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Elections Office
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ryan D. Wilcox
Senate Sponsor:

2

3 **LONG TITLE**4 **General Description:**

5 This bill establishes the Elections Office, to assume all responsibility for elections currently
6 under the authority of the lieutenant governor.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ creates the Elections Office, as an independent state agency, to assume all responsibility
11 for elections currently under the authority of the lieutenant governor;
- 12 ▶ provides for the appointment of a director of the Elections Office who will serve as the
13 chief election officer of the state;
- 14 ▶ transfers all duties and powers of the lieutenant governor in relation to elections to the
15 Elections Office or the director of the Elections Office; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

- 23 **10-2-302**, as last amended by Laws of Utah 2024, Chapter 438
- 24 **10-2a-102**, as last amended by Laws of Utah 2024, Chapters 342, 518
- 25 **10-2a-208**, as last amended by Laws of Utah 2023, Chapters 116, 224 and last amended
26 by Coordination Clause, Laws of Utah 2023, Chapter 116
- 27 **10-2a-210**, as last amended by Laws of Utah 2024, Chapter 342
- 28 **10-2a-212**, as last amended by Laws of Utah 2019, Chapter 165
- 29 **10-2a-216**, as last amended by Laws of Utah 2019, Chapter 165
- 30 **10-3-208**, as last amended by Laws of Utah 2024, Chapter 158

31 **10-3-301**, as last amended by Laws of Utah 2023, Chapter 435
32 **11-14-102**, as last amended by Laws of Utah 2024, Chapter 438
33 **11-14-201**, as last amended by Laws of Utah 2014, Chapter 356
34 **11-14-202**, as last amended by Laws of Utah 2023, Chapter 435
35 **11-14-301**, as last amended by Laws of Utah 2024, Chapter 438
36 **17-2-104**, as renumbered and amended by Laws of Utah 2009, Chapter 350
37 **17-2-105**, as renumbered and amended by Laws of Utah 2009, Chapter 350
38 **17-2-204**, as renumbered and amended by Laws of Utah 2009, Chapter 350
39 **17-2-205**, as renumbered and amended by Laws of Utah 2009, Chapter 350
40 **17-3-3**, as last amended by Laws of Utah 2009, Chapter 350
41 **17-16-6.5**, as last amended by Laws of Utah 2024, Chapter 158
42 **17-20-5**, as last amended by Laws of Utah 2022, Chapter 18
43 **17-50-502**, as last amended by Laws of Utah 2019, Chapter 14
44 **17-52a-503**, as last amended by Laws of Utah 2023, Chapter 15
45 **17B-1-303**, as last amended by Laws of Utah 2024, Chapters 388, 465
46 **17B-1-306**, as last amended by Laws of Utah 2024, Chapters 382, 465
47 **20A-1-102**, as last amended by Laws of Utah 2024, Chapter 438
48 **20A-1-105**, as enacted by Laws of Utah 2023, Chapter 297
49 **20A-1-106**, as enacted by Laws of Utah 2023, Chapter 297
50 **20A-1-107**, as enacted by Laws of Utah 2023, Chapter 297
51 **20A-1-108**, as enacted by Laws of Utah 2023, Chapter 297
52 **20A-1-206**, as last amended by Laws of Utah 2023, Chapters 15, 435
53 **20A-1-305**, as last amended by Laws of Utah 2024, Chapter 465
54 **20A-1-308**, as last amended by Laws of Utah 2020, Chapter 31
55 **20A-1-501**, as last amended by Laws of Utah 2023, Chapter 234
56 **20A-1-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
57 **20A-1-510**, as last amended by Laws of Utah 2024, Chapters 438, 450
58 **20A-1-603**, as last amended by Laws of Utah 2023, Chapter 175
59 **20A-1-802**, as enacted by Laws of Utah 2014, Chapter 254
60 **20A-1-1001**, as enacted by Laws of Utah 2023, Chapter 116
61 **20A-2-101.1**, as last amended by Laws of Utah 2018, Chapter 223
62 **20A-2-102.5**, as last amended by Laws of Utah 2023, Chapter 45
63 **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406
64 **20A-2-107**, as last amended by Laws of Utah 2023, Chapters 45, 89 and last amended by

65 Coordination Clause, Laws of Utah 2023, Chapter 89
66 **20A-2-108**, as last amended by Laws of Utah 2023, Chapter 406
67 **20A-2-201**, as last amended by Laws of Utah 2020, Chapters 31, 95 and last amended by
68 Coordination Clause, Laws of Utah 2020, Chapter 95
69 **20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
70 **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
71 Coordination Clause, Laws of Utah 2020, Chapter 95
72 **20A-2-206**, as last amended by Laws of Utah 2023, Chapter 297
73 **20A-2-207**, as last amended by Laws of Utah 2022, Chapter 18
74 **20A-2-300.6**, as last amended by Laws of Utah 2023, Chapter 297
75 **20A-2-502**, as renumbered and amended by Laws of Utah 2023, Chapter 297
76 **20A-2-503**, as renumbered and amended by Laws of Utah 2023, Chapter 297
77 **20A-2-505**, as last amended by Laws of Utah 2023, Chapters 327, 406 and renumbered
78 and amended by Laws of Utah 2023, Chapter 297
79 **20A-2-506**, as renumbered and amended by Laws of Utah 2023, Chapter 297
80 **20A-2-507**, as enacted by Laws of Utah 2023, Chapter 297
81 **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297
82 **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
83 **20A-3a-401**, as last amended by Laws of Utah 2024, Chapter 477
84 **20A-3a-401.1**, as enacted by Laws of Utah 2023, Chapter 297
85 **20A-3a-401.5**, as last amended by Laws of Utah 2023, Chapter 297
86 **20A-3a-402**, as last amended by Laws of Utah 2022, Chapter 380
87 **20A-3a-402.5**, as enacted by Laws of Utah 2023, Chapter 297
88 **20A-3a-404**, as enacted by Laws of Utah 2022, Chapter 156
89 **20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and
90 amended by Laws of Utah 2020, Chapter 31
91 **20A-3a-603**, as renumbered and amended by Laws of Utah 2020, Chapter 31
92 **20A-3a-703**, as renumbered and amended by Laws of Utah 2020, Chapter 31
93 **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380
94 **20A-4-101**, as last amended by Laws of Utah 2022, Chapter 342
95 **20A-4-102**, as last amended by Laws of Utah 2023, Chapters 156, 297
96 **20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
97 **20A-4-106**, as last amended by Laws of Utah 2023, Chapters 156, 297
98 **20A-4-109**, as last amended by Laws of Utah 2024, Chapter 465

99 **20A-4-202**, as last amended by Laws of Utah 2023, Chapters 156, 297
100 **20A-4-304**, as last amended by Laws of Utah 2024, Chapter 503
101 **20A-4-306**, as last amended by Laws of Utah 2024, Chapter 503
102 **20A-4-401**, as last amended by Laws of Utah 2024, Chapter 503
103 **20A-4-602**, as last amended by Laws of Utah 2022, Chapter 170
104 **20A-5-101**, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435
105 **20A-5-302**, as last amended by Laws of Utah 2023, Chapter 15
106 **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
107 **20A-5-403**, as last amended by Laws of Utah 2023, Chapter 15
108 **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
109 **20A-5-405**, as last amended by Laws of Utah 2023, Chapters 45, 435
110 **20A-5-409**, as last amended by Laws of Utah 2011, Chapter 327
111 **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305
112 **20A-5-803**, as renumbered and amended by Laws of Utah 2017, Chapter 32
113 **20A-5-901**, as last amended by Laws of Utah 2023, Chapter 45
114 **20A-5-905**, as enacted by Laws of Utah 2022, Chapter 156
115 **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406
116 **20A-6-107**, as last amended by Laws of Utah 2018, Chapter 458
117 **20A-6-108**, as enacted by Laws of Utah 2022, Chapter 156
118 **20A-6-203**, as last amended by Laws of Utah 2020, Chapter 31
119 **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49
120 **20A-7-103**, as last amended by Laws of Utah 2024, Chapter 465
121 **20A-7-104**, as last amended by Laws of Utah 2024, Chapter 442
122 **20A-7-105**, as last amended by Laws of Utah 2024, Chapters 442, 465
123 **20A-7-106**, as enacted by Laws of Utah 2024, Chapter 442
124 **20A-7-201**, as last amended by Laws of Utah 2023, Chapter 107
125 **20A-7-202**, as last amended by Laws of Utah 2023, Chapter 107
126 **20A-7-202.5**, as last amended by Laws of Utah 2024, Chapter 442
127 **20A-7-202.7**, as last amended by Laws of Utah 2023, Chapter 107
128 **20A-7-203**, as last amended by Laws of Utah 2024, Chapter 442
129 **20A-7-204**, as last amended by Laws of Utah 2024, Chapter 442
130 **20A-7-204.1**, as last amended by Laws of Utah 2023, Chapters 107, 435 and last
131 amended by Coordination Clause, Laws of Utah 2023, Chapter 107
132 **20A-7-206.1**, as last amended by Laws of Utah 2023, Chapters 107, 116

133 **20A-7-207**, as last amended by Laws of Utah 2023, Chapters 107, 116
134 **20A-7-208**, as last amended by Laws of Utah 2023, Chapters 107, 116
135 **20A-7-209**, as last amended by Laws of Utah 2024, Chapter 442
136 **20A-7-211**, as last amended by Laws of Utah 2023, Chapter 107
137 **20A-7-215**, as last amended by Laws of Utah 2024, Chapter 442
138 **20A-7-216**, as last amended by Laws of Utah 2024, Chapter 442
139 **20A-7-217**, as last amended by Laws of Utah 2023, Chapter 107
140 **20A-7-301**, as last amended by Laws of Utah 2023, Chapter 107
141 **20A-7-302**, as last amended by Laws of Utah 2023, Chapter 107
142 **20A-7-303**, as last amended by Laws of Utah 2024, Chapter 442
143 **20A-7-304**, as last amended by Laws of Utah 2023, Chapter 107
144 **20A-7-304.5**, as last amended by Laws of Utah 2023, Chapter 107
145 **20A-7-307**, as last amended by Laws of Utah 2023, Chapters 107, 116 and last amended
146 by Coordination Clause, Laws of Utah 2023, Chapter 116
147 **20A-7-308**, as last amended by Laws of Utah 2024, Chapter 442
148 **20A-7-309**, as last amended by Laws of Utah 2023, Chapter 107
149 **20A-7-310**, as last amended by Laws of Utah 2023, Chapter 107
150 **20A-7-311**, as last amended by Laws of Utah 2023, Chapter 107
151 **20A-7-313**, as last amended by Laws of Utah 2024, Chapter 442
152 **20A-7-314**, as last amended by Laws of Utah 2024, Chapter 442
153 **20A-7-315**, as last amended by Laws of Utah 2023, Chapter 107
154 **20A-7-406**, as enacted by Laws of Utah 2019, Chapter 203
155 **20A-7-507**, as last amended by Laws of Utah 2023, Chapters 107, 116
156 **20A-7-515**, as last amended by Laws of Utah 2024, Chapter 442
157 **20A-7-516**, as last amended by Laws of Utah 2023, Chapter 107
158 **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
159 **20A-7-615**, as last amended by Laws of Utah 2024, Chapter 442
160 **20A-7-616**, as last amended by Laws of Utah 2023, Chapter 107
161 **20A-7-701**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
162 **20A-7-702**, as last amended by Laws of Utah 2024, Chapter 465
163 **20A-7-702.5**, as enacted by Laws of Utah 2022, Chapter 11
164 **20A-7-703**, as last amended by Laws of Utah 2024, Chapter 465
165 **20A-7-703.1**, as enacted by Laws of Utah 2024, Chapter 465
166 **20A-7-704**, as last amended by Laws of Utah 2019, Chapters 217, 255

