices; and

4222 (iii) a mailing address and telephone number.

4223 Section 51. Section **20A-5-303** is amended to read:

4224 **20A-5-303 . Establishing, dividing, abolishing, and changing voting precincts --**
 4225 **Common polling places -- Combined voting precincts.**

4226 (1)(a) After receiving recommendations from the county clerk, the county legislative
 4227 body may establish, divide, abolish, and change voting precincts.

4228 (b) Within 30 calendar days after the establishment, division, abolition, or change of a
 4229 voting precinct under this section, the county legislative body shall file with the Utah
 4230 Geospatial Resource Center, created under Section 63A-16-505, a notice describing
 4231 the action taken and specifying the resulting boundaries of each voting precinct
 4232 affected by the action.

4233 (2)(a) The county legislative body shall alter or divide voting precincts so that each
 4234 voting precinct contains not more than 1,250 active voters.

4235 (b) The county legislative body shall:

4236 (i) identify those precincts that may reach the limit of active voters in a precinct
 4237 under Subsection (2)(a) or that becomes too large to facilitate the election process;
 4238 and

4239 (ii) except as provided by Subsection (3), divide those precincts on or before January
 4240 1 of a general election year.

4241 (3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on
 4242 or before January 31 of a regular general election year that immediately follows the
 4243 calendar year in which the Legislature divides the state into districts in accordance with
 4244 Utah Constitution, Article IX, Section 1.

4245 (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the county
 4246 legislative body may not:

4247 (a) establish or abolish any voting precinct after January 1 of a regular general election
 4248 year;

- 4249 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
4250 general election year; or
- 4251 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
4252 year immediately preceding the year in which an enumeration is required by the
4253 United States Constitution and the day on which the Legislature divides the state into
4254 districts in accordance with Utah Constitution, Article IX, Section 1.
- 4255 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
4256 precinct on or before January 31 of a regular general election year that immediately
4257 follows the calendar year in which the Legislature divides the state into districts in
4258 accordance with Utah Constitution, Article IX, Section 1.
- 4259 (6)(a) For the purpose of voting in an election, the county legislative body may establish
4260 a common polling place for two or more whole voting precincts.
- 4261 (b) At least 90 calendar days before the election, the county legislative body shall
4262 designate:
- 4263 (i) the voting precincts that will vote at the common polling place; and
4264 (ii) the location of the common polling place.
- 4265 (c) A county may use one set of election judges for the common polling place under this
4266 Subsection (6).
- 4267 (7) Each county shall have at least two polling places open for voting on the date of the
4268 election.
- 4269 (8) Each common polling place shall have at least one voting device that is accessible for
4270 individuals with disabilities in accordance with Public Law 107-252, the Help America
4271 Vote Act of 2002.
- 4272 Section 52. Section **20A-5-400.1** is amended to read:
- 4273 **20A-5-400.1 . Contracting with an election officer to conduct elections -- Fees --**
4274 **Contracts and interlocal agreements -- Private providers.**
- 4275 (1)(a) In accordance with this section, a local political subdivision may enter into a
4276 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal
4277 Cooperation Act, with a provider election officer to conduct an election.
- 4278 (b) If the boundaries of a local political subdivision holding the election extend beyond a
4279 single local political subdivision, the local political subdivision may have more than
4280 one provider election officer conduct an election.
- 4281 (c) Upon approval by the lieutenant governor, a municipality may enter into a contract
4282 or agreement under Subsection (1)(a) with any local political subdivision in the state,

- 4283 regardless of whether the municipality is located in, next to, or near, the local
4284 political subdivision, to conduct an election during which the municipality is
4285 participating in the Municipal Alternate Voting Methods Pilot Project.
- 4286 (d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a
4287 local political subdivision other than a county within which the municipality exists,
4288 the municipality, the local political subdivision, and the county within which the
4289 municipality exists shall enter into a cooperative agreement to ensure the proper
4290 functioning of the election.
- 4291 (2) A provider election officer shall conduct an election:
- 4292 (a) under the direction of the contracting election officer; and
4293 (b) in accordance with a contract or interlocal agreement.
- 4294 (3) A provider election officer shall establish fees for conducting an election for a
4295 contracting election officer that:
- 4296 (a) are consistent with the contract or interlocal agreement; and
4297 (b) do not exceed the actual costs incurred by the provider election officer.
- 4298 (4) The contract or interlocal agreement under this section may specify that a contracting
4299 election officer request, within a specified number of calendar days before the election,
4300 that the provider election officer conduct the election to allow adequate preparations by
4301 the provider election officer.
- 4302 (5) An election officer conducting an election may appoint or employ an agent or
4303 professional service to assist in conducting the election.

4304 Section 53. Section **20A-5-403.5** is amended to read:

4305 **20A-5-403.5 . Ballot drop boxes -- Notice.**

- 4306 (1)(a) An election officer:
- 4307 (i) shall designate at least one ballot drop box in each municipality and reservation
4308 located in the jurisdiction to which the election relates;
- 4309 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;
- 4310 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the
4311 election officer's jurisdiction;
- 4312 (iv) shall provide 24-hour recorded video surveillance, without audio, of each
4313 unattended ballot drop box;
- 4314 (v) shall post a sign on or near each unattended ballot drop box indicating that the
4315 ballot drop box is under 24-hour video surveillance; and
4316 (vi) shall ensure that a camera, a video, or a recording of a video described in

- 4317 Subsection (1)(a)(iv) may only be accessed:
- 4318 (A) by the election officer;
- 4319 (B) by a custodian of the camera, video, or recording;
- 4320 (C) by the lieutenant governor;
- 4321 (D) by the legislative auditor general, when performing an audit; or
- 4322 (E) by, or pursuant to an order of, a court of competent jurisdiction.
- 4323 (b) An individual may not view a video, or a recording of a video, described in
- 4324 Subsection (1)(a)(iv), unless the individual:
- 4325 (i) is an individual described in Subsection (1)(a)(vi); and
- 4326 (ii) views the video to the extent necessary to:
- 4327 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or
- 4328 (B) investigate a concern relating to ballots or the ballot box.
- 4329 (c) The election officer, or the custodian of the recording, shall keep a recording
- 4330 described in Subsection (1)(a)(iv) until the later of:
- 4331 (i) the end of the calendar year in which the election was held; or
- 4332 (ii) if the election is contested, when the contest is resolved.
- 4333 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at
- 4334 least 28 calendar days before the date of the election, provide notice of the location of
- 4335 each ballot drop box designated under Subsection (1), by publishing notice for the
- 4336 jurisdiction holding the election, as a class A notice under Section 63G-30-102, for at
- 4337 least 28 calendar days before the day of the election.
- 4338 (3) Instead of including the location of ballot drop boxes, a notice required under
- 4339 Subsection (2) may specify the following sources where a voter may view or obtain a
- 4340 copy of all ballot drop box locations:
- 4341 (a) the jurisdiction's website;
- 4342 (b) the physical address of the jurisdiction's offices; and
- 4343 (c) a mailing address and telephone number.
- 4344 (4) The election officer shall include in the notice described in Subsection (2):
- 4345 (a) the address of the Statewide Electronic Voter Information Website and, if available,
- 4346 the address of the election officer's website, with a statement indicating that the
- 4347 election officer will post on the website the location of each ballot drop box,
- 4348 including any changes to the location of a ballot drop box and the location of
- 4349 additional ballot drop boxes; and
- 4350 (b) a phone number that a voter may call to obtain information regarding the location of

4351 a ballot drop box.

4352 (5)(a) Except as provided in Section 20A-1-308, the election officer may, after the
4353 deadline described in Subsection (2):

4354 (i) if necessary, change the location of a ballot drop box; or

4355 (ii) if the election officer determines that the number of ballot drop boxes is
4356 insufficient due to the number of registered voters who are voting, designate
4357 additional ballot drop boxes.

4358 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
4359 of a ballot box or designates an additional ballot drop box location, the election
4360 officer shall, as soon as is reasonably possible, give notice of the changed ballot drop
4361 box location or the additional ballot drop box location:

4362 (i) to the lieutenant governor, for posting on the Statewide Voter Information
4363 Website;

4364 (ii) by posting the information on the website of the election officer, if available; and

4365 (iii) by posting notice:

4366 (A) for a change in the location of a ballot drop box, at the new location and, if
4367 possible, the old location; and

4368 (B) for an additional ballot drop box location, at the additional ballot drop box
4369 location.

4370 (6) An election officer may, at any time, authorize two or more poll workers to remove a
4371 ballot drop box from a location, or to remove ballots from a ballot drop box for
4372 processing.

4373 (7)(a) At least two poll workers must be present when a poll worker collects ballots from
4374 a ballot drop box and delivers the ballots to the location where the ballots will be
4375 opened and counted.

4376 (b) An election officer shall ensure that the chain of custody of ballots placed in a ballot
4377 box are recorded and tracked from the time the ballots are removed from the ballot
4378 box until the ballots are delivered to the location where the ballots will be opened and
4379 counted.

4380 Section 54. Section **20A-5-405** is amended to read:

4381 **20A-5-405 . Election officer to provide ballots -- Notice of sample ballot.**

4382 (1) An election officer shall:

4383 (a) provide ballots for every election of public officers in which the voters, or any of the
4384 voters, within the election officer's jurisdiction participate;

- 4385 (b) cause the name of every candidate whose nomination has been certified to or filed
4386 with the election officer in the manner provided by law to be included on each ballot;
- 4387 (c) cause any ballot proposition that has qualified for the ballot as provided by law to be
4388 included on each ballot;
- 4389 (d) ensure that the ballots are prepared and in the possession of the election officer at
4390 least seven calendar days before the commencement of early voting as described in
4391 Section 20A-3a-601;
- 4392 (e) allow candidates and their agents and the sponsors of ballot propositions that have
4393 qualified for the official ballot to inspect the ballots;
- 4394 (f) no later than 45 calendar days before the day of the election, make sample ballots
4395 available for inspection, in the same form as official ballots and that contain the same
4396 information as official ballots, by:
- 4397 (i) posting a copy of the sample ballot in the election officer's office;
- 4398 (ii) sending a copy of the sample ballot to:
- 4399 (A) each candidate listed on the ballot; and
- 4400 (B) the lieutenant governor; and
- 4401 (iii) providing a copy of the sample ballot for the jurisdiction holding the election, as
4402 a class A notice under Section 63G-30-102, for at least seven calendar days;
- 4403 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct
4404 the poll workers to post the sample ballot as required by Section 20A-5-102; and
- 4405 (h) print and deliver, at the expense of the jurisdiction conducting the election, enough
4406 ballots, sample ballots, and instructions to meet the voting demands of the qualified
4407 voters in each voting precinct.
- 4408 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the election
4409 officer may post a statement that:
- 4410 (a) is entitled, "sample ballot";
- 4411 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
4412 upcoming [indicate type and date of election] may be obtained from the following
4413 sources:"; and
- 4414 (c) specifies the following sources where an individual may view or obtain a copy of the
4415 sample ballot:
- 4416 (i) if the jurisdiction has a website, the jurisdiction's website;
- 4417 (ii) the physical address of the jurisdiction's offices; and
- 4418 (iii) a mailing address and telephone number.

- 4419 (3)(a) Each election officer shall, without delay, correct any error discovered in any
 4420 ballot, if the correction can be made without interfering with the timely distribution
 4421 of the ballots.
- 4422 (b)(i) If the election officer discovers an error or omission in a manual ballot, and it is
 4423 not possible to correct the error or omission, the election officer shall direct the
 4424 poll workers to make the necessary corrections on the manual ballots before the
 4425 ballots are distributed.
- 4426 (ii) If the election officer discovers an error or omission in an electronic ballot and it
 4427 is not possible to correct the error or omission by revising the electronic ballot, the
 4428 election officer shall direct the poll workers to post notice of each error or
 4429 omission with instructions on how to correct each error or omission in a
 4430 prominent position at each polling booth.
- 4431 (4)(a) If the election officer refuses or fails to correct an error or omission in a ballot, a
 4432 candidate or a candidate's agent may file a verified petition with the district court
 4433 asserting that:
- 4434 (i) an error or omission has occurred in:
- 4435 (A) the publication of the name or description of a candidate;
- 4436 (B) the preparation or display of an electronic ballot; or
- 4437 (C) the posting of sample ballots or the printing of official manual ballots; and
- 4438 (ii) the election officer has failed to correct or provide for the correction of the error
 4439 or omission.
- 4440 (b) The district court shall issue an order requiring correction of any error in a ballot or
 4441 an order to show cause why the error should not be corrected if it appears to the court
 4442 that the error or omission has occurred and the election officer has failed to correct or
 4443 provide for the correction of the error or omission.
- 4444 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah
 4445 Supreme Court within five days after the day on which the district court enters the
 4446 decision.

4447 Section 55. Section **20A-5-410** is amended to read:

4448 **20A-5-410 . Election officer to provide voting history information and status.**

- 4449 (1) As used in this section, "voting history record" means the information about the
 4450 existence and status of absentee ballot requests required by this section.
- 4451 (2)(a) Each election officer shall maintain, in the election officer's office, a voting
 4452 history record of those voters registered to vote in the election officer's jurisdiction.

- 4453 (b) Except as it relates to a voter whose voter registration record is classified as private
4454 under Subsection 63G-2-302(1)(k), the voting history record is a public record under
4455 Title 63G, Chapter 2, Government Records Access and Management Act.
- 4456 (3)(a) When an election officer reports voting history for an election, the election officer
4457 shall, for each voter whose voter registration is classified as private under Subsection
4458 20A-2-104(4)(h), report the following, for that election only, without disclosing the
4459 identity of the voter:
- 4460 (i) for voting by mail, the information described in Subsection (4)(a);
 - 4461 (ii) for early voting, the date the individual voted; and
 - 4462 (iii) for voting on election day, the date the individual voted.
- 4463 (b) In relation to the information of a voter whose voter registration is classified as
4464 private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a)
4465 may not disclose, by itself or in conjunction with any other public information, the
4466 identity or any other personal identifying information of the voter.
- 4467 (4) The election officer shall ensure that the voting history record for each voting precinct
4468 contains:
- 4469 (a) for voting by mail:
 - 4470 (i) the date that the manual ballot was mailed to the voter; and
 - 4471 (ii) the date that the voted manual ballot was received by the election officer;
 - 4472 (b) for early voting:
 - 4473 (i) the name and address of each individual who participated in early voting; and
 - 4474 (ii) the date the individual voted; and
 - 4475 (c) for voting on election day, the name and address of each individual who voted on
4476 election day.
- 4477 (5)(a) Notwithstanding the time limits for response to a request for records under
4478 Section 63G-2-204 or the time limits for a request for records established in any
4479 ordinance, the election officer shall ensure that the information required by this
4480 section is recorded and made available to the public no later than one business day
4481 after ~~[its receipt]~~ the day on which the election officer receives the information in the
4482 election officer's office.
- 4483 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements
4484 established in any ordinance, the election officer shall make copies of the voting
4485 history record available to the public for the actual cost of production or copying.
- 4486 Section 56. Section **20A-5-602** is amended to read:

4487 **20A-5-602 . Appointment of poll workers in elections where candidates are not**
 4488 **distinguished by registered political parties.**

4489 (1)(a) This section governs appointment of poll workers in elections where candidates
 4490 are not distinguished by registered political parties.

4491 (b) An election officer shall appoint the poll worker at least 15 calendar days before the
 4492 date of the local election.

4493 (2)(a) The election officer shall appoint, or provide for the appointment of, at least three
 4494 poll workers as follows:

4495 (i) three registered voters; or

4496 (ii) two registered voters, one of whom is at least 21 years old, and one individual
 4497 who is 16 or 17 years old.

4498 (b) The election officer may appoint additional poll workers to serve in the polling place
 4499 as needed.

4500 (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,
 4501 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or
 4502 son-in-law to serve as a poll worker at a polling place where the candidate appears on
 4503 the ballot.

4504 (4)(a) The clerk shall compensate poll workers for their services.

4505 (b) The clerk of a municipality or special district may not compensate poll workers at a
 4506 rate higher than that paid by the county to the county's poll workers.

4507 Section 57. Section **20A-6-105** is amended to read:

4508 **20A-6-105 . Provisional ballot envelopes.**

4509 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
 4510 substantially the following form:

4511 "AFFIRMATION

4512 Are you a citizen of the United States of America? Yes No

4513 Will you be 18 years old on or before election day? Yes No

4514 If you checked "no" in response to either of the two above questions, do not complete
 4515 this form.

4516 Name of Voter _____

4517 First Middle Last

4518 Driver License or Identification Card Number _____

4519 State of Issuance of Driver License or Identification Card Number _____

4520 Date of Birth _____

4521 Street Address of Principal Place of Residence

4522 _____

4523 City County State Zip Code

4524 Telephone Number (optional) _____

4525 Email Address (optional) _____

4526 Last four digits of Social Security Number _____

4527 Last former address at which I was registered to vote (if known)

4528 _____

4529 City County State Zip Code

4530 Voting Precinct (if known) _____

4531 I, (please print your full name) _____ do solemnly swear or

4532 affirm:

4533 That I am eligible to vote in this election; that I have not voted in this election in any
4534 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted
4535 to vote in this precinct; and

4536 Subject to penalty of law for false statements, that the information contained in this form
4537 is true, and that I am a citizen of the United States and a resident of Utah, residing at the above
4538 address; and that I am at least 18 years old and have resided in Utah for the 30 calendar days
4539 immediately before this election.

4540 Signed _____
4541 _____

4542 Dated _____
4543 _____

4544 In accordance with Section 20A-3a-506, wilfully providing false information above is a
4545 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

4546 PRIVACY INFORMATION

4547 Voter registration records contain some information that is available to the public, such
4548 as your name and address, some information that is available only to government entities, and
4549 some information that is available only to certain third parties in accordance with the
4550 requirements of law.

4551 Your driver license number, identification card number, social security number, email
4552 address, full date of birth, and phone number are available only to government entities. Your
4553 year of birth is available to political parties, candidates for public office, certain third parties,
4554 and their contractors, employees, and volunteers, in accordance with the requirements of law.

4555 You may request that all information on your voter registration records be withheld from
 4556 all persons other than government entities, political parties, candidates for public office, and
 4557 their contractors, employees, and volunteers, by indicating here:

4558 _____ Yes, I request that all information on my voter registration records be withheld
 4559 from all persons other than government entities, political parties, candidates for public office,
 4560 and their contractors, employees, and volunteers.

4561 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

4562 In addition to the protections provided above, you may request that identifying
 4563 information on your voter registration records be withheld from all political parties, candidates
 4564 for public office, and their contractors, employees, and volunteers, by submitting a
 4565 withholding request form, and any required verification, as described in the following
 4566 paragraphs.

4567 A person may request that identifying information on the person's voter registration
 4568 records be withheld from all political parties, candidates for public office, and their
 4569 contractors, employees, and volunteers, by submitting a withholding request form with this
 4570 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
 4571 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
 4572 violence.

4573 A person may request that identifying information on the person's voter registration
 4574 records be withheld from all political parties, candidates for public office, and their
 4575 contractors, employees, and volunteers, by submitting a withholding request form and any
 4576 required verification with this registration form, or to the lieutenant governor or a county clerk,
 4577 if the person is, or resides with a person who is, a law enforcement officer, a member of the
 4578 armed forces, a public figure, or protected by a protective order or a protection order.

4579 **CITIZENSHIP AFFIDAVIT**

4580 Name:

4581 Name at birth, if different:

4582 Place of birth:

4583 Date of birth:

4584 Date and place of naturalization (if applicable):

4585 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
 4586 citizen and that to the best of my knowledge and belief the information above is true and
 4587 correct.

4588

4589 Signature of Applicant

4590 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
 4591 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
 4592 up to one year in jail and a fine of up to \$2,500.".

4593 (2) The provisional ballot envelope shall include:

4594 (a) a unique number;

4595 (b) a detachable part that includes the unique number;

4596 (c) a telephone number, internet address, or other indicator of a means, in accordance
 4597 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was
 4598 counted; and

4599 (d) an insert containing written instructions on how a voter may sign up to receive ballot
 4600 status notifications via the ballot tracking system described in Section 20A-3a-401.5.

4601 Section 58. Section **20A-6-106** is amended to read:

4602 **20A-6-106 . Deadline for submission of ballot titles.**

4603 Unless otherwise specifically provided for by statute, the certified ballot title of each
 4604 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer
 4605 before 5 p.m. no later than 65 calendar days before the date of the election at which the matter
 4606 will be submitted to the voters.

4607 Section 59. Section **20A-6-302** is amended to read:

4608 **20A-6-302 . Manual ballots -- Placement of candidates' names.**

4609 (1) An election officer shall ensure, for manual ballots in regular general elections, that:

4610 (a) each candidate is listed by party, if nominated by a registered political party under
 4611 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

4612 (b) candidates' surnames are listed in alphabetical order on the ballots when two or more
 4613 candidates' names are required to be listed on a ticket under the title of an office; and

4614 (c) the names of candidates are placed on the ballot in the order specified under Section
 4615 20A-6-305.

4616 (2)(a) When there is only one candidate for county attorney at the regular general
 4617 election in counties that have three or fewer registered voters of the county who are
 4618 licensed active members in good standing of the Utah State Bar, the county clerk
 4619 shall cause that candidate's name and party affiliation, if any, to be placed on a
 4620 separate section of the ballot with the following question: "Shall (name of candidate)
 4621 be elected to the office of county attorney? Yes ____ No ____.".

4622 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is

- 4623 elected to the office of county attorney.
- 4624 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4625 elected and may not take office, nor may the candidate continue in the office past the
4626 end of the term resulting from any prior election or appointment.
- 4627 (d) When the name of only one candidate for county attorney is printed on the ballot
4628 under authority of this Subsection (2), the county clerk may not count any write-in
4629 votes received for the office of county attorney.
- 4630 (e) If no qualified individual files for the office of county attorney or if the candidate is
4631 not elected by the voters, the county legislative body shall appoint the county
4632 attorney as provided in Section 20A-1-509.2.
- 4633 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
4634 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a)
4635 to the two consecutive terms immediately preceding the term for which the candidate
4636 is seeking election, Subsection (2)(a) does not apply and that candidate shall be
4637 considered to be an unopposed candidate the same as any other unopposed candidate
4638 for another office, unless a petition is filed with the county clerk before 5 p.m. no
4639 later than ~~[one]~~ the day before that year's primary election that:
- 4640 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
4641 (ii) contains the signatures of registered voters in the county representing in number
4642 at least 25% of all votes cast in the county for all candidates for governor at the
4643 last election at which a governor was elected.
- 4644 (3)(a) When there is only one candidate for district attorney at the regular general
4645 election in a prosecution district that has three or fewer registered voters of the
4646 district who are licensed active members in good standing of the Utah State Bar, the
4647 county clerk shall cause that candidate's name and party affiliation, if any, to be
4648 placed on a separate section of the ballot with the following question: "Shall (name of
4649 candidate) be elected to the office of district attorney? Yes ____ No ____.".
- 4650 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
4651 elected to the office of district attorney.
- 4652 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4653 elected and may not take office, nor may the candidate continue in the office past the
4654 end of the term resulting from any prior election or appointment.
- 4655 (d) When the name of only one candidate for district attorney is printed on the ballot
4656 under authority of this Subsection (3), the county clerk may not count any write-in

- 4657 votes received for the office of district attorney.
- 4658 (e) If no qualified individual files for the office of district attorney, or if the only
4659 candidate is not elected by the voters under this subsection, the county legislative
4660 body shall appoint a new district attorney for a four-year term as provided in Section
4661 20A-1-509.2.
- 4662 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
4663 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a)
4664 to the two consecutive terms immediately preceding the term for which the candidate
4665 is seeking election, Subsection (3)(a) does not apply and that candidate shall be
4666 considered to be an unopposed candidate the same as any other unopposed candidate
4667 for another office, unless a petition is filed with the county clerk before 5 p.m. no
4668 later than ~~[one]~~ the day before that year's primary election that:
- 4669 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
4670 (ii) contains the signatures of registered voters in the county representing in number
4671 at least 25% of all votes cast in the county for all candidates for governor at the
4672 last election at which a governor was elected.

4673 Section 60. Section **20A-6-305** is amended to read:

4674 **20A-6-305 . Master ballot position list -- Random selection -- Procedures --**

4675 **Publication -- Surname -- Exemptions -- Ballot order.**

- 4676 (1) As used in this section, "master ballot position list" means an official list of the 26
4677 characters in the alphabet listed in random order and numbered from one to 26 as
4678 provided under Subsection (2).
- 4679 (2) The lieutenant governor shall:
- 4680 (a) within 30 calendar days after the day of the candidate filing deadline in each
4681 even-numbered year, conduct a random selection to create a master ballot position
4682 list for all elections in accordance with procedures established under Subsection (2)(c);
- 4683 (b) publish the master ballot position list on the lieutenant governor's election website no
4684 later than 15 calendar days after ~~[creating]~~ the day on which the lieutenant governor
4685 creates the list; and
- 4686 (c) establish written procedures for:
- 4687 (i) the election official to use the master ballot position list; and
4688 (ii) the lieutenant governor in:
4689 (A) conducting the random selection in a fair manner; and
4690 (B) providing a record of the random selection process used.

- 4691 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
4692 election officer shall use the master ballot position list for the current year to determine
4693 the order in which to list candidates on the ballot for an election held during the year.
- 4694 (4) To determine the order in which to list candidates on the ballot required under
4695 Subsection (3), the election officer shall apply the randomized alphabet using:
4696 (a) the candidate's surname;
4697 (b) for candidates with a surname that has the same spelling, the candidate's given name;
4698 and
4699 (c) the surname of the president and the surname of the governor for an election for the
4700 offices of president and vice president and governor and lieutenant governor.
- 4701 (5) Subsections (1) through (4) do not apply to:
4702 (a) an election for an office for which only one candidate is listed on the ballot; or
4703 (b) a judicial retention election under Section 20A-12-201.
- 4704 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
4705 appear separately, in the following order:
4706 (a) for federal office:
4707 (i) president and vice president of the United States;
4708 (ii) United States Senate office; and
4709 (iii) United States House of Representatives office;
- 4710 (b) for state office:
4711 (i) governor and lieutenant governor;
4712 (ii) attorney general;
4713 (iii) state auditor;
4714 (iv) state treasurer;
4715 (v) state Senate office;
4716 (vi) state House of Representatives office; and
4717 (vii) State Board of Education member;
- 4718 (c) for county office:
4719 (i) county executive office;
4720 (ii) county legislative body member;
4721 (iii) county assessor;
4722 (iv) county or district attorney;
4723 (v) county auditor;
4724 (vi) county clerk;

- 4725 (vii) county recorder;
- 4726 (viii) county sheriff;
- 4727 (ix) county surveyor;
- 4728 (x) county treasurer; and
- 4729 (xi) local school board member;
- 4730 (d) for municipal office:
- 4731 (i) mayor; and
- 4732 (ii) city or town council member;
- 4733 (e) elected planning and service district council member;
- 4734 (f) judicial retention questions; and
- 4735 (g) ballot propositions not described in Subsection (6)(f).
- 4736 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of
- 4737 the earliest ballot ticket position that is reserved for an office that is subsumed in the
- 4738 combined office.
- 4739 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
- 4740 (i) each candidate in accordance with Subsections (1) through (4); and
- 4741 (ii) except as otherwise provided in this title, the party name, initials, or title
- 4742 following each candidate's name.
- 4743 Section 61. Section **20A-7-103** is amended to read:
- 4744 **20A-7-103 . Constitutional amendments and other questions submitted by the**
- 4745 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**
- 4746 (1) The procedures contained in this section govern when the Legislature submits a
- 4747 proposed constitutional amendment or other question to the voters.
- 4748 (2) The lieutenant governor shall, not more than 60 calendar days or less than 14 calendar
- 4749 days before the date of the election, publish the full text of the amendment, question, or
- 4750 statute for the state, as a class A notice under Section 63G-30-102, through the date of
- 4751 the election.
- 4752 (3) The presiding officers shall:
- 4753 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___" and
- 4754 assign a letter to the constitutional amendment in accordance with the requirements
- 4755 of Section 20A-6-107;
- 4756 (b) entitle each proposed question "Proposition Number ___" with the number assigned to
- 4757 the proposition under Section 20A-6-107 placed in the blank;
- 4758 (c) draft and designate a ballot title for each proposed amendment or question submitted

- 4759 by the Legislature that:
- 4760 (i) summarizes the subject matter of the amendment or question; and
- 4761 (ii) for a proposed constitutional amendment, summarizes any legislation that is
- 4762 enacted and will become effective upon the voters' adoption of the proposed
- 4763 constitutional amendment; and
- 4764 (d) deliver each letter or number and ballot title to the lieutenant governor.
- 4765 (4) The lieutenant governor shall certify the letter or number and ballot title of each
- 4766 amendment or question to the county clerk of each county no later than 65 calendar days
- 4767 before the date of the election.
- 4768 (5) The county clerk of each county shall:
- 4769 (a) ensure that the letter or number and the ballot title of each amendment and question
- 4770 prepared in accordance with this section are included in the sample ballots and
- 4771 official ballots; and
- 4772 (b) publish the sample ballots and official ballots as provided by law.
- 4773 Section 62. Section **20A-7-105** is amended to read:
- 4774 **20A-7-105 . Manual petition processes -- Obtaining signatures -- Verification --**
- 4775 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --**
- 4776 **Removal of signature.**
- 4777 (1) This section applies only to the manual initiative process and the manual referendum
- 4778 process.
- 4779 (2) As used in this section:
- 4780 (a) "Local petition" means:
- 4781 (i) a manual local initiative petition described in Part 5, Local Initiatives -
- 4782 Procedures; or
- 4783 (ii) a manual local referendum petition described in Part 6, Local Referenda -
- 4784 Procedures.
- 4785 (b) "Packet" means an initiative packet or referendum packet.
- 4786 (c) "Petition" means a local petition or statewide petition.
- 4787 (d) "Statewide petition" means:
- 4788 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or
- 4789 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.
- 4790 (3)(a) A Utah voter may sign a statewide petition if the voter is a legal voter.
- 4791 (b) A Utah voter may sign a local petition if the voter:
- 4792 (i) is a legal voter; and

- 4793 (ii) resides in the local jurisdiction.
- 4794 (4)(a) The sponsors shall ensure that the individual in whose presence each signature
4795 sheet was signed:
- 4796 (i) is at least 18 years old;
- 4797 (ii) verifies each signature sheet by completing the verification printed on the last
4798 page of each packet; and
- 4799 (iii) is informed that each signer is required to read and understand:
- 4800 (A) for an initiative petition, the law proposed by the initiative; or
- 4801 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 4802 (b) An individual may not sign the verification printed on the last page of a packet if the
4803 individual signed a signature sheet in the packet.
- 4804 (5)(a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
4805 packet to the county clerk of the county in which the packet was circulated before 5
4806 p.m. no later than the earlier of:
- 4807 (i) for a statewide initiative:
- 4808 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on
4809 which the first individual signs the initiative packet;
- 4810 (B) ~~[316]~~ the last business day that is no more than 316 calendar days after the day
4811 on which the application for the initiative petition is filed; or
- 4812 (C) the February 15 immediately before the next regular general election
4813 immediately after the application is filed under Section 20A-7-202;
- 4814 (ii) for a statewide referendum:
- 4815 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on
4816 which the first individual signs the referendum packet; or
- 4817 (B) ~~[40]~~ the first business day that is at least 40 calendar days after the day on
4818 which the legislative session at which the law passed ends;
- 4819 (iii) for a local initiative:
- 4820 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on
4821 which the first individual signs the initiative packet;
- 4822 (B) ~~[316]~~ the last business day that is no more than 316 calendar days after the day
4823 on which the application is filed;
- 4824 (C) the April 15 immediately before the next regular general election immediately
4825 after the application is filed under Section 20A-7-502, if the local initiative is a
4826 county initiative; or

- 4827 (D) the April 15 immediately before the next municipal general election
 4828 immediately after the application is filed under Section 20A-7-502, if the local
 4829 initiative is a municipal initiative; or
- 4830 (iv) for a local referendum:
- 4831 (A) [30] the first business day that is at least 30 calendar days after the day on
 4832 which the first individual signs the referendum packet; or
- 4833 (B) [45] the first business day that is at least 45 calendar days after the day on
 4834 which the sponsors receive the items described in Subsection 20A-7-604(3)
 4835 from the local clerk.
- 4836 (b) A person may not submit a packet after the applicable deadline described in
 4837 Subsection (5)(a).
- 4838 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),
 4839 the sponsors shall send an email to each individual who provides a legible, valid
 4840 email address on the signature sheet that includes the following:
- 4841 (i) the subject of the email shall include the following statement, "Notice Regarding
 4842 Your Petition Signature"; and
- 4843 (ii) the body of the email shall include the following statement in 12-point type:
 4844 "You signed a petition for the following initiative:
 4845 [insert title of initiative]
 4846 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and
 4847 information on the deadline for removing your signature from the petition, please visit the
 4848 following link: [insert a uniform resource locator that takes the individual directly to the page
 4849 on the lieutenant governor's or county clerk's website that includes the information referred to
 4850 in the email]."
- 4851 (d) For a statewide initiative, the sponsors shall, no later than 5 p.m. on the day on which
 4852 the sponsors submit the last initiative packet to the county clerk, submit to the
 4853 lieutenant governor:
- 4854 (i) a list containing:
- 4855 (A) the name and email address of each individual the sponsors sent, or caused to
 4856 be sent, the email described in Subsection (5)(c); and
- 4857 (B) the date the email was sent;
- 4858 (ii) a copy of the email described in Subsection (5)(c); and
- 4859 (iii) the following written verification, completed and signed by each of the sponsors:
 4860 "Verification of initiative sponsor State of Utah, County of _____I, _____,

4861 of _____, hereby state, under penalty of perjury, that:

4862 I am a sponsor of the initiative petition entitled _____; and

4863 I sent, or caused to be sent, to each individual who provided a legible, valid email
4864 address on a signature sheet submitted to the county clerk in relation to the initiative petition,
4865 the email described in Utah Code Subsection 20A-7-105(5)(c).

4866 _____

4867 (Name) (Residence Address) (Date)".

4868 (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the
4869 sponsors submit the last initiative packet to the local clerk, submit to the local clerk
4870 the items described in Subsection (5)(d).

4871 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not
4872 comply with Subsection (5)(c), (d), or (e).

4873 (6)(a) Within 21 calendar days after the day on which the county clerk receives the
4874 packet, the county clerk shall:

4875 (i) use the procedures described in Section 20A-1-1002, or 20A-7-106 if applicable,
4876 to determine whether each signer is a legal voter and, as applicable, the
4877 jurisdiction where the signer is registered to vote;

4878 (ii) for a statewide initiative or a statewide referendum:

4879 (A) certify on the petition whether each name is that of a legal voter;

4880 (B) post the name, voter identification number, and date of signature of each legal
4881 voter certified under Subsection (6)(a)(ii)(A) on the lieutenant governor's
4882 website, in a conspicuous location designated by the lieutenant governor; and

4883 (C) deliver the verified packet to the lieutenant governor;

4884 (iii) for a local initiative or a local referendum:

4885 (A) certify on the petition whether each name is that of a legal voter who is
4886 registered in the jurisdiction to which the initiative or referendum relates;

4887 (B) post the name, voter identification number, and date of signature of each legal
4888 voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's
4889 website, in a conspicuous location designated by the lieutenant governor; and

4890 (C) deliver the verified packet to the local clerk.

4891 (b) For a local initiative or local referendum, the local clerk shall post a link in a
4892 conspicuous location on the local government's website to the posting described in
4893 Subsection (6)(a)(iii)(B):

4894 (i) for a local initiative, during the period of time described in Subsection 20A-7-507

- 4895 (3)(a); or
- 4896 (ii) for a local referendum, during the period of time described in Subsection
- 4897 20A-7-607(2)(a)(i).
- 4898 (7) The county clerk may not certify a signature under Subsection (6):
- 4899 (a) on a packet that is not verified in accordance with Subsection (4); or
- 4900 (b) that does not have a date of signature next to the signature.
- 4901 (8)(a) A voter who signs a statewide initiative petition may have the voter's signature
- 4902 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 4903 the county clerk a statement requesting that the voter's signature be removed no later
- 4904 than 5 p.m. the earlier of:
- 4905 (i) for an initiative packet received by the county clerk before December 1:
- 4906 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
- 4907 which the voter signs the signature removal statement; or
- 4908 (B) [~~90~~] the first business day that is at least 90 calendar days after the day on
- 4909 which the lieutenant governor posts the voter's name under Subsection
- 4910 20A-7-207(2); or
- 4911 (ii) for an initiative packet received by the county clerk on or after December 1:
- 4912 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
- 4913 which the voter signs the signature removal statement; or
- 4914 (B) [~~45~~] the first business day that is at least 45 calendar days after the day on
- 4915 which the lieutenant governor posts the voter's name under Subsection
- 4916 20A-7-207(2).
- 4917 (b) A voter who signs a statewide referendum petition may have the voter's signature
- 4918 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 4919 the county clerk a statement requesting that the voter's signature be removed no later
- 4920 than 5 p.m. the earlier of:
- 4921 (i) [~~30~~] the first business day that is at least 30 calendar days after the day on which
- 4922 the voter signs the statement requesting removal; or
- 4923 (ii) [~~45~~] the first business day that is at least 45 calendar days after the day on which
- 4924 the lieutenant governor posts the voter's name under Subsection 20A-7-307(2).
- 4925 (c) A voter who signs a local initiative petition may have the voter's signature removed
- 4926 from the petition by, in accordance with Section 20A-1-1003, submitting to the
- 4927 county clerk a statement requesting that the voter's signature be removed no later than
- 4928 5 p.m. the earlier of:

- 4929 (i) [30] the first business day that is at least 30 calendar days after the day on which
4930 the voter signs the signature removal statement;
- 4931 (ii) [90] the first business day that is at least 90 calendar days after the day on which
4932 the local clerk posts the voter's name under Subsection 20A-7-507(2);
- 4933 (iii) [316] the last business day that is no more than 316 calendar days after the day on
4934 which the application is filed; or
- 4935 (iv)(A) for a county initiative, April 15 immediately before the next regular
4936 general election immediately after the application is filed under Section
4937 20A-7-502; or
- 4938 (B) for a municipal initiative, April 15 immediately before the next municipal
4939 general election immediately after the application is filed under Section
4940 20A-7-502.
- 4941 (d) A voter who signs a local referendum petition may have the voter's signature
4942 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
4943 the county clerk a statement requesting that the voter's signature be removed no later
4944 than 5 p.m. the earlier of:
- 4945 (i) [30] the first business day that is at least 30 calendar days after the day on which
4946 the voter signs the statement requesting removal; or
- 4947 (ii) [45] the first business day that is at least 45 calendar days after the day on which
4948 the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).
- 4949 (e) In order for the signature to be removed, the county clerk must receive the statement
4950 described in this Subsection (8) before 5 p.m. no later than the applicable deadline
4951 described in this Subsection (8).
- 4952 (f) A county clerk shall analyze a signature, for purposes of removing a signature from a
4953 petition, in accordance with Subsection 20A-1-1003(3).
- 4954 (9)(a) If the county clerk timely receives a statement requesting signature removal under
4955 Subsection (8) and determines that the signature should be removed from the petition
4956 under Subsection 20A-1-1003(3), the county clerk shall:
- 4957 (i) ensure that the voter's name, voter identification number, and date of signature are
4958 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and
- 4959 (ii) remove the voter's signature from the signature packets and signature packet
4960 totals.
- 4961 (b) The county clerk shall comply with Subsection (9)(a) before the later of:
- 4962 (i) the deadline described in Subsection (6)(a); or

4963 (ii) two business days after the day on which the county clerk receives a statement
4964 requesting signature removal under Subsection (8).

4965 (10) A person may not retrieve a packet from a county clerk, or make any alterations or
4966 corrections to a packet, after the packet is submitted to the county clerk.

4967 Section 63. Section **20A-7-201** is amended to read:

4968 **20A-7-201 . Statewide initiatives -- Signature requirements -- Submission to the**
4969 **Legislature or to a vote of the people.**

4970 (1)(a) A person seeking to have an initiative submitted to the Legislature for approval or
4971 rejection shall, after filing an initiative application, obtain:

4972 (i) legal signatures equal to 4% of the number of active voters in the state on January
4973 1 immediately following the last regular general election; and

4974 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the
4975 number of active voters in that district on January 1 immediately following the
4976 last regular general election.

4977 (b) If, at any time not less than 10 calendar days before the beginning of the next annual
4978 general session of the Legislature, the lieutenant governor declares that an initiative
4979 petition designated under Subsection 20A-7-202(2)(c)(i) for submission to the
4980 Legislature is signed by a sufficient number of voters to meet the requirements of
4981 Subsection (1)(a), the lieutenant governor shall deliver a copy of the initiative
4982 petition, the text of the proposed law, and the cover sheet described in Subsection
4983 (1)(c) to the president of the Senate, the speaker of the House, and the director of the
4984 Office of Legislative Research and General Counsel.

4985 (c) The lieutenant governor shall prepare a cover sheet for a petition declared sufficient
4986 under Subsection (1)(b) that contains:

4987 (i) the number of active voters in the state on January 1 immediately following the
4988 last regular general election;

4989 (ii) the number of active voters in each Utah State Senate district on January 1
4990 immediately following the last regular general election;

4991 (iii) the total number of certified signatures obtained for the initiative petition; and

4992 (iv) the total number of certified signatures obtained from each Utah State Senate
4993 district for the initiative petition.

4994 (2)(a) A person seeking to have an initiative submitted to a vote of the people for
4995 approval or rejection shall, after filing an initiative application, obtain:

4996 (i) legal signatures equal to 8% of the number of active voters in the state on January

- 4997 1 immediately following the last regular general election; and
- 4998 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the
- 4999 number of active voters in that district on January 1 immediately following the
- 5000 last regular general election.
- 5001 (b) If an initiative petition meets the requirements of this part and the lieutenant
- 5002 governor declares that the initiative petition is signed by a sufficient number of voters
- 5003 to meet the requirements of Subsection (2)(a), the lieutenant governor shall submit
- 5004 the proposed law to a vote of the people at the next regular general election:
- 5005 (i) immediately after the application is filed under Section 20A-7-202; and
- 5006 (ii) specified on the petition under Section 20A-7-203.
- 5007 (3) The lieutenant governor shall provide the following information to any interested person:
- 5008 (a) the number of active voters in the state on January 1 immediately following the last
- 5009 regular general election; and
- 5010 (b) for each Utah State Senate district, the number of active voters in that district on
- 5011 January 1 immediately following the last regular general election.
- 5012 Section 64. Section **20A-7-202.5** is amended to read:
- 5013 **20A-7-202.5 . Initial fiscal impact statement -- Preparation of statement --**
- 5014 **Challenge to statement.**
- 5015 (1) Within three [working] business days after the day on which the lieutenant governor
- 5016 receives an initiative application, the lieutenant governor shall submit a copy of the
- 5017 initiative application to the Office of the Legislative Fiscal Analyst.
- 5018 (2)(a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith
- 5019 initial fiscal impact statement for the proposed law, not exceeding 100 words plus
- 5020 100 words per revenue source created or impacted by the proposed law, that contains:
- 5021 (i) a description of the total estimated fiscal impact of the proposed law over the time
- 5022 period or time periods determined by the Office of the Legislative Fiscal Analyst
- 5023 to be most useful in understanding the estimated fiscal impact of the proposed law;
- 5024 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a
- 5025 dollar amount representing the total estimated increase or decrease for each type
- 5026 of tax affected under the proposed law, a dollar amount showing the estimated
- 5027 amount of a new tax, and a dollar amount representing the total estimated increase
- 5028 or decrease in taxes under the proposed law;
- 5029 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage
- 5030 difference and the tax percentage increase for each tax or tax rate increased;

- 5031 (iv) if the proposed law would result in the issuance or a change in the status of
 5032 bonds, notes, or other debt instruments, a dollar amount representing the total
 5033 estimated increase or decrease in public debt under the proposed law;
- 5034 (v) a dollar amount representing the estimated cost or savings, if any, to state or local
 5035 government entities under the proposed law;
- 5036 (vi) if the proposed law would increase costs to state government, a listing of all
 5037 sources of funding for the estimated costs; and
- 5038 (vii) a concise description and analysis titled "Funding Source," not to exceed 100
 5039 words for each funding source, of the funding source information described in
 5040 Subsection 20A-7-202(2)(e)(ii).
- 5041 (b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative
 5042 Fiscal Analyst shall include a summary statement in the initial fiscal impact statement in
 5043 substantially the following form:
- 5044 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this
 5045 initiative would have no significant fiscal impact and would not result in either an increase or
 5046 decrease in taxes or debt."
- 5047 (3) Within 25 calendar days after the day on which the lieutenant governor delivers a copy
 5048 of the initiative application, the Office of the Legislative Fiscal Analyst shall:
- 5049 (a) send a copy of the initial fiscal impact statement to the lieutenant governor's office;
 5050 and
- 5051 (b) send a copy of the initial fiscal impact statement to the first five sponsors named in
 5052 the initiative application.
- 5053 (4)(a)(i) Three or more of the sponsors of the initiative petition may, within 20
 5054 calendar days after the day on which the Office of the Legislative Fiscal Analyst
 5055 delivers the initial fiscal impact statement to the lieutenant governor's office, file a
 5056 petition with the appropriate court, alleging that the initial fiscal impact statement,
 5057 taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.
- 5058 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send
 5059 notice of the petition filed with the court to:
- 5060 (A) any person or group that has filed an argument with the lieutenant governor's
 5061 office for or against the initiative that is the subject of the challenge; and
- 5062 (B) any political issues committee established under Section 20A-11-801 that has
 5063 filed written or electronic notice with the lieutenant governor that identifies the
 5064 name, mailing or email address, and telephone number of the person

- 5065 designated to receive notice about any issues relating to the initiative.
- 5066 (b)(i) There is a presumption that the initial fiscal impact statement prepared by the
 5067 Office of the Legislative Fiscal Analyst is based upon reasonable assumptions,
 5068 uses reasonable data, and applies accepted analytical methods to present the
 5069 estimated fiscal impact of the initiative.
- 5070 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal
 5071 impact statement unless the plaintiffs rebut the presumption by clear and
 5072 convincing evidence that establishes that the initial fiscal impact statement, taken
 5073 as a whole, is an inaccurate statement of the estimated fiscal impact of the
 5074 initiative.
- 5075 (iii) The court may refer an issue related to the initial fiscal impact statement to a
 5076 master to examine the issue and make a report in accordance with Utah Rules of
 5077 Civil Procedure, Rule 53.
- 5078 (c) The court shall certify to the lieutenant governor a fiscal impact statement for the
 5079 initiative that meets the requirements of this section.
- 5080 Section 65. Section **20A-7-204** is amended to read:
- 5081 **20A-7-204 . Manual initiative process -- Circulation requirements -- Lieutenant**
 5082 **governor to provide sponsors with materials.**
- 5083 (1) This section applies only to the manual initiative process.
- 5084 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
 5085 or an agent of the sponsors shall, after the sponsors receive the documents described in
 5086 Subsection (3), circulate initiative packets that meet the form requirements of this part.
- 5087 (3) The lieutenant governor shall provide the sponsors with a copy of the initiative petition
 5088 and a signature sheet [~~within three~~] no later than the first business day that is at least
 5089 three calendar days after the day on which the following conditions are fulfilled:
- 5090 (a) the sponsors hold the final hearing required under Section 20A-7-204.1;
- 5091 (b) the sponsors provide to the Office of the Lieutenant Governor the video tape, audio
 5092 tape, or comprehensive minutes described in Subsection 20A-7-204.1(4) for each
 5093 public hearing described in Section 20A-7-204.1;
- 5094 (c)(i) the sponsors give written notice to the Office of the Lieutenant Governor that
 5095 the sponsors waive the opportunity to change the text of the proposed law under
 5096 Subsection 20A-7-204.1(5);
- 5097 (ii) the deadline, described in Subsection 20A-7-204.1(5)(a), for changing the text of
 5098 the proposed law passes without the sponsors filing an application addendum in

- 5099 accordance with Subsection 20A-7-204.1(5); or
- 5100 (iii) if the sponsors file an application addendum in accordance with Subsection
- 5101 20A-7-204.1(5), the Office of the Legislative Fiscal Analyst provides to the Office
- 5102 of the Lieutenant Governor:
- 5103 (A) an updated initial fiscal impact statement, in accordance with Subsection
- 5104 20A-7-204.1(5)(b); or
- 5105 (B) a written notice indicating that no changes to the initial fiscal impact statement
- 5106 are necessary;
- 5107 (d)(i) the sponsors give written notice to the Office of the Lieutenant Governor that
- 5108 the sponsors waive the opportunity to:
- 5109 (A) challenge the initial fiscal impact statement in court; and
- 5110 (B) if applicable, challenge the updated initial fiscal impact statement in court;
- 5111 (ii) the deadline, described in Subsection 20A-7-202.5(4)(a)(i), for:
- 5112 (A) challenging the initial fiscal impact statement in court passes without the
- 5113 sponsors filing a petition to challenge; and
- 5114 (B) if applicable, challenging the updated initial fiscal impact statement in court
- 5115 passes without the sponsors filing a petition to challenge; or
- 5116 (iii) if the sponsors timely file a petition challenging the initial fiscal impact
- 5117 statement in court or, if applicable, the updated initial fiscal impact statement in
- 5118 court, and the court's decision becomes final; and
- 5119 (e) the sponsors sign an agreement, under Subsection (6)(a), with the Office of the
- 5120 Lieutenant Governor specifying the range of numbers that the sponsors will use to
- 5121 number the initiative packets.
- 5122 (4) The sponsors of the initiative shall:
- 5123 (a) arrange and pay for the printing of all documents that are part of the initiative
- 5124 packets; and
- 5125 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
- 5126 meet the requirements of this part.
- 5127 (5)(a) The sponsors or an agent of the sponsors may prepare the initiative packets for
- 5128 circulation by creating multiple initiative packets.
- 5129 (b) The sponsors or an agent of the sponsors shall create the initiative packets by binding
- 5130 a copy of the initiative petition with the text of the proposed law, including any
- 5131 modification made under Subsection 20A-7-204.1(5) and no more than 50 signature
- 5132 sheets together at the top in a manner that the initiative packets may be conveniently

- 5133 opened for signing.
- 5134 (c) An initiative packet is not required to have a uniform number of signature sheets.
- 5135 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 5136 (i) contact the lieutenant governor's office to receive a range of numbers that the
- 5137 sponsors may use to number initiative packets;
- 5138 (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the
- 5139 range of numbers that the sponsors will use to number the initiative packets; and
- 5140 (iii) number each initiative packet, sequentially, within the range of numbers
- 5141 provided by the lieutenant governor's office, starting with the lowest number in
- 5142 the range.
- 5143 (b) The sponsors or an agent of the sponsors may not:
- 5144 (i) number an initiative packet in a manner not directed by the lieutenant governor's
- 5145 office; or
- 5146 (ii) circulate or submit an initiative packet that is not numbered in the manner
- 5147 directed by the lieutenant governor's office.

5148 Section 66. Section **20A-7-204.1** is amended to read:

5149 **20A-7-204.1 . Public hearings to be held before initiative petitions are circulated**
 5150 **-- Changes to a proposed law or an initial fiscal impact statement.**

- 5151 (1)(a) After issuance of the initial fiscal impact statement by the Office of the
- 5152 Legislative Fiscal Analyst and before circulating initiative packets for signature
- 5153 statewide, sponsors of the initiative shall hold at least seven public hearings
- 5154 throughout Utah as follows:
- 5155 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
- 5156 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
- 5157 County;
- 5158 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
- 5159 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
- 5160 County;
- 5161 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
- 5162 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
- 5163 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
- 5164 County.
- 5165 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
- 5166 the public hearings in a first or second class county, but not in the same county.

- 5167 (c) The sponsors may not hold a public hearing described in this section until the later of:
5168 (i) ~~[one]~~ the day after the day on which a sponsor receives a copy of the initial fiscal
5169 impact statement under Subsection 20A-7-202.5(3)(b); or
5170 (ii) if three or more sponsors file a petition for an action challenging the accuracy of
5171 the initial fiscal impact statement under Section 20A-7-202.5, the day after the day
5172 on which the action is final.
- 5173 (2)(a) The sponsors shall, before 5 p.m. at least 10 calendar days before the date of the
5174 public hearing, provide written notice of the public hearing, including the date, time,
5175 and location of the public hearing:
5176 (i) to the lieutenant governor;
5177 (ii) to the county clerk of each county in the region where the public hearing will be
5178 held;
5179 (iii) each state senator, state representative, and county commission or county council
5180 member who is elected in whole or in part from the region where the public
5181 hearing will be held; and
5182 (iv) in accordance with Section 45-1-101, for at least three calendar days before the
5183 day of the public hearing.
- 5184 (b) The lieutenant governor shall post the notice described in Subsection (2)(a) on the
5185 lieutenant governor's website for at least three calendar days before the day of the
5186 public hearing.
- 5187 (c) The county clerk of each county in the region where the public hearing will be held:
5188 (i) shall post the notice described in Subsection (2)(a) for the county, as a class A
5189 notice under Section 63G-30-102, for at least three calendar days before the day of
5190 the public hearing; and
5191 (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and
5192 posting the notice described in Subsection (2)(c)(i).
- 5193 (3) If the initiative proposes a tax increase, the written notice described in Subsection (2) shall
5194 include the following statement, in bold, in the same font and point size as the largest font and
5195 point size appearing in the notice:
5196 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
5197 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
5198 increase in the current tax rate."
- 5199 (4)(a) During the public hearing, the sponsors shall either:
5200 (i) video tape or audio tape the public hearing; or

- 5201 (ii) take comprehensive minutes of the public hearing, detailing the names and titles
5202 of each speaker and summarizing each speaker's comments.
- 5203 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
5204 public.
- 5205 (c) For each public hearing, the sponsors shall:
- 5206 (i) during the entire time that the public hearing is held, post a copy of the initial
5207 fiscal impact statement in a conspicuous location at the entrance to the room
5208 where the sponsors hold the public hearing; and
- 5209 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
5210 public hearing attendees, in a conspicuous location at the entrance to the room
5211 where the sponsors hold the public hearing.
- 5212 (d) Regardless of whether an individual is present to observe or speak at a public hearing:
- 5213 (i) the sponsors may not end the public hearing until at least one hour after the public
5214 hearing begins; and
- 5215 (ii) the sponsors shall provide at least one hour at the public hearing that is open for
5216 public comment.
- 5217 (5)(a) Before 5 p.m. within [~~14~~] the first business day that is at least 14 calendar days
5218 after the day on which the sponsors conduct the seventh public hearing described in
5219 Subsection (1)(a), and before circulating an initiative signature packet for signatures,
5220 the sponsors of the initiative may change the text of the proposed law if:
- 5221 (i) a change to the text is:
- 5222 (A) germane to the text of the proposed law filed with the lieutenant governor
5223 under Section 20A-7-202; and
- 5224 (B) consistent with the requirements of Subsection 20A-7-202(5); and
- 5225 (ii) each sponsor signs, attested to by a notary public, an application addendum to
5226 change the text of the proposed law.
- 5227 (b)(i) Within three [~~working~~] business days after the day on which the lieutenant
5228 governor receives an application addendum to change the text of the proposed law
5229 for an initiative, the lieutenant governor shall submit a copy of the application
5230 addendum to the Office of the Legislative Fiscal Analyst.
- 5231 (ii) The Office of the Legislative Fiscal Analyst shall:
- 5232 (A) update the initial fiscal impact statement, by following the procedures and
5233 requirements of Section 20A-7-202.5 to reflect a change to the text of the
5234 proposed law[-]; or

5235 (B) provide written notice to the Office of the Lieutenant Governor indicating that
5236 no changes to the initial fiscal impact statement are necessary.