167 **20A-7-705**, as last amended by Laws of Utah 2019, Chapters 217, 255
168 **20A-7-706**, as last amended by Laws of Utah 2019, Chapter 255
169 **20A-7-801**, as last amended by Laws of Utah 2021, Chapter 100
170 **20A-8-103**, as last amended by Laws of Utah 2023, Chapter 116
171 **20A-8-106**, as last amended by Laws of Utah 2019, Chapter 255
172 **20A-8-401**, as last amended by Laws of Utah 2019, Chapter 255
173 **20A-8-402**, as last amended by Laws of Utah 2019, Chapter 255
174 **20A-8-402.5**, as last amended by Laws of Utah 2022, Chapter 13
175 **20A-8-403**, as enacted by Laws of Utah 1997, Chapter 182
176 **20A-9-101**, as last amended by Laws of Utah 2023, Chapters 15, 45
177 **20A-9-201**, as last amended by Laws of Utah 2024, Chapter 465
178 **20A-9-202**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
179 **20A-9-202.5**, as last amended by Laws of Utah 2019, Chapter 433
180 **20A-9-203**, as last amended by Laws of Utah 2024, Chapter 465
181 **20A-9-402**, as last amended by Laws of Utah 1996, Second Special Session, Chapters 3,
182 3
183 **20A-9-403**, as last amended by Laws of Utah 2024, Chapter 503
184 **20A-9-405**, as last amended by Laws of Utah 2022, Chapter 325
185 **20A-9-406**, as last amended by Laws of Utah 2022, Chapter 13
186 **20A-9-407**, as last amended by Laws of Utah 2022, Chapter 13
187 **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116
188 **20A-9-409**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
189 **20A-9-410**, as enacted by Laws of Utah 2014, Chapter 17
190 **20A-9-601**, as last amended by Laws of Utah 2024, Chapter 465
191 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296
192 **20A-9-802**, as last amended by Laws of Utah 2019, Chapter 433
193 **20A-9-803**, as last amended by Laws of Utah 2019, Chapter 433
194 **20A-9-805**, as last amended by Laws of Utah 2019, Chapter 433
195 **20A-9-806**, as last amended by Laws of Utah 2020, Chapter 31
196 **20A-9-809**, as last amended by Laws of Utah 2019, Chapter 433
197 **20A-11-101**, as last amended by Laws of Utah 2024, Chapter 438
198 **20A-11-101.3**, as last amended by Laws of Utah 2021, Chapter 20
199 **20A-11-103**, as last amended by Laws of Utah 2024, Chapter 443
200 **20A-11-104**, as last amended by Laws of Utah 2024, Chapter 447

201 **20A-11-105**, as last amended by Laws of Utah 2019, Chapter 255
202 **20A-11-201**, as last amended by Laws of Utah 2021, Chapter 20
203 **20A-11-202**, as last amended by Laws of Utah 2022, Chapter 18
204 **20A-11-204**, as last amended by Laws of Utah 2021, Chapter 20
205 **20A-11-205**, as last amended by Laws of Utah 2013, Chapter 170
206 **20A-11-206**, as last amended by Laws of Utah 2023, Chapter 45
207 **20A-11-301**, as last amended by Laws of Utah 2021, Chapter 20
208 **20A-11-303**, as last amended by Laws of Utah 2021, Chapter 20
209 **20A-11-304**, as last amended by Laws of Utah 2013, Chapter 170
210 **20A-11-305**, as last amended by Laws of Utah 2023, Chapter 45
211 **20A-11-402**, as last amended by Laws of Utah 2019, Chapter 74
212 **20A-11-403**, as last amended by Laws of Utah 2021, Chapter 20
213 **20A-11-507**, as last amended by Laws of Utah 2019, Chapter 74
214 **20A-11-508**, as last amended by Laws of Utah 2020, Chapter 22
215 **20A-11-511**, as last amended by Laws of Utah 2019, Chapter 74
216 **20A-11-512**, as last amended by Laws of Utah 2020, Chapter 22
217 **20A-11-513**, as enacted by Laws of Utah 2011, Chapter 396
218 **20A-11-601**, as last amended by Laws of Utah 2022, Chapter 340
219 **20A-11-602**, as last amended by Laws of Utah 2019, Chapters 74, 116
220 **20A-11-603**, as last amended by Laws of Utah 2022, Chapter 340
221 **20A-11-701.5**, as renumbered and amended by Laws of Utah 2019, Chapter 74
222 **20A-11-702**, as last amended by Laws of Utah 2017, Chapter 276
223 **20A-11-703**, as last amended by Laws of Utah 2020, Chapter 22
224 **20A-11-704**, as last amended by Laws of Utah 2018, Chapter 83
225 **20A-11-801**, as last amended by Laws of Utah 2021, Chapter 20
226 **20A-11-802**, as last amended by Laws of Utah 2023, Chapter 116
227 **20A-11-803**, as last amended by Laws of Utah 2020, Chapter 22
228 **20A-11-901**, as last amended by Laws of Utah 2022, Chapter 18
229 **20A-11-905**, as enacted by Laws of Utah 2013, Chapter 86
230 **20A-11-1004**, as enacted by Laws of Utah 1995, Chapter 1
231 **20A-11-1202**, as last amended by Laws of Utah 2023, Chapters 15, 327
232 **20A-11-1205**, as last amended by Laws of Utah 2020, Chapter 22
233 **20A-11-1301**, as last amended by Laws of Utah 2021, Chapter 20
234 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20

235 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
236 **20A-11-1305**, as last amended by Laws of Utah 2023, Chapter 45
237 **20A-11-1502**, as last amended by Laws of Utah 2018, Chapter 83
238 **20A-11-1503**, as last amended by Laws of Utah 2020, Chapter 22
239 **20A-11-1602**, as last amended by Laws of Utah 2024, Chapter 443
240 **20A-11-1602.5**, as last amended by Laws of Utah 2024, Chapter 443
241 **20A-11-1603**, as last amended by Laws of Utah 2023, Chapter 45
242 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
243 **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20
244 **20A-11-1606**, as last amended by Laws of Utah 2019, Chapter 266
245 **20A-12-201**, as last amended by Laws of Utah 2023, Chapter 394
246 **20A-12-302**, as enacted by Laws of Utah 2001, Chapter 166
247 **20A-12-303**, as last amended by Laws of Utah 2021, Chapter 20
248 **20A-12-304**, as last amended by Laws of Utah 2010, Chapter 389
249 **20A-12-305**, as last amended by Laws of Utah 2019, Chapter 255
250 **20A-12-306**, as last amended by Laws of Utah 2010, Chapter 389
251 **20A-13-102**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
252 **20A-13-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
253 **20A-13-103**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
254 **20A-13-104**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
255 **20A-13-301**, as last amended by Laws of Utah 2020, Chapter 22
256 **20A-13-302**, as last amended by Laws of Utah 2020, Chapter 22
257 **20A-13-304**, as last amended by Laws of Utah 2020, Chapter 22
258 **20A-14-102**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 10
259 **20A-14-102.1**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
260 10
261 **20A-14-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
262 10
263 **20A-14-102.3**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
264 10
265 **20A-14-103**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 10
266 **20A-15-103**, as last amended by Laws of Utah 2023, Chapter 116
267 **20A-15-201**, as enacted by Laws of Utah 1995, Chapter 1
268 **20A-15-202**, as enacted by Laws of Utah 1995, Chapter 1

269 **20A-16-201**, as last amended by Laws of Utah 2023, Chapter 215
 270 **20A-16-202**, as last amended by Laws of Utah 2020, Chapter 31
 271 **20A-16-302**, as last amended by Laws of Utah 2023, Chapter 215
 272 **20A-16-401**, as last amended by Laws of Utah 2023, Chapter 215
 273 **20A-16-410**, as enacted by Laws of Utah 2011, Chapter 327
 274 **20A-21-101**, as enacted by Laws of Utah 2022, Chapter 325
 275 **20A-21-201**, as last amended by Laws of Utah 2024, Chapter 17
 276 **36-11-102**, as last amended by Laws of Utah 2024, Chapters 425, 438
 277 **53-3-104**, as last amended by Laws of Utah 2024, Chapter 106
 278 **63C-27-201**, as enacted by Laws of Utah 2022, Chapter 153
 279 **63E-1-102**, as last amended by Laws of Utah 2023, Chapters 16, 431 and 502
 280 **63E-1-103**, as enacted by Laws of Utah 2018, Chapter 256
 281 **63G-2-203**, as last amended by Laws of Utah 2022, Chapter 128
 282 **63G-2-302**, as last amended by Laws of Utah 2024, Chapter 234
 283 **63G-2-305**, as last amended by Laws of Utah 2024, Chapters 18, 101, 135, 267, 344, and
 284 522
 285 **63G-2-704**, as enacted by Laws of Utah 2023, Chapter 516
 286 **63O-1-201**, as enacted by Laws of Utah 2024, Chapter 425
 287 **67-1a-2**, as last amended by Laws of Utah 2024, Chapter 438
 288 **67-1a-15**, as last amended by Laws of Utah 2023, Chapter 16
 289 **78A-12-203**, as last amended by Laws of Utah 2022, Chapter 11
 290 **78A-12-206**, as last amended by Laws of Utah 2022, Chapter 11

291 ENACTS:

292 **17-2-103.5**, Utah Code Annotated 1953
 293 **20A-1-104.5**, Utah Code Annotated 1953
 294 **20A-1-104.6**, Utah Code Annotated 1953
 295 **20A-1-104.7**, Utah Code Annotated 1953

296

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

298 Section 1. Section **10-2-302** is amended to read:

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

300 (1) Each municipality shall retain [its] the municipality's classification under Section

301 10-2-301 until changed as provided in this section or Subsection 67-1a-2(3).

302 (2) If a municipality's population, as determined by the [~~lieutenant governor~~] director under

303 Subsection [~~67-1a-2(3)~~] 20A-1-104.7(3), indicates that the municipality's population has
 304 decreased below the limit for [~~its~~] the municipality's current class, the legislative body of
 305 the municipality may petition the [~~lieutenant governor~~] director to prepare a certificate
 306 indicating the class in which the municipality belongs based on the decreased population
 307 figure.

308 (3) A municipality's change in class is effective on the date of the [~~lieutenant governor's~~]
 309 director's certificate under Subsection [~~67-1a-2(3)~~] 20A-1-104.7(3).

310 Section 2. Section **10-2a-102** is amended to read:

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

312 (1) As used in this chapter:

313 (a) "Community council area" means the cumulative areas within the geographic
 314 boundary of a community council that is formally recognized by a county of the first
 315 class pursuant to county ordinance.

316 (b) "Community council municipality" means a municipality that results from the
 317 incorporation of unincorporated islands within a community council area.

318 (c) "Contact sponsor" means the person designated in the feasibility request as the
 319 contact sponsor under Subsection 10-2a-202(3)(b).

320 (d)(i) "Contiguous" means, except as provided in Subsection (1)(d)(ii), the same as
 321 that term is defined in Section 10-1-104.

322 (ii) "Contiguous" does not include a circumstance where:

323 (A) two areas of land are only connected by a strip of land between geographically
 324 separate areas; and

325 (B) the distance between the geographically separate areas described in
 326 Subsection (1)(d)(ii)(A) is greater than the average width of the strip of land
 327 connecting the geographically separate areas.

328 (e) "Director" means the director of the Elections Office, appointed under Subsection
 329 20A-1-104.6(3)(a).

330 (f) "Feasibility consultant" means a person or firm with the qualifications and expertise
 331 described in Subsection 10-2a-205(2)(b).

332 [~~(f)~~] (g) "Feasibility request" means a request, described in Section 10-2a-202, for a
 333 feasibility study for the proposed incorporation of a municipality.

334 [~~(g)~~] (h)(i) "Municipal service" means any of the following that are publicly provided:

335 (A) culinary water;

336 (B) secondary water;

- 337 (C) sewer service;
- 338 (D) storm drainage or flood control;
- 339 (E) recreational facilities or parks;
- 340 (F) electrical power generation or distribution;
- 341 (G) construction or maintenance of local streets and roads;
- 342 (H) street lighting;
- 343 (I) curb, gutter, and sidewalk maintenance;
- 344 (J) law or code enforcement service;
- 345 (K) fire protection service;
- 346 (L) animal services;
- 347 (M) planning and zoning;
- 348 (N) building permits and inspections;
- 349 (O) refuse collection; or
- 350 (P) weed control.
- 351 (ii) "Municipal service" includes the physical facilities required to provide a service
- 352 described in Subsection ~~[(1)(g)(i)]~~ (1)(h)(i).
- 353 ~~[(h)]~~ (i) "Municipal services district" means a special district created under Title 17B,
- 354 Chapter 2a, Part 11, Municipal Services District Act.
- 355 ~~[(i)]~~ (j) "Private," with respect to real property, means taxable property.
- 356 (2) For purposes of this part:
- 357 (a) the owner of real property shall be the record title owner according to the records of
- 358 the county recorder on the date of the filing of the feasibility request or petition for
- 359 incorporation; and
- 360 (b) the assessed fair market value of private real property shall be determined according
- 361 to the last assessment roll for county taxes before the filing of the feasibility request
- 362 or petition for incorporation.
- 363 (3) For purposes of each provision of this part that requires the owners of private real
- 364 property covering a percentage or fraction of the total private land area within an area to
- 365 sign a feasibility request or a petition for incorporation:
- 366 (a) a parcel of real property may not be included in the calculation of the required
- 367 percentage or fraction unless the feasibility request or petition for incorporation is
- 368 signed by:
- 369 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
- 370 ownership interest in that parcel; or

- 371 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the
372 number of owners of that parcel;
- 373 (b) the signature of a person signing a feasibility request or a petition for incorporation
374 in a representative capacity on behalf of an owner is invalid unless:
- 375 (i) the person's representative capacity and the name of the owner the person
376 represents are indicated on the feasibility request or petition for incorporation with
377 the person's signature; and
- 378 (ii) the person provides documentation accompanying the feasibility request or
379 petition for incorporation that substantiates the person's representative capacity;
380 and
- 381 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
382 feasibility request or a petition for incorporation on behalf of a deceased owner.

383 Section 3. Section **10-2a-208** is amended to read:

384 **10-2a-208 . Petition for incorporation -- Requirements and form.**

- 385 (1) At any time within one year after the day on which the county clerk completes the
386 public hearings required under Section 10-2a-207, individuals within the proposed
387 municipality may proceed with the incorporation process by circulating, and submitting
388 to the county clerk, a petition for incorporation that, to be certified under Subsection
389 10-2a-209(1)(b)(i), is required to be signed by:
- 390 (a) 10% of all registered voters within the area proposed to be incorporated as a
391 municipality, as of the day on which the petition for incorporation is filed;
- 392 (b) if the petition for incorporation proposes the incorporation of a city, and subject to
393 Subsection (5), 10% of all registered voters within 90% of the voting precincts within
394 the area proposed to be incorporated as a city, as of the day on which the petition for
395 incorporation is filed; and
- 396 (c) the owners of private real property that:
- 397 (i) is located within the proposed municipality;
- 398 (ii) covers at least 10% of the total private land area within the proposed
399 municipality; and
- 400 (iii) on January 1 of the current year, was equal in assessed fair market value to at
401 least 7% of the assessed fair market value of all private real property within the
402 proposed municipality.
- 403 (2) The petition for incorporation shall:
- 404 (a) include the typed or printed name and current residence address of each voter who

- 405 signs the petition for incorporation;
- 406 (b) describe the area proposed to be incorporated as a municipality, as described in the
- 407 feasibility request or the modified feasibility request that complies with Subsection
- 408 10-2a-205(5)(a);
- 409 (c) state the proposed name for the proposed municipality;
- 410 (d) designate five signers of the petition for incorporation as petition sponsors, one of
- 411 whom is designated as the contact sponsor, with the mailing address and telephone
- 412 number of each;
- 413 (e) if the sponsors propose the incorporation of a city, state that the signers of the
- 414 petition for incorporation appoint the sponsors, if the incorporation measure passes,
- 415 to represent the signers in:
- 416 (i) selecting the number of commission or council members the new city will have;
- 417 and
- 418 (ii) drawing district boundaries for the election of council members, if the voters
- 419 decide to elect council members by district;
- 420 (f) be accompanied by and circulated with an accurate plat or map, prepared by a
- 421 licensed surveyor, showing the boundaries of the proposed municipality; and
- 422 (g) substantially comply with and be circulated in the following form:

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

424 municipality)

425 To the [~~Honorable Lieutenant Governor~~] director of the Elections Office and the [name

426 of county legislative body]:

427 We, the undersigned registered voters within the area described in this petition for

428 incorporation, respectfully petition the [~~lieutenant governor~~] director of the Elections Office

429 and the county legislative body to submit to the registered voters residing within the area

430 described in this petition for incorporation, at the next regular general election, the question of

431 whether the area should incorporate as a municipality. Each of the undersigned affirms that

432 each has personally signed this petition for incorporation and is a registered voter who resides

433 within the described area, and that the current residence address of each is correctly written

434 after the signer's name. The area proposed to be incorporated as a municipality is described as

435 follows:[insert an accurate description of the area proposed to be incorporated].

- 436 (3)(a) Except as provided in Subsection (3)(b), a valid signature on a feasibility request
- 437 described in Section 10-2a-202 or a modified feasibility request described in Section
- 438 10-2a-206 may be used toward fulfilling the signature requirement described in

439 Subsection (1) if the feasibility request notified the signer in conspicuous language
 440 that the signature, unless withdrawn, would also be used for a petition for
 441 incorporation under this section.

442 (b) A signature described in Subsection (3)(a) may not be used toward fulfilling the
 443 signature requirement described in Subsection (1) if the signer files with the county
 444 clerk a written withdrawal of the signature before the petition for incorporation is
 445 filed with the county clerk under this section.

446 (4)(a) A voter who signs a petition for incorporation may have the voter's signature
 447 removed from the petition by, no later than three business days after the day on
 448 which the petition for incorporation is submitted to the county clerk, submitting to
 449 the county clerk a statement requesting that the voter's signature be removed.

450 (b) A statement described in Subsection (4)(a) shall comply with the requirements
 451 described in Subsection 20A-1-1003(2).

452 (c) The [~~lieutenant governor~~] director shall use the procedures described in Subsection
 453 20A-1-1003(3) to determine whether to remove an individual's signature from a
 454 petition after receiving a timely, valid statement requesting removal of the signature.

455 (d) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
 456 determine whether to remove an individual's signature from a petition for
 457 incorporation after receiving a timely, valid statement requesting removal of the
 458 signature.

459 (5)(a) A signature does not qualify under Subsection (1)(b) if the signature is gathered
 460 from a voting precinct that:

461 (i) except in a proposed municipality that will be a city of the fifth class, is not
 462 located entirely within the boundaries of a proposed city; or

463 (ii) includes less than 50 registered voters.

464 (b) A voting precinct that is not located entirely within the boundaries of the proposed
 465 city does not qualify as a voting precinct under Subsection (1)(b).

466 Section 4. Section **10-2a-210** is amended to read:

467 **10-2a-210 . Incorporation election -- Notice of election -- Voter information**
 468 **pamphlet.**

469 (1)(a) If the county clerk certifies a petition for incorporation under Subsection
 470 10-2a-209(1)(b), the [~~lieutenant governor~~] director shall schedule an incorporation
 471 election for the proposed municipality described in the petition for incorporation to
 472 be held on the date of the next regular general election described in Section

473 20A-1-201, or the next municipal general election described in Section 20A-1-202,
474 that is at least 65 days after the day on which the county clerk certifies the petition for
475 incorporation.

476 (b)(i) The [~~lieutenant governor~~] director shall direct the county legislative body of the
477 county in which the proposed municipality is located to hold the election on the
478 date that the [~~lieutenant governor~~] director schedules under Subsection (1)(a).

479 (ii) The county legislative body shall hold the election as directed by the [~~lieutenant~~
480 ~~governor~~] director under Subsection (1)(b)(i).

481 (2) The county clerk shall provide notice of the election for the area proposed to be
482 incorporated, as a class B notice under Section 63G-30-102, for at least three weeks
483 before the day of the election.

484 (3)(a) The notice described in Subsection (2) shall include:

485 (i) a statement of the contents of the petition for incorporation;

486 (ii) a description of the area proposed to be incorporated as a municipality;

487 (iii) a statement of the date and time of the election and the location of polling places;
488 and

489 (iv) except as provided in Subsection (3)(b), the feasibility study summary described
490 in Subsection 10-2a-205(2)(c)(iii) and a statement that a full copy of the study is
491 available on the county's website and for inspection at the county offices.

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

496 (i) the county's website;

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

498 (iii) a mailing address and telephone number.

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

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

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

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

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

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

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

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

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

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

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

519 (B) "Separate area" means an unincorporated island, as defined in Section
 520 10-2-429, that is within a community council area.

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

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

527 Section 5. Section **10-2a-212** is amended to read:

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

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

532 (1) the results of the election; and

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

534 Section 6. Section **10-2a-216** is amended to read:

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

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

540 Section 7. Section **10-3-208** is amended to read:

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

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

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

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

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

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

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

550 (v) a political consultant of a candidate.

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

552 (i) \$50; or

553 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

554 (c)(i) "Candidate" means a person who:

555 (A) files a declaration of candidacy for municipal office; or

556 (B) receives contributions, makes expenditures, or gives consent for any other
557 person to receive contributions or make expenditures to bring about the
558 person's nomination or election to a municipal office.

559 (ii) "Candidate" does not mean a person who files for the office of judge.

560 (d)(i) "Contribution" means any of the following when done for political purposes:

561 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything
562 of value given to a candidate;

563 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
564 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
565 money or anything of value to the candidate;

566 (C) any transfer of funds from another reporting entity to the candidate;

567 (D) compensation paid by any person or reporting entity other than the candidate
568 for personal services provided without charge to the candidate;

569 (E) a loan made by a candidate deposited to the candidate's own campaign; and

570 (F) an in-kind contribution.

571 (ii) "Contribution" does not include:

572 (A) services provided by an individual volunteering a portion or all of the
573 individual's time on behalf of the candidate if the services are provided without
574 compensation by the candidate or any other person;

- 575 (B) money lent to the candidate by a financial institution in the ordinary course of
576 business; or
- 577 (C) goods or services provided for the benefit of a candidate at less than fair
578 market value that are not authorized by or coordinated with the candidate.
- 579 (e) "Coordinated with" means that goods or services provided for the benefit of a
580 candidate are provided:
- 581 (i) with the candidate's prior knowledge, if the candidate does not object;
- 582 (ii) by agreement with the candidate;
- 583 (iii) in coordination with the candidate; or
- 584 (iv) using official logos, slogans, and similar elements belonging to a candidate.
- 585 (f) "Director" means the director of the Elections Office, appointed under Subsection
586 20A-1-104.6(3)(a).
- 587 ~~(f)~~ (g)(i) "Expenditure" means any of the following made by a candidate or an agent
588 of the candidate on behalf of the candidate:
- 589 (A) any disbursement from contributions, receipts, or from an account described
590 in Subsection (3)(a);
- 591 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of
592 money, or anything of value made for political purposes;
- 593 (C) an express, legally enforceable contract, promise, or agreement to make any
594 purchase, payment, donation, distribution, loan, advance, deposit, gift of
595 money, or anything of value for a political purpose;
- 596 (D) compensation paid by a candidate for personal services rendered by a person
597 without charge to a reporting entity;
- 598 (E) a transfer of funds between the candidate and a candidate's personal campaign
599 committee as defined in Section 20A-11-101; or
- 600 (F) goods or services provided by a reporting entity to or for the benefit of the
601 candidate for political purposes at less than fair market value.
- 602 (ii) "Expenditure" does not include:
- 603 (A) services provided without compensation by an individual volunteering a
604 portion or all of the individual's time on behalf of a candidate; or
- 605 (B) money lent to a candidate by a financial institution in the ordinary course of
606 business.
- 607 ~~(g)~~ (h) "In-kind contribution" means anything of value other than money, that is
608 accepted by or coordinated with a candidate.