5237 Section 67. Section **20A-7-207** is amended to read:

5238 **20A-7-207 . Evaluation by the lieutenant governor.**

5239 (1) In relation to the manual initiative process, when the lieutenant governor receives an
5240 initiative packet from a county clerk, the lieutenant governor shall record the number of
5241 the initiative packet received.

5242 (2) The county clerk shall:

5243 (a) in relation to the manual initiative process:

5244 (i) post the names, voter identification numbers, and dates of signatures described in
5245 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
5246 conspicuous location designated by the lieutenant governor:

5247 (A) for an initiative packet received by the county clerk before December 1, for at
5248 least 90 calendar days; or

5249 (B) for an initiative packet received by the county clerk on or after December 1,
5250 for at least 45 calendar days; and

5251 (ii) update on the lieutenant governor's website the number of signatures certified as
5252 of the date of the update; or

5253 (b) in relation to the electronic initiative process:

5254 (i) post the names, voter identification numbers, and dates of signatures described in
5255 Subsection 20A-7-217(4) on the lieutenant governor's website, in a conspicuous
5256 location designated by the lieutenant governor:

5257 (A) for a signature received by the county clerk before December 1, for at least 90
5258 calendar days; or

5259 (B) for a signature received by the county clerk on or after December 1, for at
5260 least 45 calendar days; and

5261 (ii) update on the lieutenant governor's website the number of signatures certified as
5262 of the date of the update.

5263 (3) The lieutenant governor:

5264 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
5265 sufficient or insufficient on April 30 before the regular general election described in
5266 Subsection 20A-7-201(2)(b); or

5267 (b) may declare the initiative petition to be insufficient before the day described in
5268 Subsection (3)(a) if:

- 5269 (i) in relation to the manual initiative process, the total of all valid signatures on
5270 timely and lawfully submitted initiative packets that have been certified by the
5271 county clerks, plus the number of signatures on timely and lawfully submitted
5272 initiative packets that have not yet been evaluated for certification, is less than the
5273 number of names required under Section 20A-7-201;
- 5274 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
5275 submitted valid signatures that have been certified by the county clerks, plus the
5276 number of timely and lawfully submitted valid signatures received under
5277 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
5278 less than the number of names required under Section 20A-7-201; or
5279 (iii) a requirement of this part has not been met.
- 5280 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
5281 number of names required under Section 20A-7-201, and the requirements of this
5282 part are met, the lieutenant governor shall mark upon the front of the initiative
5283 petition the word "sufficient."
- 5284 (b) If the total number of names certified under Subsection (3) does not equal or exceed
5285 the number of names required under Section 20A-7-201 or a requirement of this part
5286 is not met, the lieutenant governor shall mark upon the front of the initiative petition
5287 the word "insufficient."
- 5288 (c) The lieutenant governor shall immediately notify any one of the sponsors of the
5289 lieutenant governor's finding.
- 5290 (5) After an initiative petition is declared insufficient, a person may not submit additional
5291 signatures to qualify the initiative for the ballot.
- 5292 (6)(a) If the lieutenant governor refuses to declare an initiative petition sufficient that a
5293 voter believes is legally sufficient, the voter may, no later than May 15, apply to the
5294 appropriate court for an order finding the initiative petition legally sufficient.
- 5295 (b) If the court determines that the initiative petition is legally sufficient, the lieutenant
5296 governor shall mark the petition "sufficient" and consider the declaration of
5297 sufficiency effective as of the date on which the initiative petition should have been
5298 declared sufficient by the lieutenant governor's office.
- 5299 (c) If the court determines that the initiative petition is not legally sufficient, the court
5300 may enjoin the lieutenant governor and all other officers from certifying or printing
5301 the ballot title and numbers of that measure on the official ballot.
- 5302 (7) An initiative petition determined to be sufficient in accordance with this section is

5303 qualified for the ballot.

5304 Section 68. Section **20A-7-211** is amended to read:

5305 **20A-7-211 . Return and canvass -- Conflicting measures -- Law effective on**
 5306 **proclamation.**

5307 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and
 5308 delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4,
 5309 Part 3, Canvassing Returns.

5310 (2) After the state board of canvassers completes the canvass, the lieutenant governor shall
 5311 certify to the governor the vote for and against the law proposed by the initiative petition.

5312 (3)(a) The governor shall immediately issue a proclamation that:

5313 (i) gives the total number of votes cast in the state for and against each law proposed
 5314 by an initiative petition; and

5315 (ii) declares those laws proposed by an initiative petition that are approved by
 5316 majority vote to be in full force and effect on the date described in Subsection
 5317 20A-7-212(2).

5318 (b) When the governor believes that two proposed laws, or that parts of two proposed
 5319 laws approved by the people at the same election are entirely in conflict, the governor
 5320 shall proclaim as law the initiative that receives the greatest number of affirmative
 5321 votes, regardless of the difference in the majorities which those initiatives receive.

5322 (c) Within 10 days after the day of the governor's proclamation, any qualified voter who
 5323 signed the initiative petition proposing the law that is declared by the governor to be
 5324 superseded by another initiative approved at the same election may bring an action in
 5325 the appropriate court to review the governor's decision.

5326 (4) Within 10 calendar days after the day on which the court issues an order in an action
 5327 described in Subsection (3)(c), the governor shall:

5328 (a) proclaim as law all initiatives approved by the people that the court determines are
 5329 not entirely in conflict; and

5330 (b) of the initiatives approved by the people that the court determines to be entirely in
 5331 conflict, proclaim as law, regardless of the difference in majorities, the law that
 5332 receives the greatest number of affirmative votes, to be in full force and effect on the
 5333 date described in Subsection 20A-7-212(2).

5334 Section 69. Section **20A-7-212** is amended to read:

5335 **20A-7-212 . Effective date.**

5336 (1) A proposed law submitted to the Legislature by initiative petition and passed by the

- 5337 Legislature takes effect 60 calendar days after the last day of the session of the
5338 Legislature in which the law passed, unless:
- 5339 (a) a later effective date is included in the proposed law; or
5340 (b) an earlier effective date is included in the proposed law and the proposed law passes
5341 the Legislature by a two-thirds vote of the members elected to each house of the
5342 Legislature.
- 5343 (2) A proposed law submitted to the people by initiative petition that is approved by the
5344 voters at an election takes effect:
- 5345 (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 calendar
5346 days after the last day of the general session of the Legislature next following the
5347 election;
- 5348 (b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
5349 increase:
- 5350 (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general
5351 session of the Legislature next following the election; or
5352 (ii) at the beginning of the applicable taxable year that begins on or after January 1 of
5353 the year after the general session of the Legislature next following the election, for
5354 a tax described in:
- 5355 (A) Title 59, Chapter 6, Mineral Production Tax Withholding;
5356 (B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
5357 (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required
5358 to Pay Corporate Franchise or Income Tax Act; or
5359 (D) Title 59, Chapter 10, Individual Income Tax Act;
- 5360 (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
5361 decrease:
- 5362 (i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the
5363 election; or
5364 (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the
5365 applicable taxable year that begins on or after January 1 immediately following
5366 the election;
- 5367 (d) except as provided in Subsection (2)(e), January 1 of the year after the general
5368 session of the Legislature next following the election, if the proposed law effectuates
5369 a change in a tax described in:
- 5370 (i) Title 59, Chapter 2, Property Tax Act;

- 5371 (ii) Title 59, Chapter 3, Tax Equivalent Property Act; or
 5372 (iii) Title 59, Chapter 4, Privilege Tax; or
 5373 (e) if the proposed law specifies a special effective date that is after the otherwise
 5374 applicable effective date described in Subsections (2)(a) through (d), the date
 5375 specified in the proposed law.
- 5376 (3)(a) The governor may not veto a law adopted by the people.
 5377 (b) The Legislature may amend any initiative approved by the people at any legislative
 5378 session.
- 5379 Section 70. Section **20A-7-214** is amended to read:
 5380 **20A-7-214 . Fiscal review -- Repeal, amendment, or resubmission.**
- 5381 (1) No later than 60 calendar days after the date of an election in which the voters approve
 5382 an initiative, the Office of the Legislative Fiscal Analyst shall:
 5383 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
 5384 using current financial information and containing the information required by
 5385 Subsection 20A-7-202.5(2); and
 5386 (b) deliver a copy of the final fiscal impact statement to:
 5387 (i) the president of the Senate;
 5388 (ii) the minority leader of the Senate;
 5389 (iii) the speaker of the House of Representatives;
 5390 (iv) the minority leader of the House of Representatives; and
 5391 (v) the first five sponsors listed on the initiative application.
- 5392 (2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact
 5393 statement by 25% or more, the Legislature shall review the final fiscal impact statement
 5394 and may, in any legislative session following the election in which the voters approve
 5395 the initiative:
 5396 (a) repeal the law established by passage of the initiative;
 5397 (b) amend the law established by passage of the initiative; or
 5398 (c) pass a joint or concurrent resolution informing the voters that they may file an
 5399 initiative petition to repeal the law enacted by passage of the initiative.
- 5400 Section 71. Section **20A-7-216** is amended to read:
 5401 **20A-7-216 . Electronic initiative process -- Obtaining signatures -- Request to**
 5402 **remove signature.**
- 5403 (1) This section applies to the electronic initiative process.
 5404 (2) A Utah voter may sign an initiative petition if the voter is a legal voter.

- 5405 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
5406 individual:
- 5407 (a) verifies that the individual is at least 18 years old and meets the residency
5408 requirements of Section 20A-2-105; and
- 5409 (b) is informed that each signer is required to read and understand the law proposed by
5410 the initiative.
- 5411 (4) A voter who signs an initiative petition may have the voter's signature removed from the
5412 initiative petition by, in accordance with Section 20A-1-1003, submitting to the county
5413 clerk a statement requesting that the voter's signature be removed before 5 p.m. no later
5414 than the earlier of:
- 5415 (a) for an electronic signature gathered before December 1:
- 5416 (i) ~~[30] the first business day that is at least 30 calendar days~~ after the day on which
5417 the voter signs the signature removal statement; or
- 5418 (ii) ~~[90] the first business day that is at least 90 calendar days~~ after the day on which
5419 the county clerk posts the voter's name under Subsection 20A-7-217(4); or
- 5420 (b) for an electronic signature gathered on or after December 1:
- 5421 (i) ~~[30] the first business day that is at least 30 calendar days~~ after the day on which
5422 the voter signs the signature removal statement; or
- 5423 (ii) ~~[45] the first business day that is at least 45 calendar days~~ after the day on which
5424 the county clerk posts the voter's name under Subsection 20A-7-217(4).
- 5425 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
5426 by email or other electronic means, unless the lieutenant governor establishes a
5427 signature removal process that is consistent with the requirements of this section and
5428 Section 20A-21-201.
- 5429 (b) A person may only remove an electronic signature from an initiative petition in
5430 accordance with this section.
- 5431 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
5432 electronic signature from an initiative petition, in accordance with Subsection
5433 20A-1-1003(3).
- 5434 Section 72. Section **20A-7-217** is amended to read:
- 5435 **20A-7-217 . Electronic initiative process -- Collecting signatures -- Email**
5436 **notification -- Removal of signatures.**
- 5437 (1) This section applies only to the electronic initiative process.
- 5438 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

- 5439 (a) ~~[316]~~ the last business day that is no more than 316 calendar days after the day on
5440 which the initiative application is filed; or
- 5441 (b) the February 15 immediately before the next regular general election immediately
5442 after the initiative application is filed under Section 20A-7-202.
- 5443 (3) The lieutenant governor shall send to each individual who provides a valid email
5444 address during the signature-gathering process an email that includes the following:
- 5445 (a) the subject of the email shall include the following statement, "Notice Regarding
5446 Your Petition Signature"; and
- 5447 (b) the body of the email shall include the following statement in 12-point type:
5448 "You signed a petition for the following initiative:
5449 [insert title of initiative]
- 5450 To access a copy of the initiative petition, the text of the law proposed by the initiative,
5451 the fiscal impact statement, and information on the deadline for removing your signature from
5452 the initiative petition, please visit the following link: [insert a uniform resource locator that
5453 takes the individual directly to the page on the lieutenant governor's website that includes the
5454 information referred to in the email]."
- 5455 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
5456 after the day on which the signature of an individual who signs an initiative petition is
5457 certified under Section 20A-21-201, post the name, voter identification number, and date
5458 of signature of the individual on the lieutenant governor's website, in a conspicuous
5459 location designated by the lieutenant governor.
- 5460 (5)(a) If the county clerk timely receives a statement requesting signature removal under
5461 Subsection 20A-7-216(4), the county clerk shall:
- 5462 (i) ensure that the voter's name, voter identification number, and date of signature are
5463 not included in the posting described in Subsection (4); and
- 5464 (ii) remove the voter's signature from the initiative petition and the initiative petition
5465 signature totals.
- 5466 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
5467 (i) the deadline described in Subsection (4); or
5468 (ii) two business days after the day on which the county clerk receives a statement
5469 requesting signature removal under Subsection 20A-7-216(4).
- 5470 Section 73. Section **20A-7-302** is amended to read:
- 5471 **20A-7-302 . Referendum process -- Application procedures.**
- 5472 (1) Individuals wishing to circulate a referendum petition shall file a referendum

5473 application with the lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on the
5474 first business day that is at least five calendar days after the day on which the legislative
5475 session at which the law passed ends.

5476 (2) The referendum application shall include:

5477 (a) the name and residence address of at least five sponsors of the referendum petition;

5478 (b) a statement indicating that each of the sponsors is registered to vote in Utah;

5479 (c) a statement indicating whether persons gathering signatures for the referendum
5480 petition may be paid for gathering signatures;

5481 (d) the signature of each of the sponsors, attested to by a notary public; and

5482 (e) a copy of the law that is the subject of the proposed referendum.

5483 Section 74. Section **20A-7-304** is amended to read:

5484 **20A-7-304 . Manual referendum process -- Circulation requirements --**

5485 **Lieutenant governor to provide sponsors with materials.**

5486 (1) This section applies only to the manual referendum process.

5487 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
5488 or an agent of the sponsors shall, after the sponsors receive the documents described in
5489 Subsection (3), circulate referendum packets that meet the form requirements of this part.

5490 (3) The lieutenant governor shall provide the sponsors with a copy of the referendum
5491 petition and a signature sheet [~~within three~~] no later than the first business day that is at
5492 least five calendar days after the day on which the sponsors sign an agreement, under
5493 Subsection (6)(a), with the Office of the Lieutenant Governor specifying the range of
5494 numbers that the sponsors will use to number the referendum packets.

5495 (4) The sponsors of the referendum petition shall:

5496 (a) arrange and pay for the printing of all documents that are part of the referendum
5497 packets; and

5498 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
5499 meet the form requirements of this section.

5500 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
5501 circulation by creating multiple referendum packets.

5502 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
5503 a copy of the referendum petition with the text of the law that is the subject of the
5504 referendum and no more than 50 signature sheets together at the top in a manner that
5505 the referendum packets may be conveniently opened for signing.

5506 (c) A referendum packet is not required to have a uniform number of signature sheets.

- 5507 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
 5508 (i) contact the lieutenant governor's office to receive a range of numbers that the
 5509 sponsors may use to number referendum packets;
 5510 (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the
 5511 range of numbers that the sponsor will use to number the referendum packets; and
 5512 (iii) number each referendum packet, sequentially, within the range of numbers
 5513 provided by the lieutenant governor's office, starting with the lowest number in
 5514 the range.

- 5515 (b) The sponsors or an agent of the sponsors may not:
 5516 (i) number a referendum packet in a manner not directed by the lieutenant governor's
 5517 office; or
 5518 (ii) circulate or submit a referendum packet that is not numbered in the manner
 5519 directed by the lieutenant governor's office.

5520 Section 75. Section **20A-7-307** is amended to read:

5521 **20A-7-307 . Evaluation by the lieutenant governor.**

- 5522 (1) In relation to the manual referendum process, when the lieutenant governor receives a
 5523 referendum packet from a county clerk, the lieutenant governor shall record the number
 5524 of the referendum packet received.
- 5525 (2) The county clerk shall:
- 5526 (a) in relation to the manual referendum process:
- 5527 (i) post the names, voter identification numbers, and dates of signatures described in
 5528 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
 5529 conspicuous location designated by the lieutenant governor, for at least 45
 5530 calendar days; and
- 5531 (ii) update on the lieutenant governor's website the number of signatures certified as
 5532 of the date of the update; or
- 5533 (b) in relation to the electronic referendum process:
- 5534 (i) post the names, voter identification numbers, and dates of signatures described in
 5535 Subsection 20A-7-315(4) on the lieutenant governor's website, in a conspicuous
 5536 location designated by the lieutenant governor, for at least 45 calendar days; and
- 5537 (ii) update on the lieutenant governor's website the number of signatures certified as
 5538 of the date of the update.
- 5539 (3) The lieutenant governor:
- 5540 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be

- 5541 sufficient or insufficient 106 calendar days after the end of the legislative session at
5542 which the law passed; or
- 5543 (b) may declare the referendum petition to be insufficient before the day described in
5544 Subsection (3)(a) if:
- 5545 (i) in relation to the manual referendum process, the total of all valid signatures on
5546 timely and lawfully submitted referendum packets that have been certified by the
5547 county clerks, plus the number of signatures on timely and lawfully submitted
5548 referendum packets that have not yet been evaluated for certification, is less than
5549 the number of names required under Section 20A-7-301;
- 5550 (ii) in relation to the electronic referendum process, the total of all timely and
5551 lawfully submitted valid signatures that have been certified by the county clerks,
5552 plus the number of timely and lawfully submitted valid signatures received under
5553 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
5554 less than the number of names required under Section 20A-7-301; or
- 5555 (iii) a requirement of this part has not been met.
- 5556 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
5557 number of names required under Section 20A-7-301, and the requirements of this
5558 part are met, the lieutenant governor shall mark upon the front of the referendum
5559 petition the word "sufficient."
- 5560 (b) If the total number of names certified under Subsection (3) does not equal or exceed
5561 the number of names required under Section 20A-7-301 or a requirement of this part
5562 is not met, the lieutenant governor shall mark upon the front of the referendum
5563 petition the word "insufficient."
- 5564 (c) The lieutenant governor shall immediately notify any one of the sponsors of the
5565 lieutenant governor's finding.
- 5566 (d) After a referendum petition is declared insufficient, a person may not submit
5567 additional signatures to qualify the referendum for the ballot.
- 5568 (5)(a) If the lieutenant governor refuses to declare a referendum petition sufficient that a
5569 voter believes is legally sufficient, the voter may, no later than 10 days after the day
5570 on which the lieutenant governor declares the petition insufficient, apply to the
5571 appropriate court for an order finding the referendum petition legally sufficient.
- 5572 (b) If the court determines that the referendum petition is legally sufficient, the
5573 lieutenant governor shall mark the referendum petition "sufficient" and consider the
5574 declaration of sufficiency effective as of the date on which the referendum petition

5575 should have been declared sufficient by the lieutenant governor's office.
 5576 (c) If the court determines that a referendum petition filed is not legally sufficient, the
 5577 court may enjoin the lieutenant governor and all other officers from certifying or
 5578 printing the ballot title and numbers of that measure on the official ballot.

5579 (6) A referendum petition determined to be sufficient in accordance with this section is
 5580 qualified for the ballot.

5581 Section 76. Section **20A-7-308** is amended to read:

5582 **20A-7-308 . Short title and summary of referendum -- Duties of lieutenant**
 5583 **governor and Office of Legislative Research and General Counsel.**

5584 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the
 5585 people, the lieutenant governor shall deliver a copy of the referendum petition and the
 5586 law to which the referendum relates to the Office of Legislative Research and General
 5587 Counsel.

5588 (2)(a) The Office of Legislative Research and General Counsel shall:

5589 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number
 5590 ___" and assign a number to the referendum in accordance with Section 20A-6-107;

5591 (ii) prepare for each referendum:

5592 (A) an impartial short title, not exceeding 25 words, that generally describes the
 5593 law to which the referendum relates; and

5594 (B) an impartial summary of the contents of the law to which the referendum
 5595 relates, not exceeding 125 words; and

5596 (iii) submit the short title and summary to the lieutenant governor within 15 calendar
 5597 days after the day on which the Office of Legislative Research and General
 5598 Counsel receives the petition under Subsection (1).

5599 (b) The short title and summary may be distinct from the title of the law that is the
 5600 subject of the referendum.

5601 (c) Subject to Subjection (4), for each statewide referendum, the official ballot shall
 5602 show, in the following order:

5603 (i) the number of the referendum, determined in accordance with Section 20A-6-107;

5604 (ii) the short title; and

5605 (iii) except as provided in Subsection (2)(d):

5606 (A) the summary;

5607 (B) a copy of the law; and

5608 (C) a link to a location on the lieutenant governor's website where a voter may

- 5609 review additional information relating to each referendum, including the
5610 information described in Subsection 20A-7-302(2) and the arguments relating
5611 to the referendum that are included in the voter information pamphlet.
- 5612 (d) Unless the information described in Subsection (2)(c)(iii) is shown on the official
5613 ballot, the election officer shall include with the ballot a separate ballot proposition
5614 insert that includes the short title and summary for each referendum on the ballot and
5615 a link to a location on the lieutenant governor's website where a voter may review the
5616 additional information described in Subsection (2)(c)(iii)(C).
- 5617 (e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all initiatives
5618 on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda
5619 on the ballot, is printed on the ballot, the ballot shall include the following statement
5620 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
5621 proposition sheet included with this ballot contains an impartial summary of each
5622 initiative and referendum on this ballot, unless the summary is printed directly on the
5623 ballot."
- 5624 (3) Immediately after the Office of Legislative Research and General Counsel submits the
5625 short title and summary to the lieutenant governor, the lieutenant governor shall mail or
5626 email a copy of the short title and summary to any of the sponsors of the referendum
5627 petition.
- 5628 (4)(a)(i) At least three of the sponsors of the referendum petition may, within 15 days
5629 after the day on which the lieutenant governor sends the short title and summary,
5630 challenge the wording of the short title and summary prepared by the Office of
5631 Legislative Research and General Counsel to the appropriate court.
- 5632 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send
5633 notice of the appeal to:
- 5634 (A) any person or group that has filed an argument for or against the law to which
5635 the referendum relates; and
- 5636 (B) any political issues committee established under Section 20A-11-801 that has
5637 filed written or electronic notice with the lieutenant governor that identifies the
5638 name, mailing or email address, and telephone number of the person
5639 designated to receive notice about any issues relating to the referendum.
- 5640 (b)(i) There is a presumption that the short title prepared by the Office of Legislative
5641 Research and General Counsel is an impartial description of the contents of the
5642 referendum.

- 5643 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut
 5644 the presumption by clearly and convincingly establishing that the short title is
 5645 false or biased.
- 5646 (iii) There is a presumption that the summary prepared by the Office of Legislative
 5647 Research and General Counsel is an impartial summary of the contents of the law
 5648 to which the referendum relates.
- 5649 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
 5650 the presumption by clearly and convincingly establishing that the summary is
 5651 false or biased.

5652 (c) The court shall:

- 5653 (i) examine the short title and summary;
- 5654 (ii) hear arguments; and
- 5655 (iii) enter an order consistent with the requirements of this section.

5656 (d) The lieutenant governor shall, in accordance with the court's order, certify the short
 5657 title and summary to the county clerks for inclusion in the ballot or ballot proposition
 5658 insert, as required by this section.

5659 Section 77. Section **20A-7-310** is amended to read:

5660 **20A-7-310 . Return and canvass -- Conflicting measures.**

- 5661 (1) The votes on the law that is the subject of the referendum petition shall be counted,
 5662 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
 5663 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.
- 5664 (2) After the state board of canvassers completes its canvass, the lieutenant governor shall
 5665 certify to the governor the vote for and against the law that is the subject of the
 5666 referendum petition.
- 5667 (3)(a) The governor shall immediately issue a proclamation that:
- 5668 (i) gives the total number of votes cast in the state for and against each law that is the
 5669 subject of a referendum petition; and
- 5670 (ii) declares those laws that are the subject of a referendum petition that are approved
 5671 by majority vote to be in full force and effect as the law of Utah on the effective
 5672 date described in Section 20A-7-311.
- 5673 (b) When the governor determines that two laws, or that parts of two laws approved by
 5674 the people at the same election are entirely in conflict, the governor shall proclaim to
 5675 be law the law that received the greatest number of affirmative votes, regardless of
 5676 the difference in the majorities which those approved laws received.

- 5677 (4)(a) Within 10 days after the day on which the governor issues the proclamation
5678 described in Subsection (3), any qualified voter who signed the referendum petition
5679 for the law that is declared by the governor to be superseded by another law approved
5680 at the same election may apply to the appropriate court to review the governor's
5681 decision.
- 5682 (b) The court shall:
- 5683 (i) consider the matter and decide whether the approved laws are in conflict; and
5684 (ii) enter an order consistent with the court's decision.
- 5685 (5) Within 10 calendar days after the day on which the court enters an order described in
5686 Subsection (4)(b)(ii), the governor shall:
- 5687 (a) proclaim as law all those laws approved by the people that the court determines are
5688 not in conflict; and
- 5689 (b) of all those laws approved by the people as law that the court determines to be in
5690 conflict, proclaim as law the one that receives the greatest number of affirmative
5691 votes, regardless of difference in majorities.
- 5692 Section 78. Section **20A-7-311** is amended to read:
- 5693 **20A-7-311 . Temporary stay -- Effective date -- Effect of repeal by Legislature.**
- 5694 (1) If, at the time during the counting period described in Section 20A-7-307, the lieutenant
5695 governor determines that, at that point in time, an adequate number of signatures are
5696 certified to comply with the signature requirements, the lieutenant governor shall:
- 5697 (a) issue an order temporarily staying the law from going into effect; and
5698 (b) continue the process of certifying signatures and removing signatures as required by
5699 this part.
- 5700 (2) The temporary stay described in Subsection (1) remains in effect, regardless of whether
5701 a future count falls below the signature threshold, until[~~the day on which~~]:
- 5702 (a) if the lieutenant governor declares the referendum petition insufficient, five calendar
5703 days after the day on which the lieutenant governor declares the referendum petition
5704 insufficient; or
- 5705 (b) if the lieutenant governor declares the referendum petition sufficient, the day on
5706 which governor issues the proclamation described in Section 20A-7-310.
- 5707 (3) A law submitted to the people by referendum that is approved by the voters at an
5708 election takes effect the later of:
- 5709 (a) five calendar days after the date of the official proclamation of the vote by the
5710 governor; or

- 5711 (b) the effective date specified in the approved law.
- 5712 (4) If, after the lieutenant governor issues a temporary stay order under Subsection (1)(a),
5713 the lieutenant governor declares the referendum petition insufficient, the law that is the
5714 subject of the referendum petition takes effect the later of:
- 5715 (a) five calendar days after the day on which the lieutenant governor declares the
5716 referendum petition insufficient; or
- 5717 (b) the effective date specified in the law that is the subject of the referendum petition.
- 5718 (5)(a) The governor may not veto a law approved by the people.
- 5719 (b) The Legislature may amend any laws approved by the people at any legislative
5720 session after the people approve the law.
- 5721 (6) If the Legislature repeals a law challenged by referendum petition under this part, the
5722 referendum petition is void and no further action on the referendum petition is required.
- 5723 Section 79. Section **20A-7-314** is amended to read:
- 5724 **20A-7-314 . Electronic referendum process -- Obtaining signatures -- Request to**
5725 **remove signature.**
- 5726 (1) This section applies to the electronic referendum process.
- 5727 (2) A Utah voter may sign a referendum petition if the voter is a legal voter.
- 5728 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
5729 individual:
- 5730 (a) verifies that the individual is at least 18 years old and meets the residency
5731 requirements of Section 20A-2-105; and
- 5732 (b) is informed that each signer is required to read and understand the law that is the
5733 subject of the referendum petition.
- 5734 (4) A voter who signs a referendum petition may have the voter's signature removed from
5735 the referendum petition by, in accordance with Section 20A-1-1003, submitting to the
5736 county clerk a statement requesting that the voter's signature be removed before 5 p.m.
5737 no later than the earlier of:
- 5738 (a) the first business day that is at least 30 calendar days after the day on which the voter
5739 signs the statement requesting removal; or
- 5740 (b) the first business day that is at least 45 calendar days after the day on which the
5741 lieutenant governor posts the voter's name under Subsection 20A-7-315(4).
- 5742 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
5743 by email or other electronic means, unless the lieutenant governor establishes a
5744 signature removal process that is consistent with the requirements of this section and

5745 Section 20A-21-201.

5746 (b) A person may only remove an electronic signature from a referendum petition in
5747 accordance with this section.

5748 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
5749 electronic signature from a referendum petition, in accordance with Subsection
5750 20A-1-1003(3).

5751 Section 80. Section **20A-7-315** is amended to read:

5752 **20A-7-315 . Electronic referendum process -- Collecting signatures -- Removal of**
5753 **signatures.**

5754 (1) This section applies only to the electronic referendum process.

5755 (2) A signature-gatherer may not collect a signature after 5 p.m., 40 calendar days after the
5756 day on which the legislative session at which the law passed ends.

5757 (3) The lieutenant governor shall send to each individual who provides a valid email
5758 address during the signature-gathering process an email that includes the following:

5759 (a) the subject of the email shall include the following statement, "Notice Regarding
5760 Your Petition Signature"; and

5761 (b) the body of the email shall include the following statement in 12-point type:

5762 "You signed a petition for the following referendum:

5763 [insert title of referendum]

5764 To access a copy of the referendum petition, the law that is the subject of the referendum
5765 petition, and information on the deadline for removing your signature from the referendum
5766 petition, please visit the following link: [insert a uniform resource locator that takes the
5767 individual directly to the page on the lieutenant governor's website that includes the
5768 information referred to in the email]."

5769 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
5770 after the day on which the signature of an individual who signs a referendum petition is
5771 certified under Section 20A-21-201, post the name, voter identification number, and date
5772 of signature of the individual on the lieutenant governor's website, in a conspicuous
5773 location designated by the lieutenant governor.

5774 (5)(a) If the county clerk timely receives a statement requesting signature removal under
5775 Subsection 20A-7-314(4), the county clerk shall:

5776 (i) ensure that the voter's name, voter identification number, and date of signature are
5777 not included in the posting described in Subsection (4); and

5778 (ii) remove the voter's signature from the referendum petition and the signature totals.

- 5779 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
5780 (i) the deadline described in Subsection (4); or
5781 (ii) two business days after the day on which the county clerk receives a statement
5782 requesting signature removal under Subsection 20A-7-314(4).

5783 Section 81. Section **20A-7-401.5** is amended to read:

5784 **20A-7-401.5 . Proposition information pamphlet.**

- 5785 (1)(a)(i) Within 15 calendar days after the day on which an eligible voter files an
5786 application to circulate an initiative petition under Section 20A-7-502 or an
5787 application to circulate a referendum petition under Section 20A-7-602:

5788 (A) the sponsors of the proposed initiative or referendum may electronically
5789 submit a written argument in favor of the proposed initiative or referendum to
5790 the election officer of the county or municipality to which the petition relates;
5791 and

5792 (B) the county or municipality to which the application relates may electronically
5793 submit a written argument in favor of, or against, the proposed initiative or
5794 referendum to the county's or municipality's election officer.

5795 (ii) If a county or municipality submits more than one written argument under
5796 Subsection (1)(a)(i)(B), the election officer shall select one of the written
5797 arguments, giving preference to a written argument submitted by a member of a
5798 local legislative body if a majority of the local legislative body supports the
5799 written argument.

5800 (b) Within one business day after the day on which an election officer receives an
5801 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of
5802 the argument to the county or municipality described in Subsection (1)(a)(i)(B) or
5803 (1)(a)(ii), as applicable.

5804 (c) Within one business day after the date on which an election officer receives an
5805 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of
5806 the argument to the first three sponsors of the proposed initiative or referendum
5807 described in Subsection (1)(a)(i)(A).

5808 (d) The sponsors of the proposed initiative or referendum may electronically submit a
5809 revised version of the written argument described in Subsection (1)(a)(i)(A) to the
5810 election officer of the county or municipality to which the petition relates within 20
5811 calendar days after the day on which the eligible voter files an application to circulate
5812 an initiative petition under Section 20A-7-502 or an application to circulate a

- 5813 referendum petition under Section 20A-7-602.
- 5814 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a
5815 county or municipality may electronically submit a revised version of the written
5816 argument to the county's or municipality's election officer within 20 calendar days
5817 after the day on which the eligible voter files an application to circulate an initiative
5818 petition under Section 20A-7-502 or an application to circulate a referendum petition
5819 under Section 20A-7-602.
- 5820 (2)(a) A written argument described in Subsection (1) may not exceed 500 words.
- 5821 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument
5822 described in Subsection (1)(d) or (e) after the written argument is submitted to the
5823 election officer.
- 5824 (c) The election officer and the person that submits the written argument described in
5825 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
5826 (i) correct factual, grammatical, or spelling errors; or
5827 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 5828 (d) An election officer shall refuse to include a written argument in the proposition
5829 information pamphlet described in this section if the person who submits the
5830 argument:
5831 (i) fails to negotiate, in good faith, to modify the argument in accordance with
5832 Subsection (2)(c); or
5833 (ii) does not timely submit the written argument to the election officer.
- 5834 (e) An election officer shall make a good faith effort to negotiate a modification
5835 described in Subsection (2)(c) in an expedited manner.
- 5836 (3) An election officer who receives a written argument described in Subsection (1) shall
5837 prepare a proposition information pamphlet for publication that includes:
5838 (a) a copy of the application for the proposed initiative or referendum;
5839 (b) except as provided in Subsection (2)(d), immediately after the copy described in
5840 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
5841 referendum, if any;
5842 (c) except as provided in Subsection (2)(d), immediately after the argument described in
5843 Subsection (3)(b), the argument prepared by the county or municipality, if any; and
5844 (d) a copy of the initial fiscal impact statement and legal impact statement described in
5845 Section 20A-7-502.5 or 20A-7-602.5.
- 5846 (4)(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter

- 5847 2, Government Records Access and Management Act, until the earlier of when the
5848 election officer:
- 5849 (i) complies with Subsection (4)(b); or
5850 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 5851 (b) Within 21 calendar days after the day on which the eligible voter files an application
5852 to circulate an initiative petition under Section 20A-7-502, or an application to
5853 circulate a referendum petition under Section 20A-7-602, the election officer shall
5854 provide a copy of the proposition information pamphlet to the sponsors of the
5855 initiative or referendum and each individual who submitted an argument included in
5856 the proposition information pamphlet.
- 5857 (5) An election officer for a municipality shall publish the proposition information
5858 pamphlet as follows:
- 5859 (a) within the later of 10 calendar days after the day on which the municipality or a court
5860 determines that the proposed initiative or referendum is legally referable to voters, or,
5861 if the election officer modifies an argument under Subsection (2)(c), three calendar
5862 days after the day on which the election officer and the person that submitted the
5863 argument agree on the modification:
- 5864 (i) by sending the proposition information pamphlet electronically to each individual
5865 in the municipality for whom the municipality has an email address, unless the
5866 individual has indicated that the municipality is prohibited from using the
5867 individual's email address for that purpose; and
- 5868 (ii) by posting the proposition information pamphlet on the Utah Public Notice
5869 Website, created in Section 63A-16-601, and the home page of the municipality's
5870 website, if the municipality has a website, until:
- 5871 (A) if the sponsors of the proposed initiative or referendum or an agent of the
5872 sponsors do not timely deliver any verified initiative packets or any verified
5873 referendum packets under Section 20A-7-105, the day after the date of the
5874 deadline for delivery of the verified initiative packets or verified referendum
5875 packets;
- 5876 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
5877 number of signatures necessary to qualify the proposed initiative or referendum
5878 for placement on the ballot is insufficient and the determination is not timely
5879 appealed or is upheld after appeal; or
- 5880 (C) the day after the date of the election at which the proposed initiative or

- 5881 referendum appears on the ballot; and
- 5882 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
- 5883 municipality's residents, including an Internet address, where a resident may view the
- 5884 proposition information pamphlet, in the next mailing, for which the municipality has
- 5885 not begun preparation, that falls on or after the later of:
- 5886 (i) 10 calendar days after the day on which the municipality or a court determines that
- 5887 the proposed initiative or referendum is legally referable to voters; or
- 5888 (ii) if the election officer modifies an argument under Subsection (2)(c), three
- 5889 calendar days after the day on which the election officer and the person that
- 5890 submitted the argument agree on the modification.
- 5891 (6) An election officer for a county shall, within the later of 10 calendar days after the day
- 5892 on which the county or a court determines that the proposed initiative or referendum is
- 5893 legally referable to voters, or, if the election officer modifies an argument under
- 5894 Subsection (2)(c), three calendar days after the day on which the election officer and the
- 5895 person that submitted the argument agree on the modification, publish the proposition
- 5896 information pamphlet as follows:
- 5897 (a) by sending the proposition information pamphlet electronically to each individual in
- 5898 the county for whom the county has an email address obtained via voter registration;
- 5899 and
- 5900 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,
- 5901 created in Section 63A-16-601, and the home page of the county's website, until:
- 5902 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
- 5903 do not timely deliver any verified initiative packets or any verified referendum
- 5904 packets under Section 20A-7-105, the day after the date of the deadline for
- 5905 delivery of the verified initiative packets or verified referendum packets;
- 5906 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
- 5907 number of signatures necessary to qualify the proposed initiative or referendum
- 5908 for placement on the ballot is insufficient and the determination is not timely
- 5909 appealed or is upheld after appeal; or
- 5910 (iii) the day after the date of the election at which the proposed initiative or
- 5911 referendum appears on the ballot.

5912 Section 82. Section **20A-7-402** is amended to read:

5913 **20A-7-402 . Local voter information pamphlet -- Notice -- Contents --**

5914 **Limitations -- Preparation -- Statement on front cover.**

- 5915 (1)(a) The county or municipality that is subject to a ballot proposition shall prepare a
 5916 local voter information pamphlet that complies with the requirements of this part.
- 5917 (b) Each county or municipality that contains all or part of a proposed new school
 5918 district or a reorganized new school district that will appear on a regular general
 5919 election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall
 5920 prepare a local voter information pamphlet that complies with the requirements of
 5921 this part.
- 5922 (2)(a) Within the time requirements described in Subsection (2)(c)(i), a municipality
 5923 described in Subsection (1) shall provide a notice that complies with the requirements
 5924 of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for the
 5925 municipality, as a class A notice under Section 63G-30-102, for the time period set
 5926 under Subsection (2)(c)(i).
- 5927 (b) A county described in Subsection (1) shall publish a notice that complies with the
 5928 requirements of Subsection (2)(c)(ii) for the county, as a class A notice under Section
 5929 63G-30-102.
- 5930 (c) A municipality or county that publishes a notice under Subsection (2)(a) or (b) shall:
- 5931 (i) publish the notice:
- 5932 (A) not less than 90 calendar days before the date of the election at which a
 5933 special local ballot proposition will be voted upon; or
- 5934 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as
 5935 practicable after the special local ballot proposition is approved to be voted
 5936 upon in an election; and
- 5937 (ii) ensure that the notice contains:
- 5938 (A) the ballot title for the special local ballot proposition;
- 5939 (B) instructions on how to file a request under Subsection (2)(d); and
- 5940 (C) the deadline described in Subsection (2)(d).
- 5941 (d) Except as provided in Subsection (13), to prepare a written argument for or against a
 5942 special local ballot proposition, an eligible voter shall file a request with the election
 5943 officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is
 5944 at least 64 calendar days before the day of the election at which the special local
 5945 ballot proposition is to be voted on.
- 5946 (e) If more than one eligible voter requests the opportunity to prepare a written argument
 5947 for or against a special local ballot proposition, the election officer shall make the
 5948 final designation in accordance with the following order of priority:

- 5949 (i) sponsors have priority in preparing an argument regarding a special local ballot
5950 proposition; and
- 5951 (ii) members of the local legislative body have priority over others if a majority of the
5952 local legislative body supports the written argument.
- 5953 (f) Except as provided in Subsection (13), the election officer shall grant a request
5954 described in Subsection (2)(d) or (e) no later than 60 calendar days before the day of
5955 the election at which the ballot proposition is to be voted on.
- 5956 (g)(i) A sponsor of a special local ballot proposition may prepare a written argument
5957 in favor of the special local ballot proposition.
- 5958 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
5959 proposition who submits a request under Subsection (2)(d) may prepare a written
5960 argument against the special local ballot proposition.
- 5961 (h) An eligible voter who submits a written argument under this section in relation to a
5962 special local ballot proposition shall:
- 5963 (i) ensure that the written argument does not exceed 500 words in length, not
5964 counting the information described in Subsection (2)(h)(ii) or (iv);
- 5965 (ii) list, at the end of the argument, at least one, but no more than five, names as
5966 sponsors;
- 5967 (iii) except as provided in Subsection (13), submit the written argument to the
5968 election officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
5969 business day that is at least 55 calendar days before the election day on which the
5970 ballot proposition will be submitted to the voters;
- 5971 (iv) list in the argument, immediately after the eligible voter's name, the eligible
5972 voter's residential address; and
- 5973 (v) submit with the written argument the eligible voter's name, residential address,
5974 postal address, email address if available, and phone number.
- 5975 (i) An election officer shall refuse to accept and publish an argument submitted after the
5976 deadline described in Subsection (2)(h)(iii).
- 5977 (3)(a) An election officer who timely receives the written arguments in favor of and
5978 against a special local ballot proposition shall, within one business day after the day
5979 on which the election office receives both written arguments, send, via mail or email:
- 5980 (i) a copy of the written argument in favor of the special local ballot proposition to
5981 the eligible voter who submitted the written argument against the special local
5982 ballot proposition; and

- 5983 (ii) a copy of the written argument against the special local ballot proposition to the
 5984 eligible voter who submitted the written argument in favor of the special local
 5985 ballot proposition.
- 5986 (b) The eligible voter who submitted a timely written argument in favor of the special
 5987 local ballot proposition:
- 5988 (i) may submit to the election officer a written rebuttal argument of the written
 5989 argument against the special local ballot proposition;
- 5990 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
 5991 length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
 5992 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [
 5993 ~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at
 5994 least 45 calendar days before the election day on which the special local ballot
 5995 proposition will be submitted to the voters.
- 5996 (c) The eligible voter who submitted a timely written argument against the special local
 5997 ballot proposition:
- 5998 (i) may submit to the election officer a written rebuttal argument of the written
 5999 argument in favor of the special local ballot proposition;
- 6000 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
 6001 length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
 6002 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [
 6003 ~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at
 6004 least 45 calendar days before the election day on which the special local ballot
 6005 proposition will be submitted to the voters.
- 6006 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
 6007 relation to a special local ballot proposition that is submitted after the deadline
 6008 described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 6009 (4)(a) Except as provided in Subsection (4)(b), in relation to a special local ballot
 6010 proposition:
- 6011 (i) an eligible voter may not modify a written argument or a written rebuttal argument
 6012 after the eligible voter submits the written argument or written rebuttal argument
 6013 to the election officer; and
- 6014 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
 6015 modify a written argument or a written rebuttal argument.
- 6016 (b) The election officer, and the eligible voter who submits a written argument or written

- 6017 rebuttal argument in relation to a special local ballot proposition, may jointly agree to
6018 modify a written argument or written rebuttal argument in order to:
- 6019 (i) correct factual, grammatical, or spelling errors; and
6020 (ii) reduce the number of words to come into compliance with the requirements of
6021 this section.
- 6022 (c) An election officer shall refuse to accept and publish a written argument or written
6023 rebuttal argument in relation to a special local ballot proposition if the eligible voter
6024 who submits the written argument or written rebuttal argument fails to negotiate, in
6025 good faith, to modify the written argument or written rebuttal argument in accordance
6026 with Subsection (4)(b).
- 6027 (5) In relation to a special local ballot proposition, an election officer may designate another
6028 eligible voter to take the place of an eligible voter described in this section if the original
6029 eligible voter is, due to injury, illness, death, or another circumstance, unable to continue
6030 to fulfill the duties of an eligible voter described in this section.
- 6031 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
6032 included in a proposition information pamphlet under Section 20A-7-401.5:
- 6033 (a) may, if a written argument against the standard local ballot proposition is included in
6034 the proposition information pamphlet, submit a written rebuttal argument to the
6035 election officer;
- 6036 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
6037 and
- 6038 (c) shall submit the written rebuttal argument no later than 5 p.m. on the last business
6039 day that is at least 45 calendar days before the election day on which the standard
6040 local ballot proposition will be submitted to the voters.
- 6041 (7)(a) A county or municipality that submitted a written argument against a standard
6042 local ballot proposition that is included in a proposition information pamphlet under
6043 Section 20A-7-401.5:
- 6044 (i) may, if a written argument in favor of the standard local ballot proposition is
6045 included in the proposition information pamphlet, submit a written rebuttal
6046 argument to the election officer;
- 6047 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
6048 length; and
- 6049 (iii) shall submit the written rebuttal argument no later than 5 p.m. on the last
6050 business day that is at least 45 calendar days before the election day on which the

- 6051 ballot proposition will be submitted to the voters.
- 6052 (b) If a county or municipality submits more than one written rebuttal argument under
6053 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal
6054 arguments, giving preference to a written rebuttal argument submitted by a member
6055 of a local legislative body.
- 6056 (8)(a) An election officer shall refuse to accept and publish a written rebuttal argument
6057 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 6058 (b) Before an election officer publishes a local voter information pamphlet under this
6059 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,
6060 Government Records Access and Management Act.
- 6061 (c) An election officer who receives a written rebuttal argument described in this section
6062 may not, before publishing the local voter information pamphlet described in this
6063 section, disclose the written rebuttal argument, or any information contained in the
6064 written rebuttal argument, to any person who may in any way be involved in
6065 preparing an opposing rebuttal argument.
- 6066 (9)(a) Except as provided in Subsection (9)(b), a person may not modify a written
6067 rebuttal argument after the written rebuttal argument is submitted to the election
6068 officer.
- 6069 (b) The election officer, and the person who submits a written rebuttal argument, may
6070 jointly agree to modify a written rebuttal argument in order to:
- 6071 (i) correct factual, grammatical, or spelling errors; or
6072 (ii) reduce the number of words to come into compliance with the requirements of
6073 this section.
- 6074 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
6075 the person who submits the written rebuttal argument:
- 6076 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
6077 accordance with Subsection (9)(b); or
6078 (ii) does not timely submit the written rebuttal argument to the election officer.
- 6079 (d) An election officer shall make a good faith effort to negotiate a modification
6080 described in Subsection (9)(b) in an expedited manner.
- 6081 (10) An election officer may designate another person to take the place of a person who
6082 submits a written rebuttal argument in relation to a standard local ballot proposition if
6083 the person is, due to injury, illness, death, or another circumstance, unable to continue to
6084 fulfill the person's duties.

- 6085 (11)(a) The local voter information pamphlet shall include a copy of the initial fiscal
6086 impact estimate and the legal impact statement prepared for each initiative under
6087 Section 20A-7-502.5.
- 6088 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include
6089 the following statement in bold type:
6090 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6091 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6092 increase in the current tax rate."
- 6093 (12)(a) In preparing the local voter information pamphlet, the election officer shall:
6094 (i) ensure that the written arguments are printed on the same sheet of paper upon
6095 which the ballot proposition is also printed;
6096 (ii) ensure that the following statement is printed on the front cover or the heading of the first
6097 page of the printed written arguments:
6098 "The arguments for or against a ballot proposition are the opinions of the authors.";
6099 (iii) pay for the printing and binding of the local voter information pamphlet; and
6100 (iv) not less than 15 calendar days before, but not more than 45 calendar days before,
6101 the election at which the ballot proposition will be voted on, distribute, by mail or
6102 carrier, to each registered voter entitled to vote on the ballot proposition:
6103 (A) a voter information pamphlet; or
6104 (B) the notice described in Subsection (12)(c).
- 6105 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the
6106 election officer may summarize the ballot proposition in 500 words or less.
6107 (ii) The summary shall state where a complete copy of the ballot proposition is
6108 available for public review.
- 6109 (c)(i) The election officer may distribute a notice printed on a postage prepaid,
6110 preaddressed return form that a person may use to request delivery of a voter
6111 information pamphlet by mail.
6112 (ii) The notice described in Subsection (12)(c)(i) shall include:
6113 (A) the address of the Statewide Electronic Voter Information Website authorized
6114 by Section 20A-7-801; and
6115 (B) the phone number a voter may call to request delivery of a voter information
6116 pamphlet by mail or carrier.
- 6117 (13) For 2024 only, in relation to an election that will appear on the regular general election
6118 ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or

- 6119 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72
 6120 calendar days before the day of the election:
- 6121 (a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later
 6122 than five business days after the notice is published;
- 6123 (b) the deadline to grant a request under Subsection (2)(f) is no later than seven business
 6124 days after the notice is published;
- 6125 (c) the deadline to submit the written argument to the election officer under Subsection
 6126 (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published;
 6127 and
- 6128 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or
 6129 (c)(iii) is no later than 17 business days after the notice is published.

6130 Section 83. Section **20A-7-501** is amended to read:

6131 **20A-7-501 . Initiatives -- Signature requirements -- Time requirements.**

- 6132 (1) As used in this section:
- 6133 (a) "Number of active voters" means the number of active voters in the county, city, or
 6134 town on the immediately preceding January 1.
- 6135 (b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
 6136 or (2)(b).
- 6137 (2) An eligible voter seeking to have an initiative submitted to a local legislative body or to
 6138 a vote of the people for approval or rejection shall, after filing an initiative application,
 6139 obtain legal signatures equal to:
- 6140 (a) for a county of the first class:
- 6141 (i) 7.75% of the number of active voters in the county; and
 6142 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least
 6143 75% of the county's voter participation areas;
- 6144 (b) for a city of the first class:
- 6145 (i) 7.5% of the number of active voters in the city; and
 6146 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
 6147 of the city's voter participation areas;
- 6148 (c) for a county of the second class:
- 6149 (i) 8% of the number of active voters in the county; and
 6150 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%
 6151 of the county's voter participation areas;
- 6152 (d) for a city of the second class:

- 6153 (i) 8.25% of the number of active voters in the city; and
6154 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
6155 75% of the city's voter participation areas;
- 6156 (e) for a county of the third class:
6157 (i) 9.5% of the number of active voters in the county; and
6158 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
6159 of the county's voter participation areas;
- 6160 (f) for a city of the third class:
6161 (i) 10% of the number of active voters in the city; and
6162 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
6163 of the city's voter participation areas;
- 6164 (g) for a county of the fourth class:
6165 (i) 11.5% of the number of active voters in the county; and
6166 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
6167 75% of the county's voter participation areas;
- 6168 (h) for a city of the fourth class:
6169 (i) 11.5% of the number of active voters in the city; and
6170 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
6171 75% of the city's voter participation areas;
- 6172 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
6173 voters in the city or county; or
- 6174 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
6175 town or county.
- 6176 (3) If the total number of certified signatures collected for the initiative petition equals or
6177 exceeds the number of signatures required by this section, the clerk or recorder shall
6178 deliver the proposed law to the local legislative body at the local legislative body's next
6179 meeting.
- 6180 (4)(a) The local legislative body shall either adopt or reject the proposed law without
6181 change or amendment within 30 calendar days after the day on which the local
6182 legislative body receives the proposed law under Subsection (3).
- 6183 (b) The local legislative body may:
6184 (i) adopt the proposed law and refer the proposed law to the people;
6185 (ii) adopt the proposed law without referring the proposed law to the people; or
6186 (iii) reject the proposed law.

6187 (c) If the local legislative body adopts the proposed law but does not refer the proposed
6188 law to the people, the proposed law is subject to referendum as with other local laws.

6189 (d)(i) If a county legislative body rejects a proposed law, or takes no action on a
6190 proposed law, the county clerk shall submit the proposed law to the voters of the
6191 county at the next regular general election immediately after the initiative
6192 application for the proposed law is filed under Section 20A-7-502.

6193 (ii) If a local legislative body of a municipality rejects a proposed law, or takes no
6194 action on a proposed law, the municipal recorder or clerk shall submit the
6195 proposed law to the voters of the municipality at the next municipal general
6196 election immediately after the initiative application is filed under Section
6197 20A-7-502.

6198 (e)(i) If a local legislative body rejects a proposed law, or takes no action on a
6199 proposed law, the local legislative body may adopt a competing local law.

6200 (ii) The local legislative body shall prepare and adopt the competing local law within
6201 the [~~30-day~~] 30-calendar-day period described in Subsection (4)(a).

6202 (iii) If a local legislative body adopts a competing local law, the clerk or recorder
6203 shall refer the competing local law to the voters of the county or municipality at
6204 the same election at which the law proposed by initiative is submitted under
6205 Subsection (4)(d).

6206 (f) If conflicting local laws are submitted to the people at the same election and two or
6207 more of the conflicting measures are approved by the people, the proposed law that
6208 receives the greatest number of affirmative votes shall control all conflicts.