- 609 ~~(h)~~ (i)(i) "Political consultant" means a person who is paid by a candidate, or paid by
610 another person on behalf of and with the knowledge of the candidate, to provide
611 political advice to the candidate.
- 612 (ii) "Political consultant" includes a circumstance described in Subsection ~~(1)(h)(i)~~
613 (1)(i)(i), where the person:
- 614 (A) has already been paid, with money or other consideration;
- 615 (B) expects to be paid in the future, with money or other consideration; or
- 616 (C) understands that the person may, in the discretion of the candidate or another
617 person on behalf of and with the knowledge of the candidate, be paid in the
618 future, with money or other consideration.
- 619 ~~(j)~~ (j) "Political purposes" means an act done with the intent or in a way to influence or
620 tend to influence, directly or indirectly, any person to refrain from voting or to vote
621 for or against any candidate or a person seeking a municipal office at any caucus,
622 political convention, or election.
- 623 ~~(k)~~ (k) "Reporting entity" means:
- 624 (i) a candidate;
- 625 (ii) a committee appointed by a candidate to act for the candidate;
- 626 (iii) a person who holds an elected municipal office;
- 627 (iv) a party committee as defined in Section 20A-11-101;
- 628 (v) a political action committee as defined in Section 20A-11-101;
- 629 (vi) a political issues committee as defined in Section 20A-11-101;
- 630 (vii) a corporation as defined in Section 20A-11-101; or
- 631 (viii) a labor organization as defined in Section 20A-11-1501.
- 632 (2)(a) A municipality may adopt an ordinance establishing campaign finance disclosure
633 requirements for a candidate that are more stringent than the requirements provided
634 in Subsections (3) through (7).
- 635 (b) The municipality may adopt definitions that are more stringent than those provided
636 in Subsection (1).
- 637 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in
638 Subsection (2)(a), a candidate shall comply with financial reporting requirements
639 contained in Subsections (3) through (7).
- 640 (3) Each candidate:
- 641 (a) shall deposit a contribution in a separate campaign account in a financial institution;
642 and

- 643 (b) may not deposit or mingle any campaign contributions received into a personal or
644 business account.
- 645 (4)(a) In a year in which a municipal primary is held, each candidate who will
646 participate in the municipal primary shall file a campaign finance statement with the
647 municipal clerk or recorder no later than seven days before the day described in
648 Subsection 20A-1-201.5(2).
- 649 (b) Each candidate who is not eliminated at a municipal primary election shall file a
650 campaign finance statement with the municipal clerk or recorder no later than:
651 (i) 28 days before the day on which the municipal general election is held;
652 (ii) seven days before the day on which the municipal general election is held; and
653 (iii) 30 days after the day on which the municipal general election is held.
- 654 (c) Each candidate for municipal office who is eliminated at a municipal primary
655 election shall file with the municipal clerk or recorder a campaign finance statement
656 within 30 days after the day on which the municipal primary election is held.
- 657 (5) If a municipality does not conduct a primary election for a race, each candidate who will
658 participate in that race shall file a campaign finance statement with the municipal clerk
659 or recorder no later than:
660 (a) 28 days before the day on which the municipal general election is held;
661 (b) seven days before the day on which the municipal general election is held; and
662 (c) 30 days after the day on which the municipal general election is held.
- 663 (6) Each campaign finance statement described in Subsection (4) or (5) shall:
664 (a) except as provided in Subsection (6)(b):
665 (i) report all of the candidate's itemized and total:
666 (A) contributions, including in-kind and other nonmonetary contributions,
667 received up to and including five days before the campaign finance statement
668 is due, excluding a contribution previously reported; and
669 (B) expenditures made up to and including five days before the campaign finance
670 statement is due, excluding an expenditure previously reported; and
671 (ii) identify:
672 (A) for each contribution, the amount of the contribution and the name of the
673 donor, if known; and
674 (B) for each expenditure, the amount of the expenditure and the name of the
675 recipient of the expenditure; or
676 (b) report the total amount of all contributions and expenditures if the candidate receives

- 677 \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- 678 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
679 exceeds the anonymous contribution limit, and is from a donor whose name is unknown,
680 a candidate shall disburse the amount of the contribution to:
- 681 (a) the treasurer of the state or a political subdivision for deposit into the state's or
682 political subdivision's general fund; or
- 683 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
684 Internal Revenue Code.
- 685 (8)(a) A municipality may, by ordinance:
- 686 (i) provide an anonymous contribution limit less than \$50;
- 687 (ii) require greater disclosure of contributions or expenditures than is required in this
688 section; and
- 689 (iii) impose additional penalties on candidates who fail to comply with the applicable
690 requirements beyond those imposed by this section.
- 691 (b) A candidate is subject to the provisions of this section and not the provisions of an
692 ordinance adopted by the municipality under Subsection (8)(a) if:
- 693 (i) the municipal ordinance establishes requirements or penalties that differ from
694 those established in this section; and
- 695 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of
696 the ordinance as required in Subsection (9).
- 697 (9) Each municipal clerk or recorder shall, at the time the candidate for municipal office
698 files a declaration of candidacy, and again 35 days before each municipal general
699 election, notify the candidate in writing of:
- 700 (a) the provisions of statute or municipal ordinance governing the disclosure of
701 contributions and expenditures;
- 702 (b) the dates when the candidate's campaign finance statement is required to be filed; and
- 703 (c) the penalties that apply for failure to file a timely campaign finance statement,
704 including the statutory provision that requires removal of the candidate's name from
705 the ballot for failure to file the required campaign finance statement when required.
- 706 (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
707 and Management Act, the municipal clerk or recorder shall:
- 708 (a) make each campaign finance statement filed by a candidate available for public
709 inspection and copying no later than one business day after the statement is filed; and
- 710 (b) make the campaign finance statement filed by a candidate available for public

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

- 745 (a) informing the voter that the candidate is disqualified; or
 746 (b) directing the voter to a public website to inform the voter whether a candidate on the
 747 ballot is disqualified.
- 748 (13) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign
 749 finance statement required under Subsection (4) or (5) is not disqualified if:
 750 (a) the statement details accurately and completely the information required under
 751 Subsection (6), except for inadvertent omissions or insignificant errors or
 752 inaccuracies; and
 753 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the
 754 next scheduled report.
- 755 (14) A candidate for municipal office who is disqualified under Subsection (11)(b) shall file
 756 with the municipal clerk or recorder a complete and accurate campaign finance
 757 statement within 30 days after the day on which the candidate is disqualified.
- 758 (15) A campaign finance statement required under this section is considered filed if it is
 759 received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- 760 (16)(a) A private party in interest may bring a civil action in a court with jurisdiction
 761 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
 762 this section or an ordinance adopted under this section.
 763 (b) In a civil action under Subsection (16)(a), the court may award costs and attorney
 764 fees to the prevailing party.
- 765 Section 8. Section **10-3-301** is amended to read:
 766 **10-3-301 . Notice -- Eligibility and residency requirements for elected municipal**
 767 **office -- Mayor and recorder limitations.**
- 768 (1) As used in this section:
 769 (a) "Absent" means that an elected municipal officer fails to perform official duties,
 770 including the officer's failure to attend each regularly scheduled meeting that the
 771 officer is required to attend.
 772 (b) "Principal place of residence" means the same as that term is defined in Section
 773 20A-2-105.
 774 (c) "Secondary residence" means a place where an individual resides other than the
 775 individual's principal place of residence.
- 776 (2)(a) On or before May 1 in a year in which there is a municipal general election, the
 777 municipal clerk shall publish a notice that identifies:
 778 (i) the municipal offices to be voted on in the municipal general election; and

- 779 (ii) the dates for filing a declaration of candidacy for the offices identified under
780 Subsection (2)(a)(i).
- 781 (b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the
782 municipality, as a class A notice under Section 63G-30-102, for at least seven days.
- 783 (3)(a) An individual who files a declaration of candidacy for a municipal office shall
784 comply with the requirements described in Section 20A-9-203.
- 785 (b)(i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
786 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates
787 described in Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:
788 (A) Saturday or Sunday; or
789 (B) state holiday as listed in Section 63G-1-301.
- 790 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule
791 that is less than 40 hours per week, the city recorder or town clerk may comply
792 with Subsection (3)(b)(i) without maintaining office hours by:
793 (A) posting the recorder's or clerk's contact information, including a phone
794 number and email address, on the recorder's or clerk's office door, the main
795 door to the municipal offices, and, if available, on the municipal website; and
796 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection
797 (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).
- 798 (4) An individual elected to municipal office shall be a registered voter in the municipality
799 in which the individual is elected.
- 800 (5)(a) Each elected officer of a municipality shall maintain a principal place of residence
801 within the municipality, and within the district that the elected officer represents,
802 during the officer's term of office.
- 803 (b) Except as provided in Subsection (6), an elected municipal office is automatically
804 vacant if the officer elected to the municipal office, during the officer's term of office:
805 (i) establishes a principal place of residence outside the district that the elected officer
806 represents;
807 (ii) resides at a secondary residence outside the district that the elected officer
808 represents for a continuous period of more than 60 days while still maintaining a
809 principal place of residence within the district;
810 (iii) is absent from the district that the elected officer represents for a continuous
811 period of more than 60 days; or
812 (iv) fails to respond to a request, within 30 days after the day on which the elected

813 officer receives the request, from the county clerk or the [~~lieutenant governor~~]
 814 director of the Elections Office, appointed under Subsection 20A-1-104.6(3)(a),
 815 seeking information to determine the officer's residency.

816 (6)(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
 817 consent of the municipal legislative body in accordance with Subsection (6)(b) before
 818 the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the
 819 officer may:

820 (i) reside at a secondary residence outside the district that the elected officer
 821 represents while still maintaining a principal place of residence within the district
 822 for a continuous period of up to one year during the officer's term of office; or
 823 (ii) be absent from the district that the elected officer represents for a continuous
 824 period of up to one year during the officer's term of office.

825 (b) At a public meeting, the municipal legislative body may give the consent described
 826 in Subsection (6)(a) by majority vote after taking public comment regarding:

827 (i) whether the legislative body should give the consent; and
 828 (ii) the length of time to which the legislative body should consent.

829 (7)(a) The mayor of a municipality may not also serve as the municipal recorder or
 830 treasurer.

831 (b) The recorder of a municipality may not also serve as the municipal treasurer.

832 (c) An individual who holds a county elected office may not, at the same time, hold a
 833 municipal elected office.

834 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
 835 individual is elected to the office or appointed to fill a vacancy in the office.

836 Section 9. Section **11-14-102** is amended to read:

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

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

839 (1) "Bond" means any bond authorized to be issued under this chapter, including municipal
 840 bonds.

841 (2) "Director" means the director of the Elections Office, appointed under Subsection
 842 20A-1-104.6(3)(a).

843 [(2)] (3) "Election results" [~~has the same meaning as~~] means the same as that term is defined
 844 in Section 20A-1-102.

845 [(3)] (4) "Governing body" means:

846 (a) for a county, city, or town, the legislative body of the county, city, or town;

- 847 (b) for a special district, the board of trustees of the special district;
- 848 (c) for a school district, the local board of education; or
- 849 (d) for a special service district under Title 17D, Chapter 1, Special Service District Act:
- 850 (i) the governing body of the county or municipality that created the special service
- 851 district, if no administrative control board has been established under Section
- 852 17D-1-301; or
- 853 (ii) the administrative control board, if one has been established under Section
- 854 17D-1-301 and the power to issue bonds not payable from taxes has been
- 855 delegated to the administrative control board.
- 856 ~~[(4)]~~ (5)(a) "Local political subdivision" means a county, city, town, school district,
- 857 special district, or special service district.
- 858 (b) "Local political subdivision" does not include the state and its institutions.
- 859 ~~[(5)]~~ (6) "Special district" means a district operating under Title 17B, Limited Purpose Local
- 860 Government Entities - Special Districts.
- 861 Section 10. Section **11-14-201** is amended to read:
- 862 **11-14-201 . Election on bond issues -- Qualified electors -- Resolution and notice.**
- 863 (1) The governing body of any local political subdivision that wishes to issue bonds under
- 864 the authority granted in Section 11-14-103 shall:
- 865 (a) at least 75 days before the date of election:
- 866 (i) approve a resolution submitting the question of the issuance of the bonds to the
- 867 voters of the local political subdivision; and
- 868 (ii) provide a copy of the resolution to:
- 869 (A) the ~~[lieutenant governor]~~ director; and
- 870 (B) the election officer, as defined in Section 20A-1-102, charged with conducting
- 871 the election; and
- 872 (b) comply with the requirements of Title 59, Chapter 1, Part 16, Transparency of Ballot
- 873 Propositions Act.
- 874 (2) The local political subdivision may not issue the bonds unless the majority of the
- 875 qualified voters of the local political subdivision who vote on the bond proposition
- 876 approve the issuance of the bonds.
- 877 (3) Nothing in this section requires an election for the issuance of:
- 878 (a) refunding bonds; or
- 879 (b) other bonds not required by law to be voted on at an election.
- 880 (4) The resolution calling the election shall include a ballot proposition, in substantially

881 final form, that complies with the requirements of Subsection 11-14-206(2).