6209 Section 84. Section **20A-7-502.7** is amended to read:

6210 **20A-7-502.7 . Referability to voters.**

6211 (1) Within 20 calendar days after the day on which an eligible voter files an initiative
6212 application under Section 20A-7-502, counsel for the county, city, or town to which the
6213 initiative pertains shall:

6214 (a) review the proposed law that is the subject of the initiative application to determine
6215 whether the law is legally referable to voters; and

6216 (b) notify the first three sponsors, in writing, whether the proposed law is:

6217 (i) legally referable to voters; or

6218 (ii) rejected as not legally referable to voters.

6219 (2) A proposed law that is the subject of an initiative application is legally referable to
6220 voters unless:

- 6221 (a) the proposed law:
- 6222 (i) is patently unconstitutional;
- 6223 (ii) is nonsensical;
- 6224 (iii) is administrative, rather than legislative, in nature;
- 6225 (iv) could not become law if passed; or
- 6226 (v) contains more than one subject as evaluated in accordance with Subsection
- 6227 20A-7-502(3);~~[-or]~~
- 6228 (b) is identical or substantially similar to a legally referable proposed law sought by an
- 6229 initiative application submitted to the local clerk, under Section 20A-7-502, within
- 6230 two years before the day on which the initiative application for the current proposed
- 6231 law is filed;
- 6232 (c) the subject of the proposed law is not clearly expressed in the law's title; or
- 6233 (d) the initiative application was not timely filed or does not comply with the
- 6234 requirements of this part.
- 6235 (3) After the end of the ~~[20-day]~~ 20-calendar-day period described in Subsection (1), a
- 6236 county, city, or town may not:
- 6237 (a) reject a proposed initiative as not legally referable to voters; or
- 6238 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
- 6239 initiative on the grounds that the proposed initiative is not legally referable to voters.
- 6240 (4) If a county, city, or town rejects a proposed initiative, a sponsor of the proposed
- 6241 initiative may, within 10 days after the day on which a sponsor is notified under
- 6242 Subsection (1)(b), appeal the decision to:
- 6243 (a) district court; or
- 6244 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
- 6245 (5) If, on appeal, the court determines that the law proposed by the initiative application is
- 6246 legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(3), or
- 6247 give the sponsors access to the website defined in Section 20A-21-101, within five
- 6248 calendar days after the day on which the determination, and any appeal of the
- 6249 determination, is final.
- 6250 Section 85. Section **20A-7-504** is amended to read:
- 6251 **20A-7-504 . Manual initiative process -- Circulation requirements -- Local clerk**
- 6252 **to provide sponsors with materials.**
- 6253 (1) This section applies only to the manual initiative process.
- 6254 (2) In order to obtain the necessary number of signatures required by this part, the sponsors

- 6255 or an agent of the sponsors shall, after the sponsors receive the documents described in
6256 Subsections (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form
6257 requirements of this part.
- 6258 (3) Within five calendar days after the day on which a county, city, town, or court
6259 determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative
6260 petition is legally referable to voters, the local clerk shall provide to the sponsors:
6261 (a) a copy of the initiative petition;
6262 (b) a signature sheet; and
6263 (c) a copy of the proposition information pamphlet provided to the sponsors under
6264 Subsection 20A-7-401.5(4)(b).
- 6265 (4) The sponsors of the initiative shall:
6266 (a) arrange and pay for the printing of all documents that are part of the initiative
6267 packets; and
6268 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
6269 meet the requirements of this part.
- 6270 (5)(a) The sponsors or an agent of the sponsors may prepare the initiative packets for
6271 circulation by creating multiple initiative packets.
6272 (b) The sponsors or an agent of the sponsors shall create initiative packets by binding a
6273 copy of the initiative petition with the text of the proposed law and no more than 50
6274 signature sheets together at the top in a manner that the initiative packets may be
6275 conveniently opened for signing.
6276 (c) An initiative packet is not required to have a uniform number of signature sheets.
6277 (d) The sponsors or an agent of the sponsors shall include, with each initiative packet, a
6278 copy of the proposition information pamphlet provided to the sponsors under
6279 Subsection 20A-7-401.5(4)(b).
- 6280 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
6281 (i) contact the county clerk to receive a range of numbers that the sponsors may use
6282 to number initiative packets; and
6283 (ii) number each initiative packet, sequentially, within the range of numbers provided
6284 by the county clerk, starting with the lowest number in the range.
- 6285 (b) The sponsors or an agent of the sponsors may not:
6286 (i) number an initiative packet in a manner not directed by the county clerk; or
6287 (ii) circulate or submit an initiative packet that is not numbered in the manner
6288 directed by the county clerk.

6289 (c) The county clerk shall keep a record of the number range provided under Subsection
6290 (6)(a).

6291 Section 86. Section **20A-7-507** is amended to read:

6292 **20A-7-507 . Evaluation by the local clerk.**

6293 (1) In relation to the manual initiative process, when a local clerk receives an initiative
6294 packet from a county clerk, the local clerk shall record the number of the initiative
6295 packet received.

6296 (2) The county clerk shall:

6297 (a) in relation to the manual initiative process:

6298 (i) post the names, voter identification numbers, and dates of signatures described in
6299 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
6300 conspicuous location designated by the lieutenant governor, for at least 90
6301 calendar days; and

6302 (ii) update on the local government's website the number of signatures certified as of
6303 the date of the update; or

6304 (b) in relation to the electronic initiative process:

6305 (i) post the names, voter identification numbers, and dates of signatures described in
6306 Subsection 20A-7-516(4) on the lieutenant governor's website, in a conspicuous
6307 location designated by the lieutenant governor, for at least 90 calendar days; and

6308 (ii) update on the local government's website the number of signatures certified as of
6309 the date of the update.

6310 (3) The local clerk:

6311 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
6312 sufficient or insufficient:

6313 (i) in relation to the manual initiative process, no later than 21 calendar days after the
6314 day of the applicable deadline described in Subsection 20A-7-105(5)(a)(iii); or

6315 (ii) in relation to the electronic initiative process, no later than 21 calendar days after
6316 the day of the applicable deadline described in Subsection 20A-7-516(2); or

6317 (b) may declare the initiative petition to be insufficient before the day described in
6318 Subsection (3)(a) if:

6319 (i) in relation to the manual initiative process, the total of all valid signatures on
6320 timely and lawfully submitted initiative packets that have been certified by the
6321 county clerks, plus the number of signatures on timely and lawfully submitted
6322 initiative packets that have not yet been evaluated for certification, is less than the

6323 number of names required under Section 20A-7-501;
 6324 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
 6325 submitted valid signatures that have been certified by the county clerks, plus the
 6326 number of timely and lawfully submitted valid signatures received under
 6327 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
 6328 less than the number of names required under Section 20A-7-501; or

6329 (iii) a requirement of this part has not been met.

6330 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
 6331 number of names required by Section 20A-7-501 and the requirements of this part are
 6332 met, the local clerk shall mark upon the front of the initiative petition the word
 6333 "sufficient."

6334 (b) If the total number of names certified under Subsection (3) does not equal or exceed
 6335 the number of names required by Section 20A-7-501 or a requirement of this part is
 6336 not met, the local clerk shall mark upon the front of the initiative petition the word
 6337 "insufficient."

6338 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
 6339 finding.

6340 (d) After an initiative petition is declared insufficient, a person may not submit
 6341 additional signatures to qualify the initiative for the ballot.

6342 (5) If the local clerk finds the total number of certified signatures for the initiative petition
 6343 to be insufficient, any sponsor may file a written demand with the local clerk for a
 6344 recount of the signatures collected for the initiative petition in the presence of any
 6345 sponsor.

6346 (6) An initiative petition determined to be sufficient in accordance with this section is
 6347 qualified for the ballot.

6348 Section 87. Section **20A-7-508** is amended to read:

6349 **20A-7-508 . Short title and summary of initiative -- Duties of local clerk and local**
 6350 **attorney.**

6351 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the initiative
 6352 petition and the proposed law to the local attorney.

6353 (2) The local attorney shall:

6354 (a) entitle each county or municipal initiative that has qualified for the ballot

6355 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

6356 (b) prepare for each initiative:

- 6357 (i) an impartial short title, not exceeding 25 words, that generally describes the
6358 subject of the initiative; and
- 6359 (ii) an impartial summary of the contents of the initiative, not exceeding 125 words;
- 6360 (c) file the proposed short title, summary, and the numbered initiative titles with the
6361 local clerk within 20 calendar days after the day on which an eligible voter submits
6362 the initiative petition to the local clerk; and
- 6363 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 6364 (i) the sponsors of the initiative; and
- 6365 (ii) the local legislative body for the jurisdiction where the initiative petition was
6366 circulated.
- 6367 (3)(a) The short title and summary may be distinct from the title of the proposed law.
- 6368 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
6369 ability, give a true and impartial description of the subject of the initiative.
- 6370 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
6371 ability, give a true and impartial summary of the contents of the initiative.
- 6372 (d) The short title and summary may not intentionally be an argument, or likely to create
6373 prejudice, for or against the initiative.
- 6374 (e) If the initiative proposes a tax increase, the local attorney shall include the following
6375 statement, in bold, in the summary:
- 6376 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6377 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6378 increase in the current tax rate."
- 6379 (4)(a) Within five calendar days after the date the local attorney files a proposed short
6380 title and summary under Subsection (2)(c), the local legislative body for the
6381 jurisdiction where the initiative petition was circulated and the sponsors of the
6382 initiative may file written comments in response to the proposed short title and
6383 summary with the local clerk.
- 6384 (b) Within five calendar days after the last date to submit written comments under
6385 Subsection (4)(a), the local attorney shall:
- 6386 (i) review any written comments filed in accordance with Subsection (4)(a);
- 6387 (ii) prepare a final short title and summary that meets the requirements of Subsection
6388 (3); and
- 6389 (iii) return the initiative petition and file the short title and summary with the local
6390 clerk.

- 6391 (c) Subject to Subsection (6), for each county or municipal initiative, the following shall
6392 be printed on the official ballot:
- 6393 (i) the short title; and
- 6394 (ii) except as provided in Subsection (4)(d):
- 6395 (A) the summary;
- 6396 (B) a copy of the proposed law; and
- 6397 (C) a link to a location on the election officer's website where a voter may review
6398 additional information relating to each initiative, including the information
6399 described in Subsection 20A-7-502(2), the initial fiscal impact and legal
6400 statement described in Section 20A-7-502.5, as updated, and the arguments
6401 relating to the initiative that are included in the local voter information
6402 pamphlet.
- 6403 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
6404 ballot, the election officer shall include with the ballot a separate ballot proposition
6405 insert that includes the short title and summary for each initiative on the ballot and a
6406 link to a location on the election officer's website where a voter may review the
6407 additional information described in Subsection (4)(c)(ii)(C).
- 6408 (e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the
6409 ballot, and the information described in Subsection 20A-7-608(4)(c)(ii) for all
6410 referenda on the ballot, is printed on the ballot, the ballot shall include the following
6411 statement at the beginning of the portion of the ballot that includes ballot measures[-] :
- 6412 "The ballot proposition sheet included with this ballot contains an impartial
6413 summary of each initiative and referendum on this ballot, unless the summary is
6414 printed directly on the ballot.".
- 6415 (5) Immediately after the local attorney files a copy of the short title and summary with the
6416 local clerk, the local clerk shall send a copy of the short title and summary to the
6417 sponsors of the initiative and the local legislative body for the jurisdiction where the
6418 initiative petition was circulated.
- 6419 (6)(a) If the short title or summary furnished by the local attorney is unsatisfactory or
6420 does not comply with the requirements of this section, the decision of the local
6421 attorney may be appealed to the appropriate court by:
- 6422 (i) at least three sponsors of the initiative; or
- 6423 (ii) a majority of the local legislative body for the jurisdiction where the initiative
6424 petition was circulated.

- 6425 (b) The court:
- 6426 (i) shall examine the short title and summary and consider arguments; and
- 6427 (ii) enter an order consistent with the requirements of this section.
- 6428 (c) The local clerk shall include the short title and summary in the ballot or ballot
- 6429 proposition insert, as required by this section.
- 6430 Section 88. Section **20A-7-510** is amended to read:
- 6431 **20A-7-510 . Return and canvass -- Conflicting measures -- Law effective on**
- 6432 **proclamation.**
- 6433 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and
- 6434 delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4,
- 6435 Part 3, Canvassing Returns.
- 6436 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
- 6437 the local legislative body the vote for and against the law proposed by the initiative
- 6438 petition.
- 6439 (3)(a) The local legislative body shall immediately issue a proclamation that:
- 6440 (i) gives the total number of votes cast in the local jurisdiction for and against each
- 6441 law proposed by an initiative petition; and
- 6442 (ii) declares those laws proposed by an initiative petition that are approved by
- 6443 majority vote to be in full force and effect as the law of the local jurisdiction.
- 6444 (b) When the local legislative body determines that two proposed laws, or that parts of
- 6445 two proposed laws approved by the people at the same election are entirely in
- 6446 conflict, the local legislative body shall proclaim as law the initiative that received
- 6447 the greatest number of affirmative votes, regardless of the difference in the majorities
- 6448 which those initiatives have received.
- 6449 (c)(i) Within 10 days after the day on which the local legislative body issues the
- 6450 proclamation, any qualified voter who signed the initiative petition proposing the
- 6451 law that is declared by the local legislative body to be superseded by another
- 6452 initiative approved at the same election may bring an action in the appropriate
- 6453 court to review the decision.
- 6454 (ii) The court shall:
- 6455 (A) consider the matter and decide whether the proposed laws are entirely in
- 6456 conflict; and
- 6457 (B) issue an order, consistent with the court's decision, to the local legislative
- 6458 body.

- 6459 (4) Within 10 calendar days after the day on which the court enters an order under
 6460 Subsection (3)(c)(ii), the local legislative body shall:
- 6461 (a) proclaim as law all initiatives approved by the people that the court determines are
 6462 not in conflict; and
- 6463 (b) for the initiatives approved by the people as law that the court determines to be in
 6464 conflict, proclaim as law the initiative that received the greatest number of
 6465 affirmative votes, regardless of the difference in majorities.

6466 Section 89. Section **20A-7-511** is amended to read:

6467 **20A-7-511 . Effective date.**

- 6468 (1)(a) Any proposed law submitted to the people by initiative petition that is approved
 6469 by the voters at any election takes effect on the date specified in the initiative petition.
- 6470 (b) If the initiative petition does not specify an effective date, a law approved by the
 6471 voters at any election takes effect five calendar days after the date of the official
 6472 proclamation of the vote by the county legislative body.
- 6473 (2) The local legislative body may amend any laws approved by the people at any meeting
 6474 after the law has taken effect.

6475 Section 90. Section **20A-7-513** is amended to read:

6476 **20A-7-513 . Fiscal review -- Repeal, amendment, or resubmission.**

- 6477 (1) No later than 60 calendar days after the date of an election in which the voters approve
 6478 an initiative, the budget officer shall:
- 6479 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
 6480 using current financial information and containing the information required by
 6481 Subsection 20A-7-502.5(2), except for the information required by Subsection
 6482 20A-7-502.5(2)(a)(vii); and
- 6483 (b) deliver a copy of the final fiscal impact statement to:
- 6484 (i) the local legislative body of the jurisdiction where the initiative was circulated;
 6485 (ii) the local clerk; and
 6486 (iii) the first three sponsors listed on the initiative application.
- 6487 (2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact and
 6488 legal statement by 25% or more, the local legislative body shall review the final fiscal
 6489 impact statement and may, by a majority vote:
- 6490 (a) repeal the law established by passage of the initiative;
 6491 (b) amend the law established by the passage of the initiative; or
 6492 (c) pass a resolution informing the voters that they may file an initiative petition to

6493 repeal the law enacted by passage of the initiative.

6494 Section 91. Section **20A-7-515** is amended to read:

6495 **20A-7-515 . Electronic initiative process -- Obtaining signatures -- Request to**
6496 **remove signature.**

6497 (1) This section applies to the electronic initiative process.

6498 (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides
6499 in the local jurisdiction.

6500 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
6501 individual:

6502 (a) verifies that the individual is at least 18 years old and meets the residency
6503 requirements of Section 20A-2-105; and

6504 (b) is informed that each signer is required to read and understand the law proposed by
6505 the initiative.

6506 (4)(a) A voter who signs an initiative petition may have the voter's signature removed
6507 from the initiative petition by, in accordance with Section 20A-1-1003, submitting to
6508 the county clerk a statement requesting that the voter's signature be removed before 5
6509 p.m. no later than the earlier of:

6510 (i) the first business day that is at least 30 calendar days after the day on which the
6511 voter signs the signature removal statement;

6512 (ii) the first business day that is at least 90 calendar days after the day on which the
6513 local clerk posts the voter's name under Subsection 20A-7-516(4);

6514 (iii) the first business day that is at least 316 calendar days after the day on which the
6515 initiative application is filed; or

6516 (iv)(A) for a county initiative, April 15 immediately before the next regular
6517 general election immediately after the initiative application is filed under
6518 Section 20A-7-502; or

6519 (B) for a municipal initiative, April 15 immediately before the next municipal
6520 general election immediately after the initiative application is filed under
6521 Section 20A-7-502.

6522 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
6523 by email or other electronic means, unless the lieutenant governor establishes a
6524 signature removal process that is consistent with the requirements of this section and
6525 Section 20A-21-201.

6526 (c) A person may only remove an electronic signature from an initiative petition in

6527 accordance with this section.

6528 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
6529 electronic signature from an initiative petition, in accordance with Subsection
6530 20A-1-1003(3).

6531 Section 92. Section **20A-7-516** is amended to read:

6532 **20A-7-516 . Electronic initiative process -- Collecting signatures -- Email**
6533 **notification -- Removal of signatures.**

6534 (1) This section applies only to the electronic initiative process.

6535 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

6536 (a) 316 calendar days after the day on which the initiative application is filed; or

6537 (b)(i) for a county initiative, April 15 immediately before the next regular general
6538 election immediately after the initiative application is filed under Section
6539 20A-7-502; or

6540 (ii) for a municipal initiative, April 15 immediately before the next municipal general
6541 election immediately after the initiative application is filed under Section
6542 20A-7-502.

6543 (3) The local clerk shall send to each individual who provides a valid email address during
6544 the signature-gathering process an email that includes the following:

6545 (a) the subject of the email shall include the following statement, "Notice Regarding
6546 Your Petition Signature"; and

6547 (b) the body of the email shall include the following statement in 12-point type:

6548 "You signed a petition for the following initiative:

6549 [insert title of initiative]

6550 To access a copy of the initiative petition, the text of the law proposed by the initiative,
6551 the initial fiscal impact and legal statement, and information on the deadline for removing your
6552 signature from the initiative petition, please visit the following link: [insert a uniform resource
6553 locator that takes the individual directly to the page on the lieutenant governor's website that
6554 includes the information referred to in the email]."

6555 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
6556 after the day on which the signature of an individual who signs an initiative petition is
6557 certified under Section 20A-21-201, post the name, voter identification number, and date
6558 of signature of the individual on the lieutenant governor's website, in a conspicuous
6559 location designated by the lieutenant governor.

6560 (5)(a) If the local clerk timely receives a statement requesting signature removal under

- 6561 Subsection 20A-7-515(4), the local clerk shall:
- 6562 (i) ensure that the voter's name, voter identification number, and date of signature are
6563 not included in the posting described in Subsection (4); and
- 6564 (ii) remove the voter's signature from the initiative petition and the initiative petition
6565 signature totals.
- 6566 (b) The local clerk shall comply with Subsection (5)(a) before the later of:
- 6567 (i) the deadline described in Subsection (4); or
- 6568 (ii) two business days after the day on which the county clerk receives a statement
6569 requesting signature removal under Subsection 20A-7-515(4).
- 6570 Section 93. Section **20A-7-601** is amended to read:
- 6571 **20A-7-601 . Referenda -- General signature requirements -- Signature**
6572 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
6573 **Time requirements.**
- 6574 (1) As used in this section:
- 6575 (a) "Number of active voters" means the number of active voters in the county, city, or
6576 town on the immediately preceding January 1.
- 6577 (b) "Qualifying county" means a county that has created a small public transit district, as
6578 defined in Section 17B-2a-802, on or before January 1, 2022.
- 6579 (c) "Qualifying transit area" means:
- 6580 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
6581 jurisdiction over the station area has satisfied the requirements of Subsection
6582 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or
6583 resolution under Subsection 10-9a-403.1(2); or
- 6584 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
6585 within a qualifying county.
- 6586 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
6587 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
- 6588 (e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a
6589 local legislative body that imposes a tax or other payment obligation on property
6590 in an area that does not include all precincts and subprecincts under the
6591 jurisdiction of the county, city, or town.
- 6592 (ii) "Subjurisdictional law" does not include a land use law.
- 6593 (f) "Transit area land use law" means a land use law that relates to the use of land within
6594 a qualifying transit area.

- 6595 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
6596 or (2)(b).
- 6597 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a
6598 local law passed by the local legislative body submitted to a vote of the people shall,
6599 after filing a referendum application, obtain legal signatures equal to:
- 6600 (a) for a county of the first class:
- 6601 (i) 7.75% of the number of active voters in the county; and
6602 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least
6603 75% of the county's voter participation areas;
- 6604 (b) for a city of the first class:
- 6605 (i) 7.5% of the number of active voters in the city; and
6606 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
6607 of the city's voter participation areas;
- 6608 (c) for a county of the second class:
- 6609 (i) 8% of the number of active voters in the county; and
6610 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%
6611 of the county's voter participation areas;
- 6612 (d) for a city of the second class:
- 6613 (i) 8.25% of the number of active voters in the city; and
6614 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
6615 75% of the city's voter participation areas;
- 6616 (e) for a county of the third class:
- 6617 (i) 9.5% of the number of active voters in the county; and
6618 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
6619 of the county's voter participation areas;
- 6620 (f) for a city of the third class:
- 6621 (i) 10% of the number of active voters in the city; and
6622 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
6623 of the city's voter participation areas;
- 6624 (g) for a county of the fourth class:
- 6625 (i) 11.5% of the number of active voters in the county; and
6626 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
6627 75% of the county's voter participation areas;
- 6628 (h) for a city of the fourth class:

- 6629 (i) 11.5% of the number of active voters in the city; and
6630 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
6631 75% of the city's voter participation areas;
- 6632 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
6633 voters in the city or county; or
- 6634 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
6635 town or county.
- 6636 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use
6637 law or local obligation law passed by the local legislative body submitted to a vote of the
6638 people shall, after filing a referendum application, obtain legal signatures equal to:
- 6639 (a) for a county of the first, second, third, or fourth class:
- 6640 (i) 16% of the number of active voters in the county; and
6641 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
6642 of the county's voter participation areas;
- 6643 (b) for a county of the fifth or sixth class:
- 6644 (i) 16% of the number of active voters in the county; and
6645 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
6646 of the county's voter participation areas;
- 6647 (c) for a city of the first class:
- 6648 (i) 15% of the number of active voters in the city; and
6649 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
6650 of the city's voter participation areas;
- 6651 (d) for or a city of the second class:
- 6652 (i) 16% of the number of active voters in the city; and
6653 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
6654 of the city's voter participation areas;
- 6655 (e) for a city of the third class:
- 6656 (i) 27.5% of the number of active voters in the city; and
6657 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least
6658 75% of the city's voter participation areas;
- 6659 (f) for a city of the fourth class:
- 6660 (i) 29% of the number of active voters in the city; and
6661 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
6662 of the city's voter participation areas;

- 6663 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
6664 (h) for a town, 40% of the number of active voters in the town.
- 6665 (4) A person seeking to have a subjurisdictional law passed by the local legislative body
6666 submitted to a vote of the people shall, after filing a referendum application, obtain legal
6667 signatures of the residents in the subjurisdiction equal to:
- 6668 (a) 10% of the number of active voters in the subjurisdiction if the number of active
6669 voters exceeds 25,000;
- 6670 (b) [~~12-1/2~~] 12.5% of the number of active voters in the subjurisdiction if the number of
6671 active voters does not exceed 25,000 but is more than 10,000;
- 6672 (c) 15% of the number of active voters in the subjurisdiction if the number of active
6673 voters does not exceed 10,000 but is more than 2,500;
- 6674 (d) 20% of the number of active voters in the subjurisdiction if the number of active
6675 voters does not exceed 2,500 but is more than 500;
- 6676 (e) 25% of the number of active voters in the subjurisdiction if the number of active
6677 voters does not exceed 500 but is more than 250; and
- 6678 (f) 30% of the number of active voters in the subjurisdiction if the number of active
6679 voters does not exceed 250.
- 6680 (5) An eligible voter seeking to have a transit area land use law passed by the local
6681 legislative body submitted to a vote of the people shall, after filing a referendum
6682 application, obtain legal signatures equal to:
- 6683 (a) for a county:
- 6684 (i) 20% of the number of active voters in the county; and
6685 (ii) 21% of the number of active voters in at least 75% of the county's voter
6686 participation areas;
- 6687 (b) for a city of the first class:
- 6688 (i) 20% of the number of active voters in the city; and
6689 (ii) 20% of the number of active voters in at least 75% of the city's voter participation
6690 areas;
- 6691 (c) for a city of the second class:
- 6692 (i) 20% of the number of active voters in the city; and
6693 (ii) 21% of the number of active voters in at least 75% of the city's voter participation
6694 areas;
- 6695 (d) for a city of the third class:
- 6696 (i) 34% of the number of active voters in the city; and

- 6697 (ii) 34% of the number of active voters in at least 75% of the city's voter participation
 6698 areas;
- 6699 (e) for a city of the fourth class:
- 6700 (i) 36% of the number of active voters in the city; and
 6701 (ii) 36% of the number of active voters in at least 75% of the city's voter participation
 6702 areas; or
- 6703 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or
 6704 town.
- 6705 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5),
 6706 any local law passed by a local legislative body shall file the application [~~before 5 p.m.~~
 6707 within] no later than the first business day that is at least five days after the day on which
 6708 the local law was passed.
- 6709 (7) [~~Nothing in this section authorizes~~] This section does not authorize a local legislative
 6710 body to impose a tax or other payment obligation on a subjurisdiction in order to benefit
 6711 an area outside of the subjurisdiction.
- 6712 Section 94. Section **20A-7-602.7** is amended to read:
- 6713 **20A-7-602.7 . Referability to voters of local law other than land use law.**
- 6714 (1) Within 20 calendar days after the day on which an eligible voter files a referendum
 6715 application under Section 20A-7-602 for a local law other than a land use law, counsel
 6716 for the county, city, or town to which the referendum pertains shall:
- 6717 (a) review the referendum application to determine whether the proposed referendum is
 6718 legally referable to voters; and
- 6719 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 6720 (i) legally referable to voters; or
 6721 (ii) rejected as not legally referable to voters.
- 6722 (2) For a local law other than a land use law, a proposed referendum is legally referable to
 6723 voters unless:
- 6724 (a) the proposed referendum challenges an action that is administrative, rather than
 6725 legislative, in nature;
- 6726 (b) the proposed referendum challenges more than one law passed by the local
 6727 legislative body; or
- 6728 (c) the referendum application was not timely filed or does not comply with the
 6729 requirements of this part.
- 6730 (3) After the end of the [~~20-day~~] 20-calendar-day period described in Subsection (1), a

- 6731 county, city, or town may not, for a local law other than a land use law:
- 6732 (a) reject a proposed referendum as not legally referable to voters; or
- 6733 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 6734 proposed referendum on the grounds that the proposed referendum is not legally
- 6735 referable to voters.
- 6736 (4)(a) If, under Subsection (1)(b)(ii), a county, city, or town rejects a proposed
- 6737 referendum concerning a local law other than a land use law, a sponsor of the
- 6738 proposed referendum may, within 10 days after the day on which a sponsor is
- 6739 notified under Subsection (1)(b), challenge or appeal the decision to:
- 6740 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 6741 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
- 6742 under Subsection (4)(a)(i).
- 6743 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
- 6744 terminates the referendum.
- 6745 (5) If, on a challenge or appeal, the court determines that the proposed referendum
- 6746 described in Subsection (4) is legally referable to voters, the local clerk shall comply
- 6747 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in
- 6748 Section 20A-21-101, within five calendar days after the day on which the determination,
- 6749 and any challenge or appeal of the determination, is final.
- 6750 Section 95. Section **20A-7-602.8** is amended to read:
- 6751 **20A-7-602.8 . Referability to voters of local land use law.**
- 6752 (1) Within 20 calendar days after the day on which a referendum eligible voter files an
- 6753 application under Section 20A-7-602 for a land use law, counsel for the county, city, or
- 6754 town to which the referendum pertains shall:
- 6755 (a) review the referendum application to determine whether the proposed referendum is
- 6756 legally referable to voters; and
- 6757 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 6758 (i) legally referable to voters; or
- 6759 (ii) rejected as not legally referable to voters.
- 6760 (2)(a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally
- 6761 referable to voters unless:
- 6762 (i) the proposed referendum challenges an action that is administrative, rather than
- 6763 legislative, in nature;
- 6764 (ii) the proposed referendum challenges a land use decision, rather than a land use

- 6765 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;
- 6766 (iii) the proposed referendum challenges more than one law passed by the local
- 6767 legislative body; or
- 6768 (iv) the referendum application was not timely filed or does not comply with the
- 6769 requirements of this part.
- 6770 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not
- 6771 legally referable to voters for a:
- 6772 (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was
- 6773 passed by a unanimous vote of the local legislative body; or
- 6774 (ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land
- 6775 use law was passed by a two-thirds vote of the local legislative body.
- 6776 (3) After the end of the [~~20-day~~] 20-calendar-day period described in Subsection (1), a
- 6777 county, city, or town may not, for a land use law:
- 6778 (a) reject a proposed referendum as not legally referable to voters; or
- 6779 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 6780 proposed referendum on the grounds that the proposed referendum is not legally
- 6781 referable to voters.
- 6782 (4)(a) If a county, city, or town rejects a proposed referendum concerning a land use
- 6783 law, a sponsor of the proposed referendum may, within seven days after the day on
- 6784 which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
- 6785 to:
- 6786 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 6787 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
- 6788 under Subsection (4)(a)(i).
- 6789 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
- 6790 terminates the referendum.
- 6791 (5) If, on challenge or appeal, the court determines that the proposed referendum is legally
- 6792 referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give
- 6793 the sponsors access to the website defined in Section 20A-21-101, within five calendar
- 6794 days after the day on which the determination, and any challenge or appeal of the
- 6795 determination, is final.

6796 Section 96. Section **20A-7-604** is amended to read:

6797 **20A-7-604 . Manual referendum process -- Circulation requirements -- Local**

6798 **clerk to provide sponsors with materials.**

- 6799 (1) This section applies only to the manual referendum process.
- 6800 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
6801 or an agent of the sponsors shall, after the sponsors receive the documents described in
6802 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form
6803 requirements of this part.
- 6804 (3) Within five calendar days after the day on which a county, city, town, or court
6805 determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
6806 legally referable to voters, the local clerk shall provide the sponsors with:
- 6807 (a) a copy of the referendum petition;
- 6808 (b) a signature sheet; and
- 6809 (c) a copy of the proposition information pamphlet provided to the sponsors under
6810 Subsection 20A-7-401.5(4)(b).
- 6811 (4) The sponsors of the referendum petition shall:
- 6812 (a) arrange and pay for the printing of all documents that are part of the referendum
6813 packets; and
- 6814 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
6815 meet the form requirements of this section.
- 6816 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
6817 circulation by creating multiple referendum packets.
- 6818 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
6819 a copy of the referendum petition with the text of the law that is the subject of the
6820 referendum and no more than 50 signature sheets together at the top in a manner that
6821 the referendum packets may be conveniently opened for signing.
- 6822 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 6823 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
6824 the proposition information pamphlet provided to the sponsors under Subsection
6825 20A-7-401.5(4)(b).
- 6826 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 6827 (i) contact the county clerk to receive a range of numbers that the sponsors may use
6828 to number referendum packets;
- 6829 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
6830 sponsor will use to number the referendum packets; and
- 6831 (iii) number each referendum packet, sequentially, within the range of numbers
6832 provided by the county clerk, starting with the lowest number in the range.

- 6833 (b) The sponsors or an agent of the sponsors may not:
6834 (i) number a referendum packet in a manner not directed by the county clerk; or
6835 (ii) circulate or submit a referendum packet that is not numbered in the manner
6836 directed by the county clerk.

6837 Section 97. Section **20A-7-607** is amended to read:

6838 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**
6839 **referendum.**

- 6840 (1) In relation to the manual referendum process, when the local clerk receives a
6841 referendum packet from a county clerk, the local clerk shall record the number of the
6842 referendum packet received.
- 6843 (2) The county clerk shall:
- 6844 (a) in relation to the manual referendum process:
- 6845 (i) post the names, voter identification numbers, and dates of signatures described in
6846 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
6847 conspicuous location designated by the lieutenant governor, for at least 45
6848 calendar days; and
- 6849 (ii) update on the local clerk's website the number of signatures certified as of the
6850 date of the update; or
- 6851 (b) in relation to the electronic referendum process:
- 6852 (i) post the names, voter identification numbers, and dates of signatures described in
6853 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous
6854 location designated by the lieutenant governor, for at least 45 calendar days; and
- 6855 (ii) update on the lieutenant governor's website the number of signatures certified as
6856 of the date of the update.
- 6857 (3) The local clerk:
- 6858 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
6859 sufficient or insufficient:
- 6860 (i) in relation to the manual referendum process, no later than 111 calendar days after
6861 the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
6862 referendum packet to the county clerk; or
- 6863 (ii) in relation to the electronic referendum process, no later than 111 calendar days
6864 after the day of the deadline, described in Subsection 20A-7-616(2), to collect a
6865 signature; or
- 6866 (b) may declare the referendum petition to be insufficient before the day described in

- 6867 Subsection (3)(a) if:
- 6868 (i) in relation to the manual referendum process, the total of all valid signatures on
- 6869 timely and lawfully submitted referendum packets that have been certified by the
- 6870 county clerk, plus the number of signatures on timely and lawfully submitted
- 6871 referendum packets that have not yet been evaluated for certification, is less than
- 6872 the number of names required under Section 20A-7-601;
- 6873 (ii) in relation to the electronic referendum process, the total of all timely and
- 6874 lawfully submitted valid signatures that have been certified by the county clerks,
- 6875 plus the number of timely and lawfully submitted valid signatures received under
- 6876 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
- 6877 less than the number of names required under Section 20A-7-601; or
- 6878 (iii) a requirement of this part has not been met.
- 6879 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
- 6880 number of names required under Section 20A-7-601, and the requirements of this
- 6881 part are met, the local clerk shall mark upon the front of the referendum petition the
- 6882 word "sufficient."
- 6883 (b) If the total number of names certified under Subsection (3) does not equal or exceed
- 6884 the number of names required under Section 20A-7-601 or a requirement of this part
- 6885 is not met, the local clerk shall mark upon the front of the referendum petition the
- 6886 word "insufficient."
- 6887 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
- 6888 finding.
- 6889 (d) After a referendum petition is declared insufficient, a person may not submit
- 6890 additional signatures to qualify the referendum for the ballot.
- 6891 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter
- 6892 may, no later than 10 days after the day on which the local clerk declares the
- 6893 referendum petition insufficient, apply to the appropriate court for an order finding
- 6894 the referendum petition legally sufficient.
- 6895 (b) If the court determines that the referendum petition is legally sufficient, the local
- 6896 clerk shall mark the referendum petition "sufficient" and consider the declaration of
- 6897 sufficiency effective as of the date on which the referendum petition should have
- 6898 been declared sufficient by the local clerk's office.
- 6899 (c) If the court determines that a referendum petition filed is not legally sufficient, the
- 6900 court may enjoin the local clerk and all other officers from:

- 6901 (i) certifying or printing the ballot title and numbers of that referendum on the official
 6902 ballot for the next election; or
- 6903 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying,
 6904 printing, or mailing the ballot title and numbers of that referendum under Section
 6905 20A-7-609.5.
- 6906 (6) A referendum petition determined to be sufficient in accordance with this section is
 6907 qualified for the ballot.
- 6908 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
 6909 legislative action taken after April 15, the election officer may not place the
 6910 referendum on an election ballot until a primary election, a general election, or a
 6911 special election the following year.
- 6912 (b) The election officer may place a referendum described in Subsection (7)(a) on the
 6913 ballot for a special, primary, or general election held during the year that the
 6914 legislative action was taken if the following agree, in writing, on a timeline to place
 6915 the referendum on that ballot:
- 6916 (i) the local clerk;
 6917 (ii) the county clerk; and
 6918 (iii) the attorney for the county or municipality that took the legislative action.
- 6919 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
 6920 determines that the total number of certified names equals or exceeds the number of
 6921 signatures required in Section 20A-7-601, the election officer shall place the
 6922 referendum on the election ballot for:
- 6923 (i) the next general election; or
 6924 (ii) another election, if the following agree, in writing, on a timeline to place the
 6925 referendum on that ballot:
- 6926 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as
 6927 applicable;
 6928 (B) the local clerk;
 6929 (C) the county clerk; and
 6930 (D) the attorney for the county or municipality that took the legislative action.

6931 Section 98. Section **20A-7-608** is amended to read:

6932 **20A-7-608 . Short title and summary of referendum -- Duties of local clerk and**
 6933 **local attorney.**

- 6934 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the

- 6935 referendum petition and the law to which the referendum relates to the local attorney.
- 6936 (2) The local attorney shall:
- 6937 (a) entitle each county or municipal referendum that qualifies for the ballot "Proposition
- 6938 Number ___" and give the referendum a number assigned in accordance with Section
- 6939 20A-6-107;
- 6940 (b) prepare for the referendum:
- 6941 (i) an impartial short title, not exceeding 25 words, that generally describes the
- 6942 subject of the law to which the referendum relates; and
- 6943 (ii) an impartial summary of the contents of the law to which the referendum relates,
- 6944 not exceeding 125 words;
- 6945 (c) file the proposed short title, summary, and the numbered referendum title with the
- 6946 local clerk within 20 calendar days after the day on which an eligible voter submits
- 6947 the referendum petition to the local clerk; and
- 6948 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 6949 (i) the sponsors of the petition; and
- 6950 (ii) the local legislative body for the jurisdiction where the referendum petition was
- 6951 circulated.
- 6952 (3)(a) The short title and summary may be distinct from the title of the law that is the
- 6953 subject of the referendum petition.
- 6954 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
- 6955 ability, give a true and impartial description of the subject of the referendum.
- 6956 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
- 6957 ability, give a true and impartial summary of the contents of the referendum.
- 6958 (d) The short title and summary may not intentionally be an argument, or likely to create
- 6959 prejudice, for or against the referendum.
- 6960 (4)(a) Within five calendar days after the day on which the local attorney files a
- 6961 proposed short title and summary under Subsection (2)(c), the local legislative body
- 6962 for the jurisdiction where the referendum petition was circulated and the sponsors of
- 6963 the referendum petition may file written comments in response to the proposed short
- 6964 title and summary with the local clerk.
- 6965 (b) Within five calendar days after the last date to submit written comments under
- 6966 Subsection (4)(a), the local attorney shall:
- 6967 (i) review any written comments filed in accordance with Subsection (4)(a);
- 6968 (ii) prepare a final short title and summary that meets the requirements of Subsection

- 6969 (3); and
- 6970 (iii) return the referendum petition and file the short title and summary with the local
- 6971 clerk.
- 6972 (c) Subject to Subsection (6), for each county or municipal referendum, the following
- 6973 shall be printed on the official ballot:
- 6974 (i) the short title; and
- 6975 (ii) except as provided in Subsection (4)(d):
- 6976 (A) the summary;
- 6977 (B) a copy of the ordinance, resolution, or written description of the local law; and
- 6978 (C) a link to a location on the election officer's website where a voter may review
- 6979 additional information relating to each referendum, including the information
- 6980 described in Subsection 20A-7-602(2) and the arguments relating to the
- 6981 referendum that are included in the local voter information pamphlet.
- 6982 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
- 6983 ballot, the election officer shall include with the ballot a separate ballot proposition
- 6984 insert that includes the short title and summary for each referendum on the ballot and
- 6985 a link to a location on the election officer's website where a voter may review the
- 6986 additional information described in Subsection (4)(c)(ii)(C).
- 6987 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives
- 6988 on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda
- 6989 on the ballot, is printed on the ballot, the ballot shall include the following statement
- 6990 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
- 6991 proposition sheet included with this ballot contains an impartial summary of each
- 6992 initiative and referendum on this ballot, unless the summary is printed directly on the
- 6993 ballot."
- 6994 (5) Immediately after the local attorney files a copy of the short title and summary with the
- 6995 local clerk, the local clerk shall send a copy of the short title and summary to the
- 6996 sponsors of the referendum petition and the local legislative body for the jurisdiction
- 6997 where the referendum petition was circulated.
- 6998 (6)(a) If the short title or summary provided by the local attorney is unsatisfactory or
- 6999 does not comply with the requirements of this section, the decision of the local
- 7000 attorney may be appealed to the appropriate court by:
- 7001 (i) at least three sponsors of the referendum petition; or
- 7002 (ii) a majority of the local legislative body for the jurisdiction where the referendum

7003 petition was circulated.

7004 (b) The court:

7005 (i) shall examine the short title and summary and consider the arguments; and

7006 (ii) enter an order consistent with the requirements of this section.

7007 (c) The local clerk shall include the short title and summary in the ballot or ballot

7008 proposition insert, as required by this section.

7009 Section 99. Section **20A-7-609.5** is amended to read:

7010 **20A-7-609.5 . Election on referendum challenging local tax law conducted**

7011 **entirely by mail.**

7012 (1) An election officer may administer an election on a referendum challenging a local tax

7013 law entirely by mail.

7014 (2) For purposes of an election conducted under this section, the election officer shall:

7015 (a) designate as the election day the first business day that is at least 30 calendar days

7016 after the day on which the election officer complies with Subsection (2)(b); and

7017 (b) within 30 calendar days after the day on which the referendum described in

7018 Subsection (1) qualifies for the ballot, mail to each registered voter within the voting

7019 precincts to which the local tax law applies:

7020 (i) a manual ballot;

7021 (ii) a statement that there will be no polling place for the election;

7022 (iii) a statement specifying the election day described in Subsection (2)(a);

7023 (iv) a business reply mail envelope;

7024 (v) instructions for returning the ballot that include an express notice about any

7025 relevant deadlines that the voter must meet in order for the voter's vote to be

7026 counted;

7027 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if

7028 the voter fails to follow the instructions included with the manual ballot, the voter

7029 will be unable to vote in that election because there will be no polling place for the

7030 election; and

7031 (vii)(A) a copy of the proposition information pamphlet relating to the referendum

7032 if a proposition information pamphlet relating to the referendum was published

7033 under Section 20A-7-401.5; or

7034 (B) a website address where an individual may view a copy of the proposition

7035 information pamphlet described in Subsection (2)(b)(vii)(A).

7036 (3) An election officer who administers an election under this section shall:

- 7037 (a)(i) obtain, in person, the signatures of each voter within that voting precinct before
7038 the election; or
- 7039 (ii) obtain the signature of each voter within the voting precinct from the county
7040 clerk; and
- 7041 (b) maintain the signatures on file in the election officer's office.
- 7042 (4)(a) Upon receiving a returned manual ballot under this section, the election officer
7043 shall compare the signature on each return envelope with the voter's signature that is
7044 maintained on file and verify that the signatures are the same.
- 7045 (b) If the election officer questions the authenticity of the signature on the return
7046 envelope, the election officer shall immediately contact the voter to verify the
7047 signature.
- 7048 (c) If there is not a signature on the return envelope or if the election officer determines
7049 that the signature on the return envelope does not match the voter's signature that is
7050 maintained on file, the election officer shall:
- 7051 (i) disqualify the ballot; and
- 7052 (ii) notify the voter of the disqualification and the reason for the disqualification.
- 7053 Section 100. Section **20A-7-610** is amended to read:
- 7054 **20A-7-610 . Return and canvass -- Conflicting measures -- Law effective on**
7055 **proclamation.**
- 7056 (1) The votes on the law that is the subject of the referendum petition shall be counted,
7057 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
7058 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.
- 7059 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
7060 the local legislative body the vote for and against the law that is the subject of the
7061 referendum petition.
- 7062 (3)(a) The local legislative body shall immediately issue a proclamation that:
- 7063 (i) gives the total number of votes cast in the local jurisdiction for and against each
7064 law that is the subject of a referendum petition; and
- 7065 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of
7066 a referendum petition that are approved by majority vote to be in full force and
7067 effect as the law of the local jurisdiction.
- 7068 (b) When the local legislative body determines that two laws, or that parts of two laws
7069 approved by the people at the same election are entirely in conflict, the local
7070 legislative body shall proclaim to be law the law that received the greatest number of

7071 affirmative votes, regardless of the difference in the majorities which those approved
7072 laws received.

7073 (4)(a) Within 10 days after the day on which the local legislative body issues the
7074 proclamation described in Subsection (3), any qualified voter residing in the
7075 jurisdiction for a law that is declared by the local legislative body to be superseded by
7076 another law approved at the same election may bring an action in the appropriate
7077 court to review the decision.

7078 (b) The court shall:

7079 (i) consider the matter and decide whether the approved laws are entirely in conflict;
7080 and

7081 (ii) issue an order, consistent with the court's decision, to the local legislative body.

7082 (5) Within 10 calendar days after the day on which the court enters an order under
7083 Subsection (4)(b)(ii), the local legislative body shall:

7084 (a) proclaim as law all those laws approved by the people that the court determines are
7085 not in conflict; and

7086 (b) of all those laws approved by the people as law that the court determines to be in
7087 conflict, proclaim as law the one that receives the greatest number of affirmative
7088 votes, regardless of the difference in majorities.

7089 Section 101. Section **20A-7-611** is amended to read:

7090 **20A-7-611 . Temporary stay -- Effective date -- Effect of repeal by local**
7091 **legislative body.**

7092 (1) Any law submitted to the people by referendum petition that is rejected by the voters at
7093 any election is repealed as of the date of the election.

7094 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk
7095 determines that, at that point in time, an adequate number of signatures are certified to
7096 comply with the signature requirements, the local clerk shall:

7097 (a) issue an order temporarily staying the law from going into effect; and

7098 (b) continue the process of certifying signatures and removing signatures as required by
7099 this part.

7100 (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether
7101 a future count falls below the signature threshold, until[~~the day on which~~]:

7102 (a) if the local clerk declares the referendum petition insufficient, five calendar days
7103 after the day on which the local clerk declares the referendum petition insufficient; or

7104 (b) if the local clerk declares the referendum petition sufficient, the day on which the

- 7105 local legislative body issues the proclamation described in Section 20A-7-610.
- 7106 (4) A law submitted to the people by referendum that is approved by the voters at an
7107 election takes effect the later of:
- 7108 (a) five calendar days after the date of the official proclamation of the vote by the local
7109 legislative body; or
- 7110 (b) the effective date specified in the approved law.
- 7111 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local
7112 clerk declares the referendum petition insufficient, the law that is the subject of the
7113 referendum petition takes effect the later of:
- 7114 (a) five calendar days after the day on which the local clerk declares the petition
7115 insufficient; or
- 7116 (b) the effective date specified in the proposed law.
- 7117 (6)(a) A law approved by the people under this part is not subject to veto.
- 7118 (b) The local legislative body may amend any laws approved by the people under this
7119 part after the people approve the law.
- 7120 (7) If the local legislative body repeals a law challenged by referendum petition under this
7121 part, the referendum petition is void and no further action on the referendum petition is
7122 required.
- 7123 Section 102. Section **20A-7-613** is amended to read:
- 7124 **20A-7-613 . Property tax referendum petition.**
- 7125 (1) As used in this section, "certified tax rate" means the same as that term is defined in
7126 Section 59-2-924.
- 7127 (2) Except as provided in this section, the requirements of this part apply to a referendum
7128 petition challenging a taxing entity's legislative body's vote to impose a tax rate that
7129 exceeds the certified tax rate.
- 7130 (3)(a) Notwithstanding Subsection 20A-7-105(5)(a)(iv), and subject to Subsection (3)(b),
7131 the sponsors or an agent of the sponsors shall deliver a signed and verified
7132 referendum packet to the county clerk of the county in which the packet was
7133 circulated before 5 p.m. no later than the earlier of:
- 7134 ~~[(a)]~~ (i) the first business day that is at least 30 calendar days after the day on which
7135 the first individual signs the packet; or
- 7136 ~~[(b)]~~ (ii) the first business day that is at least 40 calendar days after the day on which
7137 the local clerk complies with Subsection 20A-7-604(3).
- 7138 (b) For a county where the county clerk's office is closed on a business day, if the

- 7139 deadline described in Subsection (3)(a) is on that business day, the deadline is
7140 extended until 5 p.m. the next day that the office is open.
- 7141 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the
7142 actions required in Subsections 20A-7-105(6)(a) and (9) within 10 [~~working~~] business
7143 days after the day on which the county clerk receives the signed and verified referendum
7144 packet as described in Subsection (3).
- 7145 (5) The local clerk shall take the actions required by Section 20A-7-607 within two [
7146 ~~working~~] business days after:
- 7147 (a) in relation to the manual referendum process, the day on which the local clerk
7148 receives the referendum packets from the county clerk; or
- 7149 (b) in relation to the electronic referendum process, the deadline described in Subsection
7150 20A-7-616(2).
- 7151 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot
7152 title within two [~~working~~] business days after the day on which the referendum petition is
7153 declared sufficient for submission to a vote of the people.
- 7154 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot
7155 under this section shall appear on the ballot for the earlier of the next regular general
7156 election or the next municipal general election unless a special election is called.
- 7157 (8) The election officer shall mail manual ballots on a referendum under this section the
7158 later of:
- 7159 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
- 7160 (b) the time that ballots are prepared for mailing under this section.
- 7161 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 7162 (10)(a) If a majority of voters does not vote against imposing the tax at a rate calculated
7163 to generate the increased revenue budgeted, adopted, and approved by the taxing
7164 entity's legislative body:
- 7165 (i) the certified tax rate for the fiscal year during which the referendum petition is
7166 filed is its most recent certified tax rate; and
- 7167 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
7168 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the
7169 proposed increased revenues budgeted, adopted, and approved by the taxing
7170 entity's legislative body before the filing of the referendum petition.
- 7171 (b) If a majority of voters votes against imposing a tax at the rate established by the vote
7172 of the taxing entity's legislative body, the certified tax rate for the taxing entity is the

- 7173 taxing entity's most recent certified tax rate.
- 7174 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
7175 required to comply with the notice and public hearing requirements of Section
7176 59-2-919 if the taxing entity complies with those notice and public hearing
7177 requirements before the referendum petition is filed.
- 7178 (11) The ballot title shall, at a minimum, include in substantially this form the following:
7179 "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
7180 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year]
7181 as budgeted, adopted, and approved by the [name of the taxing entity].".
- 7182 (12) A taxing entity shall pay the county the costs incurred by the county that are directly
7183 related to meeting the requirements of this section and that the county would not have
7184 incurred but for compliance with this section.
- 7185 (13)(a) An election officer shall include on a ballot a referendum that has not yet
7186 qualified for placement on the ballot, if:
- 7187 (i) sponsors file an application for a referendum described in this section;
7188 (ii) the ballot will be used for the election for which the sponsors are attempting to
7189 qualify the referendum; and
7190 (iii) the deadline for qualifying the referendum for placement on the ballot occurs
7191 after the day on which the ballot will be printed.
- 7192 (b) If an election officer includes on a ballot a referendum described in Subsection
7193 (13)(a), the ballot title shall comply with Subsection (11).
- 7194 (c) If an election officer includes on a ballot a referendum described in Subsection
7195 (13)(a) that does not qualify for placement on the ballot, the election officer shall
7196 inform the voters by any practicable method that the referendum has not qualified for
7197 the ballot and that votes cast in relation to the referendum will not be counted.
- 7198 Section 103. Section **20A-7-615** is amended to read:
- 7199 **20A-7-615 . Electronic referendum process -- Obtaining signatures -- Request to**
7200 **remove signature.**
- 7201 (1) This section applies to the electronic referendum process described in Section
7202 20A-21-201.
- 7203 (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and
7204 resides in the local jurisdiction.
- 7205 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
7206 individual:

- 7207 (a) verifies that the individual is at least 18 years old and meets the residency
 7208 requirements of Section 20A-2-105; and
 7209 (b) is informed that each signer is required to read and understand the law that is the
 7210 subject of the referendum petition.
- 7211 (4)(a) A voter who signs a referendum petition may have the voter's signature removed
 7212 from the referendum petition by, in accordance with Section 20A-1-1003, submitting
 7213 to the county clerk a statement requesting that the voter's signature be removed
 7214 before 5 p.m. no later than the earlier of:
- 7215 (i) the first business day that is at least 30 calendar days after the day on which the
 7216 voter signs the statement requesting removal; or
 7217 (ii) the first business day that is at least 45 calendar days after the day on which the
 7218 local clerk posts the voter's name under Subsection 20A-7-616(3).
- 7219 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
 7220 by email or other electronic means, unless the lieutenant governor establishes a
 7221 signature removal process that is consistent with the requirements of this section and
 7222 Section 20A-21-201.
- 7223 (c) A person may only remove an electronic signature from a referendum petition in
 7224 accordance with this section.
- 7225 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
 7226 electronic signature from a referendum petition, in accordance with Subsection
 7227 20A-1-1003(3).

7228 Section 104. Section **20A-7-616** is amended to read:

7229 **20A-7-616 . Electronic referendum process -- Collecting signatures -- Removal of**
 7230 **signatures.**

- 7231 (1) This section applies only to the electronic referendum process.
- 7232 (2) A signature-gatherer may not collect a signature after 5 p.m. 45 calendar days after the
 7233 day on which the first three sponsors receive notice, under Section 20A-7-602.7 or
 7234 20A-7-602.8, that the referendum is legally referable to voters.
- 7235 (3) The local clerk shall send to each individual who provides a valid email address during
 7236 the signature-gathering process an email that includes the following:
- 7237 (a) the subject of the email shall include the following statement, "Notice Regarding
 7238 Your Petition Signature"; and
- 7239 (b) the body of the email shall include the following statement in 12-point type:
 7240 "You signed a petition for the following referendum:

7241 [insert title of referendum]

7242 To access a copy of the referendum petition, the law that is the subject of the referendum
7243 petition, and information on the deadline for removing your signature from the referendum
7244 petition, please visit the following link: [insert a uniform resource locator that takes the
7245 individual directly to the page on the lieutenant governor's website that includes the
7246 information referred to in the email]."

7247 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
7248 after the day on which the signature of an individual who signs a referendum petition is
7249 certified under Section 20A-21-201, post the name, voter identification number, and date
7250 of signature of the individual on the lieutenant governor's website, in a conspicuous
7251 location designated by the lieutenant governor, for at least 45 calendar days.

7252 (5)(a) If the local clerk timely receives a statement requesting signature removal under
7253 Subsection 20A-7-615(4), the local clerk shall:

7254 (i) ensure that the voter's name, voter identification number, and date of signature are
7255 not included in the posting described in Subsection (4); and

7256 (ii) remove the voter's signature from the referendum petition and the signature totals.

7257 (b) The local clerk shall comply with Subsection (5)(a) before the later of:

7258 (i) the deadline described in Subsection (4); or

7259 (ii) two business days after the day on which the county clerk receives a statement
7260 requesting signature removal under Subsection 20A-7-615(4).

7261 Section 105. Section **20A-7-702.5** is amended to read:

7262 **20A-7-702.5 . Publication of voter information pamphlet.**

7263 (1) No earlier than 75 calendar days, and no later than 15 calendar days, before the day on
7264 which voting commences, the lieutenant governor shall make all information provided in
7265 the voter information pamphlet available on the Statewide Electronic Voter Information
7266 Website Program described in Section 20A-7-801.

7267 (2) The lieutenant governor may distribute a voter information pamphlet at a location
7268 frequented by a person who cannot easily access the Statewide Electronic Voter
7269 Information Website authorized by Section 20A-7-801.

7270 Section 106. Section **20A-7-703** is amended to read:

7271 **20A-7-703 . Analysis of initiative or referendum -- Determination of fiscal effects.**

7272 (1) The director of the Office of Legislative Research and General Counsel, after the
7273 approval of the legislative general counsel as to legal sufficiency, shall:

7274 (a) prepare an impartial analysis of each measure submitted to the voters by initiative or

- 7275 referendum petition; and
- 7276 (b) submit the impartial analysis to the lieutenant governor no later than [~~the day that~~
- 7277 ~~falls~~]90 calendar days before the date of the election in which the measure will
- 7278 appear on the ballot.
- 7279 (2) The director shall ensure that the impartial analysis:
- 7280 (a) is not more than 1,000 words long;
- 7281 (b) is prepared in clear and concise language that will easily be understood by the
- 7282 average voter;
- 7283 (c) avoids the use of technical terms as much as possible;
- 7284 (d) shows the effect of the measure on existing law;
- 7285 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
- 7286 by the measure;
- 7287 (f) fairly describes the operation of the measure;
- 7288 (g) identifies the measure's fiscal effects over the time period or time periods determined
- 7289 by the director to be most useful in understanding the estimated fiscal impact of the
- 7290 proposed law; and
- 7291 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
- 7292 government.
- 7293 (3)(a) In determining the fiscal effects of a measure, the director shall confer with the
- 7294 legislative fiscal analyst.
- 7295 (b) The director shall consider any measure that requires implementing legislation in
- 7296 order to take effect to have no financial effect, unless implementing legislation has
- 7297 been enacted that will become effective upon adoption of the measure by the voters.
- 7298 (4) If the director requests the assistance of any state department, agency, or official in
- 7299 preparing the director's analysis, that department, agency, or official shall assist the
- 7300 director.

7301 Section 107. Section **20A-7-703.1** is amended to read:

7302 **20A-7-703.1 . Analysis of measure submitted to voters by Legislature --**

7303 **Determination of fiscal effects.**

- 7304 (1) The presiding officers shall:
- 7305 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is
- 7306 submitted to the voters by the Legislature; and
- 7307 (b) submit the analysis to the lieutenant governor no later than [~~the day that falls~~]90
- 7308 calendar days before the date of the election in which the measure will appear on the

- 7309 ballot.
- 7310 (2) The presiding officers shall ensure that the analysis:
- 7311 (a) is not more than 1,000 words long;
- 7312 (b) is prepared in clear and concise language that will easily be understood by the
- 7313 average voter;
- 7314 (c) to the extent possible, avoids the use of technical terms;
- 7315 (d) shows the effect of the measure on existing law;
- 7316 (e) describes the measure;
- 7317 (f) identifies the measure's fiscal effects over the time period or time periods determined
- 7318 by the presiding officers to be most useful in understanding the estimated fiscal
- 7319 impact of the measure; and
- 7320 (g) identifies the amount of any increase or decrease in revenue or cost to state or local
- 7321 government.
- 7322 (3) The presiding officers shall analyze the measure as the measure is proposed to be
- 7323 adopted, without considering any implementing legislation, unless the implementing
- 7324 legislation has been enacted and will become effective upon the adoption of the measure
- 7325 by the voters.
- 7326 (4)(a) In determining the fiscal effects of a measure, the presiding officers shall confer
- 7327 with the legislative fiscal analyst.
- 7328 (b) The presiding officers shall consider any measure that requires implementing
- 7329 legislation in order to take effect to have no financial effect, unless implementing
- 7330 legislation has been enacted that will become effective upon adoption of the measure
- 7331 by the voters.
- 7332 (5) If the presiding officers request the assistance of any state department, agency, or
- 7333 official in preparing the analysis described in this section, that department, agency, or
- 7334 official shall assist the presiding officers.

7335 Section 108. Section **20A-7-705** is amended to read:

7336 **20A-7-705 . Measures to be submitted to voters and referendum measures --**

7337 **Preparation of argument of adoption.**

- 7338 (1)(a) Whenever the Legislature submits any measure to the voters or whenever an act of
- 7339 the Legislature is referred to the voters by referendum petition, the presiding officer
- 7340 of the house of origin of the measure shall appoint the sponsor of the measure or act
- 7341 and one member of either house who voted with the majority to pass the act or
- 7342 submit the measure to draft an argument for the adoption of the measure.

- 7343 (b)(i) The argument may not exceed 500 words in length, not counting the
7344 information described in Subsection (4)(e).
- 7345 (ii) If the sponsor of the measure or act desires separate arguments to be written in
7346 favor by each person appointed, separate arguments may be written but the
7347 combined length of the two arguments may not exceed 500 words, not counting
7348 the information described in Subsection (4)(e).
- 7349 (2)(a) If a measure or act submitted to the voters by the Legislature or by referendum
7350 petition was not adopted unanimously by the Legislature, the presiding officer of
7351 each house shall, at the same time as appointments to an argument in its favor are
7352 made, appoint one member who voted against the measure or act from their house to
7353 write an argument against the measure or act.
- 7354 (b)(i) The argument may not exceed 500 words, not counting the information
7355 described in Subsection (4)(e).
- 7356 (ii) If those members appointed to write an argument against the measure or act
7357 desire separate arguments to be written in opposition to the measure or act by each
7358 person appointed, separate arguments may be written, but the combined length of
7359 the two arguments may not exceed 500 words, not counting the information
7360 described in Subsection (4)(e).
- 7361 (3)(a) The legislators appointed by the presiding officer of the Senate or House of
7362 Representatives to submit arguments shall submit the arguments to the lieutenant
7363 governor not later than ~~[the day that falls]~~ 150 calendar days before the date of the
7364 election.
- 7365 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
7366 arguments after they are submitted to the lieutenant governor.
- 7367 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
7368 arguments in any way.
- 7369 (d) The lieutenant governor and the authors of an argument may jointly modify an
7370 argument after it is submitted if:
- 7371 (i) they jointly agree that changes to the argument must be made to correct spelling or
7372 grammatical errors; and
- 7373 (ii) the argument has not yet been submitted for typesetting.
- 7374 (4)(a) If an argument for or an argument against a measure submitted to the voters by the
7375 Legislature or by referendum petition has not been filed by a member of the
7376 Legislature within the time required by this section:

- 7377 (i) the lieutenant governor shall immediately:
- 7378 (A) send an electronic notice that complies with the requirements of Subsection
- 7379 (4)(b) to each individual in the state for whom the Office of the Lieutenant
- 7380 Governor has an email address; or
- 7381 (B) post a notice that complies with the requirements of Subsection (4)(b) on the
- 7382 home page of the lieutenant governor's website; and
- 7383 (ii) any voter may, [~~before 5 p.m.~~]no later than the first business day that is at least
- 7384 seven calendar days after the day on which the lieutenant governor provides the
- 7385 notice described in Subsection (4)(a)(i), submit a written request to the presiding
- 7386 officer of the house in which the measure originated for permission to prepare and
- 7387 file an argument for the side on which no argument has been filed by a member of
- 7388 the Legislature.
- 7389 (b) A notice described in Subsection (4)(a)(i) shall contain:
- 7390 (i) the ballot title for the measure;
- 7391 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
- 7392 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
- 7393 (c)(i) The presiding officer of the house of origin shall grant permission unless two or
- 7394 more voters timely request permission to submit arguments on the same side of a
- 7395 measure.
- 7396 (ii) If two or more voters timely request permission to submit arguments on the same
- 7397 side of a measure, the presiding officer shall, no later than four calendar days after
- 7398 the day of the deadline described in Subsection (4)(a)(ii), designate one of the
- 7399 voters to write the argument.
- 7400 (d) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant
- 7401 governor [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least
- 7402 seven calendar days after the day on which the presiding officer grants permission to
- 7403 submit the argument.
- 7404 (e) The lieutenant governor may not accept a ballot argument submitted under this
- 7405 section unless the ballot argument lists:
- 7406 (i) the name and address of the individual submitting the argument, if the argument is
- 7407 submitted by an individual voter; or
- 7408 (ii) the name and address of the organization and the names and addresses of at least
- 7409 two of the organization's principal officers, if the argument is submitted on behalf
- 7410 of an organization.

- 7411 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the
7412 arguments after they are submitted to the lieutenant governor.
- 7413 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the
7414 arguments in any way.
- 7415 (h) The lieutenant governor and the authors of an argument may jointly modify an
7416 argument after it is submitted if:
- 7417 (i) they jointly agree that changes to the argument must be made to:
- 7418 (A) correct spelling or grammatical errors; or
- 7419 (B) properly characterize the position of a state entity, if the argument
7420 mischaracterizes the position of a state entity; and
- 7421 (ii) the argument has not yet been submitted for typesetting.
- 7422 (i) If, after the lieutenant governor determines that an argument described in this section
7423 mischaracterizes the position of a state entity, the lieutenant governor and the authors
7424 of the argument cannot jointly agree on a change to the argument, the lieutenant
7425 governor:
- 7426 (i) shall publish the argument with the mischaracterization; and
- 7427 (ii) may, immediately following the argument, publish a brief description of the
7428 position of the state entity.
- 7429 Section 109. Section **20A-7-706** is amended to read:
- 7430 **20A-7-706 . Copies of arguments to be sent to opposing authors -- Rebuttal**
7431 **arguments.**
- 7432 (1) When the lieutenant governor has received the arguments for and against a measure to
7433 be submitted to the voters, the lieutenant governor shall immediately send copies of the
7434 arguments in favor of the measure to the authors of the arguments against and copies of
7435 the arguments against to the authors of the arguments in favor.
- 7436 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words, not
7437 counting the information described in Subsection 20A-7-705(4)(e).
- 7438 (3)(a) The authors shall file the rebuttal arguments [~~shall be filed~~] electronically with the
7439 lieutenant governor:
- 7440 (i) for constitutional amendments and referendum petitions, [~~before 5 p.m.~~]no later
7441 than 120 calendar days before the date of the election; and
- 7442 (ii) for initiatives, [~~before 5 p.m.~~]no later than July 30.
- 7443 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
7444 rebuttal arguments after they are submitted to the lieutenant governor.

- 7445 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
7446 arguments in any way.
- 7447 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a
7448 rebuttal argument after it is submitted if:
- 7449 (i) they jointly agree that changes to the rebuttal argument must be made to correct
7450 spelling or grammatical errors; and
- 7451 (ii) the rebuttal argument has not yet been submitted for typesetting.
- 7452 (4) The lieutenant governor shall ensure that:
- 7453 (a) rebuttal arguments are printed in the same manner as the direct arguments; and
- 7454 (b) each rebuttal argument follows immediately after the direct argument which it seeks
7455 to rebut.
- 7456 Section 110. Section **20A-7-801** is amended to read:
- 7457 **20A-7-801 . Statewide Electronic Voter Information Website Program -- Duties**
7458 **of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
7459 **Frequently asked voter questions -- Other elections.**
- 7460 (1) There is established the Statewide Electronic Voter Information Website Program
7461 administered by the lieutenant governor in cooperation with the county clerks for
7462 general elections and municipal authorities for municipal elections.
- 7463 (2) In accordance with this section, and as resources become available, the lieutenant
7464 governor, in cooperation with county clerks, shall develop, establish, and maintain a
7465 state-provided Internet website designed to help inform the voters of the state of:
- 7466 (a) the offices and candidates up for election;
- 7467 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
7468 of ballot propositions submitted to the voters; and
- 7469 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5,
7470 accessible only by the voter.
- 7471 (3) Except as provided under Subsection (6), the website shall include:
- 7472 (a) all information currently provided in the Utah voter information pamphlet under
7473 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
7474 analyzed, and submitted by the Judicial Performance Evaluation Commission
7475 describing the judicial selection and retention process;
- 7476 (b) on the homepage of the website, a link to the Judicial Performance Evaluation
7477 Commission's website, judges.utah.gov;
- 7478 (c) a link to the retention recommendation made by the Judicial Performance Evaluation

- 7479 Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance
 7480 Evaluation, for each judicial appointee to a court that is subject to a retention
 7481 election, in accordance with Section 20A-12-201, for the upcoming general election;
 7482 (d) all information submitted by election officers under Subsection (4) on local office
 7483 races, local office candidates, and local ballot propositions;
 7484 (e) a list that contains the name of a political subdivision that operates an election day
 7485 voting center under Section 20A-3a-703 and the location of the election day voting
 7486 center;
 7487 (f) other information determined appropriate by the lieutenant governor that is currently
 7488 being provided by law, rule, or ordinance in relation to candidates and ballot
 7489 questions;
 7490 (g) any differences in voting method, time, or location designated by the lieutenant
 7491 governor under Subsection 20A-1-308(2); and
 7492 (h) an online ballot tracking system by which a voter can view the status of the voter's
 7493 trackable ballot, in accordance with Section 20A-3a-401.5, including:
 7494 (i) when a ballot has been mailed to the voter;
 7495 (ii) when an election official has received the voter's ballot; and
 7496 (iii) when the voter's ballot has been counted.
- 7497 (4)(a) An election official shall submit the following information for each ballot under
 7498 the election official's direct responsibility under this title:
- 7499 (i) a list of all candidates for each office;
 7500 (ii) if submitted by the candidate to the election official's office [~~before 5 p.m. no~~
 7501 ~~later than~~] no later than 5 p.m. on the last business day that is at least 45 calendar
 7502 days before the primary election or [~~before 5 p.m. no later than~~] no later than 5
 7503 p.m. on the last business day that is at least 60 calendar days before the general
 7504 election:
- 7505 (A) a statement of qualifications, not exceeding 200 words in length, for each
 7506 candidate;
 7507 (B) the following current biographical information if desired by the candidate,
 7508 current:
- 7509 (I) age;
 7510 (II) occupation;
 7511 (III) city of residence;
 7512 (IV) years of residence in current city; and

- 7513 (V) email address; and
- 7514 (C) a single web address where voters may access more information about the
- 7515 candidate and the candidate's views; and
- 7516 (iii) factual information pertaining to all ballot propositions submitted to the voters,
- 7517 including:
- 7518 (A) a copy of the number and ballot title of each ballot proposition;
- 7519 (B) the final vote cast for each ballot proposition, if any, by a legislative body if
- 7520 the vote was required to place the ballot proposition on the ballot;
- 7521 (C) a complete copy of the text of each ballot proposition, with all new language
- 7522 underlined and all deleted language placed within brackets; and
- 7523 (D) other factual information determined helpful by the election official.
- 7524 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
- 7525 governor no later than one business day after the deadline under Subsection (4)(a) for
- 7526 each general election year and each municipal election year.
- 7527 (c) The lieutenant governor shall:
- 7528 (i) review the information submitted under this section, to determine compliance
- 7529 under this section, prior to placing it on the website;
- 7530 (ii) refuse to post information submitted under this section on the website if it is not
- 7531 in compliance with the provisions of this section; and
- 7532 (iii) organize, format, and arrange the information submitted under this section for
- 7533 the website.
- 7534 (d) The lieutenant governor may refuse to include information the lieutenant governor
- 7535 determines is not in keeping with:
- 7536 (i) Utah voter needs;
- 7537 (ii) public decency; or
- 7538 (iii) the purposes, organization, or uniformity of the website.
- 7539 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection
- 7540 (5).
- 7541 (5)(a) A person whose information is refused under Subsection (4), and who is
- 7542 aggrieved by the determination, may appeal by submitting a written notice of appeal
- 7543 to the lieutenant governor before 5 p.m. within 10 business days after the date of the
- 7544 determination. A notice of appeal submitted under this Subsection (5)(a) shall
- 7545 contain:
- 7546 (i) a listing of each objection to the lieutenant governor's determination; and

- 7547 (ii) the basis for each objection.
- 7548 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
7549 response within 10 business days after the day on which the notice of appeal is
7550 submitted.
- 7551 (c) An appeal of the response of the lieutenant governor shall be made to the district
7552 court, which shall review the matter de novo.
- 7553 (6)(a) The lieutenant governor shall ensure that each voter will be able to conveniently
7554 enter the voter's address information on the website to retrieve information on which
7555 offices, candidates, and ballot propositions will be on the voter's ballot at the next
7556 general election or municipal election.
- 7557 (b) The information on the website will anticipate and answer frequent voter questions
7558 including the following:
- 7559 (i) what offices are up in the current year for which the voter may cast a vote;
- 7560 (ii) who is running for what office and who is the incumbent, if any;
- 7561 (iii) what address each candidate may be reached at and how the candidate may be
7562 contacted;
- 7563 (iv) for partisan races only, what, if any, is each candidate's party affiliation;
- 7564 (v) what qualifications have been submitted by each candidate;
- 7565 (vi) where additional information on each candidate may be obtained;
- 7566 (vii) what ballot propositions will be on the ballot; and
- 7567 (viii) what judges are up for retention election.
- 7568 (7) The lieutenant governor shall ensure that each voter may conveniently enter the voter's
7569 name, date of birth, and address information on the website to retrieve information on
7570 the status of the voter's ballot if the voter's ballot is trackable under Section
7571 20A-3a-401.5.
- 7572 (8) As resources are made available and in cooperation with the county clerks, the
7573 lieutenant governor may expand the electronic voter information website program to
7574 include the same information as provided under this section for special elections and
7575 primary elections.
- 7576 Section 111. Section **20A-8-103** is amended to read:
- 7577 **20A-8-103 . Petition procedures -- Criminal penalty -- Removal of signature.**
- 7578 (1) As used in this section, the proposed name or emblem of a registered political party is
7579 "distinguishable" if a reasonable person of average intelligence will be able to perceive a
7580 difference between the proposed name or emblem and any name or emblem currently

- 7581 being used by another registered political party.
- 7582 (2) To become a registered political party, an organization of registered voters that is not a
7583 continuing political party shall:
- 7584 (a) circulate a petition seeking registered political party status beginning no earlier than
7585 the date of the statewide canvass held after the last regular general election and
7586 ending before 5 p.m. no later than November 30 of the year before the year in which
7587 the next regular general election will be held;
- 7588 (b) file a petition with the lieutenant governor that is signed, with a holographic
7589 signature, by at least 2,000 registered voters before 5 p.m. no later than November 30
7590 of the year in which a regular general election will be held; and
- 7591 (c) file, with the petition described in Subsection (2)(b), a document certifying:
- 7592 (i) the identity of one or more registered political parties whose members may vote
7593 for the organization's candidates;
- 7594 (ii) whether unaffiliated voters may vote for the organization's candidates; and
- 7595 (iii) whether, for the next election, the organization intends to nominate the
7596 organization's candidates in accordance with the provisions of Section 20A-9-406.
- 7597 (3) The petition shall:
- 7598 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;
- 7599 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
7600 blank for the purpose of binding;
- 7601 (c) contain the name of the political party and the words "Political Party Registration
7602 Petition" printed directly below the horizontal line;
- 7603 (d) contain the word "Warning" printed directly under the words described in Subsection
7604 (3)(c);
- 7605 (e) contain, to the right of the word "Warning," the following statement printed in not less than
7606 eight-point, single leaded type:
- 7607 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
7608 petition signature sheet with any name other than the individual's own name or more than once
7609 for the same party or if the individual is not registered to vote in this state and does not intend
7610 to become registered to vote in this state before the petition is submitted to the lieutenant
7611 governor.";
- 7612 (f) contain the following statement directly under the statement described in Subsection (3)(e):
7613 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
7614 Lieutenant Governor:

7615 We, the undersigned citizens of Utah, seek registered political party status for ____
7616 (name);

7617 Each signer says:

7618 I have personally signed this petition with a holographic signature;

7619 I am registered to vote in Utah or will register to vote in Utah before the petition is
7620 submitted to the lieutenant governor;

7621 I am or desire to become a member of the political party; and

7622 My street address is written correctly after my name.";

7623 (g) be vertically divided into columns as follows:

7624 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
7625 headed with "For Office Use Only," and be subdivided with a light vertical line
7626 down the middle;

7627 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
7628 Name (must be legible to be counted)";

7629 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
7630 Registered Voter";

7631 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

7632 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
7633 Code"; and

7634 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
7635 information is not required, but it may be used to verify your identity with voter
7636 registration records. If you choose not to provide it, your signature may not be
7637 certified as a valid signature if you change your address before petition signatures
7638 are certified or if the information you provide does not match your voter
7639 registration records.";

7640 (h) have a final page bound to one or more signature sheets that are bound together that
7641 contains the following printed statement:

7642 "Verification

7643 State of Utah, County of ____

7644 I, _____, of _____, hereby state that:

7645 I am a Utah resident and am at least 18 years old;

7646 All the names that appear on the signature sheets bound to this page were signed by
7647 individuals who professed to be the individuals whose names appear on the signature sheets,
7648 and each individual signed the individual's name on the signature sheets in my presence;

7649 I believe that each individual has printed and signed the individual's name and written
 7650 the individual's street address correctly, and that each individual is registered to vote in Utah or
 7651 will register to vote in Utah before the petition is submitted to the lieutenant governor.

7652

7653

7654 (Signature) (Residence Address) (Date)"; and

7655 (i) be bound to a cover sheet that:

7656 (i) identifies the political party's name, which may not exceed four words, and the
 7657 emblem of the party;

7658 (ii) states the process that the organization will follow to organize and adopt a
 7659 constitution and bylaws; and

7660 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
 7661 the organization.

7662 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in
 7663 whose presence each signature sheet is signed:

7664 (a) is at least 18 years old;

7665 (b) meets the residency requirements of Section 20A-2-105; and

7666 (c) verifies each signature sheet by completing the verification bound to one or more
 7667 signature sheets that are bound together.

7668 (5) An individual may not sign the verification if the individual signed a signature sheet
 7669 bound to the verification.

7670 (6) The lieutenant governor shall:

7671 (a) use the procedures described in Section 20A-1-1002 to determine whether a signer is
 7672 a registered voter;

7673 (b) review the proposed name and emblem to determine if they are "distinguishable"
 7674 from the names and emblems of other registered political parties; and

7675 (c) certify the lieutenant governor's findings to the filing officer described in Subsection
 7676 (3)(i)(iii) within 30 calendar days [of the filing of] after the day on which the
 7677 organization files the petition described in Subsection (2)(b).

7678 (7)(a) If the lieutenant governor determines that the petition meets the requirements of
 7679 this section, and that the proposed name and emblem are distinguishable, the
 7680 lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii)
 7681 to organize the prospective political party.

7682 (b) If the lieutenant governor finds that the name, emblem, or both are not

7683 distinguishable from the names and emblems of other registered political parties, the
7684 lieutenant governor shall notify the filing officer that the filing officer has seven
7685 calendar days to electronically submit a new name or emblem to the lieutenant
7686 governor.

7687 (8) A registered political party may not change its name or emblem during the regular
7688 general election cycle.

7689 (9)(a) It is unlawful for an individual to:

7690 (i) knowingly sign a political party registration petition:

7691 (A) with any name other than the individual's own name;

7692 (B) more than once for the same political party; or

7693 (C) if the individual is not registered to vote in this state and does not intend to
7694 become registered to vote in this state before the petition is submitted to the
7695 lieutenant governor; or

7696 (ii) sign the verification of a political party registration petition signature sheet if the
7697 individual:

7698 (A) does not meet the residency requirements of Section 20A-2-105;

7699 (B) has not witnessed the signing by those individuals whose names appear on the
7700 political party registration petition signature sheet; or

7701 (C) knows that an individual whose signature appears on the political party
7702 registration petition signature sheet is not registered to vote in this state and
7703 does not intend to become registered to vote in this state.

7704 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

7705 (10)(a) A voter who signs a petition under this section may have the voter's signature
7706 removed from the petition by, no later than three business days after the day on
7707 which the petition is filed with the lieutenant governor, submitting to the lieutenant
7708 governor a statement requesting that the voter's signature be removed.

7709 (b) A statement described in Subsection (10)(a) shall comply with the requirements
7710 described in Subsection 20A-1-1003(2).

7711 (c) The lieutenant governor shall use the procedures described in Subsection
7712 20A-1-1003(3) to determine whether to remove an individual's signature from a
7713 petition after receiving a timely, valid statement requesting removal of the signature.

7714 Section 112. Section **20A-8-401** is amended to read:

7715 **20A-8-401 . Registered political parties -- Bylaws -- Report name of midterm**
7716 **vacancy candidate.**

- 7717 (1)(a) Each new or unregistered state political party that seeks to become a registered
7718 political party under the authority of this chapter shall file a copy of the party's
7719 proposed constitution and bylaws at the time the party files the party's registration
7720 information.
- 7721 (b) Each registered state political party shall file revised copies of the party's constitution
7722 or bylaws with the lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on
7723 the first business day that is at least 15 calendar days after the day on which the
7724 constitution or bylaws are adopted or amended.
- 7725 (2) Each state political party, each new political party seeking registration, and each
7726 unregistered political party seeking registration shall ensure that the party's constitution
7727 or bylaws contain:
- 7728 (a) provisions establishing party organization, structure, membership, and governance
7729 that include:
- 7730 (i) a description of the position, selection process, qualifications, duties, and terms of
7731 each party officer and committees defined by constitution and bylaws;
- 7732 (ii) a provision requiring a designated party officer to serve as liaison with:
- 7733 (A) the lieutenant governor on all matters relating to the political party's
7734 relationship with the state; and
- 7735 (B) each county legislative body on matters relating to the political party's
7736 relationship with a county;
- 7737 (iii) a description of the requirements for participation in party processes;
- 7738 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
7739 conventions, or other conclaves; and
- 7740 (v) a mechanism for making the names of delegates, candidates, and elected party
7741 officers available to the public shortly after they are selected;
- 7742 (b) a procedure for selecting party officers that allows active participation by party
7743 members;
- 7744 (c) a procedure for selecting party candidates at the federal, state, and county levels that
7745 allows active participation by party members;
- 7746 (d)(i) a procedure for selecting electors who are pledged to cast their votes in the
7747 electoral college for the party's candidates for president and vice president of the
7748 United States; and
- 7749 (ii) a procedure for filling vacancies in the office of presidential elector because of
7750 death, refusal to act, failure to attend, ineligibility, or any other cause;

- 7751 (e) a procedure for filling vacancies in the office of representative or senator or a county
7752 office, as described in Section 20A-1-508, because of death, resignation, or
7753 ineligibility;
- 7754 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 7755 (g) a procedure for replacing party candidates who die, acquire a disability that prevents
7756 the candidate from continuing the candidacy, or are disqualified before a primary or
7757 regular general election;
- 7758 (h) provisions governing the deposit and expenditure of party funds, and governing the
7759 accounting for, reporting, and audit of party financial transactions;
- 7760 (i) provisions governing access to party records;
- 7761 (j) a procedure for amending the constitution or bylaws that allows active participation
7762 by party members or their representatives;
- 7763 (k) a process for resolving grievances against the political party; and
- 7764 (l) if desired by the political party, a process for consulting with, and obtaining the
7765 opinion of, the political party's Utah Senate and Utah House of Representatives
7766 members about:
- 7767 (i) the performance of the two United States Senators from Utah, including
7768 specifically:
- 7769 (A) their views and actions regarding the defense of state's rights and federalism;
7770 and
- 7771 (B) their performance in representing Utah's interests;
- 7772 (ii) the members' opinion about, or rating of, and support or opposition to the policy
7773 positions of any candidates for United States Senate from Utah, including
7774 incumbents, including specifically:
- 7775 (A) their views and actions regarding the defense of state's rights and federalism;
7776 and
- 7777 (B) their performance in representing Utah's interests; and
- 7778 (iii) the members' collective or individual endorsement or rating of a particular
7779 candidate for United States Senate from Utah.
- 7780 (3) If, in accordance with a political party's constitution or bylaws, a person files a
7781 declaration or otherwise notifies the party of the person's candidacy as a legislative
7782 office candidate or state office candidate, as defined in Section 20A-11-101, to be
7783 appointed and fill a midterm vacancy in the office of representative or senator in the
7784 Legislature, as described in Section 20A-1-503, or in a state office as described in

7785 Section 20A-1-504, the party shall forward a copy of that declaration or notification to
 7786 the lieutenant governor before 5 p.m. no later than the day following the day on which
 7787 the party receives the declaration or notification.

7788 Section 113. Section **20A-8-402** is amended to read:

7789 **20A-8-402 . Political party officers -- Submission of names of officers to the**
 7790 **lieutenant governor.**

7791 (1) Each state political party shall:

7792 (a) designate a party officer to act as liaison with:

7793 (i) the lieutenant governor's office; and

7794 (ii) each county legislative body; and

7795 (b) ~~[before 5 p.m.]~~no later than 5 p.m. on the first business day that is at least seven
 7796 calendar days after the day on which the party makes a change in the party liaison,
 7797 submit the name of the new liaison to the lieutenant governor.

7798 (2) Each state political party and each county political party shall:

7799 (a) submit the name, address, and phone number of each officer to the lieutenant
 7800 governor ~~[within]~~ no later than 5 p.m. on the first business day that is at least seven
 7801 calendar days after the officers are selected; and

7802 (b) ~~[before 5 p.m.]~~no later than 5 p.m. on the first business day that is at least seven
 7803 calendar days after the day on which the party makes a change in party officers,
 7804 submit the name, address, and phone number of each new officer to the lieutenant
 7805 governor.

7806 Section 114. Section **20A-8-404** is amended to read:

7807 **20A-8-404 . Use of public meeting buildings by political parties.**

7808 (1) The legislative body of a county, municipality, school district, or public institution of
 7809 higher education shall make all meeting facilities in buildings under its control available
 7810 to registered political parties, without discrimination, to be used for political party
 7811 activities if:

7812 (a) the political party requests the use of the meeting facility ~~[before 5 p.m. no later than]~~
 7813 no later than 5 p.m. on the last business day that is at least 30 calendar days before
 7814 the day on which the use by the political party will take place; and

7815 (b) the meeting facility is not already scheduled for another purpose at the time of the
 7816 proposed use.

7817 (2) Subject to the requirements of Subsection (3), when a legislative body makes a meeting
 7818 facility available under Subsection (1), it may establish terms and conditions for use of

- 7819 that meeting facility.
- 7820 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by a
7821 registered political party may not exceed the actual cost of:
- 7822 (a) custodial services for cleaning the meeting facility after the use by the political party;
7823 and
- 7824 (b) any service requested by the political party and provided by the meeting facility.
- 7825 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling an
7826 event in a government building for the same evening as an announced party caucus
7827 meeting.
- 7828 (5) This section does not apply to a publicly owned or operated convention center, sports
7829 arena, or other facility at which conventions, conferences, and other gatherings are held
7830 and whose primary business or function is to host such conventions, conferences, and
7831 other gatherings.
- 7832 Section 115. Section **20A-9-201** is amended to read:
- 7833 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**
7834 **of more than one political party prohibited with exceptions -- General filing and form**
7835 **requirements -- Affidavit of impecuniosity.**
- 7836 (1) Before filing a declaration of candidacy for election to any office, an individual shall:
- 7837 (a) be a United States citizen;
- 7838 (b) meet the legal requirements of that office; and
- 7839 (c) if seeking a registered political party's nomination as a candidate for elective office,
7840 state:
- 7841 (i) the registered political party of which the individual is a member; or
- 7842 (ii) that the individual is not a member of a registered political party.
- 7843 (2)(a) Except as provided in Subsection (2)(b), an individual may not:
- 7844 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
7845 Utah during any election year;
- 7846 (ii) appear on the ballot as the candidate of more than one political party; or
- 7847 (iii) file a declaration of candidacy for a registered political party of which the
7848 individual is not a member, except to the extent that the registered political party
7849 permits otherwise in the registered political party's bylaws.
- 7850 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,
7851 president or vice president of the United States and another office, if the
7852 individual resigns the individual's candidacy for the other office after the

- 7853 individual is officially nominated for president or vice president of the United
7854 States.
- 7855 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
7856 than one justice court judge office.
- 7857 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
7858 the individual filed a declaration of candidacy for another office in the same
7859 election year if the individual withdraws as a candidate for the other office in
7860 accordance with Subsection 20A-9-202(6) before filing the declaration of
7861 candidacy for lieutenant governor.
- 7862 (3)(a) Except for a candidate for president or vice president of the United States, before
7863 the filing officer may accept any declaration of candidacy, the filing officer shall:
- 7864 (i) read to the individual the constitutional and statutory qualification requirements
7865 for the office that the individual is seeking;
- 7866 (ii) require the individual to state whether the individual meets the requirements
7867 described in Subsection (3)(a)(i);
- 7868 (iii) if the declaration of candidacy is for a county office, inform the individual that
7869 an individual who holds a county elected office may not, at the same time, hold a
7870 municipal elected office; and
- 7871 (iv) if the declaration of candidacy is for a legislative office, inform the individual
7872 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
7873 public office of profit or trust, under authority of the United States or Utah, from
7874 being a member of the Legislature.
- 7875 (b) Before accepting a declaration of candidacy for the office of county attorney, the
7876 county clerk shall ensure that the individual filing that declaration of candidacy is:
- 7877 (i) a United States citizen;
- 7878 (ii) an attorney licensed to practice law in the state who is an active member in good
7879 standing of the Utah State Bar;
- 7880 (iii) a registered voter in the county in which the individual is seeking office; and
- 7881 (iv) a current resident of the county in which the individual is seeking office and
7882 either has been a resident of that county for at least one year before the date of the
7883 election or was appointed and is currently serving as county attorney and became
7884 a resident of the county within 30 calendar days after appointment to the office.
- 7885 (c) Before accepting a declaration of candidacy for the office of district attorney, the
7886 county clerk shall ensure that, as of the date of the election, the individual filing that

- 7887 declaration of candidacy is:
- 7888 (i) a United States citizen;
- 7889 (ii) an attorney licensed to practice law in the state who is an active member in good
7890 standing of the Utah State Bar;
- 7891 (iii) a registered voter in the prosecution district in which the individual is seeking
7892 office; and
- 7893 (iv) a current resident of the prosecution district in which the individual is seeking
7894 office and either will have been a resident of that prosecution district for at least
7895 one year before the date of the election or was appointed and is currently serving
7896 as district attorney and became a resident of the prosecution district within 30
7897 calendar days after receiving appointment to the office.
- 7898 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
7899 county clerk shall ensure that the individual filing the declaration:
- 7900 (i) is a United States citizen;
- 7901 (ii) is a registered voter in the county in which the individual seeks office;
- 7902 (iii)(A) has successfully met the standards and training requirements established
7903 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
7904 Training and Certification Act; or
- 7905 (B) has met the waiver requirements in Section 53-6-206;
- 7906 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
7907 53-13-103; and
- 7908 (v) before the date of the election, will have been a resident of the county in which
7909 the individual seeks office for at least one year.
- 7910 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
7911 governor, state auditor, state treasurer, attorney general, state legislator, or State
7912 Board of Education member, the filing officer shall ensure that the individual filing
7913 the declaration of candidacy also makes the conflict of interest disclosure described
7914 in Section 20A-11-1603.
- 7915 (4) If an individual who files a declaration of candidacy does not meet the qualification
7916 requirements for the office the individual is seeking, the filing officer may not accept the
7917 individual's declaration of candidacy.
- 7918 (5) If an individual who files a declaration of candidacy meets the requirements described
7919 in Subsection (3), the filing officer shall:
- 7920 (a) inform the individual that:

- 7921 (i) the individual's name will appear on the ballot as the individual's name is written
7922 on the individual's declaration of candidacy;
- 7923 (ii) the individual may be required to comply with state or local campaign finance
7924 disclosure laws; and
- 7925 (iii) the individual is required to file a financial statement before the individual's
7926 political convention under:
- 7927 (A) Section 20A-11-204 for a candidate for constitutional office;
- 7928 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 7929 (C) local campaign finance disclosure laws, if applicable;
- 7930 (b) except for a presidential candidate, provide the individual with a copy of the current
7931 campaign financial disclosure laws for the office the individual is seeking and inform
7932 the individual that failure to comply will result in disqualification as a candidate and
7933 removal of the individual's name from the ballot;
- 7934 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the
7935 Statewide Electronic Voter Information Website Program and inform the
7936 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 7937 (ii) inform the individual that the individual must provide the filing officer with an
7938 email address that the individual actively monitors:
- 7939 (A) to receive a communication from a filing officer or an election officer; and
- 7940 (B) if the individual wishes to display a candidate profile on the Statewide
7941 Electronic Voter Information Website, to submit to the website the
7942 biographical and other information described in Subsection 20A-7-801
7943 (4)(a)(ii);
- 7944 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
7945 not a record under Title 63G, Chapter 2, Government Records Access and
7946 Management Act; and
- 7947 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 7948 (d) provide the candidate with a copy of the pledge of fair campaign practices described
7949 under Section 20A-9-206 and inform the candidate that:
- 7950 (i) signing the pledge is voluntary; and
- 7951 (ii) signed pledges shall be filed with the filing officer;
- 7952 (e) accept the individual's declaration of candidacy; and
- 7953 (f) if the individual has filed for a partisan office, provide a certified copy of the
7954 declaration of candidacy to the chair of the county or state political party of which the

7955 individual is a member.

7956 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
7957 shall:

7958 (a) accept the candidate's pledge; and

7959 (b) if the candidate has filed for a partisan office, provide a certified copy of the
7960 candidate's pledge to the chair of the county or state political party of which the
7961 candidate is a member.

7962 (7)(a) Except for a candidate for president or vice president of the United States, the
7963 form of the declaration of candidacy shall:

7964 (i) be substantially as follows:

7965 "State of Utah, County of ____

7966 I, _____, declare my candidacy for the office of _____, seeking the
7967 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet
7968 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at
7969 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
7970 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
7971 I will be out of the state of Utah during the entire candidate filing period; I will file all
7972 campaign financial disclosure reports as required by law; and I understand that failure to do so
7973 will result in my disqualification as a candidate for this office and removal of my name from
7974 the ballot. The mailing address that I designate for receiving official election notices is
7975 _____.

7976

7977 _____
7978 Subscribed and sworn before me this _____(month\day\year).

7979 _____
7980 Notary Public (or other officer qualified to administer oath)."; and

7979 (ii) require the candidate to state, in the sworn statement described in Subsection
7980 (7)(a)(i):

7981 (A) the registered political party of which the candidate is a member; or

7982 (B) that the candidate is not a member of a registered political party.

7983 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
7984 candidacy may not sign the form described in Subsection (7)(a) or Section
7985 20A-9-408.5.

7986 (8)(a) Except for a candidate for president or vice president of the United States, the fee
7987 for filing a declaration of candidacy is:

7988 (i) \$50 for candidates for the local school district board; and

7989 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
7990 person holding the office for all other federal, state, and county offices.

7991 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any
7992 candidate:

7993 (i) who is disqualified; or

7994 (ii) who the filing officer determines has filed improperly.

7995 (c)(i) The county clerk shall immediately pay to the county treasurer all fees received
7996 from candidates.

7997 (ii) The lieutenant governor shall:

7998 (A) apportion to and pay to the county treasurers of the various counties all fees
7999 received for filing of nomination certificates or acceptances; and

8000 (B) ensure that each county receives that proportion of the total amount paid to the
8001 lieutenant governor from the congressional district that the total vote of that
8002 county for all candidates for representative in Congress bears to the total vote
8003 of all counties within the congressional district for all candidates for
8004 representative in Congress.

8005 (d)(i) A person who is unable to pay the filing fee may file a declaration of candidacy
8006 without payment of the filing fee upon a prima facie showing of impecuniosity as
8007 evidenced by an affidavit of impecuniosity filed with the filing officer and, if
8008 requested by the filing officer, a financial statement filed at the time the affidavit
8009 is submitted.

8010 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

8011 (iii)(A) False statements made on an affidavit of impecuniosity or a financial
8012 statement filed under this section shall be subject to the criminal penalties
8013 provided under Sections 76-8-503 and 76-8-504 and any other applicable
8014 criminal provision.

8015 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
8016 considered an offense under this title for the purposes of assessing the penalties
8017 provided in Subsection 20A-1-609(2).

8018 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially
8019 the following form:

8020 "Affidavit of Impecuniosity

8021 Individual Name

8022 _____Address_____

8023 Phone Number _____

8024 I, _____ (name), do solemnly [swear] [affirm], under penalty of
8025 law for false statements, that, owing to my poverty, I am unable to pay the filing fee required
8026 by law.

8027 Date _____

8028 Signature _____ Affiant

8029 Subscribed and sworn to before me on _____ (month\day\year)

8030 _____
8031 (signature)

8032 Name and Title of Officer Authorized to Administer Oath _____".

8033 (v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a
8034 statement printed in substantially the following form, which may be included on the affidavit
8035 of impecuniosity:

8036 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
8037 candidate who is found guilty of filing a false statement, in addition to being subject to
8038 criminal penalties, will be removed from the ballot."

8039 (vi) The filing officer may request that a person who makes a claim of impecuniosity
8040 under this Subsection (8)(d) file a financial statement on a form prepared by the
8041 election official.

8042 (9) An individual who fails to file a declaration of candidacy or certificate of nomination
8043 within the time provided in this chapter is ineligible for nomination to office.

8044 (10) A declaration of candidacy filed under this section may not be amended or modified
8045 after the final date established for filing a declaration of candidacy.

8046 Section 116. Section **20A-9-201.5** is amended to read:

8047 **20A-9-201.5 . Declaration of candidacy filing period for a qualified political**
8048 **party.**

8049 [~~(1) In 2022, for a qualified political party, the filing period to file a declaration of~~
8050 ~~candidacy for an elective office that is to be filled at the next regular general election~~
8051 ~~begins at 8 a.m. on February 28, 2022, and ends at 5 p.m. on March 4, 2022.~~]

8052 [~~(2) Beginning on January 1, 2024, for~~] For a qualified political party, the filing period to
8053 file a declaration of candidacy for an elective office that is to be filled at the next regular
8054 general election:

8055 [~~(a)~~] (1) begins at 8[:00] a.m. on the later of:

8056 [~~(i)~~] (a) January 2 of the year in which the next regular general election is held; or

8057 [(ii)] (b) if January 2 is not a business day, the first business day after January 2; and
8058 [(b)] (2) ends at 5 p.m. on the fourth business day after the day on which the filing period
8059 begins.

8060 Section 117. Section **20A-9-202** is amended to read:

8061 **20A-9-202 . Declarations of candidacy for regular general elections.**

8062 (1)(a) An individual seeking to become a candidate for an elective office that is to be
8063 filled at the next regular general election shall:

8064 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person
8065 with the filing officer on or after January 1 of the regular general election year,
8066 and, if applicable, before the individual circulates nomination petitions under
8067 Section 20A-9-405; and

8068 (ii) pay the filing fee.

8069 (b) Unless expressly provided otherwise in this title, for a registered political party that
8070 is not a qualified political party, the deadline for filing a declaration of candidacy for
8071 an elective office that is to be filled at the next regular general election is 5 p.m. on
8072 the first Monday after the fourth Saturday in April.

8073 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
8074 a declaration of candidacy with the filing officer if:

8075 (i) the individual is located outside of the state during the entire filing period;

8076 (ii) the designated agent appears in person before the filing officer;

8077 (iii) the individual communicates with the filing officer using an electronic device
8078 that allows the individual and filing officer to see and hear each other; and

8079 (iv) the individual provides the filing officer with an email address to which the filing
8080 officer may send the individual the copies described in Subsection 20A-9-201(5).

8081 (d) Each county clerk who receives a declaration of candidacy from a candidate for
8082 multicounty office shall transmit the filing fee and a copy of the candidate's
8083 declaration of candidacy to the lieutenant governor within one business day after the
8084 candidate files the declaration of candidacy.

8085 (e) Each business day during the filing period, each county clerk shall notify the
8086 lieutenant governor electronically or by telephone of candidates who have filed a
8087 declaration of candidacy with the county clerk.

8088 (f) Each individual seeking the office of lieutenant governor, the office of district
8089 attorney, or the office of president or vice president of the United States shall comply
8090 with the specific declaration of candidacy requirements established by this section.

- 8091 (2)(a) Each individual intending to become a candidate for the office of district attorney
8092 within a multicounty prosecution district that is to be filled at the next regular general
8093 election shall:
- 8094 (i) file a declaration of candidacy with the clerk designated in the interlocal
8095 agreement creating the prosecution district on or after January 1 of the regular
8096 general election year, and before the individual circulates nomination petitions
8097 under Section 20A-9-405; and
 - 8098 (ii) pay the filing fee.
- 8099 (b) The designated clerk shall provide to the county clerk of each county in the
8100 prosecution district a certified copy of each declaration of candidacy filed for the
8101 office of district attorney.
- 8102 (3)(a) Before the deadline described in Subsection (1)(b), each lieutenant governor
8103 candidate shall:
- 8104 (i) file a declaration of candidacy with the lieutenant governor;
 - 8105 (ii) pay the filing fee; and
 - 8106 (iii) submit a letter from a candidate for governor who has received certification for
8107 the primary-election ballot under Section 20A-9-403 that names the lieutenant
8108 governor candidate as a joint-ticket running mate.
- 8109 (b)(i) A candidate for lieutenant governor who fails to timely file is disqualified.
8110 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file
8111 to replace the disqualified candidate.
- 8112 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 8113 (a) certify the names of the political party's candidates for president and vice president of
8114 the United States to the lieutenant governor; or
 - 8115 (b) provide written authorization for the lieutenant governor to accept the certification of
8116 candidates for president and vice president of the United States from the national
8117 office of the registered political party.
- 8118 (5)(a) A declaration of candidacy filed under this section is valid unless a written
8119 objection is filed with the clerk or lieutenant governor [~~before~~] no later than 5 p.m. on
8120 the last business day that is at least 10 calendar days before the deadline described in
8121 Subsection 20A-9-409(4)(c).
- 8122 (b) If an objection is made, the clerk or lieutenant governor shall:
- 8123 (i) mail or personally deliver notice of the objection to the affected candidate
8124 immediately; and

- 8125 (ii) decide any objection within 48 hours after it is filed.
- 8126 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
8127 problem by:
- 8128 (i) amending the declaration or petition [~~before 5 p.m. within~~] no later than 5 p.m. on
8129 the first business day that is at least three calendar days after the day on which the
8130 objection is sustained[~~-or by-~~] ; or
- 8131 (ii) filing a new declaration [~~before 5 p.m. within~~] no later than 5 p.m. on the first
8132 business day that is at least three calendar days after the day on which the
8133 objection is sustained.
- 8134 (d)(i) The clerk's or lieutenant governor's decision upon objections to form is final.
- 8135 (ii) The clerk's or lieutenant governor's decision upon substantive matters is
8136 reviewable by a district court if prompt application is made to the court.
- 8137 (iii) The decision of the district court is final unless the Supreme Court, in the
8138 exercise of its discretion, agrees to review the lower court decision.
- 8139 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing
8140 a written affidavit with the clerk.
- 8141 (7)(a) Except for a candidate who is certified by a registered political party under
8142 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later
8143 than August 31 of a general election year, each individual running as a candidate for
8144 vice president of the United States shall:
- 8145 (i) file a declaration of candidacy, in person or via a designated agent, on a form
8146 developed by the lieutenant governor, that:
- 8147 (A) contains the individual's name, address, and telephone number;
- 8148 (B) states that the individual meets the qualifications for the office of vice
8149 president of the United States;
- 8150 (C) names the presidential candidate, who has qualified for the general election
8151 ballot, with which the individual is running as a joint-ticket running mate;
- 8152 (D) states that the individual agrees to be the running mate of the presidential
8153 candidate described in Subsection (7)(a)(i)(C); and
- 8154 (E) contains any other necessary information identified by the lieutenant governor;
- 8155 (ii) pay the filing fee; and
- 8156 (iii) submit a letter from the presidential candidate described in Subsection
8157 (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice
8158 presidential candidate.

8159 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
8160 candidacy.

8161 (c) A vice presidential candidate who fails to meet the requirements described in this
8162 Subsection (7) may not appear on the general election ballot.

8163 (8) An individual filing a declaration of candidacy for president or vice president of the
8164 United States shall pay a filing fee of \$500.

8165 Section 118. Section **20A-9-203** is amended to read:

8166 **20A-9-203 . Declarations of candidacy -- Municipal general elections --**

8167 **Nomination petition -- Removal of signature.**

8168 (1) An individual may become a candidate for any municipal office if:

8169 (a) the individual is a registered voter; and

8170 (b)(i) the individual has resided within the municipality in which the individual seeks
8171 to hold elective office for the 12 consecutive months immediately before the date
8172 of the election; or

8173 (ii) the territory in which the individual resides was annexed into the municipality,
8174 the individual has resided within the annexed territory or the municipality the 12
8175 consecutive months immediately before the date of the election.

8176 (2)(a) For purposes of determining whether an individual meets the residency
8177 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than
8178 12 months before the election, the municipality is considered to have been
8179 incorporated 12 months before the date of the election.

8180 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
8181 council position shall, if elected from a district, be a resident of the council district
8182 from which the candidate is elected.

8183 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
8184 individual, an individual convicted of a felony, or an individual convicted of treason
8185 or a crime against the elective franchise may not hold office in this state until the
8186 right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

8187 (3)(a) An individual seeking to become a candidate for a municipal office shall,
8188 regardless of the nomination method by which the individual is seeking to become a
8189 candidate:

8190 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
8191 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
8192 declaration of candidacy, in person with the city recorder or town clerk, during the

- 8193 filing period described in Subsection (3)(d) and the office hours described in [
 8194 Section 10-3-301 and not later than the close of those office hours, between June 1
 8195 and June 7 of any odd-numbered year] Subsection 10-3-301(3); and
- 8196 (ii) pay the filing fee, if one is required by municipal ordinance.
- 8197 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
 8198 declaration of candidacy with the city recorder or town clerk if:
- 8199 (i) the individual is located outside of the state during the entire filing period;
 8200 (ii) the designated agent appears in person before the city recorder or town clerk;
 8201 (iii) the individual communicates with the city recorder or town clerk using an
 8202 electronic device that allows the individual and city recorder or town clerk to see
 8203 and hear each other; and
 8204 (iv) the individual provides the city recorder or town clerk with an email address to
 8205 which the city recorder or town clerk may send the individual the copies described
 8206 in Subsection (4).
- 8207 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 8208 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
 8209 Project, filing a nomination petition with the city recorder or town clerk during the
 8210 filing period described in Subsection (3)(d) and the office hours described in [
 8211 Section 10-3-301 and not later than the close of those office hours, between June 1
 8212 and June 7 of any odd-numbered year] Subsection 10-3-301(3) that includes
 8213 signatures in support of the nomination petition of the lesser of at least:
 8214 (A) 25 registered voters who reside in the municipality; or
 8215 (B) 20% of the registered voters who reside in the municipality; and
 8216 (ii) paying the filing fee, if one is required by municipal ordinance.
- 8217 (d) The filing period to file a declaration of candidacy for an elective office that is to be
 8218 filled at the next municipal general election:
- 8219 (i) begins at 8 a.m. on the later of:
 8220 (A) June 1 of the year in which the next municipal general election is held; or
 8221 (B) if June 1 is not a business day, the first business day after June 1; and
 8222 (ii) ends at 5 p.m. on the fourth business day after the day on which the filing period
 8223 begins.
- 8224 (4)(a) Before the filing officer may accept any declaration of candidacy or nomination
 8225 petition, the filing officer shall:
- 8226 (i) read to the prospective candidate or individual filing the petition the constitutional

- 8227 and statutory qualification requirements for the office that the candidate is seeking;
- 8228 (ii) require the candidate or individual filing the petition to state whether the
- 8229 candidate meets the requirements described in Subsection (4)(a)(i); and
- 8230 (iii) inform the candidate or the individual filing the petition that an individual who
- 8231 holds a municipal elected office may not, at the same time, hold a county elected
- 8232 office.
- 8233 (b) If the prospective candidate does not meet the qualification requirements for the
- 8234 office, the filing officer may not accept the declaration of candidacy or nomination
- 8235 petition.
- 8236 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
- 8237 filing officer shall:
- 8238 (i) inform the candidate that the candidate's name will appear on the ballot as it is
- 8239 written on the declaration of candidacy;
- 8240 (ii) provide the candidate with a copy of the current campaign financial disclosure
- 8241 laws for the office the candidate is seeking and inform the candidate that failure to
- 8242 comply will result in disqualification as a candidate and removal of the candidate's
- 8243 name from the ballot;
- 8244 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
- 8245 Electronic Voter Information Website Program and inform the candidate of the
- 8246 submission deadline under Subsection 20A-7-801(4)(a);
- 8247 (iv) inform the candidate that the candidate must provide the filing officer with an
- 8248 email address that the candidate actively monitors:
- 8249 (A) to receive a communication from a filing officer or an election officer; and
- 8250 (B) if the candidate wishes to display a candidate profile on the Statewide
- 8251 Electronic Voter Information Website, to submit to the website the
- 8252 biographical and other information described in Subsection 20A-7-801
- 8253 (4)(a)(ii);
- 8254 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
- 8255 not a record under Title 63G, Chapter 2, Government Records Access and
- 8256 Management Act;
- 8257 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 8258 (vii) provide the candidate with a copy of the pledge of fair campaign practices
- 8259 described under Section 20A-9-206 and inform the candidate that:
- 8260 (A) signing the pledge is voluntary; and

- 8261 (B) signed pledges shall be filed with the filing officer; and
 8262 (viii) accept the declaration of candidacy or nomination petition.
 8263 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 8264 shall:
 8265 (i) accept the candidate's pledge; and
 8266 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
 8267 candidate's pledge to the chair of the county or state political party of which the
 8268 candidate is a member.
- 8269 (5)(a) The declaration of candidacy shall be in substantially the following form:
 8270 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
 8271 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number
 8272 (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____
 8273 (stating the term). I will meet the legal qualifications required of candidates for this office. If
 8274 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
 8275 candidate filing period. I will file all campaign financial disclosure reports as required by law
 8276 and I understand that failure to do so will result in my disqualification as a candidate for this
 8277 office and removal of my name from the ballot. I request that my name be printed upon the
 8278 applicable official ballots. (Signed) _____
 8279 Subscribed and sworn to (or affirmed) before me by _____ on this
 8280 _____(month\day\year).
 8281 (Signed) _____ (Clerk or other officer qualified to administer oath)."
- 8282 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
 8283 not sign the form described in Subsection (5)(a).
- 8284 (c)(i) A nomination petition shall be in substantially the following form:
 8285 "NOMINATION PETITION
 8286 The undersigned residents of (name of municipality), being registered voters, nominate
 8287 (name of nominee) for the office of (name of office) for the (length of term of office)."
 8288 (ii) The remainder of the petition shall contain lines and columns for the signatures of
 8289 individuals signing the petition and each individual's address and phone number.
- 8290 (6) If the declaration of candidacy or nomination petition fails to state whether the
 8291 nomination is for the two-year or four-year term, the clerk shall consider the nomination
 8292 to be for the four-year term.
- 8293 (7)(a)(i) The clerk shall verify with the county clerk that all candidates are registered
 8294 voters.