882 Section 11. Section **11-14-202** is amended to read:

883 **11-14-202 . Notice of election -- Voter information pamphlet option -- Changing**
884 **or designating additional precinct polling places.**

- 885 (1) The governing body shall provide notice of the election for the local political
886 subdivision for at least three weeks before the day of the election, as a class A notice
887 under Section 63G-30-102.
- 888 (2) When the debt service on the bonds to be issued will increase the property tax imposed
889 upon the average value of a residence by an amount that is greater than or equal to \$15
890 per year, the governing body shall prepare and mail either a voter information pamphlet
891 or a notification described in Subsection (8):
- 892 (a) at least 15 days, but not more than 45 days, before the bond election;
 - 893 (b) to each household containing a registered voter who is eligible to vote on the bonds;
 - 894 and
 - 895 (c) that includes the information required by Subsections (4) and (5).
- 896 (3) The election officer may change the location of, or establish an additional:
- 897 (a) voting precinct polling place, in accordance with Subsection (6);
 - 898 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or
 - 899 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).
- 900 (4) The notice described in Subsection (1) and the voter information pamphlet described in
901 Subsection (2):
- 902 (a) shall include, in the following order:
 - 903 (i) the date of the election;
 - 904 (ii) the hours during which the polls will be open;
 - 905 (iii) the address of the Statewide Electronic Voter Information Website and, if
906 available, the address of the election officer's website, with a statement indicating
907 that the election officer will post on the website the location of each polling place
908 for each voting precinct, each early voting polling place, and each election day
909 voting center, including any changes to the location of a polling place and the
910 location of an additional polling place;
 - 911 (iv) a phone number that a voter may call to obtain information regarding the location
912 of a polling place; and
 - 913 (v) the title and text of the ballot proposition, including the property tax cost of the
914 bond described in Subsection 11-14-206(2)(a); and

- 915 (b) may include the location of each polling place.
- 916 (5) The voter information pamphlet required by this section shall include:
- 917 (a) the information required under Subsection (4); and
- 918 (b) an explanation of the property tax impact, if any, of the issuance of the bonds, which
- 919 may be based on information the governing body determines to be useful, including:
- 920 (i) expected debt service on the bonds to be issued;
- 921 (ii) a description of the purpose, remaining principal balance, and maturity date of
- 922 any outstanding general obligation bonds of the issuer;
- 923 (iii) funds other than property taxes available to pay debt service on general
- 924 obligation bonds;
- 925 (iv) timing of expenditures of bond proceeds;
- 926 (v) property values; and
- 927 (vi) any additional information that the governing body determines may be useful to
- 928 explain the property tax impact of issuance of the bonds.
- 929 (6)(a) Except as provided in Section 20A-1-308, the election officer may, after the
- 930 deadlines described in Subsections (1) and (2):
- 931 (i) if necessary, change the location of a voting precinct polling place; or
- 932 (ii) if the election officer determines that the number of voting precinct polling places
- 933 is insufficient due to the number of registered voters who are voting, designate
- 934 additional voting precinct polling places.
- 935 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
- 936 of a voting precinct polling place or designates an additional voting precinct polling
- 937 place, the election officer shall, as soon as is reasonably possible, give notice of the
- 938 dates, times, and location of a changed voting precinct polling place or an additional
- 939 voting precinct polling place:
- 940 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Electronic Voter
- 941 Information Website;
- 942 (ii) by posting the information on the website of the election officer, if available; and
- 943 (iii) by posting notice:
- 944 (A) of a change in the location of a voting precinct polling place, at the new
- 945 location and, if possible, the old location; and
- 946 (B) of an additional voting precinct polling place, at the additional voting precinct
- 947 polling place.
- 948 (7) The governing body shall pay the costs associated with the notice required by this

949 section.

950 (8)(a) The governing body may mail a notice printed on a postage prepaid, preaddressed
951 return form that a person may use to request delivery of a voter information pamphlet
952 by mail.

953 (b) The notice described in Subsection (8)(a) shall include:

- 954 (i) the website upon which the voter information pamphlet is available; and
- 955 (ii) the phone number a voter may call to request delivery of a voter information
956 pamphlet by mail.

957 (9) A local school board shall comply with the voter information pamphlet requirements
958 described in Section 53G-4-603.

959 Section 12. Section **11-14-301** is amended to read:

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

962 (1) If the governing body has declared the bond proposition to have carried and no contest
963 has been filed, or if a contest has been filed and favorably terminated, the governing
964 body may proceed to issue the bonds voted at the election.

965 (2)(a) It is not necessary that all of the bonds be issued at one time, but, except as
966 otherwise provided in this Subsection (2), bonds approved by the voters may not be
967 issued more than 10 years after the day on which the election is held.

968 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
969 10-year period:

- 970 (i) an application for a referendum petition is filed with a local clerk, in accordance
971 with Section 20A-7-602, with respect to the local obligation law relating to the
972 bonds; or

- 973 (ii) the bonds are challenged in a court of law or an administrative proceeding in
974 relation to:

- 975 (A) the legality or validity of the bonds, or the election or proceedings authorizing
976 the bonds;

- 977 (B) the authority of the local political subdivision to issue the bonds;

- 978 (C) the provisions made for the security or payment of the bonds; or

- 979 (D) any other issue that materially and adversely affects the marketability of the
980 bonds, as determined by the individual or body that holds the executive powers
981 of the local political subdivision.

982 (c) For a bond described in this section that is approved by voters on or after May 8,

- 983 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i)
984 ends on the later of the day on which:
- 985 (i) the local clerk determines that the petition is insufficient, in accordance with
986 Subsection 20A-7-607(3), unless an application, described in Subsection
987 20A-7-607(4)(a), is made to a court;
- 988 (ii) a court determines, under Subsection [~~20A-7-607(4)(e)~~] 20A-7-607(5)(c), that the
989 petition for the referendum is not legally sufficient; or
- 990 (iii) for a referendum petition that is sufficient, the governing body declares, as
991 provided by law, the results of the referendum election on the local obligation law.
- 992 (d) For a bond described in this section that was approved by voters on or after May 14,
993 2019, a tolling period described in Subsection (2)(b)(i) ends:
- 994 (i) if a county, city, town, or court determines, under Section 20A-7-602.7, that the
995 proposed referendum is not legally referable to voters, the later of:
- 996 (A) the day on which the county, city, or town provides the notice described in
997 Subsection 20A-7-602.7(1)(b)(ii); or
- 998 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a
999 court decision that the proposed referendum is not legally referable to voters
1000 becomes final; or
- 1001 (ii) if a county, city, town, or court determines, under Section 20A-7-602.7, that the
1002 proposed referendum is legally referable to voters, the later of:
- 1003 (A) the day on which the local clerk determines, under Section 20A-7-607, that
1004 the number of certified names is insufficient for the proposed referendum to
1005 appear on the ballot; or
- 1006 (B) if the local clerk determines, under Section 20A-7-607, that the number of
1007 certified names is sufficient for the proposed referendum to appear on the
1008 ballot, the day on which the governing body declares, as provided by law, the
1009 results of the referendum election on the local obligation law.
- 1010 (e) A tolling period described in Subsection (2)(b)(ii) ends after:
- 1011 (i) there is a final settlement, a final adjudication, or another type of final resolution
1012 of all challenges described in Subsection (2)(b)(ii); and
- 1013 (ii) the individual or body that holds the executive powers of the local political
1014 subdivision issues a document indicating that all challenges described in
1015 Subsection (2)(b)(ii) are resolved and final.
- 1016 (f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection (2)

- 1017 and, when the tolling ends and after giving effect to the tolling, the period of time
1018 remaining to issue the bonds is less than one year, the period of time remaining to
1019 issue the bonds shall be extended to one year.
- 1020 (g) The tolling provisions described in this Subsection (2) apply to all bonds described in
1021 this section that were approved by voters on or after May 8, 2002.
- 1022 (3)(a) Bonds approved by the voters may not be issued to an amount that will cause the
1023 indebtedness of the local political subdivision to exceed that permitted by the Utah
1024 Constitution or statutes.
- 1025 (b) In computing the amount of indebtedness that may be incurred pursuant to
1026 constitutional and statutory limitations, the constitutionally or statutorily permitted
1027 percentage, as the case may be, shall be applied to the fair market value, as defined
1028 under Section 59-2-102, of the taxable property in the local political subdivision, as
1029 computed from the last applicable equalized assessment roll before the incurring of
1030 the additional indebtedness.
- 1031 (c) In determining the fair market value of the taxable property in the local political
1032 subdivision as provided in this section, the value of all tax equivalent property, as
1033 defined in Section 59-3-102, shall be included as a part of the total fair market value
1034 of taxable property in the local political subdivision, as provided in Title 59, Chapter
1035 3, Tax Equivalent Property Act.
- 1036 (4) Bonds of improvement districts issued in a manner that they are payable solely from the
1037 revenues to be derived from the operation of the facilities of the district may not be
1038 included as bonded indebtedness for the purposes of the computation.
- 1039 (5) Where bonds are issued by a city, town, or county payable solely from revenues derived
1040 from the operation of revenue-producing facilities of the city, town, or county, or
1041 payable solely from a special fund into which are deposited excise taxes levied and
1042 collected by the city, town, or county, or excise taxes levied by the state and rebated
1043 pursuant to law to the city, town, or county, or any combination of those excise taxes,
1044 the bonds shall be included as bonded indebtedness of the city, town, or county only to
1045 the extent required by the Utah Constitution, and any bonds not so required to be
1046 included as bonded indebtedness of the city, town, or county need not be authorized at
1047 an election, except as otherwise provided by the Utah Constitution, the bonds being
1048 hereby expressly excluded from the election requirement of Section 11-14-201.
- 1049 (6) A bond election is not void when the amount of bonds authorized at the election
1050 exceeded the limitation applicable to the local political subdivision at the time of

1051 holding the election, but the bonds may be issued from time to time in an amount within
 1052 the applicable limitation at the time the bonds are issued.

1053 (7)(a) A local political subdivision may not receive, from the issuance of bonds
 1054 approved by the voters at an election, an aggregate amount that exceeds by more than
 1055 2% the maximum principal amount stated in the bond proposition.

1056 (b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election
 1057 held after January 1, 2019.

1058 Section 13. Section **17-2-103.5** is enacted to read:

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

1060 As used in this title, "office director" means the director of the Elections Office,
 1061 appointed under Subsection 20A-1-104.6(3)(a).

1062 Section 14. Section **17-2-104** is amended to read:

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

1064 If it appears from the certified report that the [~~lieutenant governor~~] office director
 1065 receives under Section 20A-4-304 that a majority of the voters in each of the counties have
 1066 voted in favor of consolidation, the [~~lieutenant governor~~] office director shall certify the result
 1067 of the vote to the governor.

1068 Section 15. Section **17-2-105** is amended to read:

1069 **17-2-105 . Governor's proclamation -- Notice and plat to director of Elections**
 1070 **Office -- Recording requirements -- Effective date.**

1071 (1) Upon receipt of the election result from the [~~lieutenant governor~~] office director under
 1072 Section 17-2-104, the governor shall issue a proclamation, stating the result of the vote
 1073 in each of the counties, and that the consolidation of the one county with the other will
 1074 take effect as provided in Subsection (3).

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

1076 (a) within 30 days after the issuance of the governor's proclamation under Subsection
 1077 (1), send to the lieutenant governor:

1078 (i) a copy of a notice of an impending boundary action, as defined in Section
 1079 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

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

1081 (b) upon the lieutenant governor's issuance of a certificate of consolidation under
 1082 Section 67-1a-6.5, submit to the recorder of the consolidating county:

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

1084 (ii) the original certificate of consolidation;

- 1085 (iii) the original approved final local entity plat; and
- 1086 (iv) a certified copy of the governor's proclamation under Subsection (1).
- 1087 (3)(a) A consolidation of counties approved at an election under Section 17-2-103 takes
- 1088 effect on January 1 of the year immediately following the lieutenant governor's
- 1089 issuance of a certificate of consolidation under Section 67-1a-6.5.
- 1090 (b)(i) The effective date of a consolidation of counties for purposes of assessing
- 1091 property within the consolidating county is governed by Section 59-2-305.5.
- 1092 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the
- 1093 recorder of the county in which the property is located, a consolidating county
- 1094 may not:
- 1095 (A) levy or collect a property tax on property in the consolidating county that used
- 1096 to be in the originating county;
- 1097 (B) levy or collect an assessment on property in the consolidating county that used
- 1098 to be in the originating county; or
- 1099 (C) charge or collect a fee for service provided to property within the
- 1100 consolidating county that used to be in the originating county.

1101 Section 16. Section **17-2-204** is amended to read:

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

1103 In an election held under Subsection 17-2-203(1), if it appears from the certified report

1104 that the [~~lieutenant governor~~] office director receives under Section 20A-4-304 that a majority

1105 of those voting in each county have voted in favor of the annexation, the [~~lieutenant governor~~]

1106 office director shall certify the result of the vote to the governor.

1107 Section 17. Section **17-2-205** is amended to read:

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

1109 **requirements -- Effective date.**

- 1110 (1) Upon receipt of the [~~lieutenant governor's~~] office director's certification under Section
- 1111 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each
- 1112 county, and that the annexation of the territory to the annexing county will take effect as
- 1113 provided in Subsection (3).
- 1114 (2) The legislative body of the annexing county shall:
- 1115 (a) within 30 days after the issuance of the governor's proclamation under Subsection
- 1116 (1), send to the lieutenant governor:
- 1117 (i) a copy of a notice of an impending boundary action, as defined in Section
- 1118 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

- 1119 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 1120 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section
 1121 67-1a-6.5, submit to the recorder of the annexing county:
 1122 (i) the original notice of an impending boundary action;
 1123 (ii) the original certificate of consolidation;
 1124 (iii) the original approved final local entity plat; and
 1125 (iv) a certified copy of the governor's proclamation under Subsection (1).