- 8295 (b) With the assistance of the county clerk, and using the procedures described in
8296 Section 20A-1-1002, the municipal clerk shall determine whether the required
8297 number of signatures of registered voters appears on a nomination petition.
- 8298 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk
8299 shall:
- 8300 (a) publicize a list of the names of the candidates as they will appear on the ballot by
8301 publishing the list for the municipality, as a class A notice under Section 63G-30-102,
8302 for seven calendar days; and
- 8303 (b) notify the lieutenant governor of the names of the candidates as they will appear on
8304 the ballot.
- 8305 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of
8306 candidacy or nomination petition filed under this section after the candidate filing period
8307 ends.
- 8308 (10)(a) A declaration of candidacy or nomination petition that an individual files under
8309 this section is valid unless a person files a written objection with the clerk [~~before 5~~
8310 ~~p.m. within~~] no later than 5 p.m. on the first business day that is at least 10 calendar
8311 days after the last day for filing.
- 8312 (b) If a person files an objection, the clerk shall:
- 8313 (i) mail or personally deliver notice of the objection to the affected candidate
8314 immediately; and
- 8315 (ii) decide any objection within 48 hours after the objection is filed.
- 8316 (c) If the clerk sustains the objection, the candidate may, [~~before 5 p.m. within~~] no later
8317 than 5 p.m. on the first business day that is at least three calendar days after the day
8318 on which the clerk sustains the objection, correct the problem for which the objection
8319 is sustained by amending the candidate's declaration of candidacy or nomination
8320 petition, or by filing a new declaration of candidacy.
- 8321 (d)(i) The clerk's decision upon objections to form is final.
- 8322 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
8323 prompt application is made to the district court.
- 8324 (iii) The decision of the district court is final unless the Supreme Court, in the
8325 exercise of its discretion, agrees to review the lower court decision.
- 8326 (11) A candidate who qualifies for the ballot under this section may withdraw as a
8327 candidate by filing a written affidavit with the municipal clerk.
- 8328 (12)(a) A voter who signs a nomination petition under this section may have the voter's

8329 signature removed from the petition by, no later than 5 p.m. three business days after
 8330 the day on which the petition is filed with the city recorder or municipal clerk,
 8331 submitting to the municipal clerk a statement requesting that the voter's signature be
 8332 removed.

8333 (b) A statement described in Subsection (12)(a) shall comply with the requirements
 8334 described in Subsection 20A-1-1003(2).

8335 (c) With the assistance of the county clerk and using the procedures described in
 8336 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
 8337 individual's signature from a petition after receiving a timely, valid statement
 8338 requesting removal of the signature.

8339 Section 119. Section **20A-9-207** is amended to read:

8340 **20A-9-207 . Withdrawal of candidacy -- Notice.**

8341 As used in this section:

8342 (1) "Public office" means the offices of governor, lieutenant governor, attorney general,
 8343 state auditor, state treasurer, state senator, state representative, state school board, or an
 8344 elective office of a local political subdivision.

8345 (2) "Public office candidate" means a person who files a declaration of candidacy for a
 8346 public office.

8347 (3) If a public office candidate withdraws as a candidate, an election officer shall:

8348 (a) no later than two business days after the day on which the election officer receives
 8349 notice of the withdrawal, notify every opposing candidate for the public office that
 8350 the public office candidate has withdrawn;

8351 (b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer
 8352 calendar days before the date of the election, send an email notification to each voter
 8353 who is eligible to vote in the public office race for whom the election officer has an
 8354 email address informing the voter:

8355 (i) that the public office candidate has withdrawn; and

8356 (ii) that a vote cast for the public office candidate will not be counted, regardless of
 8357 whether the public office candidate's name appears on the ballot;

8358 (c) post notice of the withdrawal on a public website; and

8359 (d) if practicable, include with the ballot, including a military or overseas ballot, a
 8360 written notice that:

8361 (i) contains the information described in Subsections (3)(b)(i) and (ii); or

8362 (ii) directs the voter to a public website to inform the voter whether a candidate on

8363 the ballot has withdrawn.

8364 (4) An election officer shall send the email notification described in Subsection (3)(b) on or
8365 before the earlier of:

8366 (a) the next day on which the election officer mails ballots in accordance with Section
8367 20A-3a-202; or

8368 (b) two business days before the date of the election.

8369 Section 120. Section **20A-9-403** is amended to read:

8370 **20A-9-403 . Regular primary elections.**

8371 (1)(a) Candidates for elective office that are to be filled at the next regular general
8372 election shall be nominated in a regular primary election by direct vote of the people
8373 in the manner prescribed in this section. The regular primary election is held on the
8374 date specified in Section 20A-1-201.5. Nothing in this section shall affect a
8375 candidate's ability to qualify for a regular general election's ballot as an unaffiliated
8376 candidate under Section 20A-9-501 or to participate in a regular general election as a
8377 write-in candidate under Section 20A-9-601.

8378 (b) Each registered political party that chooses to have the names of the registered
8379 political party's candidates for elective office featured with party affiliation on the
8380 ballot at a regular general election shall comply with the requirements of this section
8381 and shall nominate the registered political party's candidates for elective office in the
8382 manner described in this section.

8383 (c) A filing officer may not permit an official ballot at a regular general election to be
8384 produced or used if the ballot denotes affiliation between a registered political party
8385 or any other political group and a candidate for elective office who is not nominated
8386 in the manner prescribed in this section or in Subsection 20A-9-202(4).

8387 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
8388 even-numbered year in which a regular general election will be held.

8389 (2)(a) Each registered political party, in a statement filed with the lieutenant governor,
8390 shall:

8391 (i) either declare the registered political party's intent to participate in the next regular
8392 primary election or declare that the registered political party chooses not to have
8393 the names of the registered political party's candidates for elective office featured
8394 on the ballot at the next regular general election; and

8395 (ii) if the registered political party participates in the upcoming regular primary
8396 election, identify one or more registered political parties whose members may

8397 vote for the registered political party's candidates and whether individuals
8398 identified as unaffiliated with a political party may vote for the registered political
8399 party's candidates.

8400 (b)(i) A registered political party that is a continuing political party shall file the
8401 statement described in Subsection (2)(a) with the lieutenant governor no later than
8402 5 p.m. on November 30 of each odd-numbered year.

8403 (ii) An organization that is seeking to become a registered political party under
8404 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
8405 time that the registered political party files the petition described in Section
8406 20A-8-103.

8407 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration
8408 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
8409 on the regular primary ballot of the registered political party listed on the declaration
8410 of candidacy only if the individual is certified by the appropriate filing officer as
8411 having submitted a nomination petition that was:

8412 (i) circulated and completed in accordance with Section 20A-9-405; and

8413 (ii) signed by at least 2% of the registered political party's members who reside in the
8414 political division of the office that the individual seeks.

8415 (b)(i) A candidate for elective office shall submit signatures for a nomination petition
8416 to the appropriate filing officer for verification and certification no later than 5
8417 p.m. on ~~[the final day in]~~ March 31.

8418 (ii) A candidate may supplement the candidate's submissions at any time on or before
8419 the filing deadline.

8420 (c)(i) The lieutenant governor shall determine for each elective office the total
8421 number of signatures that must be submitted under Subsection (3)(a)(ii) or
8422 20A-9-408(8) by counting the aggregate number of individuals residing in each
8423 elective office's political division who have designated a particular registered
8424 political party on the individuals' voter registration forms on or before November
8425 15 of each odd-numbered year.

8426 (ii) The lieutenant governor shall publish the determination for each elective office
8427 no later than November 30 of each odd-numbered year.

8428 (d) The filing officer shall:

8429 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
8430 nomination petitions in a transparent and orderly manner, no later than 14

- 8431 calendar days after the day on which a candidate submits the signatures to the
 8432 filing officer;
- 8433 (ii) for all qualifying candidates for elective office who submit nomination petitions
 8434 to the filing officer, issue certifications referenced in Subsection (3)(a) no later
 8435 than the deadline described in Subsection 20A-9-202(1)(b);
- 8436 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 8437 (iv) consider an individual who signs a nomination petition a member of a registered
 8438 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
 8439 that registered political party as the individual's party membership on the
 8440 individual's voter registration form; and
- 8441 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
 8442 the county clerk as applicable, use the procedures described in Section 20A-1-1002
 8443 to verify submitted nomination petition signatures, or use statistical sampling
 8444 procedures to verify submitted nomination petition signatures in accordance with
 8445 rules made under Subsection (3)(f).
- 8446 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
 8447 governor may appear on the regular primary ballot of a registered political party
 8448 without submitting nomination petitions if the candidate files a declaration of
 8449 candidacy and complies with Subsection 20A-9-202(3).
- 8450 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 8451 director of elections, within the Office of the Lieutenant Governor, may make rules
 8452 that:
- 8453 (i) provide for the use of statistical sampling procedures that:
- 8454 (A) filing officers are required to use to verify signatures under Subsection (3)(d);
 8455 and
- 8456 (B) reflect a bona fide effort to determine the validity of a candidate's entire
 8457 submission, using widely recognized statistical sampling techniques; and
- 8458 (ii) provide for the transparent, orderly, and timely submission, verification, and
 8459 certification of nomination petition signatures.
- 8460 (g) The county clerk shall:
- 8461 (i) review the declarations of candidacy filed by candidates for local boards of
 8462 education to determine if more than two candidates have filed for the same seat;
- 8463 (ii) place the names of all candidates who have filed a declaration of candidacy for a
 8464 local board of education seat on the nonpartisan section of the ballot if more than

- 8465 two candidates have filed for the same seat; and
- 8466 (iii) determine the order of the local board of education candidates' names on the
- 8467 ballot in accordance with Section 20A-6-305.
- 8468 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
- 8469 governor shall provide to the county clerks:
- 8470 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
- 8471 county, and county offices who have received certifications under Subsection (3),
- 8472 along with instructions on how those names shall appear on the primary election
- 8473 ballot in accordance with Section 20A-6-305; and
- 8474 (ii) a list of unopposed candidates for elective office who have been nominated by a
- 8475 registered political party under Subsection (5)(c) and instruct the county clerks to
- 8476 exclude the unopposed candidates from the primary election ballot.
- 8477 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
- 8478 joint-ticket running mates shall appear jointly on the primary election ballot.
- 8479 (c) After the county clerk receives the certified list from the lieutenant governor under
- 8480 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
- 8481 substantially the following form:
- 8482 "Notice is given that a primary election will be held Tuesday, June ____,
- 8483 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
- 8484 local school board positions listed on the primary ballot. The polling place for voting precinct
- 8485 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
- 8486 Attest: county clerk."
- 8487 (5)(a) A candidate who, at the regular primary election, receives the highest number of
- 8488 votes cast for the office sought by the candidate is:
- 8489 (i) nominated for that office by the candidate's registered political party; or
- 8490 (ii) for a nonpartisan local school board position, nominated for that office.
- 8491 (b) If two or more candidates are to be elected to the office at the regular general
- 8492 election, those party candidates equal in number to positions to be filled who receive
- 8493 the highest number of votes at the regular primary election are the nominees of the
- 8494 candidates' party for those positions.
- 8495 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 8496 (A) no individual other than the candidate receives a certification under
- 8497 Subsection (3) for the regular primary election ballot of the candidate's
- 8498 registered political party for a particular elective office; or

8499 (B) for an office where more than one individual is to be elected or nominated, the
 8500 number of candidates who receive certification under Subsection (3) for the
 8501 regular primary election of the candidate's registered political party does not
 8502 exceed the total number of candidates to be elected or nominated for that office.

8503 (ii) A candidate who is unopposed for an elective office in the regular primary
 8504 election of a registered political party is nominated by the party for that office
 8505 without appearing on the primary election ballot.

8506 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary
 8507 election provided for by this section, and all expenses necessarily incurred in the
 8508 preparation for or the conduct of that primary election shall be paid out of the treasury of
 8509 the county or state, in the same manner as for the regular general elections.

8510 (7) An individual may not file a declaration of candidacy for a registered political party of
 8511 which the individual is not a member, except to the extent that the registered political
 8512 party permits otherwise under the registered political party's bylaws.

8513 Section 121. Section **20A-9-404** is amended to read:

8514 **20A-9-404 . Municipal primary elections.**

8515 (1)(a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal
 8516 Alternate Voting Methods Pilot Project, candidates for municipal office in all
 8517 municipalities shall be nominated at a municipal primary election.

8518 (b) Municipal primary elections shall be held:

8519 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
 8520 Monday in the August before the regular municipal election; and

8521 (ii) whenever possible, at the same polling places as the regular municipal election.

8522 (c) Subsections (3) through (5) do not apply to an election to elect local school board
 8523 members under Section 53G-3-302.

8524 (d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply
 8525 to an election to elect local school board members under Section 53G-3-302.

8526 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods
 8527 Pilot Project, if the number of candidates for a particular municipal office does not
 8528 exceed twice the number of individuals needed to fill that office, a primary election for
 8529 that office may not be held and the candidates are considered nominated.

8530 (3)(a) For purposes of this Subsection (3), "convention" means an organized assembly of
 8531 voters or delegates.

8532 (b)(i) By ordinance adopted before the May 1 that falls before a regular municipal

- 8533 election, any third, fourth, or fifth class city or town may exempt itself from a
8534 primary election by providing that the nomination of candidates for municipal
8535 office to be voted upon at a municipal election be nominated by a municipal party
8536 convention or committee.
- 8537 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
8538 shall be held on or before May 30 of an odd-numbered year.
- 8539 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
8540 remains in effect until repealed by ordinance.
- 8541 (c)(i) A convention or committee may not nominate more than one candidate for each
8542 of the municipal offices to be voted upon at the municipal election.
- 8543 (ii) A convention or committee may not nominate an individual who has accepted the
8544 nomination of a different convention or committee.
- 8545 (iii) A municipal party may not have more than one group of candidates placed upon
8546 the ballot and may not group the same candidates on different tickets by the same
8547 party under a different name or emblem.
- 8548 (d)(i) On or before May 31 of an odd-numbered year, a convention or committee
8549 shall prepare and submit to the filing officer a certificate of nomination for each
8550 individual nominated.
- 8551 (ii) The certificate of nomination shall:
- 8552 (A) contain the name of the office for which each individual is nominated, the
8553 name, post office address, and, if in a city, the street number of residence and
8554 place of business, if any, of each individual nominated;
- 8555 (B) designate in not more than five words the party that the convention or
8556 committee represents;
- 8557 (C) contain a copy of the resolution passed at the convention that authorized the
8558 committee to make the nomination;
- 8559 (D) contain a statement certifying that the name of the candidate nominated by the
8560 political party will not appear on the ballot as a candidate for any other
8561 political party;
- 8562 (E) be signed by the presiding officer and secretary of the convention or
8563 committee; and
- 8564 (F) contain a statement identifying the residence and post office address of the
8565 presiding officer and secretary and certifying that the presiding officer and
8566 secretary were officers of the convention or committee and that the certificates

- 8567 are true to the best of their knowledge and belief.
- 8568 (iii) A candidate nominated by a municipal party convention or committee shall file a
8569 declaration with the filing officer in accordance with Subsection 20A-9-203(3)
8570 that includes:
- 8571 (A) the name of the municipal party or convention that nominated the candidate;
8572 and
- 8573 (B) the office for which the convention or committee nominated the candidate.
- 8574 (e) A committee appointed at a convention, if authorized by an enabling resolution, may
8575 also make nominations or fill vacancies in nominations made at a convention if the
8576 committee makes the nomination before the deadline for a write-in candidate to file a
8577 declaration of candidacy under Section 20A-9-601.
- 8578 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
8579 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
8580 be included with the candidate's name.
- 8581 (4)(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the
8582 May 1 that falls before the regular municipal election that:
- 8583 (i) exempts the city or town from the other methods of nominating candidates to
8584 municipal office provided in this section; and
- 8585 (ii) provides for a municipal partisan convention method of nominating candidates as
8586 provided in this Subsection (4).
- 8587 (b)(i) Any party that was a registered political party at the last regular general
8588 election or regular municipal election is a municipal political party under this
8589 section.
- 8590 (ii) Any political party may qualify as a municipal political party by presenting a
8591 petition to the city recorder that:
- 8592 (A) is signed, with a holographic signature, by registered voters within the
8593 municipality equal to at least 20% of the number of votes cast for all
8594 candidates for mayor in the last municipal election at which a mayor was
8595 elected;
- 8596 (B) is filed with the city recorder or town clerk [~~before 5 p.m. no later than the~~] no
8597 later than 5 p.m. on the last business day before the day on which the municipal
8598 party holds a convention to nominate a candidate under this Subsection (4);
- 8599 (C) is substantially similar to the form of the signature sheets described in Section
8600 20A-7-303; and

- 8601 (D) contains the name of the municipal political party using not more than five
8602 words.
- 8603 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use
8604 the procedures described in Section 20A-1-1002 to determine whether each signer
8605 is a registered voter who is qualified to sign the petition.
- 8606 (c)(i) If the number of candidates for a particular office does not exceed twice the
8607 number of offices to be filled at the regular municipal election, no primary
8608 election for that office shall be held and the candidates are considered to be
8609 nominated.
- 8610 (ii) If the number of candidates for a particular office exceeds twice the number of
8611 offices to be filled at the regular municipal election, those candidates for
8612 municipal office shall be nominated at a municipal primary election.
- 8613 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the
8614 ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.
- 8615 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
8616 blank ballot box.
- 8617 (f) Immediately after the canvass, the election judges shall, without examination, destroy
8618 the tickets deposited in the blank ballot box.
- 8619 (5)(a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's
8620 signature removed from the petition by, no later than 5 p.m. three business days after
8621 the day on which the petition is filed with the city recorder or town clerk, submitting
8622 to the city recorder or town clerk a statement requesting that the voter's signature be
8623 removed.
- 8624 (b) A statement described in Subsection (5)(a) shall comply with the requirements
8625 described in Subsection 20A-1-1003(2).
- 8626 (c) With the assistance of the county clerk and using the procedures described in
8627 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to
8628 remove an individual's signature from a petition after receiving a timely, valid
8629 statement requesting removal of the signature.
- 8630 Section 122. Section **20A-9-408** is amended to read:
- 8631 **20A-9-408 . Signature-gathering process to seek the nomination of a qualified**
8632 **political party -- Removal of signature.**
- 8633 (1) This section describes the requirements for a member of a qualified political party who
8634 is seeking the nomination of the qualified political party for an elective office through

- 8635 the signature-gathering process described in this section.
- 8636 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy
8637 for a member of a qualified political party who is nominated by, or who is seeking the
8638 nomination of, the qualified political party under this section shall be substantially as
8639 described in Section 20A-9-408.5.
- 8640 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
8641 20A-9-202(4), a member of a qualified political party who, under this section, is seeking
8642 the nomination of the qualified political party for an elective office that is to be filled at
8643 the next general election shall:
- 8644 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
8645 and before gathering signatures under this section, file with the filing officer on a
8646 form approved by the lieutenant governor a notice of intent to gather signatures for
8647 candidacy that includes:
- 8648 (i) the name of the member who will attempt to become a candidate for a registered
8649 political party under this section;
- 8650 (ii) the name of the registered political party for which the member is seeking
8651 nomination;
- 8652 (iii) the office for which the member is seeking to become a candidate;
- 8653 (iv) the address and telephone number of the member; and
- 8654 (v) other information required by the lieutenant governor;
- 8655 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
8656 person, with the filing officer during the declaration of candidacy filing period
8657 described in Section 20A-9-201.5; and
- 8658 (c) pay the filing fee.
- 8659 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party
8660 who, under this section, is seeking the nomination of the qualified political party for the
8661 office of district attorney within a multicounty prosecution district that is to be filled at
8662 the next general election shall:
- 8663 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
8664 and before gathering signatures under this section, file with the filing officer on a
8665 form approved by the lieutenant governor a notice of intent to gather signatures for
8666 candidacy that includes:
- 8667 (i) the name of the member who will attempt to become a candidate for a registered
8668 political party under this section;

- 8669 (ii) the name of the registered political party for which the member is seeking
8670 nomination;
- 8671 (iii) the office for which the member is seeking to become a candidate;
- 8672 (iv) the address and telephone number of the member; and
- 8673 (v) other information required by the lieutenant governor;
- 8674 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
8675 person, with the filing officer during the declaration of candidacy filing period
8676 described in Section 20A-9-201.5; and
- 8677 (c) pay the filing fee.
- 8678 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who
8679 files as the joint-ticket running mate of an individual who is nominated by a qualified
8680 political party, under this section, for the office of governor shall, during the declaration
8681 of candidacy filing period described in Section 20A-9-201.5, file a declaration of
8682 candidacy and submit a letter from the candidate for governor that names the lieutenant
8683 governor candidate as a joint-ticket running mate.
- 8684 (6) The lieutenant governor shall ensure that the certification described in Subsection
8685 20A-9-701(1) also includes the name of each candidate nominated by a qualified
8686 political party under this section.
- 8687 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is
8688 nominated by a qualified political party under this section, designate the qualified
8689 political party that nominated the candidate.
- 8690 (8) A member of a qualified political party may seek the nomination of the qualified
8691 political party for an elective office by:
- 8692 (a) complying with the requirements described in this section; and
- 8693 (b) collecting signatures, on a form approved by the lieutenant governor that complies
8694 with Subsection 20A-9-405(3), during the period beginning on the day on which the
8695 member files a notice of intent to gather signatures and ending at [5 p.m. 14 days
8696 before the day on which the qualified political party's convention for the office is held]
8697 the deadline described in Subsection (12), in the following amounts:
- 8698 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
8699 permitted by the qualified political party to vote for the qualified political party's
8700 candidates in a primary election;
- 8701 (ii) for a congressional district race, 7,000 signatures of registered voters who are
8702 residents of the congressional district and are permitted by the qualified political

- 8703 party to vote for the qualified political party's candidates in a primary election;
- 8704 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
- 8705 residents of the state Senate district and are permitted by the qualified political
- 8706 party to vote for the qualified political party's candidates in a primary election;
- 8707 (iv) for a state House district race, 1,000 signatures of registered voters who are
- 8708 residents of the state House district and are permitted by the qualified political
- 8709 party to vote for the qualified political party's candidates in a primary election;
- 8710 (v) for a State Board of Education race, the lesser of:
- 8711 (A) 2,000 signatures of registered voters who are residents of the State Board of
- 8712 Education district and are permitted by the qualified political party to vote for
- 8713 the qualified political party's candidates in a primary election; or
- 8714 (B) 3% of the registered voters of the qualified political party who are residents of
- 8715 the applicable State Board of Education district; and
- 8716 (vi) for a county office race, signatures of 3% of the registered voters who are
- 8717 residents of the area permitted to vote for the county office and are permitted by
- 8718 the qualified political party to vote for the qualified political party's candidates in
- 8719 a primary election.
- 8720 (9)(a) This Subsection (9) applies only to the manual candidate qualification process.
- 8721 (b) In order for a member of the qualified political party to qualify as a candidate for the
- 8722 qualified political party's nomination for an elective office under this section, using
- 8723 the manual candidate qualification process, the member shall:
- 8724 (i) collect the signatures on a form approved by the lieutenant governor, using the
- 8725 same circulation and verification requirements described in Sections 20A-7-105
- 8726 and 20A-7-204; and
- 8727 (ii) submit the signatures to the election officer before ~~[5 p.m. no later than 14 days~~
- 8728 ~~before the day on which the qualified political party holds the party's convention~~
- 8729 ~~to select candidates, for the elective office, for the qualified political party's~~
- 8730 ~~nomination]~~ the deadline described in Subsection (12).
- 8731 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
- 8732 election officer shall, no later than the earlier of 14 calendar days after the day on
- 8733 which the election officer receives the signatures, or one day before the day on which
- 8734 the qualified political party holds the convention to select a nominee for the elective
- 8735 office to which the signature packets relate:
- 8736 (i) check the name of each individual who completes the verification for a signature

- 8737 packet to determine whether each individual is a resident of Utah and is at least 18
8738 years old;
- 8739 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a
8740 Utah resident or who is not at least 18 years old to the attorney general and the
8741 county attorney;
- 8742 (iii) with the assistance of the county clerk as applicable, determine whether each
8743 signer is a registered voter who is qualified to sign the petition, using the same
8744 method, described in Section 20A-1-1002, used to verify a signature on a petition;
8745 and
- 8746 (iv) certify whether each name is that of a registered voter who is qualified to sign the
8747 signature packet.
- 8748 (d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b)
8749 may have the voter's signature removed from the form by, no later than 5 p.m.
8750 three business days after the day on which the member submits the signature form
8751 to the election officer, submitting to the election officer a statement requesting
8752 that the voter's signature be removed.
- 8753 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements
8754 described in Subsection 20A-1-1003(2).
- 8755 (iii) With the assistance of the county clerk as applicable, the election officer shall
8756 use the procedures described in Subsection 20A-1-1003(3) to determine whether
8757 to remove an individual's signature after receiving a timely, valid statement
8758 requesting removal of the signature.
- 8759 (10)(a) This Subsection (10) applies only to the electronic candidate qualification
8760 process.
- 8761 (b) In order for a member of the qualified political party to qualify as a candidate for the
8762 qualified political party's nomination for an elective office under this section, the
8763 member shall, before [~~5 p.m. no later than 14 days before the day on which the~~
8764 ~~qualified political party holds the party's convention to select candidates, for the~~
8765 ~~elective office, for the qualified political party's nomination]~~ the deadline described in
8766 Subsection (12), collect signatures electronically:
- 8767 (i) in accordance with Section 20A-21-201; and
- 8768 (ii) using progressive screens, in a format approved by the lieutenant governor, that
8769 complies with Subsection 20A-9-405(4).
- 8770 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the

8771 election officer shall, no later than the earlier of 14 calendar days after the day on
 8772 which the election officer receives the signatures, or one day before the day on which
 8773 the qualified political party holds the convention to select a nominee for the elective
 8774 office to which the signature packets relate:

8775 (i) check the name of each individual who completes the verification for a signature
 8776 to determine whether each individual is a resident of Utah and is at least 18 years
 8777 old; and

8778 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not
 8779 a Utah resident or who is not at least 18 years old to the attorney general and the
 8780 county attorney.

8781 (11)(a) An individual may not gather signatures under this section until after the
 8782 individual files a notice of intent to gather signatures for candidacy described in this
 8783 section.

8784 (b) An individual who files a notice of intent to gather signatures for candidacy,
 8785 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the
 8786 individual files the notice of intent to gather signatures for candidacy:

8787 (i) required to comply with the reporting requirements that a candidate for office is
 8788 required to comply with; and

8789 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
 8790 apply to a candidate for office in relation to the reporting requirements described
 8791 in Subsection (11)(b)(i).

8792 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or
 8793 Subsections (8) and (10)(b), the election officer shall, no later than [~~one~~] the day
 8794 before the day on which the qualified political party holds the convention to select a
 8795 nominee for the elective office to which the signature packets relate, notify the
 8796 qualified political party and the lieutenant governor of the name of each member of
 8797 the qualified political party who qualifies as a nominee of the qualified political
 8798 party, under this section, for the elective office to which the convention relates.

8799 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this
 8800 section, the lieutenant governor shall post the notice of intent to gather signatures for
 8801 candidacy on the lieutenant governor's website in the same location that the
 8802 lieutenant governor posts a declaration of candidacy.

8803 (12) The deadline before which a member of a qualified political party must collect and
 8804 submit signatures to the election officer under this section is 5 p.m. on the last business

8805 day that is at least 14 calendar days before the day on which the qualified political
 8806 party's convention for the office begins.

8807 Section 123. Section **20A-9-502** is amended to read:

8808 **20A-9-502 . Certificate of nomination -- Contents -- Circulation -- Verification --**
 8809 **Criminal penalty -- Removal of petition signature.**

8810 (1) The candidate shall:

8811 (a) prepare a certificate of nomination in substantially the following form:

8812 "State of Utah, County of _____

8813 I, _____, declare my intention of becoming an unaffiliated candidate for the
 8814 political group designated as ____ for the office of _____. I do solemnly swear that I can
 8815 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
 8816 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
 8817 that I am providing, or have provided, the required number of holographic signatures of
 8818 registered voters required by law; that as a candidate at the next election I will not knowingly
 8819 violate any election or campaign law; that, if filing via a designated agent for an office other
 8820 than president of the United States, I will be out of the state of Utah during the entire candidate
 8821 filing period; I will file all campaign financial disclosure reports as required by law; and I
 8822 understand that failure to do so will result in my disqualification as a candidate for this office
 8823 and removal of my name from the ballot.

8824 _____
 8825 Subscribed and sworn to before me this _____(month\day\year).

8826 _____
 8827 Notary Public (or other officer
 8828 qualified to administer oaths)";

8829 (b) for each signature packet, bind signature sheets to a copy of the certificate of
 8830 nomination and the circulator verification, that:

8831 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;

8832 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that
 8833 line blank for the purpose of binding;

8834 (iii) contain the name of the proposed candidate and the words "Unaffiliated
 8835 Candidate Certificate of Nomination Petition" printed directly below the
 8836 horizontal line;

8837 (iv) contain the word "Warning" printed directly under the words described in
 8838 Subsection (1)(b)(iii);

8839 (v) contain, to the right of the word "Warning," the following statement printed in not less than
8840 eight-point, single leaded type:

8841 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination
8842 signature sheet with any name other than the person's own name or more than once for the
8843 same candidate or if the person is not registered to vote in this state and does not intend to
8844 become registered to vote in this state before the county clerk certifies the signatures.";

8845 (vi) contain the following statement directly under the statement described in Subsection
8846 (1)(b)(v):

8847 "Each signer says:

8848 I have personally signed this petition with a holographic signature;

8849 I am registered to vote in Utah or intend to become registered to vote in Utah before the
8850 county clerk certifies my signature; and

8851 My street address is written correctly after my name.";

8852 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in
8853 Subsection (1)(b)(vi); and

8854 (viii) be vertically divided into columns as follows:

8855 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide,
8856 be headed with "For Office Use Only," and be subdivided with a light vertical
8857 line down the middle;

8858 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's
8859 Printed Name (must be legible to be counted)";

8860 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
8861 Registered Voter";

8862 (D) the next column shall be one inch wide, headed "Birth Date or Age
8863 (Optional)";

8864 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
8865 Code"; and

8866 (F) at the bottom of the sheet, contain the following statement: "Birth date or age
8867 information is not required, but it may be used to verify your identity with
8868 voter registration records. If you choose not to provide it, your signature may
8869 not be certified as a valid signature if you change your address before petition
8870 signatures are certified or if the information you provide does not match your
8871 voter registration records."; and

8872 (c) bind a final page to one or more signature sheets that are bound together that contains,

8873 except as provided by Subsection (3), the following printed statement:

8874 "Verification

8875 State of Utah, County of ____

8876 I, _____, of _____, hereby state that:

8877 I am at least 18 years old;

8878 All the names that appear on the signature sheets bound to this page were signed by
8879 persons who professed to be the persons whose names appear on the signature sheets, and each
8880 of them signed the person's name on the signature sheets in my presence;

8881 I believe that each has printed and signed the person's name and written the person's
8882 street address correctly, and that each signer is registered to vote in Utah or will register to
8883 vote in Utah before the county clerk certifies the signatures on the signature sheet.

8884

8885 (Signature) (Residence Address) (Date)".

8886 (2) An agent designated to file a certificate of nomination under Subsection 20A-9-503

8887 (2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).

8888 (3)(a) The candidate shall circulate the nomination petition and ensure that the person in
8889 whose presence each signature sheet is signed:

8890 (i) is at least 18 years old; and

8891 (ii) verifies each signature sheet by completing the verification bound to one or more
8892 signature sheets that are bound together.

8893 (b) A person may not sign the circulator verification if the person signed a signature
8894 sheet bound to the verification.

8895 (4)(a) It is unlawful for any person to:

8896 (i) knowingly sign a certificate of nomination signature sheet:

8897 (A) with any name other than the person's own name;

8898 (B) more than once for the same candidate; or

8899 (C) if the person is not registered to vote in this state and does not intend to
8900 become registered to vote in this state before the county clerk certifies the
8901 signatures; or

8902 (ii) sign the verification of a certificate of nomination signature sheet if the person:

8903 (A) has not witnessed the signing by those persons whose names appear on the
8904 certificate of nomination signature sheet; or

8905 (B) knows that a person whose signature appears on the certificate of nomination
8906 signature sheet is not registered to vote in this state and does not intend to

- 8907 become registered to vote in this state.
- 8908 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- 8909 (5)(a) To qualify for placement on the general election ballot, the candidate shall, no
- 8910 earlier than the start of the declaration of candidacy period described in Section
- 8911 20A-9-201.5 and no later than 5 p.m. on June 15 of the year in which the election
- 8912 will be held:
- 8913 (i) comply with Subsection 20A-9-503(1); and
- 8914 (ii) submit each signature packet to the county clerk where the majority of the
- 8915 signatures in the packet were collected, with signatures totaling:
- 8916 (A) at least 1,000 registered voters residing within the state when the nomination
- 8917 is for an office to be filled by the voters of the entire state; or
- 8918 (B) at least 300 registered voters residing within a political division or at least 5%
- 8919 of the registered voters residing within a political division, whichever is less,
- 8920 when the nomination is for an office to be filled by the voters of any political
- 8921 division smaller than the state.
- 8922 (b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks
- 8923 verify that each required signature is a valid signature of a registered voter who is
- 8924 eligible to sign the signature packet and has not signed a signature packet to nominate
- 8925 another candidate for the same office.
- 8926 (c) In reviewing the signature packets, the county clerk shall count and certify only those
- 8927 persons who signed with a holographic signature, who:
- 8928 (i) are registered voters within the political division that the candidate seeks to
- 8929 represent; and
- 8930 (ii) did not sign any other certificate of nomination for that office.
- 8931 (d) The county clerk shall count and certify the number of registered voters who validly
- 8932 signed a signature packet, no later than 30 calendar days after the day on which the
- 8933 candidate submits the signature packet.
- 8934 (e) The candidate may supplement the signatures or amend the certificate of nomination
- 8935 or declaration of candidacy at any time on or before 5 p.m. on June 15 of the year in
- 8936 which the election will be held.
- 8937 (f) The county clerk shall use the procedures described in Section 20A-1-1002 to
- 8938 determine whether a signer is a registered voter who is qualified to sign the signature
- 8939 packet.
- 8940 (6)(a) A voter who signs a signature packet under this section may have the voter's

8941 signature removed from the signature packet by, no later than 5 p.m. three business
 8942 days after the day on which the candidate submits the signature packet to the county
 8943 clerk, submitting to the county clerk a statement requesting that the voter's signature
 8944 be removed.

8945 (b) A statement described in Subsection (6)(a) shall comply with the requirements
 8946 described in Subsection 20A-1-1003(2).

8947 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
 8948 determine whether to remove an individual's signature from a signature packet after
 8949 receiving a timely, valid statement requesting removal of the signature.

8950 Section 124. Section **20A-9-601** is amended to read:

8951 **20A-9-601 . Qualifying as a write-in candidate.**

8952 (1)(a) Except as provided in Subsection (1)(b), an individual who wishes to become a
 8953 valid write-in candidate shall file a declaration of candidacy in person, or through a
 8954 designated agent for a candidate for president or vice president of the United States,
 8955 with the appropriate filing officer [~~before 5 p.m.~~]no later than 5 p.m. on the last
 8956 business day that is at least 65 calendar days before the date of the regular general
 8957 election or the municipal general election in which the individual intends to be a
 8958 write-in candidate.

8959 (b)(i) The provisions of this Subsection (1)(b) do not apply to an individual who files
 8960 a declaration of candidacy for president of the United States.

8961 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
 8962 declaration of candidacy with the appropriate filing officer if:

8963 (A) the individual is located outside of the state during the entire filing period;

8964 (B) the designated agent appears in person before the filing officer; and

8965 (C) the individual communicates with the filing officer using an electronic device
 8966 that allows the individual and filing officer to see and hear each other.

8967 (2)(a) The form of the declaration of candidacy for a write-in candidate for all offices, except
 8968 president or vice president of the United States, is substantially as follows:

8969 "State of Utah, County of ____

8970 I, _____, declare my intention of becoming a candidate for the office of ____

8971 for the ____ district (if applicable). I do solemnly swear that: I will meet the qualifications to

8972 hold the office, both legally and constitutionally, if selected; I reside at _____ in the

8973 City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate

8974 any law governing campaigns and elections; if filing via a designated agent, I will be out of the

8975 state of Utah during the entire candidate filing period; I will file all campaign financial
 8976 disclosure reports as required by law; and I understand that failure to do so will result in my
 8977 disqualification as a candidate for this office and rejection of any votes cast for me. The
 8978 mailing address that I designate for receiving official election notices is

8979 _____.

8980 _____

8981 Subscribed and sworn before me this _____(month\day\year).

8982 Notary Public (or other officer qualified to administer oath).".

8983 (b) The form of the declaration of candidacy for a write-in candidate for president of the
 8984 United States is substantially as follows:

8985 "State of Utah, County of ____

8986 I, _____, declare my intention of becoming a candidate for the office of the
 8987 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
 8988 the office, both legally and constitutionally, if selected; I reside at _____ in the City
 8989 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
 8990 any law governing campaigns and elections. The mailing address that I designate for receiving
 8991 official election notices is _____. I designate _____ as
 8992 my vice presidential candidate.

8993 _____

8994 Subscribed and sworn before me this _____(month\day\year).

8995 Notary Public (or other officer qualified to administer oath).".

8996 (c) A declaration of candidacy for a write-in candidate for vice president of the United
 8997 States shall be in substantially the same form as a declaration of candidacy described
 8998 in Subsection 20A-9-202(7).

8999 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
 9000 Subsection (2)(a) or (b).

9001 (3)(a) The filing officer shall:

9002 (i) read to the candidate the constitutional and statutory requirements for the office;

9003 (ii) ask the candidate whether the candidate meets the requirements; and

9004 (iii) if the declaration of candidacy is for a legislative office, inform the individual
 9005 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
 9006 public office of profit or trust, under authority of the United States or Utah, from
 9007 being a member of the Legislature.

9008 (b) If the candidate cannot meet the requirements of office, the filing officer may not

- 9009 accept the write-in candidate's declaration of candidacy.
- 9010 (4)(a) Except as provided in Subsection (4)(b), a write-in candidate is subject to
9011 Subsection 20A-9-201(8).
- 9012 (b) A write-in candidate for president of the United States is subject to Subsection
9013 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.
- 9014 (5) By November 1 of each regular general election year, the lieutenant governor shall
9015 certify to each county clerk the names of all write-in candidates who filed their
9016 declaration of candidacy with the lieutenant governor.
- 9017 Section 125. Section **20A-11-101** is amended to read:
9018 **20A-11-101 . Definitions.**
- 9019 As used in this chapter:
- 9020 (1)(a) "Address" means the number and street where an individual resides or where a
9021 reporting entity has its principal office.
- 9022 (b) "Address" does not include a post office box.
- 9023 (2) "Agent of a reporting entity" means:
- 9024 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
9025 (b) a person employed by a reporting entity in the reporting entity's capacity as a
9026 reporting entity;
- 9027 (c) the personal campaign committee of a candidate or officeholder;
9028 (d) a member of the personal campaign committee of a candidate or officeholder in the
9029 member's capacity as a member of the personal campaign committee of the candidate
9030 or officeholder; or
- 9031 (e) a political consultant of a reporting entity.
- 9032 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
9033 amendments, and any other ballot propositions submitted to the voters that are
9034 authorized by the Utah Code Annotated 1953.
- 9035 (4) "Candidate" means any person who:
- 9036 (a) files a declaration of candidacy for a public office; or
9037 (b) receives contributions, makes expenditures, or gives consent for any other person to
9038 receive contributions or make expenditures to bring about the person's nomination or
9039 election to a public office.
- 9040 (5) "Chief election officer" means:
- 9041 (a) the lieutenant governor for state office candidates, legislative office candidates,
9042 officeholders, political parties, political action committees, corporations, political

- 9043 issues committees, state school board candidates, judges, and labor organizations, as
 9044 defined in Section 20A-11-1501; and
- 9045 (b) the county clerk for local school board candidates.
- 9046 (6)(a) "Contribution" means any of the following when done for political purposes:
- 9047 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
 9048 value given to the filing entity;
- 9049 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
 9050 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
 9051 money or anything of value to the filing entity;
- 9052 (iii) any transfer of funds from another reporting entity to the filing entity;
- 9053 (iv) compensation paid by any person or reporting entity other than the filing entity
 9054 for personal services provided without charge to the filing entity;
- 9055 (v) remuneration from:
- 9056 (A) any organization or its directly affiliated organization that has a registered
 9057 lobbyist; or
- 9058 (B) any agency or subdivision of the state, including school districts;
- 9059 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 9060 (vii) in-kind contributions.
- 9061 (b) "Contribution" does not include:
- 9062 (i) services provided by individuals volunteering a portion or all of their time on
 9063 behalf of the filing entity if the services are provided without compensation by the
 9064 filing entity or any other person;
- 9065 (ii) money lent to the filing entity by a financial institution in the ordinary course of
 9066 business;
- 9067 (iii) goods or services provided for the benefit of a political entity at less than fair
 9068 market value that are not authorized by or coordinated with the political entity; or
- 9069 (iv) data or information described in Subsection (24)(b).
- 9070 (7) "Coordinated with" means that goods or services provided for the benefit of a political
 9071 entity are provided:
- 9072 (a) with the political entity's prior knowledge, if the political entity does not object;
- 9073 (b) by agreement with the political entity;
- 9074 (c) in coordination with the political entity; or
- 9075 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 9076 (8)(a) "Corporation" means a domestic or foreign, profit or nonprofit, business

- 9077 organization that is registered as a corporation or is authorized to do business in a
9078 state and makes any expenditure from corporate funds for:
- 9079 (i) the purpose of expressly advocating for political purposes; or
 - 9080 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
9081 proposition.
- 9082 (b) "Corporation" does not mean:
- 9083 (i) a business organization's political action committee or political issues committee;
9084 or
 - 9085 (ii) a business entity organized as a partnership or a sole proprietorship.
- 9086 (9) "County political party" means, for each registered political party, all of the persons
9087 within a single county who, under definitions established by the political party, are
9088 members of the registered political party.
- 9089 (10) "County political party officer" means a person whose name is required to be
9090 submitted by a county political party to the lieutenant governor in accordance with
9091 Section 20A-8-402.
- 9092 (11) "Detailed listing" means:
- 9093 (a) for each contribution or public service assistance:
 - 9094 (i) the name and address of the individual or source making the contribution or public
9095 service assistance, except to the extent that the name or address of the individual
9096 or source is unknown;
 - 9097 (ii) the amount or value of the contribution or public service assistance; and
 - 9098 (iii) the date the contribution or public service assistance was made; and
 - 9099 (b) for each expenditure:
 - 9100 (i) the amount of the expenditure;
 - 9101 (ii) the goods or services acquired by the expenditure; and
 - 9102 (iii) the date the expenditure was made.
- 9103 (12)(a) "Donor" means a person that gives money, including a fee, due, or assessment
9104 for membership in the corporation, to a corporation without receiving full and
9105 adequate consideration for the money.
- 9106 (b) "Donor" does not include a person that signs a statement that the corporation may not
9107 use the money for an expenditure or political issues expenditure.
- 9108 (13) "Election" means each:
- 9109 (a) regular general election;
 - 9110 (b) regular primary election; and

- 9111 (c) special election at which candidates are eliminated and selected.
- 9112 (14) "Electioneering communication" means a communication that:
- 9113 (a) has at least a value of \$10,000;
- 9114 (b) clearly identifies a candidate or judge; and
- 9115 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 9116 facility, direct mailing, broadcast, cable, or satellite provider within 45 [~~days of~~]
- 9117 calendar days before the clearly identified candidate's or judge's election date.
- 9118 (15)(a) "Expenditure" means any of the following made by a reporting entity or an agent
- 9119 of a reporting entity on behalf of the reporting entity:
- 9120 (i) any disbursement from contributions, receipts, or from the separate bank account
- 9121 required by this chapter;
- 9122 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 9123 or anything of value made for political purposes;
- 9124 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 9125 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 9126 or anything of value for political purposes;
- 9127 (iv) compensation paid by a filing entity for personal services rendered by a person
- 9128 without charge to a reporting entity;
- 9129 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 9130 committee;
- 9131 (vi) goods or services provided by the filing entity to or for the benefit of another
- 9132 reporting entity for political purposes at less than fair market value; or
- 9133 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 9134 (b) "Expenditure" does not include:
- 9135 (i) services provided without compensation by individuals volunteering a portion or
- 9136 all of their time on behalf of a reporting entity;
- 9137 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 9138 business; or
- 9139 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
- 9140 candidates for office or officeholders in states other than Utah.
- 9141 (16) "Federal office" means the office of president of the United States, United States
- 9142 Senator, or United States Representative.
- 9143 (17) "Filing entity" means the reporting entity that is required to file a financial statement
- 9144 required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

- 9145 (18) "Financial statement" includes any summary report, interim report, verified financial
9146 statement, or other statement disclosing contributions, expenditures, receipts, donations,
9147 or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention
9148 Elections.
- 9149 (19) "Governing board" means the individual or group of individuals that determine the
9150 candidates and committees that will receive expenditures from a political action
9151 committee, political party, or corporation.
- 9152 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
9153 Incorporation, by which a geographical area becomes legally recognized as a city or
9154 town.
- 9155 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 9156 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 9157 (23) "Individual" means a natural person.
- 9158 (24)(a) "In-kind contribution" means anything of value, other than money, that is
9159 accepted by or coordinated with a filing entity.
- 9160 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
9161 information, demographic data, voting trend data, or other information that:
9162 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
9163 (ii) is offered at no cost to a candidate or officeholder.
- 9164 (25) "Interim report" means a report identifying the contributions received and expenditures
9165 made since the last report.
- 9166 (26) "Legislative office" means the office of state senator, state representative, speaker of
9167 the House of Representatives, president of the Senate, and the leader, whip, and assistant
9168 whip of any party caucus in either house of the Legislature.
- 9169 (27) "Legislative office candidate" means a person who:
9170 (a) files a declaration of candidacy for the office of state senator or state representative;
9171 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
9172 speaker of the House of Representatives, president of the Senate, or the leader, whip,
9173 and assistant whip of any party caucus in either house of the Legislature; or
9174 (c) receives contributions, makes expenditures, or gives consent for any other person to
9175 receive contributions or make expenditures to bring about the person's nomination,
9176 election, or appointment to a legislative office.
- 9177 (28) "Loan" means any of the following provided by a person that benefits a filing entity if
9178 the person expects repayment or reimbursement:

- 9179 (a) an expenditure made using any form of payment;
- 9180 (b) money or funds received by the filing entity;
- 9181 (c) the provision of a good or service with an agreement or understanding that payment
- 9182 or reimbursement will be delayed; or
- 9183 (d) use of any line of credit.
- 9184 (29) "Major political party" means either of the two registered political parties that have the
- 9185 greatest number of members elected to the two houses of the Legislature.
- 9186 (30) "Officeholder" means a person who holds a public office.
- 9187 (31) "Party committee" means any committee organized by or authorized by the governing
- 9188 board of a registered political party.
- 9189 (32) "Person" means both natural and legal persons, including individuals, business
- 9190 organizations, personal campaign committees, party committees, political action
- 9191 committees, political issues committees, and labor organizations, as defined in Section
- 9192 20A-11-1501.
- 9193 (33) "Personal campaign committee" means the committee appointed by a candidate to act
- 9194 for the candidate as provided in this chapter.
- 9195 (34) "Personal use expenditure" has the same meaning as provided under Section
- 9196 20A-11-104.
- 9197 (35)(a) "Political action committee" means an entity, or any group of individuals or
- 9198 entities within or outside this state, a major purpose of which is to:
- 9199 (i) solicit or receive contributions from any other person, group, or entity for political
- 9200 purposes; or
- 9201 (ii) make expenditures to expressly advocate for any person to refrain from voting or
- 9202 to vote for or against any candidate or person seeking election to a municipal or
- 9203 county office.
- 9204 (b) "Political action committee" includes groups affiliated with a registered political
- 9205 party but not authorized or organized by the governing board of the registered
- 9206 political party that receive contributions or makes expenditures for political purposes.
- 9207 (c) "Political action committee" does not mean:
- 9208 (i) a party committee;
- 9209 (ii) any entity that provides goods or services to a candidate or committee in the
- 9210 regular course of its business at the same price that would be provided to the
- 9211 general public;
- 9212 (iii) an individual;

- 9213 (iv) individuals who are related and who make contributions from a joint checking
 9214 account;
- 9215 (v) a corporation, except a corporation a major purpose of which is to act as a
 9216 political action committee; or
- 9217 (vi) a personal campaign committee.
- 9218 (36)(a) "Political consultant" means a person who is paid by a reporting entity, or paid
 9219 by another person on behalf of and with the knowledge of the reporting entity, to
 9220 provide political advice to the reporting entity.
- 9221 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where
 9222 the person:
- 9223 (i) has already been paid, with money or other consideration;
- 9224 (ii) expects to be paid in the future, with money or other consideration; or
- 9225 (iii) understands that the person may, in the discretion of the reporting entity or
 9226 another person on behalf of and with the knowledge of the reporting entity, be
 9227 paid in the future, with money or other consideration.
- 9228 (37) "Political convention" means a county or state political convention held by a registered
 9229 political party to select candidates.
- 9230 (38) "Political entity" means a candidate, a political party, a political action committee, or a
 9231 political issues committee.
- 9232 (39)(a) "Political issues committee" means an entity, or any group of individuals or
 9233 entities within or outside this state, a major purpose of which is to:
- 9234 (i) solicit or receive donations from any other person, group, or entity to assist in
 9235 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off
 9236 the ballot, or to advocate that a voter refrain from voting or vote for or vote
 9237 against any ballot proposition;
- 9238 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
 9239 ballot proposition or incorporation petition or refrain from voting, vote for, or vote
 9240 against any proposed ballot proposition or an incorporation in an incorporation
 9241 election; or
- 9242 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
 9243 ballot or to assist in keeping a ballot proposition off the ballot.
- 9244 (b) "Political issues committee" does not mean:
- 9245 (i) a registered political party or a party committee;
- 9246 (ii) any entity that provides goods or services to an individual or committee in the

- 9247 regular course of its business at the same price that would be provided to the
 9248 general public;
- 9249 (iii) an individual;
- 9250 (iv) individuals who are related and who make contributions from a joint checking
 9251 account;
- 9252 (v) a corporation, except a corporation a major purpose of which is to act as a
 9253 political issues committee; or
- 9254 (vi) a group of individuals who:
- 9255 (A) associate together for the purpose of challenging or supporting a single ballot
 9256 proposition, ordinance, or other governmental action by a county, city, town,
 9257 special district, special service district, or other local political subdivision of
 9258 the state;
- 9259 (B) have a common liberty, property, or financial interest that is directly impacted
 9260 by the ballot proposition, ordinance, or other governmental action;
- 9261 (C) do not associate together, for the purpose described in Subsection
 9262 (39)(b)(vi)(A), via a legal entity;
- 9263 (D) do not receive funds for challenging or supporting the ballot proposition,
 9264 ordinance, or other governmental action from a person other than an individual
 9265 in the group; and
- 9266 (E) do not expend a total of more than \$5,000 for the purpose described in
 9267 Subsection (39)(b)(vi)(A).
- 9268 (40)(a) "Political issues contribution" means any of the following:
- 9269 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money
 9270 or anything of value given to a political issues committee;
- 9271 (ii) an express, legally enforceable contract, promise, or agreement to make a
 9272 political issues donation to influence the approval or defeat of any ballot
 9273 proposition;
- 9274 (iii) any transfer of funds received by a political issues committee from a reporting
 9275 entity;
- 9276 (iv) compensation paid by another reporting entity for personal services rendered
 9277 without charge to a political issues committee; and
- 9278 (v) goods or services provided to or for the benefit of a political issues committee at
 9279 less than fair market value.
- 9280 (b) "Political issues contribution" does not include:

- 9281 (i) services provided without compensation by individuals volunteering a portion or
9282 all of their time on behalf of a political issues committee; or
- 9283 (ii) money lent to a political issues committee by a financial institution in the
9284 ordinary course of business.
- 9285 (41)(a) "Political issues expenditure" means any of the following when made by a
9286 political issues committee or on behalf of a political issues committee by an agent of
9287 the reporting entity:
- 9288 (i) any payment from political issues contributions made for the purpose of
9289 influencing the approval or the defeat of:
- 9290 (A) a ballot proposition; or
9291 (B) an incorporation petition or incorporation election;
- 9292 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made
9293 for the express purpose of influencing the approval or the defeat of:
- 9294 (A) a ballot proposition; or
9295 (B) an incorporation petition or incorporation election;
- 9296 (iii) an express, legally enforceable contract, promise, or agreement to make any
9297 political issues expenditure;
- 9298 (iv) compensation paid by a reporting entity for personal services rendered by a
9299 person without charge to a political issues committee; or
- 9300 (v) goods or services provided to or for the benefit of another reporting entity at less
9301 than fair market value.
- 9302 (b) "Political issues expenditure" does not include:
- 9303 (i) services provided without compensation by individuals volunteering a portion or
9304 all of their time on behalf of a political issues committee; or
- 9305 (ii) money lent to a political issues committee by a financial institution in the
9306 ordinary course of business.
- 9307 (42) "Political purposes" means an act done with the intent or in a way to influence or tend
9308 to influence, directly or indirectly, any person to refrain from voting or to vote for or
9309 against any:
- 9310 (a) candidate or a person seeking a municipal or county office at any caucus, political
9311 convention, or election; or
- 9312 (b) judge standing for retention at any election.
- 9313 (43)(a) "Poll" means the survey of a person regarding the person's opinion or knowledge
9314 of an individual who has filed a declaration of candidacy for public office, or of a

- 9315 ballot proposition that has legally qualified for placement on the ballot, which is
9316 conducted in person or by telephone, facsimile, Internet, postal mail, or email.
- 9317 (b) "Poll" does not include:
- 9318 (i) a ballot; or
- 9319 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 9320 (A) the focus group consists of more than three, and less than thirteen, individuals;
- 9321 and
- 9322 (B) all individuals in the focus group are present during the interview.
- 9323 (44) "Primary election" means any regular primary election held under the election laws.
- 9324 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
9325 sharing a common occupation, interest, or association that contribute to a political action
9326 committee or political issues committee and whose names can be obtained by contacting
9327 the political action committee or political issues committee upon whose financial
9328 statement the individuals are listed.
- 9329 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state
9330 treasurer, attorney general, state school board member, state senator, state representative,
9331 speaker of the House of Representatives, president of the Senate, and the leader, whip,
9332 and assistant whip of any party caucus in either house of the Legislature.
- 9333 (47)(a) "Public service assistance" means the following when given or provided to an
9334 officeholder to defray the costs of functioning in a public office or aid the
9335 officeholder to communicate with the officeholder's constituents:
- 9336 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
9337 of money or anything of value to an officeholder; or
- 9338 (ii) goods or services provided at less than fair market value to or for the benefit of
9339 the officeholder.
- 9340 (b) "Public service assistance" does not include:
- 9341 (i) anything provided by the state;
- 9342 (ii) services provided without compensation by individuals volunteering a portion or
9343 all of their time on behalf of an officeholder;
- 9344 (iii) money lent to an officeholder by a financial institution in the ordinary course of
9345 business;
- 9346 (iv) news coverage or any publication by the news media; or
- 9347 (v) any article, story, or other coverage as part of any regular publication of any
9348 organization unless substantially all the publication is devoted to information

- 9349 about the officeholder.
- 9350 (48) "Receipts" means contributions and public service assistance.
- 9351 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist
9352 Disclosure and Regulation Act.
- 9353 (50) "Registered political action committee" means any political action committee that is
9354 required by this chapter to file a statement of organization with the Office of the
9355 Lieutenant Governor.
- 9356 (51) "Registered political issues committee" means any political issues committee that is
9357 required by this chapter to file a statement of organization with the Office of the
9358 Lieutenant Governor.
- 9359 (52) "Registered political party" means an organization of voters that:
- 9360 (a) participated in the last regular general election and polled a total vote equal to 2% or
9361 more of the total votes cast for all candidates for the United States House of
9362 Representatives for any of its candidates for any office; or
- 9363 (b) has complied with the petition and organizing procedures of Chapter 8, Political
9364 Party Formation and Procedures.
- 9365 (53)(a) "Remuneration" means a payment:
- 9366 (i) made to a legislator for the period the Legislature is in session; and
9367 (ii) that is approximately equivalent to an amount a legislator would have earned
9368 during the period the Legislature is in session in the legislator's ordinary course of
9369 business.
- 9370 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 9371 (i) the legislator's primary employer in the ordinary course of business; or
9372 (ii) a person or entity in the ordinary course of business:
- 9373 (A) because of the legislator's ownership interest in the entity; or
9374 (B) for services rendered by the legislator on behalf of the person or entity.
- 9375 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a
9376 judge, a judge's personal campaign committee, an officeholder, a party committee, a
9377 political action committee, a political issues committee, a corporation, or a labor
9378 organization, as defined in Section 20A-11-1501.
- 9379 (55) "School board office" means the office of state school board.
- 9380 (56)(a) "Source" means the person or entity that is the legal owner of the tangible or
9381 intangible asset that comprises the contribution.
- 9382 (b) "Source" means, for political action committees and corporations, the political action

9383 committee and the corporation as entities, not the contributors to the political action
 9384 committee or the owners or shareholders of the corporation.