1126 (3)(a) An annexation approved at an election under Section 17-2-203 takes effect on
 1127 January 1 of the year immediately following the lieutenant governor's issuance of a
 1128 certificate of annexation under Section 67-1a-6.5.

1129 (b)(i) The effective date of a county annexation for purposes of assessing property
 1130 within the annexing county is governed by Section 59-2-305.5.

1131 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the
 1132 recorder of the county in which the property is located, an annexing county may
 1133 not:

1134 (A) levy or collect a property tax on property in the annexing county that used to
 1135 be in the initiating county;

1136 (B) levy or collect an assessment on property in the annexing county that used to
 1137 be in the initiating county; or

1138 (C) charge or collect a fee for service provided to property within the annexing
 1139 county that used to be in the initiating county.

1140 Section 18. Section **17-3-3** is amended to read:

1141 **17-3-3 . Certification of returns -- Governor's proclamation of creation of new**
 1142 **county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective**
 1143 **date.**

1144 (1) If it appears that any proposition submitted to the electors as provided in this chapter
 1145 has been carried in the affirmative by a majority vote of the qualified electors residing in
 1146 that portion of the county proposed as a new county, and also by a majority vote of the
 1147 qualified electors residing in the remaining portion of that county:

1148 (a) the [~~lieutenant governor~~] office director, upon receiving the certified report under
 1149 Section 20A-4-304, shall certify the result to the governor; and

1150 (b) upon receiving the results from the [~~lieutenant governor~~] office director under
 1151 Subsection (1)(a), the governor shall issue a proclamation, stating:

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

- 1153 (ii) the name and boundaries of the new county;
- 1154 (iii) the boundaries of the original county as changed by the creation of the new
- 1155 county;
- 1156 (iv) that the creation of the new county will take effect on the first Monday in
- 1157 January following the lieutenant governor's issuance of a certificate of creation
- 1158 under Section 67-1a-6.5;
- 1159 (v) the name proposed in the petition as the name of the new county; and
- 1160 (vi) the judicial district to which the new county belongs.
- 1161 (2) The legislative body of the county from which the greatest portion of the new county
- 1162 was taken shall:
- 1163 (a) within 30 days after the issuance of the governor's proclamation under Subsection
- 1164 (1), send to the lieutenant governor:
- 1165 (i) a copy of a notice of an impending boundary action, as defined in Section
- 1166 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- 1167 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- 1168 (b) upon the lieutenant governor's issuance of a certificate of creation under Section
- 1169 67-1a-6.5, submit to the recorder of the new county:
- 1170 (i) the original notice of an impending boundary action;
- 1171 (ii) the original certificate of creation;
- 1172 (iii) the original approved final local entity plat; and
- 1173 (iv) a certified copy of the governor's proclamation under Subsection (1).
- 1174 (3)(a) The new county that is the subject of the lieutenant governor's certificate of
- 1175 creation under Section 67-1a-6.5 is a county of the state from and after 12 noon of the
- 1176 first Monday in January following the issuance of the lieutenant governor's certificate
- 1177 of creation.
- 1178 (b)(i) The effective date of the creation of a new county for purposes of assessing
- 1179 property within the county is governed by Section 59-2-305.5.
- 1180 (ii) Until the documents listed in Subsection [~~(3)(b)~~] (2)(b) are recorded in the office
- 1181 of the recorder of the new county, the new county may not:
- 1182 (A) levy or collect a property tax on property in the county;
- 1183 (B) levy or collect an assessment on property in the county; or
- 1184 (C) charge or collect a fee for service provided to property within the county.
- 1185 Section 19. Section **17-16-6.5** is amended to read:
- 1186 **17-16-6.5 . Campaign financial disclosure in county elections.**

- 1187 (1)(a) A county shall adopt an ordinance establishing campaign finance disclosure
1188 requirements for:
- 1189 (i) candidates for county office; and
 - 1190 (ii) candidates for local school board office who reside in that county.
- 1191 (b) The ordinance required by Subsection (1)(a) shall include:
- 1192 (i) a requirement that each candidate for county office or local school board office
1193 report the candidate's itemized and total campaign contributions and expenditures
1194 at least once within the two weeks before the election and at least once within two
1195 months after the election;
 - 1196 (ii) a definition of "contribution" and "expenditure" that requires reporting of
1197 nonmonetary contributions such as in-kind contributions and contributions of
1198 tangible things;
 - 1199 (iii) a requirement that the financial reports identify:
 - 1200 (A) for each contribution, the name of the donor of the contribution, if known, and
1201 the amount of the contribution; and
 - 1202 (B) for each expenditure, the name of the recipient and the amount of the
1203 expenditure;
 - 1204 (iv) a requirement that a candidate for county office or local school board office
1205 deposit a contribution in a separate campaign account into a financial institution;
 - 1206 (v) a prohibition against a candidate for county office or local school board office
1207 depositing or mingling any contributions received into a personal or business
1208 account; and
 - 1209 (vi) a requirement that a candidate for county office who receives a contribution that
1210 is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name
1211 is unknown, shall, within 30 days after receiving the contribution, disburse the
1212 amount of the contribution to:
 - 1213 (A) the treasurer of the state or a political subdivision for deposit into the state's or
1214 political subdivision's general fund; or
 - 1215 (B) an organization that is exempt from federal income taxation under Section
1216 501(c)(3), Internal Revenue Code.
- 1217 (c)(i) As used in this Subsection (1)(c), "account" means an account in a financial
1218 institution:
- 1219 (A) that is not described in Subsection (1)(b)(iv); and
 - 1220 (B) into which or from which a person who, as a candidate for an office, other

- 1221 than a county office for which the person files a declaration of candidacy or
1222 federal office, or as a holder of an office, other than a county office for which
1223 the person files a declaration of candidacy or federal office, deposits a
1224 contribution or makes an expenditure.
- 1225 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
1226 candidate for county office or local school board office include on a financial
1227 report filed in accordance with the ordinance a contribution deposited in or an
1228 expenditure made from an account:
- 1229 (A) since the last financial report was filed; or
1230 (B) that has not been reported under a statute or ordinance that governs the
1231 account.
- 1232 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
1233 Subsection (1), candidates for county office, other than community council office, and
1234 candidates for local school board office shall comply with the financial reporting
1235 requirements contained in Subsections (3) through (8).
- 1236 (3) A candidate for elective office in a county or local school board office:
1237 (a) shall deposit a contribution into a separate campaign account in a financial
1238 institution; and
1239 (b) may not deposit or mingle any contributions received into a personal or business
1240 account.
- 1241 (4) Each candidate for elective office in any county who is not required to submit a
1242 campaign financial statement to the [~~lieutenant governor~~] office director, and each
1243 candidate for local school board office, shall file a signed campaign financial statement
1244 with the county clerk:
- 1245 (a) seven days before the date of the regular general election, reporting each contribution
1246 and each expenditure as of 10 days before the date of the regular general election; and
1247 (b) no later than 30 days after the date of the regular general election.
- 1248 (5)(a) The statement filed seven days before the regular general election shall include:
1249 (i) a list of each contribution received by the candidate, and the name of the donor, if
1250 known; and
1251 (ii) a list of each expenditure for political purposes made during the campaign period,
1252 and the recipient of each expenditure.
- 1253 (b) The statement filed 30 days after the regular general election shall include:
1254 (i) a list of each contribution received after the cutoff date for the statement filed

- 1255 seven days before the election, and the name of the donor; and
- 1256 (ii) a list of all expenditures for political purposes made by the candidate after the
- 1257 cutoff date for the statement filed seven days before the election, and the recipient
- 1258 of each expenditure.
- 1259 (6)(a) As used in this Subsection (6), "account" means an account in a financial
- 1260 institution:
- 1261 (i) that is not described in Subsection (3)(a); and
- 1262 (ii) into which or from which a person who, as a candidate for an office, other than a
- 1263 county office for which the person filed a declaration of candidacy or federal
- 1264 office, or as a holder of an office, other than a county office for which the person
- 1265 filed a declaration of candidacy or federal office, deposits a contribution or makes
- 1266 an expenditure.
- 1267 (b) A county office candidate and a local school board office candidate shall include on
- 1268 any campaign financial statement filed in accordance with Subsection (4) or (5):
- 1269 (i) a contribution deposited into an account:
- 1270 (A) since the last campaign finance statement was filed; or
- 1271 (B) that has not been reported under a statute or ordinance that governs the
- 1272 account; or
- 1273 (ii) an expenditure made from an account:
- 1274 (A) since the last campaign finance statement was filed; or
- 1275 (B) that has not been reported under a statute or ordinance that governs the
- 1276 account.
- 1277 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 1278 exceeds \$50, and is from a donor whose name is unknown, a county office candidate
- 1279 shall disburse the amount of the contribution to:
- 1280 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 1281 political subdivision's general fund; or
- 1282 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 1283 Internal Revenue Code.
- 1284 (8) Candidates for elective office in any county, and candidates for local school board
- 1285 office, who are eliminated at a primary election shall file a signed campaign financial
- 1286 statement containing the information required by this section not later than 30 days after
- 1287 the primary election.
- 1288 (9) Any person who fails to comply with this section is guilty of an infraction.

- 1289 (10)(a) Counties may, by ordinance, enact requirements that:
- 1290 (i) require greater disclosure of campaign contributions and expenditures; and
- 1291 (ii) impose additional penalties.
- 1292 (b) The requirements described in Subsection (10)(a) apply to a local school board office
- 1293 candidate who resides in that county.
- 1294 (11) If a candidate fails to file an interim report due before the election, the county clerk:
- 1295 (a) may send an electronic notice to the candidate and the political party of which the
- 1296 candidate is a member, if any, that states:
- 1297 (i) that the candidate failed to timely file the report; and
- 1298 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
- 1299 filing the report, the candidate will be disqualified and the political party will not
- 1300 be permitted to replace the candidate; and
- 1301 (b) impose a fine of \$100 on the candidate.
- 1302 (12)(a) The county clerk shall disqualify a candidate and inform the appropriate election
- 1303 officials that the candidate is disqualified if the candidate fails to file an interim
- 1304 report described in Subsection (11) within 24 hours after the deadline for filing the
- 1305 report.
- 1306 (b) The political party of a candidate who is disqualified under Subsection (12)(a) may
- 1307 not replace the candidate.
- 1308 (c) A candidate who is disqualified under Subsection (12)(a) shall file with the county
- 1309 clerk a complete and accurate campaign finance statement within 30 days after the
- 1310 day on which the candidate is disqualified.
- 1311 (13) If a candidate is disqualified under Subsection (12)(a), the election official:
- 1312 (a) shall:
- 1313 (i) notify every opposing candidate for the county office that the candidate is
- 1314 disqualified;
- 1315 (ii) send an email notification to each voter who is eligible to vote in the county
- 1316 election office race for whom the election official has an email address informing
- 1317 the voter that the candidate is disqualified and that votes cast for the candidate will
- 1318 not be counted;
- 1319 (iii) post notice of the disqualification on the county's website; and
- 1320 (iv) if practicable, remove the candidate's name from the ballot by blacking out the
- 1321 candidate's name before the ballots are delivered to voters; and
- 1322 (b) may not count any votes for that candidate.

- 1323 (14) An election official may fulfill the requirement described in Subsection (13)(a) in
1324 relation to a mailed ballot, including a military or overseas ballot, by including with the
1325 ballot a written notice directing the voter to the county's website to inform the voter
1326 whether a candidate on the ballot is disqualified.
- 1327 (15) A candidate is not disqualified if:
- 1328 (a) the candidate files the interim reports described in Subsection (11) no later than 24
1329 hours after the applicable deadlines for filing the reports;
- 1330 (b) the reports are completed, detailing accurately and completely the information
1331 required by this section except for inadvertent omissions or insignificant errors or
1332 inaccuracies; and
- 1333 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
1334 next scheduled report.
- 1335 (16)(a) A report is considered timely filed if:
- 1336 (i) the report is received in the county clerk's office no later than midnight, Mountain
1337 Time, at the end of the day on which the report is due;
- 1338 (ii) the report is received in the county clerk's office with a United States Postal
1339 Service postmark three days or more before the date that the report was due; or
- 1340 (iii) the candidate has proof that the report was mailed, with appropriate postage and
1341 addressing, three days before the report was due.
- 1342 (b) For a county clerk's office that is not open until midnight at the end of the day on
1343 which a report is due, the county clerk shall permit a candidate to file the report via
1344 email or another electronic means designated by the county clerk.
- 1345 (17)(a) Any private party in interest may bring an action in a court with jurisdiction
1346 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
1347 this section or any ordinance adopted under this section.
- 1348 (b) In a civil action filed under Subsection (17)(a), the court shall award costs and
1349 attorney fees to the prevailing party.
- 1350 (18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
1351 and Management Act, the county clerk shall:
- 1352 (a) make each campaign finance statement filed by a candidate available for public
1353 inspection and copying no later than one business day after the statement is filed; and
- 1354 (b) make the campaign finance statement filed by a candidate available for public
1355 inspection by:
- 1356 (i) posting an electronic copy or the contents of the statement on the county's website

1357 no later than seven business days after the day on which the statement is filed; and
 1358 (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing
 1359 the [~~lieutenant governor~~] office director with a link to the electronic posting
 1360 described in Subsection (18)(b)(i) no later than two business days after the day the
 1361 statement is filed.

1362 Section 20. Section **17-20-5** is amended to read:

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

1364 Within 10 days after the day on which a county clerk issues a certificate of election or a
 1365 certificate of appointment made to fill vacancies in elective county offices, the county clerk
 1366 shall notify the [~~lieutenant governor~~] office director of the following:

- 1367 (1) the name of the county;
 1368 (2) the name of the county office to which the individual was elected or appointed;
 1369 (3) the date of the election or appointment of the individual;
 1370 (4) the date of the expiration of the term for which the individual was elected or appointed;
 1371 (5) the date of the certificate of election or appointment; and
 1372 (6) the date of the qualification of the individual elected or appointed.

1373 Section 21. Section **17-50-502** is amended to read:

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

- 1375 (1) Each county shall retain its classification under Section 17-50-501 until changed as
 1376 provided in this section.
 1377 (2) The [~~lieutenant governor~~] office director shall monitor the population figure for each
 1378 county as shown on:
 1379 (a) each official census or census estimate of the United States Bureau of the Census; or
 1380 (b) if the population figure for a county is not available from the United States Bureau of
 1381 the Census, the population estimate from the Utah Population Committee.
 1382 (3) After July 1, 2021, if the applicable population figure under Subsection (2) indicates
 1383 that a county's population has increased beyond the limit for its current class, the [~~lieutenant governor~~]
 1384 office director shall:
 1385 (a) prepare a certificate indicating the class in which the county belongs based on the
 1386 increased population figure; and
 1387 (b) within 10 days after preparing the certificate, deliver a copy of the certificate to the
 1388 county legislative body and, if the county has an executive that is separate from the
 1389 legislative body, the executive of the county whose class was changed.
 1390 (4) A county's change in class is effective on the date of the [~~lieutenant governor's~~] office

1391 director's certificate under Subsection (3).

1392 Section 22. Section **17-52a-503** is amended to read:

1393 **17-52a-503 . Adoption of optional plan -- Election of new county officers -- Effect**
1394 **of adoption.**

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

1396 (a) on or before November 1 of the year immediately following the year of the election
1397 described in Section 17-52a-501 in which the optional plan is approved, the county
1398 legislative body shall:

1399 (i) if the proposed optional plan under Section 17-52a-404 specifies that one or more
1400 members of the county legislative body are elected from districts, adopt the
1401 geographic boundaries of each council or commission member district; and

1402 (ii) adopt the compensation, including benefits, for each member of the county
1403 legislative body;

1404 (b) the elected county officers specified in the plan shall be elected at the next regular
1405 general election following the election under Section 17-52a-501, according to the
1406 procedure and schedule established under Title 20A, Election Code, for the election
1407 of county officers;

1408 (c) the proposed optional plan:

1409 (i) becomes effective according to the optional plan's terms;

1410 (ii) subject to Subsection 17-52a-404(1)(c), at the time specified in the optional plan,
1411 is a public record open to inspection by the public; and

1412 (iii) is judicially noticeable by all courts;

1413 (d) the county clerk shall, within 10 days of the canvass of the election, file with the [
1414 ~~lieutenant governor~~] office director a copy of the optional plan, certified by the clerk
1415 to be a true and correct copy;

1416 (e) all public officers and employees shall cooperate fully in making the transition
1417 between forms of county government; and

1418 (f) the county legislative body may enact and enforce necessary ordinances to bring
1419 about an orderly transition to the new form of government, including any transfer of
1420 power, records, documents, properties, assets, funds, liabilities, or personnel that are
1421 consistent with the approved optional plan and necessary or convenient to place it
1422 into full effect.

1423 (2) An action by the county legislative body under Subsection (1)(a) is not an amendment
1424 for purposes of Section 17-52a-504.

- 1425 (3) Adoption of an optional plan does not alter or affect the boundaries, organization,
 1426 powers, duties, or functions of any:
- 1427 (a) school district;
 - 1428 (b) justice court;
 - 1429 (c) special district under Title 17B, Limited Purpose Local Government Entities -
 1430 Special Districts;
 - 1431 (d) special service district under Title 17D, Chapter 1, Special Service District Act;
 - 1432 (e) city or town; or
 - 1433 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
 1434 Cooperation Act.
- 1435 (4)(a) After adoption of the optional plan, the county legislative body may adopt a
 1436 change to the geographic boundaries of a council or commission member's district.
- 1437 (b) An action by the county legislative body under Subsection (4)(a) is not an
 1438 amendment for purposes of Section 17-52a-504.
- 1439 (5) After the adoption of an optional plan, the county remains vested with all powers and
 1440 duties vested generally in counties by statute.
- 1441 Section 23. Section **17B-1-303** is amended to read:
- 1442 **17B-1-303 . Term of board of trustees members -- Oath of office -- Bond -- Notice**
 1443 **of board member contact information.**
- 1444 (1)(a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
 1445 member of a board of trustees begins at noon on the January 1 following the
 1446 member's election or appointment.
- 1447 (b) The term of each member of the initial board of trustees of a newly created special
 1448 district begins:
- 1449 (i) upon appointment, for an appointed member; and
 - 1450 (ii) upon the member taking the oath of office after the canvass of the election at
 1451 which the member is elected, for an elected member.
- 1452 (c) The term of each water conservancy district board member whom the governor
 1453 appoints in accordance with Subsection 17B-2a-1005(2)(c):
- 1454 (i) begins on the later of the following:
 - 1455 (A) the date on which the Senate consents to the appointment; or
 - 1456 (B) the expiration date of the prior term; and
 - 1457 (ii) ends on the February 1 that is approximately four years after the date described in
 1458 Subsection (1)(c)(i)(A) or (B).

- 1459 (d) The term of a member of a board of trustees whom an appointing authority appoints
1460 in accordance with Subsection (5)(b) begins upon the member taking the oath of
1461 office.
- 1462 (e) If the member of the board of trustees fails to assume or qualify for office on January
1463 1 for any reason, the term begins on the date the member assumes or qualifies for
1464 office.
- 1465 (2)(a)(i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
1466 and (iii), the term of each member of a board of trustees is four years, except that:
- 1467 (A) approximately half the members of the initial board of trustees of an
1468 infrastructure financing district, as designated in the governing document, shall
1469 serve a six-year term so that the term of approximately half the board members
1470 expires every two years; and
- 1471 (B) for any other special district, approximately half the members of the initial
1472 board of trustees, chosen by lot, shall serve a two-year term so that the term of
1473 approximately half the board members expires every two years.
- 1474 (ii) If the terms of members of the initial board of trustees of a newly created special
1475 district do not begin on January 1 because of application of Subsection (1)(b), the
1476 terms of those members shall be adjusted as necessary, subject to Subsection
1477 (2)(a)(iii), to result in the terms of their successors complying with:
- 1478 (A) the requirement under Subsection (1)(a) for a term to begin on January 1
1479 following a member's election or appointment; and
- 1480 (B) the requirement under Subsection (2)(a)(i) that terms be four years.
- 1481 (iii) If the term of a member of a board of trustees does not begin on January 1
1482 because of the application of Subsection (1)(e), the term is shortened as necessary
1483 to result in the term complying with the requirement under Subsection (1)(a) that
1484 the successor member's term, regardless of whether the incumbent is the
1485 successor, begins at noon on January 1 following the successor member's election
1486 or appointment.
- 1487 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
1488 subtract more than a year from a member's term.
- 1489 (b) Each board of trustees member shall serve until a successor is duly elected or
1490 appointed and qualified, unless the member earlier is removed from office or resigns
1491 or otherwise leaves office.
- 1492 (c) If a member of a board of trustees no longer meets the qualifications of Subsection

- 1493 17B-1-302(1), (2), (3), (4), (5), (6), or (7), or if the member's term expires without a
 1494 duly elected or appointed successor:
- 1495 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
 1496 (ii) the member may continue to serve until a successor is duly elected or appointed
 1497 and qualified.
- 1498 (3)(a)(i) Before entering upon the duties of office, each member of a board of trustees shall
 1499 take the oath of office specified in Utah Constitution, Article IV,
 1500 Section 10.
- 1501 (ii) A judge, county clerk, notary public, or the special district clerk may administer
 1502 an oath of office.
- 1503 (b) The member of the board of trustees taking the oath of office shall file the oath of
 1504 office with the clerk of the special district.
- 1505 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
 1506 does not invalidate any official act of that member.
- 1507 (4) A board of trustees member may serve any number of terms.
- 1508 (5)(a) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
 1509 position is filled in accordance with Section 20A-1-512.
- 1510 (b) When the number of members of a board of trustees increases in accordance with
 1511 Subsection 17B-1-302(10), the appointing authority may appoint an individual to fill
 1512 a new board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.
- 1513 (6)(a) As used in this Subsection (6):
- 1514 (i) "Appointed official" means a person who:
- 1515 (A) is appointed as a member of a special district board of trustees by a county or
 1516 municipality that is entitled to appoint a member to the board; and
 1517 (B) holds an elected position with the appointing county or municipality.
- 1518 (ii) "Appointing entity" means the county or municipality that appointed the
 1519 appointed official to the board of trustees.
- 1520 (b) The board of trustees shall declare a midterm vacancy for the board position held by
 1521 an appointed official if:
- 1522 (i) during the appointed official's term on the board of trustees, the appointed official
 1523 ceases to hold the elected position with the appointing entity; and
 1524 (ii) the appointing entity submits a written request to the board to declare the vacancy.
- 1525 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
 1526 appointing entity shall appoint another person to fill the remaining unexpired term on

1527 the board of trustees.

1528 (7)(a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or
1529 crime insurance for the faithful performance of the member's duties, in the amount
1530 and with the sureties or with an insurance company that the board of trustees
1531 prescribes.

1532 (b) The special district:

1533 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or
1534 crime insurance as a group or for members individually; and

1535 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this
1536 Subsection (7).

1537 (8)(a) In order to compensate for a change in the election year under Subsection
1538 17B-1-306(14), the [~~lieutenant governor~~] director of the Elections Office, appointed
1539 under Subsection 20A-1-104.6(3)(a) may:

1540 (i) extend the term of an elected district board member by one year; or

1541 (ii) subject to Subsection 17B-1-306(14)(b)(iii), and in accordance with Subsection
1542 (2)(a), shorten the term of an elected district board member by one year, if
1543 necessary, to ensure that the term of approximately half of the board members
1544 expires every two years.

1545 (b) When the number of members of a board of trustees increases in accordance with
1546 Subsection 17B-1-302(10), to ensure that the term of approximately half of the board
1547 members expires every two years in accordance with Subsection (2)(a):

1548 (i) the board shall set shorter terms for approximately half of the new board members,
1549 chosen by lot; and

1550 (ii) the initial term of a new board member position may be less than two or four
1551 years.