9385 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
 9386 state auditor, and state treasurer.

9387 (58) "State office candidate" means a person who:

9388 (a) files a declaration of candidacy for a state office; or

9389 (b) receives contributions, makes expenditures, or gives consent for any other person to
 9390 receive contributions or make expenditures to bring about the person's nomination,
 9391 election, or appointment to a state office.

9392 (59) "Summary report" means the year end report containing the summary of a reporting
 9393 entity's contributions and expenditures.

9394 (60) "Supervisory board" means the individual or group of individuals that allocate
 9395 expenditures from a political issues committee.

9396 Section 126. Section **20A-11-103** is amended to read:

9397 **20A-11-103 . Notice of pending interim and summary reports -- Form of**
 9398 **submission -- Public availability -- Notice of reporting and filing requirements.**

9399 (1)(a) Except as provided under Subsection (1)(b), on the last business day that is at least
 9400 10 calendar days before an interim report or summary report is due under this chapter
 9401 or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall
 9402 inform the filing entity by electronic mail unless postal mail is requested:

9403 (i) that the financial statement is due;

9404 (ii) of the date that the financial statement is due; and

9405 (iii) of the penalty for failing to file the financial statement.

9406 (b) The chief election officer is not required to provide notice:

9407 (i) to a candidate or political party of the financial statement that is due before the
 9408 candidate's or political party's political convention;

9409 (ii) of a financial statement due in connection with a public hearing for an initiative
 9410 under the requirements of Section 20A-7-204.1; or

9411 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

9412 (2) A filing entity shall electronically file a financial statement via electronic mail or the
 9413 Internet according to specifications established by the chief election officer.

9414 (3)(a) A financial statement is considered timely filed if the financial statement is
 9415 received by the chief election officer's office before midnight, Mountain Time, at the
 9416 end of the day on which the financial statement is due.

- 9417 (b) For a county clerk's office that is not open until midnight at the end of the day on
 9418 which a financial statement is due, the county clerk shall permit a candidate to file
 9419 the financial statement via email or another electronic means designated by the
 9420 county clerk.
- 9421 (c) A chief election officer may extend the time in which a filing entity is required to file
 9422 a financial statement if a filing entity notifies the chief election officer of the
 9423 existence of an extenuating circumstance that is outside the control of the filing entity.
- 9424 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
 9425 and Management Act, the lieutenant governor shall:
- 9426 (a) make each campaign finance statement filed by a candidate available for public
 9427 inspection and copying no later than one business day after the statement is filed; and
- 9428 (b) post on a website established by the lieutenant governor:
- 9429 (i) an electronic copy or the contents of each summary report or interim report filed
 9430 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention
 9431 Elections, no later than three business days after the date on which the summary
 9432 report or interim report is electronically filed; or
- 9433 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,
 9434 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or
 9435 county website that hosts the campaign finance statement, no later than seven
 9436 business days after the date on which the lieutenant governor receives the link
 9437 from:
- 9438 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208
 9439 (10)(b)(ii); or
- 9440 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).
- 9441 (5) Between January 1 and January 15 of each year, the chief election officer shall provide
 9442 notice, by postal mail or email, to each filing entity for which the chief election officer
 9443 has a physical or email address, of the reporting and filing requirements described in this
 9444 chapter.
- 9445 Section 127. Section **20A-11-105** is amended to read:
- 9446 **20A-11-105 . Deadline for payment of fine.**
- 9447 A person against whom the lieutenant governor imposes a fine under this chapter shall
 9448 pay the fine [~~before 5 p.m. within~~] no later than 5 p.m. on the last business day that is at least
 9449 30 calendar days after the day on which the lieutenant governor imposes the fine.
- 9450 Section 128. Section **20A-11-201** is amended to read:

9451 **20A-11-201 . State office -- Separate bank account for campaign funds -- No**
9452 **personal use -- State office candidate reporting deadline -- Report other accounts --**
9453 **Anonymous contributions.**

9454 (1)(a) Each state office candidate or the candidate's personal campaign committee shall
9455 deposit each contribution received in one or more separate campaign accounts in a
9456 financial institution.

9457 (b) A state office candidate or a candidate's personal campaign committee may not use
9458 money deposited in a campaign account for:

9459 (i) a personal use expenditure; or

9460 (ii) an expenditure prohibited by law.

9461 (c) Each state officeholder or the state officeholder's personal campaign committee shall
9462 deposit each contribution and public service assistance received in one or more
9463 separate campaign accounts in a financial institution.

9464 (d) A state officeholder or a state officeholder's personal campaign committee may not
9465 use money deposited in a campaign account for:

9466 (i) a personal use expenditure; or

9467 (ii) an expenditure prohibited by law.

9468 (2)(a) A state office candidate or the candidate's personal campaign committee may not
9469 deposit or mingle any contributions received into a personal or business account.

9470 (b) A state officeholder or the state officeholder's personal campaign committee may not
9471 deposit or mingle any contributions or public service assistance received into a
9472 personal or business account.

9473 (3) If a person who is no longer a state office candidate chooses not to expend the money
9474 remaining in a campaign account, the person shall continue to file the year-end summary
9475 report required by Section 20A-11-203 until the statement of dissolution and final
9476 summary report required by Section 20A-11-205 are filed with the lieutenant governor.

9477 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
9478 no longer a state office candidate may not expend or transfer the money in a
9479 campaign account in a manner that would cause the former state office candidate to
9480 recognize the money as taxable income under federal tax law.

9481 (b) A person who is no longer a state office candidate may transfer the money in a
9482 campaign account in a manner that would cause the former state office candidate to
9483 recognize the money as taxable income under federal tax law if the transfer is made
9484 to a campaign account for federal office.

- 9485 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
9486 in Subsection 20A-11-204(1)(b).
- 9487 (b) Each state office candidate shall report to the lieutenant governor each contribution
9488 received by the state office candidate:
- 9489 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day
9490 on which the contribution is received; or
- 9491 (ii) within seven business days after the day on which the contribution is received, if:
- 9492 (A) the state office candidate is contested in a convention and the contribution is
9493 received within 30 calendar days before the day on which the convention is
9494 held;
- 9495 (B) the state office candidate is contested in a primary election and the
9496 contribution is received within 30 calendar days before the day on which the
9497 primary election is held; or
- 9498 (C) the state office candidate is contested in a general election and the
9499 contribution is received within 30 calendar days before the day on which the
9500 general election is held.
- 9501 (c) Except as provided in Subsection (5)(d), for each contribution that a state office
9502 candidate fails to report within the time period described in Subsection (5)(b), the
9503 lieutenant governor shall impose a fine against the state office candidate in an amount
9504 equal to:
- 9505 (i) 10% of the amount of the contribution, if the state office candidate reports the
9506 contribution within 60 calendar days after the day on which the time period
9507 described in Subsection (5)(b) ends; or
- 9508 (ii) 20% of the amount of the contribution, if the state office candidate fails to report
9509 the contribution within 60 calendar days after the day on which the time period
9510 described in Subsection (5)(b) ends.
- 9511 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue
9512 a warning to the state office candidate if:
- 9513 (i) the contribution that the state office candidate fails to report is paid by the state
9514 office candidate from the state office candidate's personal funds;
- 9515 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation
9516 to a contribution paid by the state office candidate from the state office candidate's
9517 personal funds; and
- 9518 (iii) the lieutenant governor determines that the failure to timely report the

- 9519 contribution is due to the state office candidate not understanding that the
9520 reporting requirement includes a contribution paid by a state office candidate from
9521 the state office candidate's personal funds.
- 9522 (e) The lieutenant governor shall:
- 9523 (i) deposit money received under Subsection (5)(c) into the General Fund; and
9524 (ii) report on the lieutenant governor's website, in the location where reports relating
9525 to each state office candidate are available for public access:
- 9526 (A) each fine imposed by the lieutenant governor against the state office candidate;
9527 (B) the amount of the fine;
9528 (C) the amount of the contribution to which the fine relates; and
9529 (D) the date of the contribution.
- 9530 (6)(a) As used in this Subsection (6), "account" means an account in a financial
9531 institution:
- 9532 (i) that is not described in Subsection (1)(a); and
9533 (ii) into which or from which a person who, as a candidate for an office, other than
9534 the state office for which the person files a declaration of candidacy or federal
9535 office, or as a holder of an office, other than a state office for which the person
9536 files a declaration of candidacy or federal office, deposits a contribution or makes
9537 an expenditure.
- 9538 (b) A state office candidate shall include on any financial statement filed in accordance
9539 with this part:
- 9540 (i) a contribution deposited in an account:
9541 (A) since the last campaign finance statement was filed; or
9542 (B) that has not been reported under a statute or ordinance that governs the
9543 account; or
9544 (ii) an expenditure made from an account:
9545 (A) since the last campaign finance statement was filed; or
9546 (B) that has not been reported under a statute or ordinance that governs the
9547 account.
- 9548 (7) Within 31 calendar days after [~~receiving~~] the day on which a state office candidate
9549 receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from
9550 an unknown source, [a] the state office candidate shall disburse the amount of the
9551 contribution to an organization that is exempt from federal income taxation under
9552 Section 501(c)(3), Internal Revenue Code.

9553 Section 129. Section **20A-11-204** is amended to read:

9554 **20A-11-204 . State office candidate and state officeholder -- Financial reporting**
9555 **requirements -- Interim reports.**

9556 (1) As used in this section:

9557 (a) "Campaign account" means a separate campaign account required under Subsection
9558 20A-11-201(1)(a) or (c).

9559 (b) "Received" means:

9560 (i) for a cash contribution, that the cash is given to a state office candidate or a
9561 member of the state office candidate's personal campaign committee;

9562 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
9563 instrument or check is negotiated;

9564 (iii) for a direct deposit made into a campaign account by a person not associated
9565 with the campaign, the earlier of:

9566 (A) the day on which the state office candidate or a member of the state office
9567 candidate's personal campaign committee becomes aware of the deposit and
9568 the source of the deposit;

9569 (B) the day on which the state office candidate or a member of the state office
9570 candidate's personal campaign committee receives notice of the deposit and the
9571 source of the deposit by mail, email, text, or similar means; or

9572 (C) 31 calendar days after the day on which the direct deposit occurs; or

9573 (iv) for any other type of contribution, that any portion of the contribution's benefit
9574 inures to the state office candidate.

9575 (2) Except as provided in Subsection (3), each state office candidate shall file an interim
9576 report at the following times in any year in which the candidate has filed a declaration of
9577 candidacy for a public office:

9578 (a)(i) seven calendar days before the candidate's political convention; or

9579 (ii) for an unaffiliated candidate, the fourth Saturday in March;

9580 (b) seven calendar days before the regular primary election date;

9581 (c) September 30; and

9582 (d) seven calendar days before the regular general election date.

9583 (3) If a state office candidate is a state office candidate seeking appointment for a midterm
9584 vacancy, the state office candidate:

9585 (a) shall file an interim report:

9586 (i)(A) no later than seven calendar days before the day on which the political party

- 9587 of the party for which the state office candidate seeks nomination meets to
 9588 declare a nominee for the governor to appoint in accordance with Section
 9589 20A-1-504; and
- 9590 (B) two calendar days before the day on which the political party of the party for
 9591 which the state office candidate seeks nomination meets to declare a nominee
 9592 for the governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i);
 9593 or
- 9594 (ii) if a state office candidate decides to seek the appointment with less than seven
 9595 calendar days before the party meets, or the political party schedules the meeting
 9596 to declare a nominee less than seven calendar days before the day of the meeting,
 9597 no later than 5 p.m. on the last [~~day of~~] business day before the day on which the
 9598 party meets; and
- 9599 (b) is not required to file an interim report at the times described in Subsection [~~(1)~~] (2).
- 9600 (4) Each interim report shall include the following information:
- 9601 (a) the net balance of the last summary report, if any;
- 9602 (b) a single figure equal to the total amount of receipts reported on all prior interim
 9603 reports, if any, during the calendar year in which the interim report is due;
- 9604 (c) a single figure equal to the total amount of expenditures reported on all prior interim
 9605 reports, if any, filed during the calendar year in which the interim report is due;
- 9606 (d) a detailed listing of:
- 9607 (i) for a state office candidate, each contribution received since the last summary
 9608 report that has not been reported in detail on a prior interim report; or
- 9609 (ii) for a state officeholder, each contribution and public service assistance received
 9610 since the last summary report that has not been reported in detail on a prior
 9611 interim report;
- 9612 (e) for each nonmonetary contribution:
- 9613 (i) the fair market value of the contribution with that information provided by the
 9614 contributor; and
- 9615 (ii) a specific description of the contribution;
- 9616 (f) a detailed listing of each expenditure made since the last summary report that has not
 9617 been reported in detail on a prior interim report;
- 9618 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 9619 (h) a net balance for the year consisting of the net balance from the last summary report,
 9620 if any, plus all receipts since the last summary report minus all expenditures since the

- 9621 last summary report;
- 9622 (i) a summary page in the form required by the lieutenant governor that identifies:
- 9623 (i) beginning balance;
- 9624 (ii) total contributions and public service assistance received during the period since
- 9625 the last statement;
- 9626 (iii) total contributions and public service assistance received to date;
- 9627 (iv) total expenditures during the period since the last statement; and
- 9628 (v) total expenditures to date; and
- 9629 (j) the name of a political action committee for which the state office candidate or state
- 9630 officeholder is designated as an officer who has primary decision-making authority
- 9631 under Section 20A-11-601.

9632 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as

9633 of five calendar days before the required filing date of the report.

9634 (b) Any negotiable instrument or check received by a state office candidate or state

9635 officeholder more than five calendar days before the required filing date of a report

9636 required by this section shall be included in the interim report.

9637 Section 130. Section **20A-11-206** is amended to read:

9638 **20A-11-206 . State office candidate -- Failure to file reports -- Penalties.**

9639 (1) A state office candidate who fails to file a financial statement before the deadline is

9640 subject to a fine imposed in accordance with Section 20A-11-1005.

9641 (2) If a state office candidate fails to file an interim report described in Subsections

9642 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to

9643 the state office candidate and the political party of which the state office candidate is a

9644 member, if any, that states:

9645 (a) that the state office candidate failed to timely file the report; and

9646 (b) that, if the state office candidate fails to file the report within 24 hours after the

9647 deadline for filing the report, the state office candidate will be disqualified and the

9648 political party will not be permitted to replace the candidate.

9649 (3)(a) The lieutenant governor shall disqualify a state office candidate and inform the

9650 county clerk and other appropriate election officials that the state office candidate is

9651 disqualified if the state office candidate fails to file an interim report described in

9652 Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for

9653 filing the report.

9654 (b) The political party of a state office candidate who is disqualified under Subsection

- 9655 (3)(a) may not replace the state office candidate.
- 9656 (4) If a state office candidate is disqualified under Subsection (3)(a), the election officer
9657 shall:
- 9658 (a) notify every opposing candidate for the state office that the state office candidate is
9659 disqualified;
- 9660 (b) send an email notification to each voter who is eligible to vote in the state office race
9661 for whom the lieutenant governor has an email address informing the voter that the
9662 state office candidate is disqualified and that votes cast for the state office candidate
9663 will not be counted;
- 9664 (c) post notice of the disqualification on the lieutenant governor's website; and
9665 (d) if practicable, remove the state office candidate's name from the ballot.
- 9666 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
9667 a mailed ballot, including a military or overseas ballot, by including with the ballot a
9668 written notice directing the voter to the lieutenant governor's website to inform the voter
9669 whether a candidate on the ballot is disqualified.
- 9670 (6) A state office candidate is not disqualified if:
- 9671 (a) the state office candidate timely files the reports described in Subsections
9672 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for
9673 filing the reports;
- 9674 (b) the reports are completed, detailing accurately and completely the information
9675 required by this part except for inadvertent omissions or insignificant errors or
9676 inaccuracies; and
- 9677 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
9678 an amended report or the next scheduled report.
- 9679 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
9680 lieutenant governor shall review each filed summary report to ensure that:
- 9681 (i) each state office candidate that is required to file a summary report has filed one;
9682 and
- 9683 (ii) each summary report contains the information required by this part.
- 9684 (b) If it appears that any state office candidate has failed to file the summary report
9685 required by law, if it appears that a filed summary report does not conform to the law,
9686 or if the lieutenant governor has received a written complaint alleging a violation of
9687 the law or the falsity of any summary report, the lieutenant governor shall, [~~within~~
9688 five days of discovery of a] no later than the first business day that is at least five days

9689 after the day on which the lieutenant governor discovers the violation or [receipt of a]
 9690 receives the written complaint, notify the state office candidate of the violation or
 9691 written complaint and direct the state office candidate to file a summary report
 9692 correcting the problem.

9693 (c)(i) It is unlawful for a state office candidate to fail to file or amend a summary
 9694 report within seven calendar days after receiving notice from the lieutenant
 9695 governor described in this Subsection (7).

9696 (ii) Each state office candidate who violates Subsection (7)(c)(i) is guilty of a class B
 9697 misdemeanor.

9698 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the
 9699 attorney general.

9700 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the
 9701 lieutenant governor shall impose a civil fine of \$100 against a state office
 9702 candidate who violates Subsection (7)(c)(i).

9703 Section 131. Section **20A-11-301** is amended to read:

9704 **20A-11-301 . Legislative office -- Campaign finance requirements -- Candidate as**
 9705 **a political action committee officer -- No personal use -- Contribution reporting deadline**
 9706 **-- Report other accounts -- Anonymous contributions.**

9707 (1)(a)(i) Each legislative office candidate shall deposit each contribution received in
 9708 one or more separate accounts in a financial institution that are dedicated only to
 9709 that purpose.

9710 (ii) A legislative office candidate may:

9711 (A) receive a contribution from a political action committee registered under
 9712 Section 20A-11-601; and

9713 (B) be designated by a political action committee as an officer who has primary
 9714 decision-making authority as described in Section 20A-11-601.

9715 (b) A legislative office candidate or the candidate's personal campaign committee may
 9716 not use money deposited in an account described in Subsection (1)(a)(i) for:

9717 (i) a personal use expenditure; or

9718 (ii) an expenditure prohibited by law.

9719 (c)(i) Each legislative officeholder shall deposit each contribution and public service
 9720 assistance received in one or more separate accounts in a financial institution that
 9721 are dedicated only to that purpose.

9722 (ii) A legislative officeholder may:

- 9723 (A) receive a contribution or public service assistance from a political action
9724 committee registered under Section 20A-11-601; and
- 9725 (B) be designated by a political action committee as an officer who has primary
9726 decision-making authority as described in Section 20A-11-601.
- 9727 (d) A legislative officeholder or the legislative officeholder's personal campaign
9728 committee may not use money deposited in an account described in Subsection
9729 (1)(c)(i) for:
- 9730 (i) a personal use expenditure; or
9731 (ii) an expenditure prohibited by law.
- 9732 (2)(a) A legislative office candidate may not deposit or mingle any contributions
9733 received into a personal or business account.
- 9734 (b) A legislative officeholder may not deposit or mingle any contributions or public
9735 service assistance received into a personal or business account.
- 9736 (3) If a person who is no longer a legislative candidate chooses not to expend the money
9737 remaining in a campaign account, the person shall continue to file the year-end summary
9738 report required by Section 20A-11-302 until the statement of dissolution and final
9739 summary report required by Section 20A-11-304 are filed with the lieutenant governor.
- 9740 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
9741 no longer a legislative office candidate may not expend or transfer the money in a
9742 campaign account in a manner that would cause the former legislative office
9743 candidate to recognize the money as taxable income under federal tax law.
- 9744 (b) A person who is no longer a legislative office candidate may transfer the money in a
9745 campaign account in a manner that would cause the former legislative office
9746 candidate to recognize the money as taxable income under federal tax law if the
9747 transfer is made to a campaign account for federal office.
- 9748 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
9749 in Subsection 20A-11-303(1)(b).
- 9750 (b) Each legislative office candidate shall report to the lieutenant governor each
9751 contribution received by the legislative office candidate:
- 9752 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day
9753 on which the contribution is received; or
- 9754 (ii) within seven business days after the day on which the contribution is received, if:
- 9755 (A) the legislative office candidate is contested in a convention and the
9756 contribution is received within 30 calendar days before the day on which the

- 9757 convention is held;
- 9758 (B) the legislative office candidate is contested in a primary election and the
9759 contribution is received within 30 calendar days before the day on which the
9760 primary election is held; or
- 9761 (C) the legislative office candidate is contested in a general election and the
9762 contribution is received within 30 calendar days before the day on which the
9763 general election is held.
- 9764 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative office
9765 candidate fails to report within the time period described in Subsection (5)(b), the
9766 lieutenant governor shall impose a fine against the legislative office candidate in an
9767 amount equal to:
- 9768 (i) 10% of the amount of the contribution, if the legislative office candidate reports
9769 the contribution within 60 calendar days after the day on which the time period
9770 described in Subsection (5)(b) ends; or
- 9771 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to
9772 report the contribution within 60 calendar days after the day on which the time
9773 period described in Subsection (5)(b) ends.
- 9774 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue
9775 a warning to the legislative office candidate if:
- 9776 (i) the contribution that the legislative office candidate fails to report is paid by the
9777 legislative office candidate from the legislative office candidate's personal funds;
- 9778 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in
9779 relation to a contribution paid by the legislative office candidate from the
9780 legislative office candidate's personal funds; and
- 9781 (iii) the lieutenant governor determines that the failure to timely report the
9782 contribution is due to the legislative office candidate not understanding that the
9783 reporting requirement includes a contribution paid by a legislative office candidate
9784 from the legislative office candidate's personal funds.
- 9785 (e) The lieutenant governor shall:
- 9786 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 9787 (ii) report on the lieutenant governor's website, in the location where reports relating
9788 to each legislative office candidate are available for public access:
- 9789 (A) each fine imposed by the lieutenant governor against the legislative office
9790 candidate;

- 9791 (B) the amount of the fine;
- 9792 (C) the amount of the contribution to which the fine relates; and
- 9793 (D) the date of the contribution.
- 9794 (6) Within 31 calendar days after [~~receiving~~] the day on which a legislative office candidate
- 9795 receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from
- 9796 an unknown source, [a] the legislative office candidate shall disburse the amount of the
- 9797 contribution to an organization that is exempt from federal income taxation under
- 9798 Section 501(c)(3), Internal Revenue Code.
- 9799 (7)(a) As used in this Subsection (7), "account" means an account in a financial
- 9800 institution:
- 9801 (i) that is not described in Subsection (1)(a)(i); and
- 9802 (ii) into which or from which a person who, as a candidate for an office, other than a
- 9803 legislative office for which the person files a declaration of candidacy or federal
- 9804 office, or as a holder of an office, other than a legislative office for which the
- 9805 person files a declaration of candidacy or federal office, deposits a contribution or
- 9806 makes an expenditure.
- 9807 (b) A legislative office candidate shall include on any financial statement filed in
- 9808 accordance with this part:
- 9809 (i) a contribution deposited in an account:
- 9810 (A) since the last campaign finance statement was filed; or
- 9811 (B) that has not been reported under a statute or ordinance that governs the
- 9812 account; or
- 9813 (ii) an expenditure made from an account:
- 9814 (A) since the last campaign finance statement was filed; or
- 9815 (B) that has not been reported under a statute or ordinance that governs the
- 9816 account.
- 9817 Section 132. Section **20A-11-303** is amended to read:
- 9818 **20A-11-303 . Legislative office candidate and legislative officeholder -- Financial**
- 9819 **reporting requirements -- Interim reports.**
- 9820 (1) As used in this section:
- 9821 (a) "Campaign account" means a separate campaign account required under Subsection
- 9822 20A-11-301(1)(a)(i) or (c)(i).
- 9823 (b) "Received" means:
- 9824 (i) for a cash contribution, that the cash is given to a legislative office candidate or a

- 9825 member of the legislative office candidate's personal campaign committee;
- 9826 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 9827 instrument or check is negotiated;
- 9828 (iii) for a direct deposit made into a campaign account by a person not associated
- 9829 with the campaign, the earlier of:
- 9830 (A) the day on which the legislative office candidate or a member of the
- 9831 legislative office candidate's personal campaign committee becomes aware of
- 9832 the deposit and the source of the deposit;
- 9833 (B) the day on which the legislative office candidate or a member of the
- 9834 legislative office candidate's personal campaign committee receives notice of
- 9835 the deposit and the source of the deposit by mail, email, text, or similar means;
- 9836 or
- 9837 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 9838 (iv) for any other type of contribution, that any portion of the contribution's benefit
- 9839 inures to the legislative office candidate.
- 9840 (2) Except as provided in Subsection (3), each legislative office candidate shall file an
- 9841 interim report at the following times in any year in which the candidate has filed a
- 9842 declaration of candidacy for a public office:
- 9843 (a)(i) seven calendar days before the candidate's political convention; or
- 9844 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 9845 (b) seven calendar days before the regular primary election date;
- 9846 (c) September 30; and
- 9847 (d) seven calendar days before the regular general election date.
- 9848 (3) If a legislative office candidate is a legislative office candidate seeking appointment for
- 9849 a midterm vacancy, the legislative office candidate:
- 9850 (a) shall file an interim report:
- 9851 (i)(A) seven calendar days before the day on which the political party of the party
- 9852 for which the legislative office candidate seeks nomination meets to declare a
- 9853 nominee for the governor to appoint in accordance with Section 20A-1-503;
- 9854 and
- 9855 (B) two calendar days before the day on which the political party of the party for
- 9856 which the legislative office candidate seeks nomination meets to declare a
- 9857 nominee for the governor to appoint in accordance with Section 20A-1-503; or
- 9858 (ii) if the legislative office candidate decides to seek the appointment with less than

- 9859 seven calendar days before the party meets, or the political party schedules the
9860 meeting to declare a nominee less than seven calendar days before the day of the
9861 meeting, two calendar days before the day on which the party meets; and
- 9862 (b) is not required to file an interim report at the times described in Subsection (2)(a).
- 9863 (4) Each interim report shall include the following information:
- 9864 (a) the net balance of the last summary report, if any;
- 9865 (b) a single figure equal to the total amount of receipts reported on all prior interim
9866 reports, if any, during the calendar year in which the interim report is due;
- 9867 (c) a single figure equal to the total amount of expenditures reported on all prior interim
9868 reports, if any, filed during the calendar year in which the interim report is due;
- 9869 (d) a detailed listing of:
- 9870 (i) for a legislative office candidate, each contribution received since the last
9871 summary report that has not been reported in detail on a prior interim report; or
- 9872 (ii) for a legislative officeholder, each contribution and public service assistance
9873 received since the last summary report that has not been reported in detail on a
9874 prior interim report;
- 9875 (e) for each nonmonetary contribution:
- 9876 (i) the fair market value of the contribution with that information provided by the
9877 contributor; and
- 9878 (ii) a specific description of the contribution;
- 9879 (f) a detailed listing of each expenditure made since the last summary report that has not
9880 been reported in detail on a prior interim report;
- 9881 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 9882 (h) a net balance for the year consisting of the net balance from the last summary report,
9883 if any, plus all receipts since the last summary report minus all expenditures since the
9884 last summary report;
- 9885 (i) a summary page in the form required by the lieutenant governor that identifies:
- 9886 (i) beginning balance;
- 9887 (ii) total contributions and public service assistance received during the period since
9888 the last statement;
- 9889 (iii) total contributions and public service assistance received to date;
- 9890 (iv) total expenditures during the period since the last statement; and
- 9891 (v) total expenditures to date; and
- 9892 (j) the name of a political action committee for which the legislative office candidate or

9893 legislative officeholder is designated as an officer who has primary decision-making
9894 authority under Section 20A-11-601.

9895 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
9896 of five calendar days before the required filing date of the report.

9897 (b) Any negotiable instrument or check received by a legislative office candidate or
9898 legislative officeholder more than five calendar days before the required filing date of
9899 a report required by this section shall be included in the interim report.

9900 Section 133. Section **20A-11-305** is amended to read:

9901 **20A-11-305 . Legislative office candidate -- Failure to file report -- Penalties.**

9902 (1) A legislative office candidate who fails to file a financial statement before the deadline
9903 is subject to a fine imposed in accordance with Section 20A-11-1005.

9904 (2) If a legislative office candidate fails to file an interim report described in Subsections
9905 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic notice to
9906 the legislative office candidate and the political party of which the legislative office
9907 candidate is a member, if any, that states:

9908 (a) that the legislative office candidate failed to timely file the report; and

9909 (b) that, if the legislative office candidate fails to file the report within 24 hours after the
9910 deadline for filing the report, the legislative office candidate will be disqualified and
9911 the political party will not be permitted to replace the candidate.

9912 (3)(a) The lieutenant governor shall disqualify a legislative office candidate and inform
9913 the county clerk and other appropriate election officials that the legislative office
9914 candidate is disqualified if the legislative office candidate fails to file an interim
9915 report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after
9916 the deadline for filing the report.

9917 (b) The political party of a legislative office candidate who is disqualified under
9918 Subsection (3)(a) may not replace the legislative office candidate.

9919 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the election
9920 officer shall:

9921 (a) notify every opposing candidate for the legislative office that the legislative office
9922 candidate is disqualified;

9923 (b) send an email notification to each voter who is eligible to vote in the legislative
9924 office race for whom the election officer has an email address informing the voter
9925 that the legislative office candidate is disqualified and that votes cast for the
9926 legislative office candidate will not be counted;

- 9927 (c) post notice of the disqualification on the election officer's website; and
9928 (d) if practicable, remove the legislative office candidate's name from the ballot.
- 9929 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
9930 a mailed ballot, including a military or overseas ballot, by including with the ballot a
9931 written notice directing the voter to the election officer's website to inform the voter
9932 whether a candidate on the ballot is disqualified.
- 9933 (6) A legislative office candidate is not disqualified if:
- 9934 (a) the legislative office candidate files the reports described in Subsections
9935 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for
9936 filing the reports;
- 9937 (b) the reports are completed, detailing accurately and completely the information
9938 required by this part except for inadvertent omissions or insignificant errors or
9939 inaccuracies; and
- 9940 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
9941 an amended report or the next scheduled report.
- 9942 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
9943 lieutenant governor shall review each filed summary report to ensure that:
- 9944 (i) each legislative office candidate that is required to file a summary report has filed
9945 one; and
- 9946 (ii) each summary report contains the information required by this part.
- 9947 (b) If it appears that any legislative office candidate has failed to file the summary report
9948 required by law, if it appears that a filed summary report does not conform to the law,
9949 or if the lieutenant governor has received a written complaint alleging a violation of
9950 the law or the falsity of any summary report, the lieutenant governor shall, [~~within~~
9951 ~~five days of discovery of a~~] no later than the first business day that is at least five
9952 calendar days after the day on which the lieutenant governor discovers the violation
9953 or [~~receipt of a~~] receives the written complaint, notify the legislative office candidate
9954 of the violation or written complaint and direct the legislative office candidate to file
9955 a summary report correcting the problem.
- 9956 (c)(i) It is unlawful for a legislative office candidate to fail to file or amend a
9957 summary report within seven calendar days after receiving notice from the
9958 lieutenant governor described in this Subsection (7).
- 9959 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a
9960 class B misdemeanor.

9961 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the
 9962 attorney general.

9963 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the
 9964 lieutenant governor shall impose a civil fine of \$100 against a legislative office
 9965 candidate who violates Subsection (7)(c)(i).

9966 Section 134. Section **20A-11-401** is amended to read:

9967 **20A-11-401 . Officeholder financial reporting requirements -- Year-end**
 9968 **summary report -- Officeholder as a political action committee officer -- Anonymous**
 9969 **contribution or public service assistance.**

9970 (1)(a) Each officeholder shall file a summary report by January 10 of each year.

9971 (b) An officeholder that is required to file a summary report both as an officeholder and
 9972 as a candidate for office under the requirements of this chapter may file a single
 9973 summary report as a candidate and an officeholder, provided that the combined report
 9974 meets the requirements of:

9975 (i) this section; and

9976 (ii) the section that provides the requirements for the summary report filed by the
 9977 officeholder in the officeholder's capacity of a candidate for office.

9978 (2)(a) Each summary report shall include the following information as of December 31
 9979 of the previous year:

9980 (i) the net balance of the last summary report, if any;

9981 (ii) a single figure equal to the total amount of receipts received since the last
 9982 summary report, if any;

9983 (iii) a single figure equal to the total amount of expenditures made since the last
 9984 summary report, if any;

9985 (iv) a detailed listing of each contribution and public service assistance received since
 9986 the last summary report;

9987 (v) for each nonmonetary contribution:

9988 (A) the fair market value of the contribution with that information provided by the
 9989 contributor; and

9990 (B) a specific description of the contribution;

9991 (vi) a detailed listing of each expenditure made since the last summary report;

9992 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

9993 (viii) a net balance for the year consisting of the net balance from the last summary
 9994 report plus all receipts minus all expenditures; and

- 9995 (ix) the name of a political action committee for which the officeholder is designated
 9996 as an officer who has primary decision-making authority under Section
 9997 20A-11-601.
- 9998 (b) In preparing the report, all receipts and expenditures shall be reported as of
 9999 December 31 of the previous year.
- 10000 (3) The summary report shall contain a paragraph signed by the officeholder certifying that,
 10001 to the best of the officeholder's knowledge, all receipts and all expenditures have been
 10002 reported as of December 31 of the last calendar year and that there are no bills or
 10003 obligations outstanding and unpaid except as set forth in that report.
- 10004 (4) An officeholder may:
- 10005 (a) receive public service assistance from a political action committee registered under
 10006 Section 20A-11-601; and
- 10007 (b) be designated by a political action committee as an officer who has primary
 10008 decision-making authority as described in Section 20A-11-601.
- 10009 (5) Within 31 calendar days after [~~receiving~~] the day on which an officeholder receives a
 10010 contribution or public service assistance that is cash or a negotiable instrument, exceeds
 10011 \$50, and is from an unknown source, [an] the officeholder shall disburse the amount of
 10012 the contribution or public service assistance to:
- 10013 (a) the treasurer of the state or a political subdivision for deposit into the state's or
 10014 political subdivision's general fund; or
- 10015 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
 10016 Internal Revenue Code.
- 10017 Section 135. Section **20A-11-402** is amended to read:
- 10018 **20A-11-402 . Officeholder financial reporting requirements -- Statement of**
 10019 **dissolution.**
- 10020 (1) An officeholder or former officeholder is active and subject to reporting requirements
 10021 until the officeholder or former officeholder has filed a statement of dissolution with the
 10022 lieutenant governor stating that:
- 10023 (a) the officeholder or former officeholder is no longer receiving contributions or public
 10024 service assistance and is no longer making expenditures;
- 10025 (b) the ending balance on the last summary report filed is zero and the balance in the
 10026 separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301
 10027 is zero; and
- 10028 (c) a final summary report in the form required by Section 20A-11-401 showing a zero

- 10029 balance is attached to the statement of dissolution.
- 10030 (2) A statement of dissolution and a final summary report may be filed at any time.
- 10031 (3)(a) Each officeholder shall report to the lieutenant governor each contribution or
10032 public service assistance received by the state officeholder within 31 calendar days
10033 after the day on which the officeholder receives the contribution or public service
10034 assistance.
- 10035 (b) For each contribution or public service assistance that an officeholder fails to report
10036 within the time period described in Subsection (3)(a), the lieutenant governor shall
10037 impose a fine against the officeholder in an amount equal to:
- 10038 (i) 10% of the amount of the contribution or public service assistance if the
10039 officeholder reports the contribution or public service assistance within 60
10040 calendar days after the day on which the time period described in Subsection (3)(a)
10041 ends; or
- 10042 (ii) 20% of the amount of the contribution or public service assistance if the
10043 officeholder fails to report the contribution or public service assistance within 60
10044 calendar days after the day on which the time period described in Subsection (3)(a)
10045 ends.
- 10046 (c) Each officeholder or former officeholder shall continue to file the year-end summary
10047 report required by Section 20A-11-401 until the statement of dissolution and final
10048 summary report required by this section are filed with the lieutenant governor.
- 10049 (4) An officeholder or former officeholder may not use a contribution or public service
10050 assistance deposited in an account in accordance with this chapter for:
- 10051 (a) a personal use expenditure; or
10052 (b) an expenditure prohibited by law.
- 10053 (5)(a) Except as provided in Subsection (5)(b), a former officeholder may not expend or
10054 transfer the money in a campaign account in a manner that would cause the former
10055 officeholder to recognize the money as taxable income under federal tax law.
- 10056 (b) A former officeholder may transfer the money in a campaign account in a manner
10057 that would cause the former officeholder to recognize the money as taxable income
10058 under federal tax law if the transfer is made to a campaign account for federal office.
- 10059 Section 136. Section **20A-11-403** is amended to read:
- 10060 **20A-11-403 . Failure to file -- Penalties.**
- 10061 (1) Within 60 calendar days after a deadline for the filing of a summary report, the
10062 lieutenant governor shall review each filed summary report to ensure that:

- 10063 (a) each officeholder that is required to file a summary report has filed one; and
 10064 (b) each summary report contains the information required by this part.
- 10065 (2) If it appears that any officeholder has failed to file the summary report required by law,
 10066 if it appears that a filed summary report does not conform to the law, or if the lieutenant
 10067 governor has received a written complaint alleging a violation of the law or the falsity of
 10068 any summary report, the lieutenant governor shall, if the lieutenant governor determines
 10069 that a violation has occurred:
- 10070 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
 10071 (b) ~~[within five days of discovery of a]~~ no later than the first business day that is at least
 10072 five calendar days after the day on which the lieutenant governor discovers the
 10073 violation or [receipt of a] receives the written complaint, notify the officeholder of the
 10074 violation or written complaint and direct the officeholder to file a summary report
 10075 correcting the problem.
- 10076 (3)(a) It is unlawful for any officeholder to fail to file or amend a summary report within
 10077 seven calendar days after receiving notice from the lieutenant governor under this
 10078 section.
- 10079 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.
 10080 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
 10081 general.
- 10082 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
 10083 governor shall impose a civil fine of \$100 against an officeholder who violates
 10084 Subsection (3)(a).
- 10085 Section 137. Section **20A-11-507** is amended to read:
- 10086 **20A-11-507 . Political party financial reporting requirements -- Interim reports.**
- 10087 (1) The party committee of each registered political party shall file an interim report at the
 10088 following times in any year in which there is a regular general election:
- 10089 (a) seven calendar days before the registered political party's political convention;
 10090 (b) seven calendar days before the regular primary election date;
 10091 (c) September 30; and
 10092 (d) seven calendar days before the general election date.
- 10093 (2) Each interim report shall include the following information:
- 10094 (a) the net balance of the last financial statement, if any;
 10095 (b) a single figure equal to the total amount of receipts reported on all prior interim
 10096 reports, if any, during the calendar year in which the interim report is due;

- 10097 (c) a single figure equal to the total amount of expenditures reported on all prior interim
 10098 reports, if any, filed during the calendar year in which the interim report is due;
 10099 (d) a detailed listing of each contribution received since the last summary report that has
 10100 not been reported in detail on a prior interim report;
 10101 (e) for each nonmonetary contribution, the fair market value of the contribution;
 10102 (f) a detailed listing of each expenditure made since the last summary report that has not
 10103 been reported in detail on a prior interim report;
 10104 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
 10105 (h) a net balance for the year consisting of the net balance from the last summary report,
 10106 if any, plus all receipts since the last summary report minus all expenditures since the
 10107 last summary report; and
 10108 (i) a summary page in the form required by the lieutenant governor that identifies:
 10109 (i) beginning balance;
 10110 (ii) total contributions during the period since the last statement;
 10111 (iii) total contributions to date;
 10112 (iv) total expenditures during the period since the last statement; and
 10113 (v) total expenditures to date.

- 10114 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
 10115 reported without separate detailed listings.
 10116 (b) Two or more contributions from the same source that have an aggregate total of
 10117 more than \$50 may not be reported in the aggregate, but shall be reported separately.
 10118 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
 10119 five calendar days before the required filing date of the report.

10120 Section 138. Section **20A-11-508** is amended to read:

10121 **20A-11-508 . Political party reporting requirements -- Criminal penalties -- Fines.**

- 10122 (1)(a) Each registered political party that fails to file a financial statement by the
 10123 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
 10124 (b) Each registered political party that fails to file an interim report described in
 10125 Subsections 20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.
 10126 (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the attorney
 10127 general.
 10128 (2) Within 60 calendar days after a deadline for the filing of a summary report required by
 10129 this part, the lieutenant governor shall review each filed report to ensure that:
 10130 (a) each political party that is required to file a report has filed one; and

- 10131 (b) each report contains the information required by this part.
- 10132 (3) If it appears that any political party has failed to file a report required by law, if it
 10133 appears that a filed report does not conform to the law, or if the lieutenant governor has
 10134 received a written complaint alleging a violation of the law or the falsity of any report,
 10135 the lieutenant governor shall, [~~within five days of discovery of a~~] no later than the first
 10136 business day that is at least five calendar days after the day on which the lieutenant
 10137 governor discovers the violation or [receipt of a] receives the written complaint, notify
 10138 the political party of the violation or written complaint and direct the political party to
 10139 file a summary report correcting the problem.
- 10140 (4)(a) It is unlawful for any political party to fail to file or amend a summary report
 10141 within seven calendar days after receiving notice from the lieutenant governor under
 10142 this section.
- 10143 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
 10144 misdemeanor.
- 10145 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
 10146 general.
- 10147 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
 10148 governor shall impose a civil fine of \$1,000 against a political party that violates
 10149 Subsection (4)(a).
- 10150 Section 139. Section **20A-11-511** is amended to read:
- 10151 **20A-11-511 . County political party financial reporting requirements -- Interim**
 10152 **reports.**
- 10153 (1)(a) A county political party officer of a county political party that has received
 10154 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750,
 10155 during a calendar year shall file an interim report at the following times in any year in
 10156 which there is a regular general election:
- 10157 (i) seven calendar days before the county political party's convention;
 10158 (ii) seven calendar days before the regular primary election date;
 10159 (iii) September 30; and
 10160 (iv) seven calendar days before the general election date.
- 10161 (b) A county political party officer need not file an interim report if it received no
 10162 contributions or made no expenditures during the reporting period.
- 10163 (2) Each interim report shall include the following information:
 10164 (a) the net balance of the last financial statement, if any;

- 10165 (b) a single figure equal to the total amount of receipts reported on all prior interim
 10166 reports, if any, during the calendar year in which the interim report is due;
- 10167 (c) a single figure equal to the total amount of expenditures reported on all prior interim
 10168 reports, if any, filed during the calendar year in which the interim report is due;
- 10169 (d) a detailed listing of each contribution received since the last summary report that has
 10170 not been reported in detail on a prior interim report;
- 10171 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 10172 (f) a detailed listing of each expenditure made since the last summary report that has not
 10173 been reported in detail on a prior interim report;
- 10174 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10175 (h) a net balance for the year consisting of the net balance from the last summary report,
 10176 if any, plus all receipts since the last summary report minus all expenditures since the
 10177 last summary report; and
- 10178 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10179 (i) beginning balance;
- 10180 (ii) total contributions during the period since the last statement;
- 10181 (iii) total contributions to date;
- 10182 (iv) total expenditures during the period since the last statement; and
- 10183 (v) total expenditures to date.
- 10184 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
 10185 reported without separate detailed listings.
- 10186 (b) Two or more contributions from the same source that have an aggregate total of
 10187 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 10188 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
 10189 five calendar days before the required filing date of the report.
- 10190 Section 140. Section **20A-11-512** is amended to read:
- 10191 **20A-11-512 . County political party -- Criminal penalties -- Fines.**
- 10192 (1) A county political party that fails to file an interim report described in Subsections
 10193 20A-11-511(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance
 10194 with Section 20A-11-1005, which the chief election officer shall deposit [~~in~~] into the
 10195 General Fund.
- 10196 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement
 10197 required by Section 20A-11-510, the lieutenant governor shall review each filed
 10198 statement to ensure that:

- 10199 (a) a county political party officer who is required to file a statement has filed one; and
 10200 (b) each statement contains the information required by Section 20A-11-510.
- 10201 (3) If it appears that any county political party officer has failed to file a financial statement
 10202 before the deadline, if it appears that a filed financial statement does not conform to the
 10203 law, or if the lieutenant governor has received a written complaint alleging a violation of
 10204 the law or the falsity of any financial statement, the lieutenant governor shall, [~~within~~] no
 10205 later than the first business day that is at least five calendar days after the day on which
 10206 the lieutenant governor discovers the violation or receives the written complaint, notify
 10207 the county political party officer of the violation or written complaint and direct the
 10208 county political party officer to file a financial statement correcting the problem.
- 10209 (4)(a) A county political party that fails to file or amend a financial statement within
 10210 seven calendar days after the day on which the county political party receives notice
 10211 from the lieutenant governor under this section is subject to a fine of the lesser of:
- 10212 (i) 10% of the total contributions received, and the total expenditures made, by the
 10213 county political party during the reporting period for the financial statement that
 10214 the county political party failed to file or amend; or
 10215 (ii) \$1,000.
- 10216 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
 10217 the General Fund.
- 10218 Section 141. Section **20A-11-601** is amended to read:
- 10219 **20A-11-601 . Political action committees -- Registration -- Name or acronym used**
 10220 **by political action committee -- Criminal penalty for providing false information or**
 10221 **accepting unlawful contribution.**
- 10222 (1)(a) A political action committee shall file an initial statement of organization with the
 10223 lieutenant governor's office no later than 5 p.m. on the first business day that is at
 10224 least seven calendar days after the day on which the political action committee:
- 10225 (i) receives contributions totaling at least \$750; or
 10226 (ii) distributes expenditures for political purposes totaling at least \$750.
- 10227 (b) Unless the political action committee has filed a notice of dissolution under
 10228 Subsection (7), after filing an initial statement of organization, a political action
 10229 committee shall file an updated statement of organization with the lieutenant
 10230 governor's office each year after the year in which the political action committee files
 10231 an initial statement of organization:
- 10232 (i) before 5 p.m. on January 10; or

- 10233 (ii) electronically, before midnight on January 10.
- 10234 (c) After filing an initial statement of organization, a political action committee shall,
10235 before January 10 each year after the year in which the political action committee
10236 files an initial statement of organization, file an updated statement of organization
10237 with the lieutenant governor's office.
- 10238 (2) A statement of organization described in Subsection (1) shall include:
- 10239 (a) the full name of the political action committee, a second name, if any, and an
10240 acronym, if any;
- 10241 (b) the address and phone number of the political action committee;
- 10242 (c) the name, address, telephone number, title, and occupation of:
- 10243 (i) the two officers described in Subsection (5) and the treasurer of the political action
10244 committee;
- 10245 (ii) all other officers, advisory members, and governing board members of the
10246 political action committee; and
- 10247 (iii) each individual or entity represented by, or affiliated with, the political action
10248 committee; and
- 10249 (d) other relevant information requested by the lieutenant governor.
- 10250 (3)(a) A political action committee may not use a name or acronym:
- 10251 (i) other than a name or acronym disclosed in the political action committee's latest
10252 statement of organization;
- 10253 (ii) that is the same, or deceptively similar to, the name or acronym of another
10254 political action committee; or
- 10255 (iii) that is likely to mislead a potential donor regarding the individuals or entities
10256 represented by, or affiliated with, the political action committee.
- 10257 (b) Within seven calendar days after the day on which a political action committee files
10258 an initial statement of organization, the lieutenant governor's office shall:
- 10259 (i) review the statement and determine whether a name or acronym used by the
10260 political action committee violates Subsection (3)(a)(ii) or (iii); and
- 10261 (ii) if the lieutenant governor's office determines that a name or acronym used by the
10262 political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing,
10263 that the political action committee:
- 10264 (A) immediately cease and desist use of the name or acronym; and
- 10265 (B) within seven calendar days after the day of the order, electronically file an
10266 updated statement of organization with a name and acronym that does not

- 10267 violate Subsection (3)(a)(ii) or (iii).
- 10268 (c) If a political action committee uses a name or acronym that is the same, or
- 10269 deceptively similar to, the name or acronym of another political action committee,
- 10270 the lieutenant governor shall determine which political action committee has been
- 10271 using the name the longest and shall order, in writing, any other political action
- 10272 committee using the same, or a deceptively similar, name or acronym to:
- 10273 (i) immediately cease and desist use of the name or acronym; and
- 10274 (ii) within seven calendar days after the day of the order, electronically file an
- 10275 updated statement of organization with a name and acronym that does not violate
- 10276 Subsection (3)(a)(ii) or (iii).
- 10277 (d) If a political action committee uses a name or acronym other than a name or acronym
- 10278 disclosed in the political action committee's latest statement of organization:
- 10279 (i) the lieutenant governor shall order, in writing, that the political action committee
- 10280 cease and desist use of the name or acronym; and
- 10281 (ii) the political action committee shall immediately comply with the order described
- 10282 in Subsection (3)(d)(i).
- 10283 (4)(a) The lieutenant governor may, in addition to any other penalty provided by law,
- 10284 impose a \$100 fine against a political action committee, or against an individual who
- 10285 forms a political action committee, that:
- 10286 (i) fails to timely file a complete and accurate statement of organization or
- 10287 subsequent statement of organization; or
- 10288 (ii) fails to comply with an order described in Subsection (3).
- 10289 (b) If the lieutenant governor imposes a fine described in Subsection (4)(a)(i):
- 10290 (i) the person against whom the fine is imposed shall, [~~within~~] no later than the first
- 10291 business day that is at least seven calendar days after the day on which the
- 10292 lieutenant governor imposes the fine:
- 10293 (A) pay the fine; and
- 10294 (B) file a complete and accurate statement, or subsequent statement, of
- 10295 organization, as applicable; and
- 10296 (ii) the lieutenant governor shall provide written notice to the person against whom
- 10297 the fine is imposed:
- 10298 (A) of the requirements described in Subsection (4)(b)(i); and
- 10299 (B) that failure to timely comply with the requirement described in Subsection
- 10300 (4)(b)(i)(B) is a class B misdemeanor.

- 10301 (c) The attorney general, or a political action committee that is harmed by the action of a
10302 political action committee in violation of this section, may bring an action for an
10303 injunction against the violating political action committee, or an officer of the
10304 violating political action committee, to enforce the provisions of this section.
- 10305 (d) A political action committee may bring an action for damages against another
10306 political action committee that uses a name or acronym that is the same, or
10307 deceptively similar to, the name or acronym of the political action committee
10308 bringing the action.
- 10309 (5)(a) Each political action committee shall designate two officers who have primary
10310 decision-making authority for the political action committee.
- 10311 (b) An individual may not exercise primary decision-making authority for a political
10312 action committee if the individual is not designated under Subsection (5)(a).
- 10313 (6) A political action committee shall deposit each contribution received in one or more
10314 separate accounts in a financial institution that are dedicated only to that purpose.
- 10315 (7)(a) A registered political action committee that intends to permanently cease
10316 operations shall file a notice of dissolution with the lieutenant governor's office.
- 10317 (b) A notice of dissolution filed by a political action committee does not exempt the
10318 political action committee from complying with the financial reporting requirements
10319 described in this chapter in relation to all contributions received, and all expenditures
10320 made, before, at, or after dissolution.
- 10321 (c) A political action committee shall, before filing a notice of dissolution, dispose of
10322 any money remaining in an account described in Subsection (6) by:
- 10323 (i) returning the money to the donors;
- 10324 (ii) donating the money to the campaign account of a candidate or officeholder;
- 10325 (iii) donating the money to another political action committee;
- 10326 (iv) donating the money to a political party;
- 10327 (v) donating the money to an organization that is exempt from federal income
10328 taxation under Section 501(c)(3), Internal Revenue Code; or
- 10329 (vi) making another lawful expenditure of the money for a political purpose.
- 10330 (d) A political action committee shall report all money donated or expended in a
10331 financial report to the lieutenant governor, in accordance with the financial reporting
10332 requirements described in this chapter.
- 10333 (8)(a) Unless the political action committee has filed a notice of dissolution under
10334 Subsection (7), a political action committee shall file, with the lieutenant governor's

- 10335 office, notice of any change of an officer described in Subsection (5)(a).
- 10336 (b) A political action committee may not accept a contribution from a political issues
10337 committee, but may donate money to a political issues committee.
- 10338 (c) A political action committee shall:
- 10339 (i) electronically file a notice of a change of a primary officer described in Subsection
10340 (5)(a) [~~before 5 p.m.~~] within 10 calendar days after the day on which the change
10341 occurs; and
- 10342 (ii) include in the notice of change the name and title of the officer being replaced,
10343 and the name, address, occupation, and title of the new officer.
- 10344 (9)(a) A person is guilty of providing false information in relation to a political action
10345 committee if the person intentionally or knowingly gives false or misleading material
10346 information in a statement of organization or the notice of change of primary officer.
- 10347 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting
10348 an unlawful contribution if the political action committee knowingly or recklessly
10349 accepts a contribution from a corporation that:
- 10350 (i) was organized less than 90 calendar days before the date of the general election;
10351 and
- 10352 (ii) at the time the political action committee accepts the contribution, has failed to
10353 file a statement of organization with the lieutenant governor's office as required by
10354 Section 20A-11-704.
- 10355 (c) A violation of this Subsection (9) is a third degree felony.
- 10356 Section 142. Section **20A-11-602** is amended to read:
- 10357 **20A-11-602 . Political action committees -- Financial reporting.**
- 10358 (1)(a) Each registered political action committee that has received contributions totaling
10359 at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year
10360 shall file a verified financial statement with the lieutenant governor's office:
- 10361 (i) on January 10, reporting contributions and expenditures as of December 31 of the
10362 previous year;
- 10363 (ii) seven calendar days before the state political convention of each major political
10364 party;
- 10365 (iii) seven calendar days before the county political convention of a political party, if
10366 the political action committee makes an expenditure on or before the day
10367 described in Subsection (1)(b)(ii) in relation to a candidate that the party may
10368 nominate at the convention;

- 10369 (iv) seven calendar days before the regular primary election date;
- 10370 (v) on September 30; and
- 10371 (vi) seven calendar days before:
- 10372 (A) the municipal general election; and
- 10373 (B) the regular general election.
- 10374 (b) The registered political action committee shall report:
- 10375 (i) a detailed listing of all contributions received and expenditures made since the last
- 10376 statement; and
- 10377 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
- 10378 contributions and expenditures as of five calendar days before the required filing
- 10379 date of the financial statement.
- 10380 (c) The registered political action committee need not file a statement under this section
- 10381 if [~~it received~~] the registered political action committee receives no contributions and [~~made~~]
- 10382 makes no expenditures during the reporting period.
- 10383 (2)(a) The verified financial statement shall include:
- 10384 (i) the name and address of any individual who makes a contribution to the reporting
- 10385 political action committee, if known, and the amount of the contribution;
- 10386 (ii) the identification of any publicly identified class of individuals that makes a
- 10387 contribution to the reporting political action committee, if known, and the amount
- 10388 of the contribution;
- 10389 (iii) the name and address of any political action committee, group, or entity, if
- 10390 known, that makes a contribution to the reporting political action committee, and
- 10391 the amount of the contribution;
- 10392 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 10393 (v) the name and address of each reporting entity that received an expenditure from
- 10394 the reporting political action committee, and the amount of each expenditure;
- 10395 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10396 (vii) the total amount of contributions received and expenditures disbursed by the
- 10397 reporting political action committee;
- 10398 (viii) a statement by the political action committee's treasurer or chief financial
- 10399 officer certifying that, to the best of the person's knowledge, the financial report is
- 10400 accurate; and
- 10401 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 10402 (A) beginning balance;

- 10403 (B) total contributions during the period since the last statement;
- 10404 (C) total contributions to date;
- 10405 (D) total expenditures during the period since the last statement; and
- 10406 (E) total expenditures to date.
- 10407 (b)(i) Contributions received by a political action committee that have a value of \$50
- 10408 or less need not be reported individually, but shall be listed on the report as an
- 10409 aggregate total.
- 10410 (ii) Two or more contributions from the same source that have an aggregate total of
- 10411 more than \$50 may not be reported in the aggregate, but shall be reported
- 10412 separately.
- 10413 (c) A political action committee is not required to report an independent expenditure
- 10414 under Part 17, Independent Expenditures, if, in the financial statement described in
- 10415 this section, the political action committee:
- 10416 (i) includes the independent expenditure;
- 10417 (ii) identifies the independent expenditure as an independent expenditure; and
- 10418 (iii) provides the information, described in Section 20A-11-1704, in relation to the
- 10419 independent expenditure.
- 10420 (3) A group or entity may not divide or separate into units, sections, or smaller groups for
- 10421 the purpose of avoiding the financial reporting requirements of this chapter, and
- 10422 substance shall prevail over form in determining the scope or size of a political action
- 10423 committee.
- 10424 (4)(a) As used in this Subsection (4), "received" means:
- 10425 (i) for a cash contribution, that the cash is given to a political action committee;
- 10426 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 10427 instrument or check is negotiated; and
- 10428 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 10429 inures to the political action committee.
- 10430 (b) A political action committee shall report each contribution to the lieutenant governor
- 10431 within 31 calendar days after the contribution is received.
- 10432 (5) A political action committee may not expend a contribution for political purposes if the
- 10433 contribution:
- 10434 (a) is cash or a negotiable instrument;
- 10435 (b) exceeds \$50; and
- 10436 (c) is from an unknown source.

- 10437 (6) Within 31 calendar days after receiving a contribution that is cash or a negotiable
10438 instrument, exceeds \$50, and is from an unknown source, a political action committee
10439 shall disburse the amount of the contribution to:
- 10440 (a) the treasurer of the state or a political subdivision for deposit into the state's or
10441 political subdivision's general fund; or
- 10442 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
10443 Internal Revenue Code.
- 10444 Section 143. Section **20A-11-603** is amended to read:
- 10445 **20A-11-603 . Criminal penalties -- Fines.**
- 10446 (1)(a) As used in this Subsection (1), "completed" means that:
- 10447 (i) the financial statement accurately and completely details the information required
10448 by this part except for inadvertent omissions or insignificant errors or
10449 inaccuracies; and
- 10450 (ii) the political action committee corrects the omissions, errors, or inaccuracies
10451 described in Subsection (1)(a) in an amended report or the next scheduled report.
- 10452 (b) Each political action committee that fails to file a completed financial statement
10453 before the deadline is subject to a fine imposed in accordance with Section
10454 20A-11-1005.
- 10455 (c) Each political action committee that fails to file a completed financial statement
10456 described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B
10457 misdemeanor.
- 10458 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney
10459 general.
- 10460 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement
10461 required by this part, the lieutenant governor shall review each filed statement to ensure
10462 that:
- 10463 (a) each political action committee that is required to file a statement has filed one; and
10464 (b) each statement contains the information required by this part.
- 10465 (3) If it appears that any political action committee has failed to file the January 10
10466 statement, if it appears that a filed statement does not conform to the law, or if the
10467 lieutenant governor has received a written complaint alleging a violation of the law or
10468 the falsity of any statement, the lieutenant governor shall, [~~within five days~~] no later than
10469 the first business day that is at least five calendar days after the day on which the
10470 lieutenant governor discovers the violation or receives the written complaint, notify the

- 10471 political action committee of the violation or written complaint and direct the political
 10472 action committee to file a statement correcting the problem.
- 10473 (4)(a) It is unlawful for any political action committee to fail to file or amend a
 10474 statement within seven calendar days after the day on which the political action
 10475 committee receives notice from the lieutenant governor under this section.
- 10476 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B
 10477 misdemeanor.
- 10478 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
 10479 general.
- 10480 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
 10481 governor shall impose a civil fine of \$1,000 against a political action committee that
 10482 violates Subsection (4)(a).
- 10483 (5)(a) It is unlawful for a person to fail to file a complete and accurate statement of
 10484 organization, or a complete and accurate subsequent statement of organization,
 10485 within seven calendar days after the day on which the person receives the notice
 10486 described in Subsection 20A-11-601(4)(b)(ii).
- 10487 (b) A violation of Subsection (5)(a) is a class B misdemeanor.
- 10488 (c) The lieutenant governor shall report all violations of Subsection (5)(a) to the attorney
 10489 general.
- 10490 Section 144. Section **20A-11-701.5** is amended to read:
- 10491 **20A-11-701.5 . Campaign financial reporting by corporations -- Filing**
 10492 **requirements -- Statement contents.**
- 10493 (1)(a) Each corporation that has made expenditures for political purposes that total at
 10494 least \$750 during a calendar year shall file a verified financial statement with the
 10495 lieutenant governor's office:
- 10496 (i) on January 10, reporting expenditures as of December 31 of the previous year;
 10497 (ii) seven calendar days before the state political convention for each major political
 10498 party;
 10499 (iii) seven calendar days before the regular primary election date;
 10500 (iv) on September 30; and
 10501 (v) seven calendar days before the regular general election date.
- 10502 (b) The corporation shall report:
- 10503 (i) a detailed listing of all expenditures made since the last financial statement;
 10504 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all

- 10505 expenditures as of five calendar days before the required filing date of the
 10506 financial statement; and
- 10507 (iii) whether the corporation, including an officer of the corporation, director of the
 10508 corporation, or person with at least 10% ownership in the corporation:
- 10509 (A) has bid since the last financial statement on a contract, as defined in Section
 10510 63G-6a-103, in excess of \$100,000;
- 10511 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess
 10512 of \$100,000; or
- 10513 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of
 10514 \$100,000.
- 10515 (c) The corporation need not file a financial statement under this section if the
 10516 corporation made no expenditures during the reporting period.
- 10517 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
 10518 reporting entity that the reporting entity is required to include in a financial statement
 10519 described in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section
 10520 10-3-208, or Section 17-16-6.5.
- 10521 (2) The financial statement shall include:
- 10522 (a) the name and address of each reporting entity that received an expenditure from the
 10523 corporation, and the amount of each expenditure;
- 10524 (b) the total amount of expenditures disbursed by the corporation; and
- 10525 (c) a statement by the corporation's treasurer or chief financial officer certifying the
 10526 accuracy of the financial statement.
- 10527 Section 145. Section **20A-11-702** is amended to read:
- 10528 **20A-11-702 . Campaign financial reporting of political issues expenditures by**
 10529 **corporations -- Financial reporting.**
- 10530 (1)(a) Each corporation that has made political issues expenditures on current or
 10531 proposed ballot issues that total at least \$750 during a calendar year shall file a
 10532 verified financial statement with the lieutenant governor's office:
- 10533 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 10534 (ii) seven calendar days before the state political convention of each major political
 10535 party;
- 10536 (iii) seven calendar days before the regular primary election date;
- 10537 (iv) on September 30; and
- 10538 (v) seven calendar days before the regular general election date.

- 10539 (b) The corporation shall report:
- 10540 (i) a detailed listing of all expenditures made since the last financial statement; and
- 10541 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v),
- 10542 expenditures as of five calendar days before the required filing date of the
- 10543 financial statement.
- 10544 (c) The corporation need not file a statement under this section if it made no
- 10545 expenditures during the reporting period.
- 10546 (2) That statement shall include:
- 10547 (a) the name and address of each individual, entity, or group of individuals or entities
- 10548 that received a political issues expenditure of more than \$50 from the corporation,
- 10549 and the amount of each political issues expenditure;
- 10550 (b) the total amount of political issues expenditures disbursed by the corporation; and
- 10551 (c) a statement by the corporation's treasurer or chief financial officer certifying the
- 10552 accuracy of the verified financial statement.
- 10553 Section 146. Section **20A-11-703** is amended to read:
- 10554 **20A-11-703 . Criminal penalties -- Fines.**
- 10555 (1) Within 60 calendar days after a deadline for the filing of any statement required by this
- 10556 part, the lieutenant governor shall review each filed statement to ensure that:
- 10557 (a) each corporation that is required to file a statement has filed one; and
- 10558 (b) each statement contains the information required by this part.
- 10559 (2) If it appears that any corporation has failed to file any statement, if it appears that a filed
- 10560 statement does not conform to the law, or if the lieutenant governor has received a
- 10561 written complaint alleging a violation of the law or the falsity of any statement, the
- 10562 lieutenant governor shall:
- 10563 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and
- 10564 (b) within five days [of discovery of a] after the day on which the lieutenant governor
- 10565 discovers the violation or [receipt of a] receives the written complaint, notify the
- 10566 corporation of the violation or written complaint and direct the corporation to file a
- 10567 statement correcting the problem.
- 10568 (3)(a) It is unlawful for any corporation to fail to file or amend a statement within seven
- 10569 calendar days after receiving notice from the lieutenant governor under this section.
- 10570 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.
- 10571 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
- 10572 general.

10573 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
 10574 governor shall impose a civil fine of \$1,000 against a corporation that violates
 10575 Subsection (3)(a).

10576 Section 147. Section **20A-11-704** is amended to read:

10577 **20A-11-704 . Statement of organization required for certain new corporations.**

10578 (1) A corporation that is incorporated, organized, or otherwise created less than 90 calendar
 10579 days before the date of a general election shall file a statement of organization with the
 10580 lieutenant governor's office before making a contribution to a political action committee
 10581 or a political issues committee in association with the election.

10582 (2) The statement of organization shall include:

10583 (a) the name and street address of the corporation;

10584 (b) the name, street address, phone number, occupation, and title of one or more
 10585 individuals that have primary decision-making authority for the corporation;

10586 (c) the name, street address, phone number, occupation, and title of the corporation's
 10587 chief financial officer;

10588 (d) the name, street address, occupation, and title of all other officers or managers of the
 10589 corporation; and

10590 (e) the name, street address, and occupation of each member of the corporation's
 10591 governing and advisory boards, if any.

10592 (3)(a) A corporation shall file with the lieutenant governor's office a notice of intent to
 10593 cease making contributions, if the corporation:

10594 (i) has made a contribution described in Subsection (1); and

10595 (ii) intends to permanently cease making contributions described in Subsection (1).

10596 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from
 10597 complying with the financial reporting requirements described in this chapter.

10598 Section 148. Section **20A-11-705** is amended to read:

10599 **20A-11-705 . Notice of in-kind contributions.**

10600 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
 10601 accordance with Subsection (2), provide the reporting entity a written notice that
 10602 includes:

10603 (a) the name and address of the corporation;

10604 (b) the date of the in-kind expenditure;

10605 (c) a description of the in-kind expenditure; and

10606 (d) the value, in dollars, of the in-kind expenditure.

- 10607 (2) A corporation shall provide the written notice described in Subsection (1) to the
 10608 reporting entity:
- 10609 (a) except as provided in Subsection (2)(b), within 31 calendar days after the day on
 10610 which the corporation makes the in-kind contribution; or
- 10611 (b) within seven business days after the day on which the corporation makes the in-kind
 10612 contribution, if:
- 10613 (i) the in-kind contribution is to a candidate who is contested in a convention and the
 10614 corporation makes the in-kind contribution within 30 calendar days before the day
 10615 on which the convention is held;
- 10616 (ii) the in-kind contribution is to a candidate who is contested in a primary election
 10617 and the corporation makes the in-kind contribution within 30 calendar days before
 10618 the day on which the primary election is held; or
- 10619 (iii) the in-kind contribution is to a candidate who is contested in a general election
 10620 and the corporation makes the in-kind contribution within 30 calendar days before
 10621 the day on which the general election is held.
- 10622 (3) A corporation that provides, and a reporting entity that receives, the written notice
 10623 described in Subsection (1) shall retain a copy of the notice for five years after the day
 10624 on which the written notice is provided to the reporting entity.
- 10625 (4) A corporation or reporting entity that fails to comply with the requirements of this
 10626 section is guilty of a class B misdemeanor.
- 10627 (5) A person that intentionally or knowingly provides, or conspires to provide, false
 10628 information on a written notice described in this section is guilty of a class B
 10629 misdemeanor.

10630 Section 149. Section **20A-11-801** is amended to read:

10631 **20A-11-801 . Political issues committees -- Registration -- Criminal penalty for**
 10632 **providing false information or accepting unlawful contribution.**

- 10633 (1)(a) Unless the political issues committee has filed a notice of dissolution under
 10634 Subsection (4), each political issues committee shall file a statement of organization
 10635 with the lieutenant governor's office:
- 10636 (i) before 5 p.m. on January 10 of each year; or
- 10637 (ii) electronically, before midnight on January 10 of each year.
- 10638 (b) If a political issues committee is organized after the filing deadline described in
 10639 Subsection (1)(a), the political issues committee shall file an initial statement of
 10640 organization no later than 5 p.m. on the first business day that is at least seven

- 10641 calendar days after the day on which the political issues committee:
- 10642 (i) receives political issues contributions totaling at least \$750; or
- 10643 (ii) distributes political issues expenditures totaling at least \$750.
- 10644 (c) Each political issues committee shall deposit each contribution received into one or
- 10645 more separate accounts in a financial institution that are dedicated only to that
- 10646 purpose.
- 10647 (2)(a) Each political issues committee shall designate two officers that have primary
- 10648 decision-making authority for the political issues committee.
- 10649 (b) An individual may not exercise primary decision-making authority for a political
- 10650 issues committee if the individual is not designated under Subsection (2)(a).
- 10651 (3) The statement of organization shall include:
- 10652 (a) the name and address of the political issues committee;
- 10653 (b) the name, address, phone number, occupation, and title of the two primary officers
- 10654 designated under Subsection (2);
- 10655 (c) the name, address, occupation, and title of all other officers of the political issues
- 10656 committee;
- 10657 (d) the name and address of the organization, individual, corporation, association, unit of
- 10658 government, or union that the political issues committee represents, if any;
- 10659 (e) the name and address of all affiliated or connected organizations and their
- 10660 relationships to the political issues committee;
- 10661 (f) the name, residential address, business address, occupation, and phone number of the
- 10662 committee's treasurer or chief financial officer;
- 10663 (g) the name, address, and occupation of each member of the supervisory and advisory
- 10664 boards, if any; and
- 10665 (h) the ballot proposition whose outcome they wish to affect, and whether they support
- 10666 or oppose it.
- 10667 (4)(a) A registered political issues committee that intends to permanently cease
- 10668 operations during a calendar year shall:
- 10669 (i) dispose of all remaining funds by returning the funds to donors or donating the
- 10670 funds to an organization that is exempt from federal income taxation under
- 10671 Section 501(c)(3), Internal Revenue Code; and
- 10672 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
- 10673 lieutenant governor's office.
- 10674 (b) A political issues committee may not donate money to a political action committee,

- 10675 but may accept a contribution from a political action committee.
- 10676 (c) Any notice of dissolution filed by a political issues committee does not exempt that
10677 political issues committee from complying with the financial reporting requirements
10678 of this chapter in relation to all contributions received, and all expenditures made,
10679 before, at, or after dissolution.
- 10680 (d) A political issues committee shall report all money donated or expended under
10681 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with
10682 the financial reporting requirements described in this chapter.
- 10683 (5)(a) Unless the political issues committee has filed a notice of dissolution under
10684 Subsection (4), a political issues committee shall file, with the lieutenant governor's
10685 office, notice of any change of an officer described in Subsection (2).
- 10686 (b) A political issues committee shall:
- 10687 (i) electronically file a notice of a change of a primary officer described in Subsection
10688 (2)(a) [~~before 5 p.m.~~] within 10 calendar days after the day on which the change
10689 occurs; and
- 10690 (ii) include in the notice of change the name and title of the officer being replaced
10691 and the name, address, occupation, and title of the new officer.
- 10692 (6)(a) A person is guilty of providing false information in relation to a political issues
10693 committee if the person intentionally or knowingly gives false or misleading material
10694 information in the statement of organization or the notice of change of primary
10695 officer.
- 10696 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
10697 an unlawful contribution if the political issues committee knowingly or recklessly
10698 accepts a contribution from a corporation that:
- 10699 (i) was organized less than 90 calendar days before the date of the general election;
10700 and
- 10701 (ii) at the time the political issues committee accepts the contribution, has failed to
10702 file a statement of organization with the lieutenant governor's office as required by
10703 Section 20A-11-704.
- 10704 (c) A violation of this Subsection (6) is a third degree felony.
- 10705 (7)(a) As used in this Subsection (7), "received" means:
- 10706 (i) for a cash contribution, that the cash is given to a political issues committee;
- 10707 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
10708 instrument or check is negotiated; and

- 10709 (iii) for any other type of contribution, that any portion of the contribution's benefit
10710 inures to the political issues committee.
- 10711 (b) Each political issues committee shall report to the lieutenant governor each
10712 contribution received by the political issues committee within seven business days
10713 after the day on which the contribution is received if the contribution is received
10714 within 30 calendar days before the last day on which the sponsors of the initiative or
10715 referendum described in Subsection 20A-11-801(3)(h) may submit signatures to
10716 qualify the initiative or referendum for the ballot.
- 10717 (c) For each contribution that a political issues committee fails to report within the
10718 period described in Subsection (7)(b), the lieutenant governor shall impose a fine
10719 against the political issues committee in an amount equal to:
- 10720 (i) 10% of the amount of the contribution, if the political issues committee reports the
10721 contribution within 60 calendar days after the last day on which the political
10722 issues committee should have reported the contribution under Subsection (7)(b); or
- 10723 (ii) 20% of the amount of the contribution, if the political issues committee fails to
10724 report the contribution within 60 calendar days after the last day on which the
10725 political issues committee should have reported the contribution under Subsection
10726 (7)(b).
- 10727 (d) The lieutenant governor shall:
- 10728 (i) deposit money received under Subsection (7)(c) into the General Fund; and
- 10729 (ii) report on the lieutenant governor's website, in the location where reports relating
10730 to each political issues committee are available for public access:
- 10731 (A) each fine imposed by the lieutenant governor against the political issues
10732 committee;
- 10733 (B) the amount of the fine;
- 10734 (C) the amount of the contribution to which the fine relates; and
- 10735 (D) the date of the contribution.

10736 Section 150. Section **20A-11-802** is amended to read:

10737 **20A-11-802 . Political issues committees -- Financial reporting.**

- 10738 (1)(a) Each registered political issues committee that has received political issues
10739 contributions totaling at least \$750, or disbursed political issues expenditures totaling
10740 at least \$750, during a calendar year, shall file a verified financial statement with the
10741 lieutenant governor's office:
- 10742 (i) on January 10, reporting contributions and expenditures as of December 31 of the

- 10743 previous year;
- 10744 (ii) seven calendar days before the state political convention of each major political
10745 party;
- 10746 (iii) seven calendar days before the regular primary election date;
- 10747 (iv) seven calendar days before the date of an incorporation election, if the political
10748 issues committee has received or expended funds to affect an incorporation;
- 10749 (v) at least three calendar days before the first public hearing held as required by
10750 Section 20A-7-204.1;
- 10751 (vi) if the political issues committee has received or expended funds in relation to an
10752 initiative or referendum, five calendar days before the deadline for the initiative or
10753 referendum sponsors to submit:
- 10754 (A) the verified and certified initiative packets under Section 20A-7-105; or
10755 (B) the signed and verified referendum packets under Section 20A-7-105;
- 10756 (vii) on September 30; and
- 10757 (viii) seven calendar days before:
- 10758 (A) the municipal general election; and
10759 (B) the regular general election.
- 10760 (b) The political issues committee shall report:
- 10761 (i) a detailed listing of all contributions received and expenditures made since the last
10762 statement; and
- 10763 (ii) all contributions and expenditures as of five calendar days before the required
10764 filing date of the financial statement, except for a financial statement filed on
10765 January 10.
- 10766 (c) The political issues committee need not file a statement under this section if it
10767 received no contributions and made no expenditures during the reporting period.
- 10768 (2)(a) That statement shall include:
- 10769 (i) the name and address, if known, of any individual who makes a political issues
10770 contribution to the reporting political issues committee, and the amount of the
10771 political issues contribution;
- 10772 (ii) the identification of any publicly identified class of individuals that makes a
10773 political issues contribution to the reporting political issues committee, and the
10774 amount of the political issues contribution;
- 10775 (iii) the name and address, if known, of any political issues committee, group, or
10776 entity that makes a political issues contribution to the reporting political issues

- 10777 committee, and the amount of the political issues contribution;
- 10778 (iv) the name and address of each reporting entity that makes a political issues
10779 contribution to the reporting political issues committee, and the amount of the
10780 political issues contribution;
- 10781 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 10782 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
10783 entity, or group of individuals or entities that received a political issues
10784 expenditure of more than \$50 from the reporting political issues committee, and
10785 the amount of each political issues expenditure;
- 10786 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10787 (viii) the total amount of political issues contributions received and political issues
10788 expenditures disbursed by the reporting political issues committee;
- 10789 (ix) a statement by the political issues committee's treasurer or chief financial officer
10790 certifying that, to the best of the person's knowledge, the financial statement is
10791 accurate; and
- 10792 (x) a summary page in the form required by the lieutenant governor that identifies:
10793 (A) beginning balance;
10794 (B) total contributions during the period since the last statement;
10795 (C) total contributions to date;
10796 (D) total expenditures during the period since the last statement; and
10797 (E) total expenditures to date.
- 10798 (b)(i) Political issues contributions received by a political issues committee that have
10799 a value of \$50 or less need not be reported individually, but shall be listed on the
10800 report as an aggregate total.
- 10801 (ii) Two or more political issues contributions from the same source that have an
10802 aggregate total of more than \$50 may not be reported in the aggregate, but shall be
10803 reported separately.
- 10804 (c) When reporting political issue expenditures made to circulators of initiative petitions,
10805 the political issues committee:
- 10806 (i) need only report the amount paid to each initiative petition circulator; and
10807 (ii) need not report the name or address of the circulator.
- 10808 (3)(a) As used in this Subsection (3), "received" means:
- 10809 (i) for a cash contribution, that the cash is given to a political issues committee;
10810 (ii) for a contribution that is a negotiable instrument or check, that the negotiable

- 10811 instrument or check is negotiated; and
- 10812 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 10813 inures to the political issues committee.
- 10814 (b) A political issues committee shall report each contribution to the lieutenant governor
- 10815 within 31 calendar days after the contribution is received.
- 10816 (4) A political issues committee may not expend a contribution for a political issues
- 10817 expenditure if the contribution:
- 10818 (a) is cash or a negotiable instrument;
- 10819 (b) exceeds \$50; and
- 10820 (c) is from an unknown source.
- 10821 (5) Within 31 calendar days after receiving a contribution that is cash or a negotiable
- 10822 instrument, exceeds \$50, and is from an unknown source, a political issues committee
- 10823 shall disburse the amount of the contribution to:
- 10824 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 10825 political subdivision's general fund; or
- 10826 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 10827 Internal Revenue Code.
- 10828 Section 151. Section **20A-11-803** is amended to read:
- 10829 **20A-11-803 . Criminal penalties -- Fines.**
- 10830 (1)(a) As used in this Subsection (1), "completed" means that:
- 10831 (i) the financial statement accurately and completely details the information required
- 10832 by this part except for inadvertent omissions or insignificant errors or
- 10833 inaccuracies; and
- 10834 (ii) the political issues committee corrects the omissions, errors, or inaccuracies
- 10835 described in Subsection (1)(a) in an amended report or the next scheduled report.
- 10836 (b) Each political issues committee that fails to file a completed financial statement
- 10837 before the deadline is subject to a fine imposed in accordance with Section
- 10838 20A-11-1005.
- 10839 (c) Each political issues committee that fails to file a completed financial statement
- 10840 described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B
- 10841 misdemeanor.
- 10842 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney
- 10843 general.
- 10844 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement, the

- 10845 lieutenant governor shall review each filed statement to ensure that:
- 10846 (a) each political issues committee that is required to file a statement has filed one; and
- 10847 (b) each statement contains the information required by this part.
- 10848 (3) If it appears that any political issues committee has failed to file the January 10
- 10849 statement, if it appears that a filed statement does not conform to the law, or if the
- 10850 lieutenant governor has received a written complaint alleging a violation of the law or
- 10851 the falsity of any statement, the lieutenant governor shall, [~~within~~] no later than the first
- 10852 business day that is at least five calendar days after the day on which the lieutenant
- 10853 governor discovers the violation or receives the written complaint, notify the political
- 10854 issues committee of the violation or written complaint and direct the political issues
- 10855 committee to file a statement correcting the problem.
- 10856 (4)(a) It is unlawful for any political issues committee to fail to file or amend a statement
- 10857 within seven calendar days after the day on which the political issues committee
- 10858 receives notice from the lieutenant governor under this section.
- 10859 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B
- 10860 misdemeanor.
- 10861 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
- 10862 general.
- 10863 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
- 10864 governor shall impose a civil fine of \$1,000 against a political issues committee that
- 10865 violates Subsection (4)(a).

10866 Section 152. Section **20A-11-1203** is amended to read:

10867 **20A-11-1203 . Public entity prohibited from expending public funds on certain**

10868 **electoral matters.**

- 10869 (1) Unless specifically required by law, and except as provided in Subsection (5) or Section
- 10870 20A-11-1206, a public entity may not:
- 10871 (a) make an expenditure from public funds for political purposes, to influence a ballot
- 10872 proposition, or to influence a proposed initiative or proposed referendum; or
- 10873 (b) publish on the public entity's website an argument for or against a ballot proposition,
- 10874 a proposed initiative, or a proposed referendum.
- 10875 (2) A violation of this section does not invalidate an otherwise valid election.
- 10876 (3) This section does not prohibit the reasonable expenditure of public funds to gather
- 10877 information for, and respond directly to, an individual who makes an inquiry regarding a
- 10878 ballot proposition, a proposed initiative, or a proposed referendum.

- 10879 (4) This section does not prohibit:
- 10880 (a) a public entity from conducting research, or collecting and compiling information or
- 10881 arguments in relation to, a ballot proposition, a proposed initiative, or a proposed
- 10882 referendum;
- 10883 (b) an elected or appointed official of the public entity described in Subsection (4)(a)
- 10884 from using the research, information, or arguments described in Subsection (4)(a) for
- 10885 the purpose of advocating for or against a ballot proposition, proposed initiative, or
- 10886 proposed referendum via a website, or another medium, not owned or controlled by
- 10887 the public entity;
- 10888 (c) a public entity from posting on the public entity's website a link to another website,
- 10889 with a brief description, that is not owned or controlled by a public entity, or from
- 10890 publishing in any medium owned, controlled, or paid for by a public entity a website
- 10891 address, with a brief description, where an individual may view research,
- 10892 information, and arguments for or against a ballot proposition, proposed initiative, or
- 10893 proposed referendum if the public entity:
- 10894 (i) before posting the link or publishing the address, provides at least seven calendar
- 10895 days written notice to the sponsors of the ballot proposition, proposed initiative, or
- 10896 proposed referendum:
- 10897 (A) of the public entity's intent to post the link or publish the address;
- 10898 (B) a description of each medium in which the public entity intends to post the
- 10899 link or publish the address; and
- 10900 (C) the dates of the publication or posting; and
- 10901 (ii) posts, immediately adjacent to the link or address, and brief description described
- 10902 in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief
- 10903 description, containing the sponsors' research, information, and arguments for or
- 10904 against the ballot proposition, proposed initiative, or proposed referendum, if the
- 10905 sponsors provide a link or address within seven calendar days after the day on
- 10906 which the sponsors receive the notice described in Subsection (4)(c)(i); or
- 10907 (d) a public entity from posting on the public entity's website, or any medium, a
- 10908 complete copy of a proposition information pamphlet described in Section
- 10909 20A-7-401.5 or a voter information pamphlet.
- 10910 (5) Subsection (1) does not prohibit a public entity from taking an action under Title 53G,
- 10911 Chapter 3, Part 3, Creating a New School District, that is necessary for the public entity
- 10912 to seek the creation of a new school district.

- 10913 Section 153. Section **20A-11-1301** is amended to read:
- 10914 **20A-11-1301 . School board office -- Campaign finance requirements --**
- 10915 **Candidate as a political action committee officer -- No personal use -- Contribution**
- 10916 **reporting deadline -- Report other accounts -- Anonymous contributions.**
- 10917 (1)(a)(i) Each school board office candidate shall deposit each contribution received
- 10918 in one or more separate accounts in a financial institution that are dedicated only
- 10919 to that purpose.
- 10920 (ii) A school board office candidate may:
- 10921 (A) receive a contribution from a political action committee registered under
- 10922 Section 20A-11-601; and
- 10923 (B) be designated by a political action committee as an officer who has primary
- 10924 decision-making authority as described in Section 20A-11-601.
- 10925 (b) A school board office candidate may not use money deposited in an account
- 10926 described in Subsection (1)(a)(i) for:
- 10927 (i) a personal use expenditure; or
- 10928 (ii) an expenditure prohibited by law.
- 10929 (c)(i) Each school board officeholder shall deposit each contribution and public
- 10930 service assistance received in one or more separate accounts in a financial
- 10931 institution that are dedicated only to that purpose.
- 10932 (ii) A school board officeholder may:
- 10933 (A) receive a contribution or public service assistance from a political action
- 10934 committee registered under Section 20A-11-601; and
- 10935 (B) be designated by a political action committee as an officer who has primary
- 10936 decision-making authority as described in Section 20A-11-601.
- 10937 (d) A school board officeholder may not use money deposited in an account described in
- 10938 Subsection (1)(a)(i) or (1)(c)(i) for:
- 10939 (i) a personal use expenditure; or
- 10940 (ii) an expenditure prohibited by law.
- 10941 (2)(a) A school board office candidate may not deposit or mingle any contributions
- 10942 received into a personal or business account.
- 10943 (b) A school board officeholder may not deposit or mingle any contributions or public
- 10944 service assistance received into a personal or business account.
- 10945 (3) A school board office candidate or school board officeholder may not make any
- 10946 political expenditures prohibited by law.

- 10947 (4) If a person who is no longer a school board office candidate chooses not to expend the
10948 money remaining in a campaign account, the person shall continue to file the year-end
10949 summary report required by Section 20A-11-1302 until the statement of dissolution and
10950 final summary report required by Section 20A-11-1304 are filed with the lieutenant
10951 governor.
- 10952 (5)(a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is
10953 no longer a school board office candidate may not expend or transfer the money in a
10954 campaign account in a manner that would cause the former school board office
10955 candidate to recognize the money as taxable income under federal tax law.
- 10956 (b) A person who is no longer a school board office candidate may transfer the money in
10957 a campaign account in a manner that would cause the former school board office
10958 candidate to recognize the money as taxable income under federal tax law if the
10959 transfer is made to a campaign account for federal office.
- 10960 (6)(a) As used in this Subsection (6), "received" means the same as that term is defined
10961 in Subsection 20A-11-1303(1)(a).
- 10962 (b) Except as provided in Subsection (6)(d), each school board office candidate shall
10963 report to the chief election officer each contribution received by the school board
10964 office candidate:
- 10965 (i) except as provided in Subsection (6)(b)(ii), within 31 calendar days after the day
10966 on which the contribution is received; or
- 10967 (ii) within seven business days after the day on which the contribution is received, if:
- 10968 (A) the school board office candidate is contested in a convention and the
10969 contribution is received within 30 calendar days before the day on which the
10970 convention is held;
- 10971 (B) the school board office candidate is contested in a primary election and the
10972 contribution is received within 30 calendar days before the day on which the
10973 primary election is held; or
- 10974 (C) the school board office candidate is contested in a general election and the
10975 contribution is received within 30 calendar days before the day on which the
10976 general election is held.
- 10977 (c) For each contribution that a school board office candidate fails to report within the
10978 time period described in Subsection (6)(b), the chief election officer shall impose a
10979 fine against the school board office candidate in an amount equal to:
- 10980 (i) 10% of the amount of the contribution, if the school board office candidate reports

- 10981 the contribution within 60 calendar days after the day on which the time period
 10982 described in Subsection (6)(b) ends; or
- 10983 (ii) 20% of the amount of the contribution, if the school board office candidate fails
 10984 to report the contribution within 60 calendar days after the day on which the time
 10985 period described in Subsection (6)(b) ends.
- 10986 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and issue
 10987 a warning to the school board office candidate if:
- 10988 (i) the contribution that the school board office candidate fails to report is paid by the
 10989 school board office candidate from the school board office candidate's personal
 10990 funds;
- 10991 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
 10992 relation to a contribution paid by the school board office candidate from the
 10993 school board office candidate's personal funds; and
- 10994 (iii) the lieutenant governor determines that the failure to timely report the
 10995 contribution is due to the school board office candidate not understanding that the
 10996 reporting requirement includes a contribution paid by a school board office
 10997 candidate from the school board office candidate's personal funds.
- 10998 (e) The chief election officer shall:
- 10999 (i) deposit money received under Subsection (6)(c) into the General Fund; and
- 11000 (ii) report on the chief election officer's website, in the location where reports relating
 11001 to each school board office candidate are available for public access:
- 11002 (A) each fine imposed by the chief election officer against the school board office
 11003 candidate;
- 11004 (B) the amount of the fine;
- 11005 (C) the amount of the contribution to which the fine relates; and
- 11006 (D) the date of the contribution.
- 11007 (7) Within 31 calendar days after [~~receiving~~] the day on which a school board office
 11008 candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50,
 11009 and is from an unknown source, [a] the school board office candidate shall disburse the
 11010 contribution to an organization that is exempt from federal income taxation under
 11011 Section 501(c)(3), Internal Revenue Code.
- 11012 (8)(a) As used in this Subsection (8), "account" means an account in a financial
 11013 institution:
- 11014 (i) that is not described in Subsection (1)(a)(i); and

11015 (ii) into which or from which a person who, as a candidate for an office, other than a
 11016 school board office for which the person files a declaration of candidacy or federal
 11017 office, or as a holder of an office, other than a school board office for which the
 11018 person files a declaration of candidacy or federal office, deposits a contribution or
 11019 makes an expenditure.

11020 (b) A school board office candidate shall include on any financial statement filed in
 11021 accordance with this part:

11022 (i) a contribution deposited in an account:

11023 (A) since the last campaign finance statement was filed; or

11024 (B) that has not been reported under a statute or ordinance that governs the
 11025 account; or

11026 (ii) an expenditure made from an account:

11027 (A) since the last campaign finance statement was filed; or

11028 (B) that has not been reported under a statute or ordinance that governs the
 11029 account.

11030 Section 154. Section **20A-11-1303** is amended to read:

11031 **20A-11-1303 . School board office candidate and school board officeholder --**
 11032 **Financial reporting requirements -- Interim reports.**

11033 (1)(a) As used in this section, "received" means:

11034 (i) for a cash contribution, that the cash is given to a school board office candidate or
 11035 a member of the school board office candidate's personal campaign committee;

11036 (ii) for a contribution that is a check or other negotiable instrument, that the check or
 11037 other negotiable instrument is negotiated;

11038 (iii) for a direct deposit made into a campaign account by a person not associated
 11039 with the campaign, the earlier of:

11040 (A) the day on which the school board office candidate or a member of the school
 11041 board office candidate's personal campaign committee becomes aware of the
 11042 deposit and the source of the deposit;

11043 (B) the day on which the school board office candidate or a member of the school
 11044 board office candidate's personal campaign committee receives notice of the
 11045 deposit and the source of the deposit by mail, email, text, or similar means; or

11046 (C) 31 calendar days after the day on which the direct deposit occurs; or

11047 (iv) for any other type of contribution, that any portion of the contribution's benefit
 11048 inures to the school board office candidate.

- 11049 (b) As used in this Subsection (1), "campaign account" means a separate campaign
11050 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).
- 11051 (c) Each school board office candidate shall file an interim report at the following times
11052 in any year in which the candidate has filed a declaration of candidacy for a public
11053 office:
- 11054 (i) May 15;
11055 (ii) seven calendar days before the regular primary election date;
11056 (iii) September 30; and
11057 (iv) seven calendar days before the regular general election date.
- 11058 (2) Each interim report shall include the following information:
- 11059 (a) the net balance of the last summary report, if any;
11060 (b) a single figure equal to the total amount of receipts reported on all prior interim
11061 reports, if any, during the calendar year in which the interim report is due;
11062 (c) a single figure equal to the total amount of expenditures reported on all prior interim
11063 reports, if any, filed during the calendar year in which the interim report is due;
11064 (d) a detailed listing of:
11065 (i) for a school board office candidate, each contribution received since the last
11066 summary report that has not been reported in detail on a prior interim report; or
11067 (ii) for a school board officeholder, each contribution and public service assistance
11068 received since the last summary report that has not been reported in detail on a
11069 prior interim report;
- 11070 (e) for each nonmonetary contribution:
11071 (i) the fair market value of the contribution with that information provided by the
11072 contributor; and
11073 (ii) a specific description of the contribution;
- 11074 (f) a detailed listing of each expenditure made since the last summary report that has not
11075 been reported in detail on a prior interim report;
- 11076 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
11077 (h) a net balance for the year consisting of the net balance from the last summary report,
11078 if any, plus all receipts since the last summary report minus all expenditures since the
11079 last summary report;
- 11080 (i) a summary page in the form required by the lieutenant governor that identifies:
11081 (i) beginning balance;
11082 (ii) total contributions during the period since the last statement;

- 11083 (iii) total contributions to date;
- 11084 (iv) total expenditures during the period since the last statement; and
- 11085 (v) total expenditures to date; and
- 11086 (j) the name of a political action committee for which the school board office candidate
- 11087 or school board officeholder is designated as an officer who has primary
- 11088 decision-making authority under Section 20A-11-601.
- 11089 (3)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 11090 of five calendar days before the required filing date of the report.
- 11091 (b) Any negotiable instrument or check received by a school board office candidate or
- 11092 school board officeholder more than five calendar days before the required filing date
- 11093 of a report required by this section shall be included in the interim report.
- 11094 Section 155. Section **20A-11-1305** is amended to read:
- 11095 **20A-11-1305 . School board office candidate -- Failure to file statement --**
- 11096 **Penalties.**
- 11097 (1) A school board office candidate who fails to file a financial statement by the deadline is
- 11098 subject to a fine imposed in accordance with Section 20A-11-1005.
- 11099 (2) If a school board office candidate fails to file an interim report described in Subsections
- 11100 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic notice
- 11101 to the school board office candidate and the political party of which the school board
- 11102 office candidate is a member, if any, that states:
- 11103 (a) that the school board office candidate failed to timely file the report; and
- 11104 (b) that, if the school board office candidate fails to file the report within 24 hours after
- 11105 the deadline for filing the report, the school board office candidate will be
- 11106 disqualified and the political party will not be permitted to replace the candidate.
- 11107 (3)(a) The lieutenant governor shall disqualify a school board office candidate and
- 11108 inform the county clerk and other appropriate election officials that the school board
- 11109 office candidate is disqualified if the school board office candidate fails to file an
- 11110 interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24
- 11111 hours after the deadline for filing the report.
- 11112 (b) The political party of a school board office candidate who is disqualified under
- 11113 Subsection (3)(a) may not replace the school board office candidate.
- 11114 (4) If a school board office candidate is disqualified under Subsection (3)(a), the election
- 11115 officer shall:
- 11116 (a) notify every opposing candidate for the school board office that the school board

- 11117 office candidate is disqualified;
- 11118 (b) send an email notification to each voter who is eligible to vote in the school board
11119 office race for whom the election officer has an email address informing the voter
11120 that the school board office candidate is disqualified and that votes cast for the school
11121 board office candidate will not be counted;
- 11122 (c) post notice of the disqualification on the election officer's website; and
- 11123 (d) if practicable, remove the school board office candidate's name from the ballot.
- 11124 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
11125 a mailed ballot, including a military or overseas ballot, by including with the ballot a
11126 written notice directing the voter to the election officer's website to inform the voter
11127 whether a candidate on the ballot is disqualified.
- 11128 (6) A school board office candidate is not disqualified if:
- 11129 (a) the school board office candidate files the reports described in Subsections
11130 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable
11131 deadlines for filing the reports;
- 11132 (b) the reports are completed, detailing accurately and completely the information
11133 required by this part except for inadvertent omissions or insignificant errors or
11134 inaccuracies; and
- 11135 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
11136 an amended report or the next scheduled report.
- 11137 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
11138 lieutenant governor shall review each filed summary report to ensure that:
- 11139 (i) each school board office candidate who is required to file a summary report has
11140 filed the report; and
- 11141 (ii) each summary report contains the information required by this part.
- 11142 (b) If it appears that a school board office candidate has failed to file the summary report
11143 required by law, if it appears that a filed summary report does not conform to the law,
11144 or if the lieutenant governor has received a written complaint alleging a violation of
11145 the law or the falsity of any summary report, the lieutenant governor shall, [~~within~~
11146 ~~five days of discovery of a~~] the first business day that is at least five calendar days
11147 after the day on which the lieutenant governor discovers the violation or [receipt of a]
11148 receives the written complaint, notify the school board office candidate of the
11149 violation or written complaint and direct the school board office candidate to file a
11150 summary report correcting the problem.

- 11151 (c)(i) It is unlawful for a school board office candidate to fail to file or amend a
 11152 summary report within seven calendar days after receiving the notice described in
 11153 Subsection (7)(b) from the lieutenant governor.
- 11154 (ii) Each school board office candidate who violates Subsection (7)(c)(i) is guilty of
 11155 a class B misdemeanor.
- 11156 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the
 11157 attorney general.
- 11158 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the
 11159 lieutenant governor shall impose a civil fine of \$100 against a school board office
 11160 candidate who violates Subsection (7)(c)(i).

11161 Section 156. Section **20A-11-1406** is amended to read:

11162 **20A-11-1406 . Enforcement of part -- Attorney general.**

- 11163 (1) Subject to the requirements of Subsections (2) and (3), the attorney general may bring
 11164 an action to require the labor organization to comply with the requirements of this part.
- 11165 (2) Before bringing an action under Subsection (1), the attorney general shall:
- 11166 (a) notify the labor organization in writing of the precise nature of the violation of this
 11167 part; and
- 11168 (b) give the labor organization 10 calendar days to cease and desist the violation of this
 11169 part.
- 11170 (3) The attorney general may not bring an action under Subsection (1) if the labor
 11171 organization:
- 11172 (a) ceases and desists from violating this part within 10 calendar days; and
- 11173 (b) provides the attorney general with written confirmation that the labor organization
 11174 has ceased from engaging in the conduct the attorney general determined to be a
 11175 violation of this part.

11176 Section 157. Section **20A-11-1502** is amended to read:

11177 **20A-11-1502 . Campaign financial reporting of expenditures -- Filing**
 11178 **requirements -- Statement contents.**

- 11179 (1)(a) Each labor organization that has made expenditures for political purposes or
 11180 political issues expenditures on current or proposed ballot issues that total at least
 11181 \$750 during a calendar year shall file a verified financial statement with the
 11182 lieutenant governor's office:
- 11183 (i) on January 10, reporting expenditures as of December 31 of the previous year;
 11184 (ii) seven calendar days before the regular primary election date;

- 11185 (iii) on September 30; and
- 11186 (iv) seven calendar days before the regular general election date.
- 11187 (b) The labor organization shall report:
- 11188 (i) a detailed listing of all expenditures made since the last statement; and
- 11189 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
- 11190 expenditures as of five calendar days before the required filing date of the
- 11191 financial statement.
- 11192 (c) The labor organization is not required to file a financial statement under this section
- 11193 if the labor organization:
- 11194 (i) made no expenditures during the reporting period; or
- 11195 (ii) reports the labor organization's expenditures during the reporting period under
- 11196 another part of this chapter.
- 11197 (2) The financial statement shall include:
- 11198 (a) the name and address of each reporting entity that received an expenditure or
- 11199 political issues expenditure of more than \$50 from the labor organization, and the
- 11200 amount of each expenditure or political issues expenditure;
- 11201 (b) the total amount of expenditures disbursed by the labor organization; and
- 11202 (c) a statement by the labor organization's treasurer or chief financial officer certifying
- 11203 the accuracy of the financial statement.
- 11204 Section 158. Section **20A-11-1503** is amended to read:
- 11205 **20A-11-1503 . Criminal penalties -- Fines.**
- 11206 (1) Within 60 calendar days after a deadline for the filing of a financial statement required
- 11207 by this part, the lieutenant governor shall review each filed financial statement to ensure
- 11208 that:
- 11209 (a) each labor organization that is required to file a financial statement has filed one; and
- 11210 (b) each financial statement contains the information required by this part.
- 11211 (2) If it appears that any labor organization has failed to file a financial statement, if it
- 11212 appears that a filed financial statement does not conform to the law, or if the lieutenant
- 11213 governor has received a written complaint alleging a violation of the law or the falsity of
- 11214 a financial statement, the lieutenant governor shall:
- 11215 (a) impose a fine against the labor organization in accordance with Section 20A-11-1005;
- 11216 and
- 11217 (b) [~~within five days of discovery of a~~] no later than the first business day that is at least
- 11218 five calendar days after the day on which the lieutenant governor discovers the

11219 violation or ~~[receipt of a]~~ receives the written complaint, notify the labor organization
 11220 of the violation or written complaint and direct the labor organization to file a
 11221 financial statement correcting the problem.

11222 (3)(a) It is unlawful for any labor organization to fail to file or amend a financial
 11223 statement within seven calendar days after receiving notice from the lieutenant
 11224 governor under this section.

11225 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
 11226 misdemeanor.

11227 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
 11228 general.

11229 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
 11230 governor shall impose a civil fine of \$1,000 against a labor organization that violates
 11231 Subsection (3)(a).

11232 Section 159. Section **20A-11-1604** is amended to read:

11233 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**
 11234 **reporting requirements.**

11235 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
 11236 any other official act of office in which a state constitutional officer has actual
 11237 knowledge that the state constitutional officer has a conflict of interest that is not
 11238 stated in the conflict of interest disclosure, the state constitutional officer shall
 11239 publicly declare that the state constitutional officer may have a conflict of interest
 11240 and what that conflict of interest is.

11241 (b) Before or during any vote on legislation or any legislative matter in which a
 11242 legislator has actual knowledge that the legislator has a conflict of interest that is not
 11243 stated in the conflict of interest disclosure, the legislator shall orally declare to the
 11244 committee or body before which the matter is pending that the legislator may have a
 11245 conflict of interest and what that conflict is.

11246 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
 11247 which a member of the State Board of Education has actual knowledge that the
 11248 member has a conflict of interest that is not stated in the conflict of interest
 11249 disclosure, the member shall orally declare to the board that the member may have a
 11250 conflict of interest and what that conflict of interest is.

11251 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
 11252 be noted:

- 11253 (a) on the official record of the action taken, for a state constitutional officer;
- 11254 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
- 11255 applicable, for a legislator; or
- 11256 (c) in the minutes of the meeting or on the official record of the action taken, for a
- 11257 member of the State Board of Education.
- 11258 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
- 11259 website:
- 11260 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- 11261 (ii) if the state constitutional officer takes office after January 10, within 10 calendar
- 11262 days after the day on which the state constitutional officer takes office; and
- 11263 (b) each time the state constitutional officer changes employment.
- 11264 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 11265 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- 11266 (ii) if the legislator takes office after January 10, within 10 calendar days after the
- 11267 day on which the legislator takes office; and
- 11268 (b) each time the legislator changes employment.
- 11269 (5) A member of the State Board of Education shall make a complete conflict of interest
- 11270 disclosure on the website:
- 11271 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- 11272 (ii) if the member takes office after January 10, within 10 calendar days after the day
- 11273 on which the member takes office; and
- 11274 (b) each time the member changes employment.
- 11275 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 11276 (a) the regulated officeholder's name;
- 11277 (b) the name and address of each of the regulated officeholder's current employers and
- 11278 each of the regulated officeholder's employers during the preceding year;
- 11279 (c) for each employer described in Subsection (6)(b), a brief description of the
- 11280 employment, including the regulated officeholder's occupation and, as applicable, job
- 11281 title;
- 11282 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
- 11283 owner or officer during the preceding year:
- 11284 (i) the name of the entity;
- 11285 (ii) a brief description of the type of business or activity conducted by the entity; and
- 11286 (iii) the regulated officeholder's position in the entity;

- 11287 (e) in accordance with Subsection (7), for each individual from whom, or entity from
11288 which, the regulated officeholder has received \$5,000 or more in income during the
11289 preceding year:
- 11290 (i) the name of the individual or entity; and
 - 11291 (ii) a brief description of the type of business or activity conducted by the individual
11292 or entity;
- 11293 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a
11294 fair market value of \$5,000 or more as of the date of the disclosure form or during the
11295 preceding year, but excluding funds that are managed by a third party, including
11296 blind trusts, managed investment accounts, and mutual funds:
- 11297 (i) the name of the entity; and
 - 11298 (ii) a brief description of the type of business or activity conducted by the entity;
- 11299 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
11300 officeholder currently serves, or served in the preceding year, in a paid leadership
11301 capacity or in a paid or unpaid position on a board of directors:
- 11302 (i) the name of the entity or organization;
 - 11303 (ii) a brief description of the type of business or activity conducted by the entity; and
 - 11304 (iii) the type of position held by the regulated officeholder;
- 11305 (h) at the option of the regulated officeholder, a description of any real property in which
11306 the regulated officeholder holds an ownership or other financial interest that the
11307 regulated officeholder believes may constitute a conflict of interest, including a
11308 description of the type of interest held by the regulated officeholder in the property;
- 11309 (i) the name of the regulated officeholder's spouse and any other adult residing in the
11310 regulated officeholder's household who is not related by blood or marriage, as
11311 applicable;
- 11312 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
11313 is required to provide under Subsection (6)(b);
- 11314 (k) a brief description of the employment and occupation of each adult who:
- 11315 (i) resides in the regulated officeholder's household; and
 - 11316 (ii) is not related to the regulated officeholder by blood or marriage;
- 11317 (l) at the option of the regulated officeholder, a description of any other matter or
11318 interest that the regulated officeholder believes may constitute a conflict of interest;
- 11319 (m) the date the form was completed;
- 11320 (n) a statement that the regulated officeholder believes that the form is true and accurate

- 11321 to the best of the regulated officeholder's knowledge; and
- 11322 (o) the signature of the regulated officeholder.
- 11323 (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who
- 11324 provides goods or services to multiple customers or clients as part of a business or a
- 11325 licensed profession is only required to provide the information described in Subsection
- 11326 (6)(e) in relation to the entity or practice through which the regulated officeholder
- 11327 provides the goods or services and is not required to provide the information described
- 11328 in Subsection (6)(e) in relation to the regulated officeholder's individual customers or
- 11329 clients.
- 11330 (8) The disclosure requirements described in this section do not prohibit a regulated
- 11331 officeholder from voting or acting on any matter.
- 11332 (9) A regulated officeholder may amend a conflict of interest disclosure described in this
- 11333 part at any time.
- 11334 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a
- 11335 class B misdemeanor.
- 11336 (11)(a) A regulated officeholder who intentionally or knowingly violates a provision of
- 11337 this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 11338 (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant
- 11339 governor shall impose a civil penalty of \$100 against a regulated officeholder who
- 11340 violates a provision of this section, other than Subsection (1).
- 11341 Section 160. Section **20A-11-1605** is amended to read:
- 11342 **20A-11-1605 . Failure to file -- Penalties.**
- 11343 (1) Within 60 calendar days after the day on which a regulated officeholder is required to
- 11344 file a conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the
- 11345 lieutenant governor shall review each filed conflict of interest disclosure to ensure that:
- 11346 (a) each regulated officeholder who is required to file a conflict of interest disclosure has
- 11347 filed one; and
- 11348 (b) each conflict of interest disclosure contains the information required under Section
- 11349 20A-11-1604.
- 11350 (2) The lieutenant governor shall take the action described in Subsection (3) if:
- 11351 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;
- 11352 (b) a filed conflict of interest disclosure does not comply with the requirements of
- 11353 Section 20A-11-1604; or
- 11354 (c) the lieutenant governor receives a written complaint alleging a violation of Section

- 11355 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the
 11356 complaint and giving the regulated officeholder notice and an opportunity to be
 11357 heard, the lieutenant governor determines that a violation occurred.
- 11358 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, [
 11359 ~~within~~] no later than the first business day that is at least five calendar days after the day
 11360 on which the lieutenant governor determines that a violation occurred, notify the
 11361 regulated officeholder of the violation and direct the regulated officeholder to file an
 11362 amended report correcting the problem.
- 11363 (4)(a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
 11364 interest disclosure within seven calendar days after the day on which the regulated
 11365 officeholder receives the notice described in Subsection (3).
- 11366 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
 11367 misdemeanor.
- 11368 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
 11369 general.
- 11370 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
 11371 governor shall impose a civil fine of \$100 against a regulated officeholder who
 11372 violates Subsection (4)(a).
- 11373 (5) The lieutenant governor shall deposit a fine collected under this part into the General
 11374 Fund as a dedicated credit to pay for the costs of administering the provisions of this part.
 11375 Section 161. Section **20A-11-1702** is amended to read:
 11376 **20A-11-1702 . Definitions.**
 11377 As used in this part:
- 11378 (1) "Clearly identified" means:
 11379 (a) the name of the candidate appears;
 11380 (b) a photograph or drawing of the candidate appears; or
 11381 (c) the identity of the candidate or ballot proposition is apparent by unambiguous
 11382 reference.
- 11383 (2)(a) "Independent expenditure" means an expenditure by a person expressly
 11384 advocating the success or defeat of a clearly identified candidate or ballot proposition
 11385 if the expenditure is not made in coordination with, or at the request or suggestion of:
 11386 (i) a candidate;
 11387 (ii) a candidate's personal campaign committee;
 11388 (iii) a member of a candidate's personal campaign committee;

- 11389 (iv) a political action committee for which the candidate is an officer with primary
 11390 decision making authority;
- 11391 (v) an agent of a candidate; or
 11392 (vi) a political issues committee.
- 11393 (b) "Independent expenditure" includes:
- 11394 (i) the cost of creating and disseminating material for a public communication,
 11395 including design and production costs; and
 11396 (ii) a contract or other promise to make an expenditure described in Subsection (2)(a)
 11397 or (2)(b)(i).
- 11398 (3)(a) "Public communication" means a communication by:
- 11399 (i) broadcast, cable, satellite communication, newspaper, magazine, outdoor
 11400 advertising facility, mass mailing, or telephone bank; or
 11401 (ii) another medium used for political advertising to the general public.
- 11402 (b) "Public communication" does not include:
- 11403 (i) a news story, a commentary, or an editorial disseminated by a broadcasting
 11404 station, including a cable television operator, programmer, or producer, satellite
 11405 television or radio provider, website, newspaper, magazine, or other periodical
 11406 publication, that is not controlled by a candidate or political party; or
 11407 (ii) a candidate debate or forum.
- 11408 (4) "Telephone bank" means 500 or more identical or substantially similar telephone calls
 11409 within any [~~30-day~~] 30-calendar-day period.
- 11410 Section 162. Section **20A-11-1704** is amended to read:
- 11411 **20A-11-1704 . Independent expenditure report.**
- 11412 (1) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on
 11413 which a person has made a total of at least \$1,000 in independent expenditures during an
 11414 election cycle, the person shall file an independent expenditure report with the chief
 11415 election officer.
- 11416 (2) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on
 11417 which a person has made a total of at least \$1,000 in independent expenditures during an
 11418 election cycle that were not reported in an independent expenditure report already filed
 11419 with the chief election officer during the same election cycle, the person shall file
 11420 another independent expenditure report with the chief election officer.
- 11421 (3) An independent expenditure report shall include the following information:
- 11422 (a) if the person who made the independent expenditures is an individual, the person's

- 11423 name, address, and phone number;
- 11424 (b) if the person who made the independent expenditures is not an individual:
- 11425 (i) the person's name, address, and phone number; and
- 11426 (ii) the name, address, and phone number of an individual who may be contacted by
- 11427 the chief election officer in relation to the independent expenditure report; and
- 11428 (c) for each independent expenditure made by the person during the current election
- 11429 cycle that was not reported in a previous independent expenditure report:
- 11430 (i) the date of the independent expenditure;
- 11431 (ii) the amount of the independent expenditure;
- 11432 (iii) the candidate or ballot proposition for which the independent expenditure
- 11433 expressly advocates the success or defeat and a description of whether the
- 11434 independent expenditure supports or opposes the candidate or ballot proposition;
- 11435 (iv) the identity, address, and phone number of the person to whom the independent
- 11436 expenditure was made;
- 11437 (v) a description of the goods or services obtained by the independent expenditure;
- 11438 and
- 11439 (vi) for each person who, for political purposes, made cumulative donations of
- 11440 \$1,000 or more during the current election cycle to the filer of the independent
- 11441 expenditure report:
- 11442 (A) the identity, address, and phone number of the person;
- 11443 (B) the date of the donation; and
- 11444 (C) the amount of the donation.
- 11445 (4)(a) If the person filing an independent expenditure report is an individual, the person
- 11446 shall sign the independent expenditure report and certify that the information
- 11447 contained in the report is complete and accurate.
- 11448 (b) If the person filing an independent expenditure report is not an individual:
- 11449 (i) the person filing the independent expenditure report shall designate an authorized
- 11450 individual to sign the independent expenditure report on behalf of the person; and
- 11451 (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent
- 11452 expenditure report and certify that the information contained in the report is
- 11453 complete and accurate.
- 11454 (5) If a person who files an independent expenditure report previously filed an independent
- 11455 expenditure report during, or in relation to, the same election cycle that includes
- 11456 information, described in Subsection (3)(a) or (b), that has changed since the person

11457 filed the previous independent expenditure report, the person shall include in the most
11458 recent independent expenditure report a description of the information that has changed
11459 that includes both the old information and the new information.

11460 (6) An independent expenditure report is a public record under Title 63G, Chapter 2,
11461 Government Records Access and Management Act.

11462 Section 163. Section **20A-12-303** is amended to read:

11463 **20A-12-303 . Separate account for campaign funds -- Reporting contributions.**

11464 (1) The judge or the judge's personal campaign committee shall deposit each contribution in
11465 one or more separate personal campaign accounts in a financial institution.

11466 (2) The judge or the judge's personal campaign committee may not deposit or mingle any
11467 contributions received into a personal or business account.

11468 (3)(a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

11469 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
11470 campaign committee;

11471 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
11472 instrument or check is negotiated; and

11473 (iii) for any other type of contribution, that any portion of the contribution's benefit
11474 inures to the judge.

11475 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
11476 governor each contribution received by the judge, within 31 calendar days after the
11477 day on which the contribution is received.

11478 (c) For each contribution that a judge fails to report within the time period described in
11479 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an
11480 amount equal to:

11481 (i) 10% of the amount of the contribution if the judge reports the contribution within
11482 60 calendar days after the day on which the time period described in Subsection
11483 (3)(b) ends; or

11484 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
11485 within 60 calendar days after the day on which the time period described in
11486 Subsection (3)(b) ends.

11487 (d) The lieutenant governor shall:

11488 (i) deposit money received under Subsection (3)(c) into the General Fund; and

11489 (ii) report on the lieutenant governor's website, in the location where reports relating
11490 to each judge are available for public access:

- 11491 (A) each fine imposed by the lieutenant governor against the judge;
- 11492 (B) the amount of the fine;
- 11493 (C) the amount of the contribution to which the fine relates; and
- 11494 (D) the date of the contribution.
- 11495 (4) Within 31 calendar days after [~~receiving~~] the day on which a judge receives a
- 11496 contribution that is cash or a negotiable instrument, exceeds \$50, and is from an
- 11497 unknown source, [a] the judge [~~or the judge's personal campaign committee~~] shall
- 11498 disburse the amount of the contribution to an organization that is exempt from federal
- 11499 income taxation under Section 501(c)(3), Internal Revenue Code.
- 11500 Section 164. Section **20A-12-305** is amended to read:
- 11501 **20A-12-305 . Judicial retention election candidates -- Financial reporting**
- 11502 **requirements -- Interim report.**
- 11503 (1) The judge's personal campaign committee shall file an interim report with the lieutenant
- 11504 governor [~~on the date seven~~] seven calendar days before the regular general election date.
- 11505 (2) Each interim report shall include the following information:
- 11506 (a) a detailed listing of each contribution received since the last financial statement;
- 11507 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 11508 (c) a detailed listing of each expenditure made since the last summary report;
- 11509 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 11510 (e) a net balance for the year consisting of all contributions since the last summary
- 11511 report minus all expenditures since the last summary report.
- 11512 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 11513 reported without separate detailed listings.
- 11514 (b) Two or more contributions from the same source that have an aggregate total of
- 11515 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 11516 (4) In preparing each interim report, all contributions and expenditures shall be reported as
- 11517 of five calendar days before the required filing date of the report.
- 11518 (5) A negotiable instrument or check received by a judge or the judge's personal campaign
- 11519 committee more than five calendar days before the required filing date of a report
- 11520 required by this section shall be included in the interim report.
- 11521 Section 165. Section **20A-12-306** is amended to read:
- 11522 **20A-12-306 . Judges -- Failure to file reports -- Penalties.**
- 11523 (1)(a) If a judge's personal campaign committee fails to file the interim report due before
- 11524 the regular general election, the lieutenant governor shall, after making a reasonable

- 11525 attempt to discover if the report was timely filed:
- 11526 (i) inform the county clerk and other appropriate election officials who:
- 11527 (A)(I) shall, if practicable, remove the name of the judge from the ballots
- 11528 before the ballots are delivered to voters; or
- 11529 (II) shall, if removing the judge's name from the ballot is not practicable,
- 11530 inform the voters by any practicable method that the judge has been
- 11531 disqualified and that votes cast for the judge will not be counted; and
- 11532 (B) may not count any votes for that judge; and
- 11533 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.
- 11534 (b) Any judge who fails to file timely a financial statement required by this part is
- 11535 disqualified.
- 11536 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the
- 11537 lieutenant governor may not impose a fine if:
- 11538 (i) the candidate timely files the reports required by this section in accordance with
- 11539 Section 20A-11-103;
- 11540 (ii) the reports are completed, detailing accurately and completely the information
- 11541 required by this part except for inadvertent omissions or insignificant errors or
- 11542 inaccuracies; and
- 11543 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
- 11544 corrected in an amended report or in the next scheduled report.
- 11545 (2)(a) Within 30 calendar days after a deadline for the filing of a summary report, the
- 11546 lieutenant governor shall review each filed summary report to ensure that:
- 11547 (i) each judge that is required to file a summary report has filed one; and
- 11548 (ii) each summary report contains the information required by this part.
- 11549 (b) If it appears that any judge has failed to file the summary report required by law, if it
- 11550 appears that a filed summary report does not conform to the law, or if the lieutenant
- 11551 governor has received a written complaint alleging a violation of the law or the
- 11552 falsity of any summary report, the lieutenant governor shall, [~~within five days of~~
- 11553 ~~discovery of a violation or receipt of a~~ no later than the first business day that is at
- 11554 least five calendar days after the day on which the lieutenant governor discovers the
- 11555 violation or receives the written complaint, notify the judge of the violation or written
- 11556 complaint and direct the judge to file a summary report correcting the problem.
- 11557 (c)(i) It is unlawful for [~~any~~] a judge to fail to file or amend a summary report within
- 11558 14 calendar days after [~~receiving~~] the day on which the judge receives notice from

- 11559 the lieutenant governor under this section.
- 11560 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
- 11561 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
- 11562 attorney general.

11563 Section 166. Section **20A-13-102.2** is amended to read:

11564 **20A-13-102.2 . County clerk, Utah Geospatial Resource Center, and lieutenant**

11565 **governor responsibilities -- Maps and voting precinct boundaries.**

- 11566 (1) As used in this section[~~,"redistricting]~~ :
- 11567 (a) "Geospatial center" means the Utah Geospatial Resource Center.
- 11568 (b) "Redistricting boundary data" means the Congressional shapefile in the possession of
- 11569 the lieutenant governor's office.
- 11570 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
- 11571 county from the lieutenant governor's office.
- 11572 (3)(a) A county clerk may create one or more county maps that identify the boundaries
- 11573 of Utah's Congressional districts as generated from the redistricting boundary data.
- 11574 (b) Before publishing or distributing any map or data created by the county clerk that
- 11575 identifies the boundaries of Utah's Congressional districts within the county, the
- 11576 county clerk shall submit the county map and data to the lieutenant governor and to
- 11577 the [~~Utah Geospatial Resource Center]~~ geospatial center for review.
- 11578 (c) Within 30 [~~days after receipt of]~~ calendar days after the day on which the geospatial
- 11579 center receives a county map and data from a county clerk, the [~~Utah Geospatial~~
- 11580 ~~Resource Center]~~ geospatial center shall:
- 11581 (i) review the county map and data to evaluate if the county map and data accurately
- 11582 reflect the boundaries of Utah's Congressional districts established by the
- 11583 Legislature in the redistricting boundary data;
- 11584 (ii) determine whether the county map and data are correct or incorrect; and
- 11585 (iii) communicate those findings to the lieutenant governor.
- 11586 (d) The lieutenant governor shall either notify the county clerk that the county map and
- 11587 data are correct or notify the county clerk that the county map and data are incorrect.
- 11588 (e) If the county clerk receives notice from the lieutenant governor that the county map
- 11589 and data submitted are incorrect, the county clerk shall:
- 11590 (i) make the corrections necessary to conform the county map and data to the
- 11591 redistricting boundary data; and
- 11592 (ii) resubmit the corrected county map and data to the lieutenant governor and to the [

11593 ~~Utah Geospatial Resource Center~~] geospatial center for a new review under this
 11594 Subsection (3).

11595 (4)(a) Subject to the requirements of this Subsection (4), each county clerk shall
 11596 establish voting precincts and polling places within each Utah Congressional district
 11597 according to the procedures and requirements of Section 20A-5-303.

11598 (b) Within five [~~working-~~] business days after approval of voting precincts and polling
 11599 places by the county legislative body as required by Section 20A-5-303, each county
 11600 clerk shall submit a voting precinct map identifying the boundaries of each voting
 11601 precinct within the county to the lieutenant governor and to the [~~Utah Geospatial~~
 11602 ~~Resource Center~~] geospatial center for review.

11603 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
 11604 center receives a map from a county clerk, the [~~Utah Geospatial Resource Center~~]
 11605 geospatial center shall:

11606 (i) review the voting precinct map to evaluate if the voting precinct map accurately
 11607 reflects the boundaries of Utah's Congressional districts established by the
 11608 Legislature in the redistricting boundary data;

11609 (ii) determine whether the voting precinct map is correct or incorrect; and

11610 (iii) communicate those findings to the lieutenant governor.

11611 (d) The lieutenant governor shall either notify the county clerk that the voting precinct
 11612 map is correct or notify the county clerk that the map is incorrect.

11613 (e) If the county clerk receives notice from the lieutenant governor that the voting
 11614 precinct map is incorrect, the county clerk shall:

11615 (i) make the corrections necessary to conform the voting precinct map to the
 11616 redistricting boundary data; and

11617 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the [~~Utah Geospatial Resource Center~~]
 11618 geospatial center for a new review under this
 11619 Subsection (4).

11620 Section 167. Section **20A-13-104** is amended to read:

11621 **20A-13-104 . Uncertain boundaries -- How resolved.**

11622 (1) As used in this section, "affected party" means:

11623 (a) a representative whose Congressional district boundary is uncertain because the
 11624 boundary in the Congressional shapefile used to establish the district boundary has
 11625 been removed, modified, or is unable to be identified or who is uncertain about
 11626 whether the representative or another individual resides in a particular Congressional

- 11627 district;
- 11628 (b) a candidate for Congressional representative whose Congressional district boundary
11629 is uncertain because the boundary in the Congressional shapefile used to establish the
11630 district boundary has been removed, modified, or is unable to be identified or who is
11631 uncertain about whether the candidate or another individual resides in a particular
11632 Congressional district; or
- 11633 (c) an individual who is uncertain about which Congressional district contains the
11634 individual's residence because the boundary in the Congressional shapefile used to
11635 establish the district boundary has been removed, modified, or is unable to be
11636 identified.
- 11637 (2)(a) An affected party may file a written request petitioning the lieutenant governor to
11638 determine:
- 11639 (i) the precise location of the Congressional district boundary;
- 11640 (ii) the number of the Congressional district in which an individual resides; or
- 11641 (iii) both Subsections (2)(a)(i) and (ii).
- 11642 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
11643 governor shall review:
- 11644 (i) the Congressional block equivalency file and the resulting Congressional
11645 shapefile; and
- 11646 (ii) any other relevant data such as aerial photographs, aerial maps, or other data
11647 about the area.
- 11648 (c) Within five days [of receipt of] after the day on which the lieutenant governor receives
11649 the request, the lieutenant governor shall:
- 11650 (i) complete the review described in Subsection (2)(b); and
- 11651 (ii) make a determination.
- 11652 (d) When the lieutenant governor determines the location of the Congressional district
11653 boundary, the lieutenant governor shall:
- 11654 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
11655 necessary; and
- 11656 (ii) send a copy of the certification to:
- 11657 (A) the affected party;
- 11658 (B) the county clerk of the affected county; and
- 11659 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 11660 (e) If the lieutenant governor determines the number of the Congressional district in

11661 which a particular individual resides, the lieutenant governor shall send a letter
 11662 identifying that district by number to:

11663 (i) the individual;

11664 (ii) the affected party who filed the petition, if different than the individual whose
 11665 Congressional district number was identified; and

11666 (iii) the county clerk of the affected county.

11667 Section 168. Section **20A-13-301** is amended to read:

11668 **20A-13-301 . Presidential elections -- Effect of vote.**

11669 (1)(a) Each registered political party shall choose individuals to act as presidential
 11670 electors and to fill vacancies in the office of presidential electors for their party's
 11671 candidates for president and vice president of the United States according to the
 11672 procedures established in their bylaws.

11673 (b) Each registered political party shall certify to the lieutenant governor the names and
 11674 addresses of the individuals selected by the political party as the party's presidential
 11675 electors before 5 p.m. no later than August 31.

11676 (c) An unaffiliated candidate or write-in candidate for the office of president of the
 11677 United States shall, no later than 5 p.m. [~~ten~~] on the first business day that is at least
 11678 10 calendar days after the day on which the candidate files a declaration of
 11679 candidacy, certify to the lieutenant governor the names and addresses of each
 11680 individual selected by the candidate as a presidential elector for the candidate and
 11681 each individual selected by the candidate to fill a vacancy in the office of presidential
 11682 elector for the candidate.

11683 (2) The highest number of votes cast for candidates for president and vice president of the
 11684 United States elects the presidential electors for:

11685 (a) except as provided in Subsection (2)(b), the political party of those candidates; or

11686 (b) if the candidates receiving the highest number of votes are unaffiliated candidates or
 11687 write-in candidates, the presidential electors selected for those candidates under
 11688 Subsection (1)(c).

11689 Section 169. Section **20A-14-102.2** is amended to read:

11690 **20A-14-102.2 . Uncertain boundaries -- How resolved.**

11691 (1) As used in this section:

11692 (a) "Affected party" means:

11693 (i) a state school board member whose State Board of Education district boundary is
 11694 uncertain because the feature used to establish the district boundary in the Board

- 11695 shapefile has been removed, modified, or is unable to be identified or who is
11696 uncertain about whether the member or another individual resides in a particular
11697 State Board of Education district;
- 11698 (ii) a candidate for state school board whose State Board of Education district
11699 boundary is uncertain because the feature used to establish the district boundary in
11700 the Board shapefile has been removed, modified, or is unable to be identified or
11701 who is uncertain about whether the candidate or another individual resides in a
11702 particular State Board of Education district; or
- 11703 (iii) an individual who is uncertain about which State Board of Education district
11704 contains the individual's residence because the feature used to establish the district
11705 boundary in the Board shapefile has been removed, modified, or is unable to be
11706 identified.
- 11707 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
11708 political subdivision boundary that is used to establish a State Board of Education
11709 district boundary.
- 11710 (2)(a) An affected party may file a written request petitioning the lieutenant governor to
11711 determine:
- 11712 (i) the precise location of the State Board of Education district boundary;
11713 (ii) the number of the State Board of Education district in which an individual
11714 resides; or
11715 (iii) both Subsections (2)(a)(i) and (ii).
- 11716 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
11717 governor shall review:
- 11718 (i) the Board block equivalency file and the resulting Board shapefile; and
11719 (ii) any other relevant data such as aerial photographs, aerial maps, or other data
11720 about the area.
- 11721 (c) ~~Within five days of receipt of~~ No later than the first business day that is at least five
11722 calendar days after the day on which the lieutenant governor receives the request, the
11723 lieutenant governor shall:
- 11724 (i) complete the review described in Subsection (2)(b); and
11725 (ii) make a determination.
- 11726 (d) If the lieutenant governor determines the precise location of the State Board of
11727 Education district boundary, the lieutenant governor shall:
- 11728 (i) prepare a certification identifying the appropriate State Board of Education district

- 11729 boundary and attaching a map, if necessary; and
- 11730 (ii) send a copy of the certification to:
- 11731 (A) the affected party;
- 11732 (B) the county clerk of the affected county; and
- 11733 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 11734 (e) If the lieutenant governor determines the number of the State Board of Education
- 11735 district in which a particular individual resides, the lieutenant governor shall send a
- 11736 letter identifying that district by number to:
- 11737 (i) the individual;
- 11738 (ii) the affected party who filed the petition, if different than the individual whose
- 11739 State Board of Education district number was identified; and
- 11740 (iii) the county clerk of the affected county.
- 11741 Section 170. Section **20A-14-102.3** is amended to read:
- 11742 **20A-14-102.3 . County clerk, Utah Geospatial Resource Center, and lieutenant**
- 11743 **governor responsibilities -- Maps and voting precinct boundaries.**
- 11744 (1) As used in this section[, "redistricting"] :
- 11745 (a) "Geospatial center" means the Utah Geospatial Resource Center.
- 11746 (b) "Redistricting boundary data" means the Board shapefile in the possession of the
- 11747 lieutenant governor's office.
- 11748 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
- 11749 county from the lieutenant governor's office.
- 11750 (3)(a) A county clerk may create one or more county maps that identify the boundaries
- 11751 of State Board of Education districts as generated from the redistricting boundary
- 11752 data.
- 11753 (b) Before publishing or distributing any map or data created by the county clerk that
- 11754 identifies the boundaries of State Board of Education districts within the county, the
- 11755 clerk shall submit the county map and data to the lieutenant governor and to the [
- 11756 ~~Utah Geospatial Resource Center~~] geospatial center for review.
- 11757 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
- 11758 center receives a county map and data from a county clerk, the [~~Utah Geospatial~~
- 11759 ~~Resource Center~~] geospatial center shall:
- 11760 (i) review the county map and data to evaluate if the county map and data accurately
- 11761 reflect the boundaries of State Board of Education districts established by the
- 11762 Legislature in the redistricting boundary data;

- 11763 (ii) determine whether the county map and data are correct or incorrect; and
 11764 (iii) communicate those findings to the lieutenant governor.
- 11765 (d) The lieutenant governor shall either notify the county clerk that the county map and
 11766 data are correct or inform the county clerk that the county map and data are incorrect.
- 11767 (e) If the county clerk receives notice from the lieutenant governor that the county map
 11768 and data submitted are incorrect, the county clerk shall:
- 11769 (i) make the corrections necessary to conform the county map and data to the
 11770 redistricting boundary data; and
- 11771 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
 11772 review under this Subsection (3).
- 11773 (4)(a) Subject to the requirements of this Subsection (4), each county clerk shall
 11774 establish voting precincts and polling places within each State Board of Education
 11775 district according to the procedures and requirements of Section 20A-5-303.
- 11776 (b) Within five [~~working days after approval of voting precincts and polling places by~~]
 11777 business days after the day on which the county legislative body [~~as required by~~]
 11778 approves the voting precincts under Section 20A-5-303, each county clerk shall
 11779 submit a voting precinct map identifying the boundaries of each voting precinct
 11780 within the county to the lieutenant governor and to the [~~Utah Geospatial Resource~~
 11781 ~~Center~~] geospatial center for review.
- 11782 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
 11783 center receives a voting precinct map from a county clerk, the [~~Utah Geospatial~~
 11784 ~~Resource Center~~] geospatial center shall:
- 11785 (i) review the voting precinct map to evaluate if the voting precinct map accurately
 11786 reflects the boundaries of State Board of Education districts established by the
 11787 Legislature in the redistricting boundary data;
- 11788 (ii) determine whether the voting precinct map is correct or incorrect; and
- 11789 (iii) communicate those findings to the lieutenant governor.
- 11790 (d) The lieutenant governor shall either notify the county clerk that the voting precinct
 11791 map is correct or notify the county clerk that the voting precinct map is incorrect.
- 11792 (e) If the county clerk receives notice from the lieutenant governor that the voting
 11793 precinct map is incorrect, the county clerk shall:
- 11794 (i) make the corrections necessary to conform the voting precinct map to the
 11795 redistricting boundary data; and
- 11796 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the [

11797 ~~Utah Geospatial Resource Center]~~ geospatial center for a new review under this
 11798 Subsection (4).

11799 Section 171. Section **20A-14-201** is amended to read:

11800 **20A-14-201 . Boards of education -- School board districts -- Creation --**

11801 **Redistricting.**

- 11802 (1) The county legislative body, for local school districts whose boundaries encompass
 11803 more than a single municipality, and the municipal legislative body, for local school
 11804 districts contained completely within a municipality, shall divide the local school district
 11805 into local school board districts as required under Subsection 20A-14-202(1).
- 11806 (2) The county and municipal legislative bodies shall divide the school district so that the
 11807 local school board districts are substantially equal in population and are as contiguous
 11808 and compact as practicable.
- 11809 (3) County and municipal legislative bodies shall redistrict local school board districts to
 11810 meet the population, compactness, and contiguity requirements of this section:
- 11811 (a) at least once every 10 years;
- 11812 (b) for a new school district or a reorganized new school district that is approved by the
 11813 voters at a regular general election under Section 53G-3-301.1, 53G-3-301.3, or
 11814 53G-3-301.4, before April 1 of the following year;
- 11815 (c) whenever school districts are consolidated;
- 11816 (d) whenever a school district loses more than 20% of the population of the entire school
 11817 district to another school district;
- 11818 (e) whenever a school district loses more than 50% of the population of a local school
 11819 board district to another school district;
- 11820 (f) whenever a school district receives new residents equal to at least 20% of the
 11821 population of the school district at the time of the last redistricting because of a
 11822 transfer of territory from another school district; and
- 11823 (g) whenever it is necessary to increase the membership of a board as a result of changes
 11824 in student membership under Section 20A-14-202.
- 11825 (4) If a school district receives territory containing less than 20% of the population of the
 11826 transferee district at the time of the last redistricting, the local school board may assign
 11827 the new territory to one or more existing school board districts.
- 11828 (5) Except as provided in Subsection 53G-3-302(1)(b)(ii), redistricting does not affect the
 11829 right of any school board member to complete the term for which the member was
 11830 elected.

- 11831 (6)(a) After redistricting, representation in a local school board district shall be
 11832 determined as provided in this Subsection (6).
- 11833 (b) If, after redistricting, only one board member whose term extends beyond
 11834 redistricting lives within a local school board district, that board member shall
 11835 represent that local school board district.
- 11836 (c) If, after redistricting, two or more members whose terms extend beyond redistricting
 11837 live within a local school board district, the members involved shall select one
 11838 member by lot to represent the local school board district.
- 11839 (d) The other members shall serve at-large for the remainder of their terms.
- 11840 (e) The at-large board members shall serve in addition to the designated number of
 11841 board members for the board in question for the remainder of their terms.
- 11842 (f) If there is no board member living within a local school board district whose term
 11843 extends beyond redistricting, the seat shall be treated as vacant and filled as provided
 11844 in this part.
- 11845 (7)(a) If, before an election affected by redistricting, the county or municipal legislative
 11846 body that conducted the redistricting determines that one or more members shall be
 11847 elected to terms of two years to meet this part's requirements for staggered terms, the
 11848 legislative body shall determine by lot which of the redistricted local school board
 11849 districts will elect members to two-year terms and which will elect members to
 11850 four-year terms.
- 11851 (b) All subsequent elections are for four-year terms.
- 11852 (8) Within 10 calendar days after [~~any~~] the day of a local school board district boundary
 11853 change, the county or municipal legislative body making the change shall send an
 11854 accurate map or plat of the boundary change to the Utah Geospatial Resource Center
 11855 created under Section 63A-16-505.
- 11856 (9) Subsections (4) through (7) do not apply to a redistricting that occurs under Subsection
 11857 (3)(b).
- 11858 Section 172. Section **20A-15-103** is amended to read:
- 11859 **20A-15-103 . Delegates -- Candidacy -- Qualifications -- Nominating procedures**
 11860 **-- Removal of petition signature.**
- 11861 (1) Candidates for the office of delegate to the ratification convention shall be citizens,
 11862 residents of Utah, and at least 21 years old.
- 11863 (2) Persons wishing to be delegates to the ratification convention shall:
- 11864 (a) circulate a nominating petition meeting the requirements of this section; and

- 11865 (b) obtain the signature of at least 100 registered voters.
- 11866 (3)(a) A single nominating petition may nominate any number of candidates up to 21,
11867 the total number of delegates to be elected.
- 11868 (b) Nominating petitions may not contain anything identifying a candidate's party or
11869 political affiliation.
- 11870 (c) Each nominating petition shall contain a written statement signed by each nominee,
11871 indicating either that the candidate will:
- 11872 (i) vote for ratification of the proposed amendment; or
11873 (ii) vote against ratification of the proposed amendment.
- 11874 (d) A nominating petition containing the names of more than one nominee may not
11875 contain the name of any nominee whose stated position in the nominating petition is
11876 inconsistent with that of any other nominee listed in the petition.
- 11877 (4)(a) [~~Candidates shall file their nominating petitions~~] A candidate shall file the
11878 candidate's nominating petition with the lieutenant governor [~~before 5 p.m.~~]no later
11879 than 5 p.m. on the last business day that is at least 40 calendar days before the
11880 proclaimed date of the election.
- 11881 (b) Within 10 calendar days after the last day for filing the petitions, the lieutenant
11882 governor shall:
- 11883 (i) use the procedures described in Section 20A-1-1002 to determine whether a signer
11884 is a registered voter;
- 11885 (ii) declare nominated the 21 nominees in favor of ratification and the 21 nominees
11886 against ratification whose nominating petitions have been signed by the largest
11887 number of registered voters;
- 11888 (iii) decide any ties by lot drawn by the lieutenant governor; and
11889 (iv) certify the nominated candidates of each group to the county clerk of each county
11890 within the state.
- 11891 (5)(a) A voter who signs a nomination petition under this section may have the voter's
11892 signature removed from the petition by, no later than 5 p.m. three business days after
11893 the last day for filing the petitions, submitting to the lieutenant governor a statement
11894 requesting that the voter's signature be removed.
- 11895 (b) A statement described in Subsection (5)(a) shall comply with the requirements
11896 described in Subsection 20A-1-1003(2).
- 11897 (c) The lieutenant governor shall use the procedures described in Subsection
11898 20A-1-1003(3) to determine whether to remove an individual's signature from a

11899 petition after receiving a timely, valid statement requesting removal of the signature.

11900 Section 173. Section **20A-15-201** is amended to read:

11901 **20A-15-201 . Convening -- Vacancies -- Election of officers -- Journal of**
11902 **proceedings.**

11903 (1) The delegates to the convention shall convene at the state capitol at noon on the 28th
11904 calendar day after [their] the delegates' election to pass upon the question of whether [or
11905 not]the proposed amendment shall be ratified.

11906 (2)(a) If, at the time the convention convenes, there is a vacancy in the convention, the
11907 delegates from the group from which the delegate creating the vacancy was elected
11908 shall, by majority vote, appoint a person to fill the vacancy.

11909 (b) If the convention contains no other delegates from the group from which the delegate
11910 creating the vacancy was elected, the governor shall appoint a person to fill the
11911 vacancy.

11912 (3) The convention may:

11913 (a) elect a president, secretary, and other officers; and

11914 (b) adopt its own rules.

11915 (4) The convention shall:

11916 (a) keep a journal of its proceedings;

11917 (b) record in the journal the vote of each delegate on the question of ratification of the
11918 proposed amendment; and

11919 (c) file the journal with the lieutenant governor after the convention adjourns.

11920 (5)(a) Delegates to the ratification convention shall:

11921 (i) serve without pay;

11922 (ii) receive a per diem of \$4 per day while the convention is in session; and

11923 (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily
11924 traveled in going to and returning from the place of meeting by the most usual
11925 route.

11926 (b) The lieutenant governor shall pay the per diem and mileage, together with the
11927 necessary expenses of the convention for printing and stenographic services, from the
11928 state treasury.

11929 Section 174. Section **20A-16-202** is amended to read:

11930 **20A-16-202 . Report on ballots.**

11931 (1) No later than 60 calendar days after each regular general election date, each county
11932 clerk shall submit a report to the lieutenant governor indicating:

- 11933 (a) the number of ballots sent to covered voters; and
 11934 (b) the number of ballots returned by covered voters that were counted.
 11935 (2) No later than 90 calendar days after each regular general election date, the lieutenant
 11936 governor shall submit a statewide report to the Election Assistance Commission that
 11937 includes the information required by Subsection (1).

11938 Section 175. Section **20A-16-403** is amended to read:

11939 **20A-16-403 . Transmission of unvoted ballots.**

- 11940 (1) For an election for which the state has not received a waiver pursuant to the Military
 11941 and Overseas Voter Empowerment Act, 52 U.S.C. Sec. 20302(g)(2), not later than 45
 11942 calendar days before the day of the election or, notwithstanding Section 20A-1-104, if
 11943 the 45th calendar day before the day of the election is a weekend or holiday, not later
 11944 than the business day preceding the 45th calendar day before the day of the election, the
 11945 election official in each jurisdiction charged with distributing a ballot and balloting
 11946 materials shall transmit a ballot and balloting materials to all covered voters who by that
 11947 date submit a valid military-overseas ballot application.

- 11948 (2)(a) A covered voter who requests that a ballot and balloting materials be sent to the
 11949 voter by electronic transmission may choose:

- 11950 (i) facsimile transmission;
 11951 (ii) email delivery; or
 11952 (iii) if offered by the voter's jurisdiction, Internet delivery.

- 11953 (b) The election official in each jurisdiction charged with distributing a ballot and
 11954 balloting materials shall transmit the ballot and balloting materials to the voter using
 11955 the means of transmission chosen by the voter.

- 11956 (3) If a ballot application from a covered voter arrives after the jurisdiction begins
 11957 transmitting ballots and balloting materials to voters, the official charged with
 11958 distributing a ballot and balloting materials shall transmit the ballot and balloting
 11959 materials to the voter no later than two business days after the day on which the
 11960 application arrives.

11961 Section 176. Section **20A-16-502** is amended to read:

11962 **20A-16-502 . Publication of election notice.**

- 11963 (1) At least 100 calendar days before the day of an election, other than a statewide special
 11964 election or local special election, and as soon as practicable before a statewide special
 11965 election or local special election, the election officer shall prepare an election notice for
 11966 the election officer's jurisdiction, to be used in conjunction with a federal write-in

- 11967 absentee ballot.
- 11968 (2) The election notice must contain:
- 11969 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
- 11970 that date the election officer expects to be on the ballot on the date of the election; and
- 11971 (b) specific instructions for how a covered voter is to indicate on the federal write-in
- 11972 absentee ballot the covered voter's choice for each office to be filled and for each
- 11973 ballot proposition to be contested.
- 11974 (3)(a) A covered voter may request a copy of an election notice.
- 11975 (b) The election officer shall send the notice to the covered voter by facsimile, email, or
- 11976 regular mail, as the covered voter requests.
- 11977 (4) As soon as the ballot is certified, and not later than the date ballots are required to be
- 11978 transmitted to voters under Chapter 3a, Voting, the election officer charged with
- 11979 preparing the election notice under Subsection (1) shall update the notice with the
- 11980 certified candidates for each office and ballot propositions and make the updated notice
- 11981 publicly available.
- 11982 (5) A political subdivision that maintains a website shall make the election notice prepared
- 11983 under this section and updated versions of the election notice regularly available on the
- 11984 website.
- 11985 Section 177. Section **20A-21-201** is amended to read:
- 11986 **20A-21-201 . Electronic signature gathering for an initiative, a referendum, or**
- 11987 **candidate qualification.**
- 11988 (1)(a) After filing a petition for a statewide initiative or a statewide referendum, and
- 11989 before gathering signatures, the sponsors shall, after consulting with the Office of the
- 11990 Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor
- 11991 indicating whether the sponsors will gather signatures manually or electronically.
- 11992 (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
- 11993 signatures electronically:
- 11994 (i) in relation to a statewide initiative, signatures for that initiative:
- 11995 (A) may only be gathered and submitted electronically, in accordance with this
- 11996 section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
- 11997 (B) may not be gathered or submitted using the manual signature-gathering
- 11998 process described in Sections 20A-7-105 and 20A-7-204; and
- 11999 (ii) in relation to a statewide referendum, signatures for that referendum:
- 12000 (A) may only be gathered and submitted electronically, in accordance with this

- 12001 section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and
- 12002 (B) may not be gathered or submitted using the manual signature-gathering
- 12003 process described in Sections 20A-7-105 and 20A-7-304.
- 12004 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
- 12005 signatures manually:
- 12006 (i) in relation to a statewide initiative, signatures for that initiative:
- 12007 (A) may only be gathered and submitted using the manual signature-gathering
- 12008 process described in Sections 20A-7-105 and 20A-7-204; and
- 12009 (B) may not be gathered or submitted electronically, as described in this section
- 12010 and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
- 12011 (ii) in relation to a statewide referendum, signatures for that referendum:
- 12012 (A) may only be gathered and submitted using the manual signature-gathering
- 12013 process described in Sections 20A-7-105 and 20A-7-304; and
- 12014 (B) may not be gathered or submitted electronically, as described in this section
- 12015 and Sections 20A-7-313, 20A-7-314, and 20A-7-315.
- 12016 (2)(a) After filing a petition for a local initiative or a local referendum, and before
- 12017 gathering signatures, the sponsors shall, after consulting with the local clerk's office,
- 12018 sign a form provided by the local clerk's office indicating whether the sponsors will
- 12019 gather signatures manually or electronically.
- 12020 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
- 12021 signatures electronically:
- 12022 (i) in relation to a local initiative, signatures for that initiative:
- 12023 (A) may only be gathered and submitted electronically, in accordance with this
- 12024 section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 12025 (B) may not be gathered or submitted using the manual signature-gathering
- 12026 process described in Sections 20A-7-105 and 20A-7-504; and
- 12027 (ii) in relation to a local referendum, signatures for that referendum:
- 12028 (A) may only be gathered and submitted electronically, in accordance with this
- 12029 section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and
- 12030 (B) may not be gathered or submitted using the manual signature-gathering
- 12031 process described in Sections 20A-7-105 and 20A-7-604.
- 12032 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
- 12033 signatures manually:
- 12034 (i) in relation to a local initiative, signatures for that initiative:

- 12035 (A) may only be gathered and submitted using the manual signature-gathering
12036 process described in Sections 20A-7-105 and 20A-7-504; and
- 12037 (B) may not be gathered or submitted electronically, as described in this section
12038 and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 12039 (ii) in relation to a local referendum, signatures for that referendum:
- 12040 (A) may only be gathered and submitted using the manual signature-gathering
12041 process described in Sections 20A-7-105 and 20A-7-604; and
- 12042 (B) may not be gathered or submitted electronically, as described in this section
12043 and Sections 20A-7-614, 20A-7-615, and 20A-7-616.
- 12044 (3)(a) After a candidate files a notice of intent to gather signatures to qualify for a ballot,
12045 and before gathering signatures, the candidate shall, after consulting with the election
12046 officer, sign a form provided by the election officer indicating whether the candidate
12047 will gather signatures manually or electronically.
- 12048 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
12049 signatures electronically, signatures for the candidate:
- 12050 (i) may only be gathered and submitted using the electronic candidate qualification
12051 process; and
- 12052 (ii) may not be gathered or submitted using the manual candidate qualification
12053 process.
- 12054 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
12055 signatures manually, signatures for the candidate:
- 12056 (i) may only be gathered and submitted using the manual candidate qualification
12057 process; and
- 12058 (ii) may not be gathered or submitted using the electronic candidate qualification
12059 process.
- 12060 (4) To gather a signature electronically, a signature-gatherer shall:
- 12061 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:
- 12062 (i) is approved by the lieutenant governor;
- 12063 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any
12064 other information relating to an individual signing the petition in any location
12065 other than the location used by the website to store the information;
- 12066 (iii) does not, on the device, store a signature or any other information relating to an
12067 individual signing the petition except for the minimum time necessary to upload
12068 information to the website;

- 12069 (iv) does not contain any applications, software, or data other than those approved by
12070 the lieutenant governor; and
- 12071 (v) complies with cyber-security and other security protocols required by the
12072 lieutenant governor;
- 12073 (b) use the approved device to securely access a website designated by the lieutenant
12074 governor, directly, or via an application designated by the lieutenant governor; and
- 12075 (c) while connected to the website, present the approved device to an individual
12076 considering signing the petition and, while the signature-gatherer is in the physical
12077 presence of the individual:
- 12078 (i) wait for the individual to reach each screen presented to the individual on the
12079 approved device; and
- 12080 (ii) wait for the individual to advance to each subsequent screen by clicking on the
12081 acknowledgement at the bottom of the screen.
- 12082 (5) Each screen shown on an approved device as part of the signature-gathering process
12083 shall appear as a continuous electronic document that, if the entire document does not
12084 appear on the screen at once, requires the individual viewing the screen to, before
12085 advancing to the next screen, scroll through the document until the individual reaches
12086 the end of the document.
- 12087 (6) After advancing through each screen required for the petition, the signature process
12088 shall proceed as follows:
- 12089 (a) except as provided in Subsection (6)(b):
- 12090 (i) the individual desiring to sign the petition shall present the individual's driver
12091 license or state identification card to the signature-gatherer;
- 12092 (ii) the signature-gatherer shall verify that the individual pictured on the driver
12093 license or state identification card is the individual signing the petition;
- 12094 (iii) the signature-gatherer shall scan or enter the driver license number or state
12095 identification card number through the approved device; and
- 12096 (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the
12097 website shall determine whether the individual desiring to sign the petition is
12098 eligible to sign the petition;
- 12099 (b) if the individual desiring to sign the petition is unable to provide a driver license or
12100 state identification card to the signature gatherer:
- 12101 (i) the individual may present other valid voter identification;
- 12102 (ii) if the valid voter identification contains a picture of the individual, the

- 12103 signature-gatherer shall verify that the individual pictured is the individual signing
12104 the petition;
- 12105 (iii) if the valid voter identification does not contain a picture of the individual, the
12106 signature-gatherer shall, to the extent reasonably practicable, use the individual's
12107 address or other available means to determine whether the identification relates to
12108 the individual presenting the identification;
- 12109 (iv) the signature-gatherer shall scan an image of the valid voter identification and
12110 immediately upload the image to the website; and
- 12111 (v) the individual:
- 12112 (A) shall enter the individual's address; and
- 12113 (B) may, at the discretion of the individual, enter the individual's date of birth or
12114 age after the individual clicks on the screen acknowledging that they have read
12115 and understand the following statement, "Birth date or age information is not
12116 required, but may be used to verify your identity with voter registration
12117 records. If you choose not to provide it, your signature may not be verified as a
12118 valid signature if you change your address before your signature is verified or
12119 if the information you provide does not match your voter registration records.";
- 12120 and
- 12121 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:
- 12122 (i) except for a petition to qualify a candidate for the ballot, give the individual
12123 signing the petition the opportunity to enter the individual's email address after the
12124 individual reads the following statement, "If you provide your email address, you
12125 may receive an email with additional information relating to the petition you are
12126 signing."; and
- 12127 (ii)(A) if the website determines, under Subsection (6)(a)(iv), that the individual is
12128 eligible to sign the petition, permit the individual to enter the individual's name
12129 as the individual's electronic signature and, immediately after the
12130 signature-gatherer timely complies with Subsection (10), certify the signature; or
- 12131 (B) if the individual provides valid voter identification under Subsection (6)(b),
12132 permit the individual to enter the individual's name as the individual's
12133 electronic signature.
- 12134 (7) If an individual provides valid voter identification under Subsection (6)(b), the county
12135 clerk shall, within seven calendar days after the day on which the individual submits the
12136 valid voter identification, certify the signature if:

- 12137 (a) the individual is eligible to sign the petition;
- 12138 (b) the identification provided matches the information on file; and
- 12139 (c) the signature-gatherer timely complies with Subsection (10).
- 12140 (8) For each signature submitted under this section, the website shall record:
- 12141 (a) the information identifying the individual who signs;
- 12142 (b) the date the signature was collected; and
- 12143 (c) the name of the signature-gatherer.
- 12144 (9) An individual who is a signature-gatherer may not sign a petition unless another
- 12145 individual acts as the signature-gatherer when the individual signs the petition.
- 12146 (10) Except for a petition for a candidate to seek the nomination of a registered political party,
- 12147 each individual who gathers a signature under this section shall, within one business day after
- 12148 the day on which the individual gathers a signature, electronically sign and submit the
- 12149 following statement to the website:
- 12150 "VERIFICATION OF SIGNATURE-GATHERER
- 12151 State of Utah, County of ____
- 12152 I, _____, of _____, hereby state, under penalty of perjury, that:
- 12153 I am at least 18 years old;
- 12154 All the signatures that I collected on [Date signatures were gathered] were signed by
- 12155 individuals who professed to be the individuals whose signatures I gathered, and each of the
- 12156 individuals signed the petition in my presence;
- 12157 I did not knowingly make a misrepresentation of fact concerning the law or proposed
- 12158 law to which the petition relates;
- 12159 I believe that each individual has signed the individual's name and written the
- 12160 individual's residence correctly, that each signer has read and understands the law to which the
- 12161 petition relates, and that each signer is registered to vote in Utah;
- 12162 Each signature correctly reflects the date on which the individual signed the petition; and
- 12163 I have not paid or given anything of value to any individual who signed this petition to
- 12164 encourage that individual to sign it."
- 12165 (11) Except for a petition for a candidate to seek the nomination of a registered political
- 12166 party:
- 12167 (a) the county clerk may not certify a signature that is not timely verified in accordance
- 12168 with Subsection (10); and
- 12169 (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely
- 12170 verified in accordance with Subsection (10), the county clerk shall:

- 12171 (i) revoke the certification;
- 12172 (ii) remove the signature from the posting described in Subsection 20A-7-217(4),
- 12173 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and
- 12174 (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315
- 12175 (5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).
- 12176 (12) For a petition for a candidate to seek the nomination of a registered political party, each
- 12177 individual who gathers a signature under this section shall, within one business day after the
- 12178 day on which the individual gathers a signature, electronically sign and submit the following
- 12179 statement to the lieutenant governor in the manner specified by the lieutenant governor:
- 12180 "VERIFICATION OF SIGNATURE-GATHERER
- 12181 State of Utah, County of ____
- 12182 I, _____, of _____, hereby state that:
- 12183 I am at least 18 years old;
- 12184 All the signatures that I collected on [Date signatures were gathered] were signed by
- 12185 individuals who professed to be the individuals whose signatures I gathered, and each of the
- 12186 individuals signed the petition in my presence;
- 12187 I believe that each individual has signed the individual's name and written the
- 12188 individual's residence correctly and that each signer is registered to vote in Utah; and
- 12189 Each signature correctly reflects the date on which the individual signed the petition."
- 12190 (13) For a petition for a candidate to seek the nomination of a registered political party, the
- 12191 election officer may not certify a signature that is not timely verified in accordance with
- 12192 Subsection (12).
- 12193 Section 178. Section **63G-1-301** is repealed and reenacted to read:
- 12194 **63G-1-301 . Legal holidays -- Personal preference day -- Governor authorized to**
- 12195 **declare additional legal holidays.**
- 12196 (1) The following days are legal holidays in Utah:
- 12197 (a) except as provided in Subsection (2)(a) or (b):
- 12198 (i) January 1, New Year's Day;
- 12199 (ii) July 4, Independence Day;
- 12200 (iii) July 24, Pioneer Day;
- 12201 (iv) November 11, Veteran's Day;
- 12202 (v) December 25, Christmas; and
- 12203 (vi) a day designated by proclamation issued by the president of the United States or
- 12204 the governor as a day of fasting or thanksgiving;

- 12205 (b)(i) the third Monday of January, Dr. Martin Luther King, Jr. Day;
12206 (ii) the third Monday of February, Washington and Lincoln Day;
12207 (iii) the last Monday of May, Memorial Day;
12208 (iv) the first Monday of September, Labor Day;
12209 (v) the second Monday of October, Columbus Day;
12210 (vi) the fourth Thursday of November, Thanksgiving Day; and
12211 (vii) except as provided in Subsection (2)(c) or (d), June 19, Juneteenth National
12212 Freedom Day; and
12213 (c) except as provided in Subsection (3), every Sunday.
12214 (2)(a) If a day described in Subsection (1)(a) falls on a Saturday, the preceding Friday is
12215 the legal holiday.
12216 (b) If a day described in Subsection (1)(a) falls on a Sunday, the following Monday is
12217 the legal holiday.
12218 (c) If June 19 falls on a Tuesday, Wednesday, Thursday, or Friday, the preceding
12219 Monday is the legal holiday.
12220 (d) If June 19 falls on Saturday or Sunday, the following Monday is the legal holiday.
12221 (3) For purposes of Utah Constitution, Article VI, Section 16, Subsection (1), regarding the
12222 exclusion of state holidays from the 45-day legislative general session, Sunday is not
12223 considered a state holiday.
12224 (4) Each employee may select one additional day, called Personal Preference Day, to be
12225 scheduled in accordance with rules made, in accordance with Title 63G, Chapter 3, Utah
12226 Administrative Rulemaking Act, by the Division of Human Resource Management.
12227 (5)(a) If, in the governor's opinion, extraordinary conditions exist justifying the action,
12228 the governor may:
12229 (i) declare, by proclamation, legal holidays in addition to those legal holidays
12230 described in Subsections (1) and (2); or
12231 (ii) limit the legal holidays described in Subsection (5)(a)(i) to certain classes of
12232 business and activities to be designated by the governor.
12233 (b) Except as provided in Subsection (5)(c), a legal holiday described in Subsection
12234 (5)(a) may not extend for a longer period than 60 consecutive days.
12235 (c) The governor may, by proclamation:
12236 (i) renew a legal holiday described in Subsection (5)(a) for one or more periods not
12237 exceeding 30 days each as the governor determines necessary; or
12238 (ii) terminate a legal holiday described under Subsection (5)(a) or (b) earlier than the

12239 time period described in a preceding proclamation.

12240 Section 179. **Effective Date.**

12241 This bill takes effect on May 7, 2025.