1552 (9)(a) A special district shall:

1553 (i) post on the Utah Public Notice Website created in Section 63A-16-601 the name,
1554 phone number, and email address of each member of the special district's board of
1555 trustees;

1556 (ii) update the information described in Subsection (9)(a)(i) when:

1557 (A) the membership of the board of trustees changes; or

1558 (B) a member of the board of trustees' phone number or email address changes;

1559 and

1560 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date

- 1561 on which the change requiring the update occurs.
- 1562 (b) This Subsection (9) applies regardless of whether the county or municipal legislative
1563 body also serves as the board of trustees of the special district.
- 1564 Section 24. Section **17B-1-306** is amended to read:
- 1565 **17B-1-306 . Special district board -- Election procedures -- Notice.**
- 1566 (1) Except as provided in Subsection (12), each elected board member shall be selected as
1567 provided in this section.
- 1568 (2)(a) Each election of a special district board member shall be held:
- 1569 (i) at the same time as the municipal general election or the regular general election,
1570 as applicable; and
- 1571 (ii) at polling places designated by the special district board in consultation with the
1572 county clerk for each county in which the special district is located, which polling
1573 places shall coincide with municipal general election or regular general election
1574 polling places, as applicable, whenever feasible.
- 1575 (b) The special district board, in consultation with the county clerk, may consolidate two
1576 or more polling places to enable voters from more than one district to vote at one
1577 consolidated polling place.
- 1578 (c)(i) Subject to Subsections (5)(h) and (i), the number of polling places under
1579 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall
1580 be one polling place per division of the district, designated by the district board.
- 1581 (ii) Each polling place designated by an irrigation district board under Subsection
1582 (2)(c)(i) shall coincide with a polling place designated by the county clerk under
1583 Subsection (2)(a)(ii).
- 1584 (3)(a) The clerk of each special district with a board member position to be filled at the
1585 next municipal general election or regular general election, as applicable, shall
1586 provide notice of:
- 1587 (i) each elective position of the special district to be filled at the next municipal
1588 general election or regular general election, as applicable;
- 1589 (ii) the constitutional and statutory qualifications for each position; and
- 1590 (iii) the dates and times for filing a declaration of candidacy.
- 1591 (b) If the election is to be held at the same time as the municipal general election, a
1592 declaration of candidacy shall be filed on the days specified in Subsection
1593 20A-9-203(3)(a)(i).
- 1594 (c) If the election is to be held at the same time as the regular general election, a

- 1595 declaration of candidacy shall be filed by the deadline stated in Subsection
1596 20A-9-201.5(2).
- 1597 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a)
1598 for the special district, as a class A notice under Section 63G-30-102, for at least 10 days
1599 before the first day for filing a declaration of candidacy.
- 1600 (5)(a) Except as provided in Subsection (5)(c), to become a candidate for an elective
1601 special district board position, an individual shall file a declaration of candidacy in
1602 person with an official designated by the special district within the candidate filing
1603 period for the applicable election year in which the election for the special district
1604 board is held and:
- 1605 (i) during the special district's standard office hours, if the standard office hours
1606 provide at least three consecutive office hours each day during the candidate filing
1607 period that is not a holiday or weekend; or
- 1608 (ii) if the standard office hours of a special district do not provide at least three
1609 consecutive office hours each day, a three-hour consecutive time period each day
1610 designated by the special district during the candidate filing period that is not a
1611 holiday or weekend.
- 1612 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing
1613 time shall be extended until the close of normal office hours on the following regular
1614 business day.
- 1615 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
1616 declaration of candidacy with the official designated by the special district if:
- 1617 (i) the individual is located outside of the state during the entire filing period;
1618 (ii) the designated agent appears in person before the official designated by the
1619 special district; and
- 1620 (iii) the individual communicates with the official designated by the special district
1621 using an electronic device that allows the individual and official to see and hear
1622 each other.
- 1623 (d)(i) Before the filing officer may accept any declaration of candidacy from an
1624 individual, the filing officer shall:
- 1625 (A) read to the individual the constitutional and statutory qualification
1626 requirements for the office that the individual is seeking; and
- 1627 (B) require the individual to state whether the individual meets those requirements.
- 1628 (ii) If the individual does not meet the qualification requirements for the office, the

- 1629 filing officer may not accept the individual's declaration of candidacy.
- 1630 (iii) If it appears that the individual meets the requirements of candidacy, the filing
1631 officer shall accept the individual's declaration of candidacy.
- 1632 (e) The declaration of candidacy shall be in substantially the following form:
- 1633 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
1634 _____, City of _____, County of _____, state of Utah,
1635 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
1636 for the office of board of trustees member for _____ (state the name of
1637 the special district); that I am a candidate for that office to be voted upon at the next election;
1638 and that, if filing via a designated agent, I will be out of the state of Utah during the entire
1639 candidate filing period, and I hereby request that my name be printed upon the official ballot
1640 for that election.
- 1641 (Signed) _____
- 1642 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
1643 of _____, _____.
- 1644 (Signed) _____
1645 (Clerk or Notary Public)".
- 1646 (f) An agent designated under Subsection (5)(c) may not sign the form described in
1647 Subsection (5)(e).
- 1648 (g) Each individual wishing to become a valid write-in candidate for an elective special
1649 district board position is governed by Section 20A-9-601.
- 1650 (h) If at least one individual does not file a declaration of candidacy as required by this
1651 section, an individual shall be appointed to fill that board position in accordance with
1652 the appointment provisions of Section 20A-1-512.
- 1653 (i) If only one candidate files a declaration of candidacy and there is no write-in
1654 candidate who complies with Section 20A-9-601, the board, in accordance with
1655 Section 20A-1-206, may:
- 1656 (i) consider the candidate to be elected to the position; and
1657 (ii) cancel the election.
- 1658 (6)(a) A primary election may be held if:
- 1659 (i) the election is authorized by the special district board; and
1660 (ii) the number of candidates for a particular local board position or office exceeds
1661 twice the number of persons needed to fill that position or office.
- 1662 (b) The primary election shall be conducted:

- 1663 (i) on the same date as the municipal primary election or the regular primary election,
1664 as applicable; and
- 1665 (ii) according to the procedures for primary elections provided under Title 20A,
1666 Election Code.
- 1667 (7)(a) Except as provided in Subsection (7)(c), within one business day after the
1668 deadline for filing a declaration of candidacy, the special district clerk shall certify
1669 the candidate names to the clerk of each county in which the special district is located.
- 1670 (b)(i) Except as provided in Subsection (7)(c) and in accordance with Section
1671 20A-6-305, the clerk of each county in which the special district is located and the
1672 special district clerk shall coordinate the placement of the name of each candidate
1673 for special district office in the nonpartisan section of the ballot with the
1674 appropriate election officer.
- 1675 (ii) If consolidation of the special district election ballot with the municipal general
1676 election ballot or the regular general election ballot, as applicable, is not feasible,
1677 the special district board of trustees, in consultation with the county clerk, shall
1678 provide for a separate special district election ballot to be administered by poll
1679 workers at polling places designated under Subsection (2).
- 1680 (c)(i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
1681 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 1682 (ii)(A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district
1683 shall prescribe the form of the ballot for each board member election.
- 1684 (B) Each ballot for an election of an irrigation district board member shall be in a
1685 nonpartisan format.
- 1686 (C) The name of each candidate shall be placed on the ballot in the order specified
1687 under Section 20A-6-305.
- 1688 (8)(a) Each voter at an election for a board of trustees member of a special district shall:
- 1689 (i) be a registered voter within the district, except for an election of:
- 1690 (A) an irrigation district board of trustees member; or
- 1691 (B) a basic special district board of trustees member who is elected by property
1692 owners; and
- 1693 (ii) meet the requirements to vote established by the district.
- 1694 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 1695 (c) The candidates who receive the highest number of votes are elected.
- 1696 (9) Except as otherwise provided by this section, the election of special district board

- 1697 members is governed by Title 20A, Election Code.
- 1698 (10)(a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
 1699 special district board shall serve a four-year term, beginning at noon on the January 1
 1700 after the person's election.
- 1701 (b) A person elected shall be sworn in as soon as practical after January 1.
- 1702 (11)(a) Except as provided in Subsection (11)(b), each special district shall reimburse
 1703 the county or municipality holding an election under this section for the costs of the
 1704 election attributable to that special district.
- 1705 (b) Each irrigation district shall bear the district's own costs of each election the district
 1706 holds under this section.
- 1707 (12) This section does not apply to an improvement district that provides electric or gas
 1708 service.
- 1709 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
 1710 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 1711 (14)(a) As used in this Subsection (14)[, "~~board~~" means]:
- 1712 (i) "Board" means:
- 1713 (A) a special district board; or
 1714 [~~(ii)~~] (B) the administrative control board of a special service district that has
 1715 elected members on the board.
- 1716 (ii) "Director" means the director of the Elections Office, appointed under Subsection
 1717 20A-1-104.6(3)(a).
- 1718 (b) If a board desires to hold elections for membership on the board at a regular general
 1719 election instead of a municipal general election , or at a municipal general election
 1720 instead of a regular general election, the board may submit an application to the [
 1721 ~~lieutenant governor~~] director that:
- 1722 (i) requests permission to change the election year for membership on the board in a
 1723 manner described in this Subsection (14)(b);
- 1724 (ii) indicates that a change in the election year is beneficial, based on potential cost
 1725 savings, a potential increase in voter turnout, or another material reason; and
- 1726 (iii) if a change in the election year may result in shortening a board member's term
 1727 of office, indicates that the members of the board unanimously support the [
 1728 ~~lieutenant governor~~] director taking that action.
- 1729 (c) Upon receipt of an application described in Subsection (14)(b), the [~~lieutenant~~
 1730 ~~governor~~] director may approve the application if:

- 1731 (i) the [~~lieutenant governor~~] director concludes that changing the election year is
1732 beneficial based on the criteria described in Subsection (14)(b)(ii); and
- 1733 (ii) for an application that may result in shortening a board member's term of office,
1734 the application satisfies the unanimity requirement described in Subsection
1735 (14)(b)(iii).
- 1736 (d) If the [~~lieutenant governor~~] director approves a board's application described in this
1737 section:
- 1738 (i) all future elections for membership on the board shall be held at the time of the
1739 general election specified in the application; and
- 1740 (ii) the board may not hold elections at the time of an election other than the general
1741 election specified in the application, unless the board receives permission from the [
1742 ~~lieutenant governor~~] director to change the election under the same procedure, and
1743 by applying the same criteria, described in this Subsection (14).
- 1744 (15)(a) This Subsection (15) applies to a special district if:
- 1745 (i) the special district's board members are elected by the owners of real property, as
1746 provided in Subsection 17B-1-1402(1)(b); and
- 1747 (ii) the special district was created before January 1, 2020.
- 1748 (b) The board of a special district described in Subsection (15)(a) may conduct an
1749 election:
- 1750 (i) to fill a board member position that expires at the end of the term for that board
1751 member's position; and
- 1752 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
1753 term of a board member.
- 1754 (c) An election under Subsection (15)(b) may be conducted as determined by the special
1755 district board, subject to Subsection (15)(d).
- 1756 (d)(i) The special district board shall provide to property owners eligible to vote at
1757 the special district election:
- 1758 (A) notice of the election; and
- 1759 (B) a form to nominate an eligible individual to be elected as a board member.
- 1760 (ii)(A) The special district board may establish a deadline for a property owner to
1761 submit a nomination form.
- 1762 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
1763 after the board provides the notice and nomination form under Subsection
1764 (15)(d)(i).

- 1765 (iii)(A) After the deadline for submitting nomination forms, the special district
 1766 board shall provide a ballot to all property owners eligible to vote at the special
 1767 district election.
- 1768 (B) A special district board shall allow at least five days for ballots to be returned.
- 1769 (iv) A special district board shall certify the results of an election under this
 1770 Subsection (15) during an open meeting of the board.
- 1771 Section 25. Section **20A-1-102** is amended to read:
- 1772 **20A-1-102 . Definitions.**
- 1773 As used in this title:
- 1774 (1) "Active voter" means a registered voter who has not been classified as an inactive voter
 1775 by the county clerk.
- 1776 (2) "Automatic tabulating equipment" means apparatus that automatically examines and
 1777 counts votes recorded on ballots and tabulates the results.
- 1778 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
 1779 storage medium, that records an individual voter's vote.
- 1780 (b) "Ballot" does not include a record to tally multiple votes.
- 1781 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on
 1782 the ballot for their approval or rejection including:
- 1783 (a) an opinion question specifically authorized by the Legislature;
- 1784 (b) a constitutional amendment;
- 1785 (c) an initiative;
- 1786 (d) a referendum;
- 1787 (e) a bond proposition;
- 1788 (f) a judicial retention question;
- 1789 (g) an incorporation of a city or town; or
- 1790 (h) any other ballot question specifically authorized by the Legislature.
- 1791 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together
 1792 using staples or another means in at least three places across the top of the paper in the
 1793 blank space reserved for securing the paper.
- 1794 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
 1795 20A-4-306 to canvass election returns.
- 1796 (7) "Bond election" means an election held for the purpose of approving or rejecting the
 1797 proposed issuance of bonds by a government entity.
- 1798 (8) "Business reply mail envelope" means an envelope that may be mailed free of charge by

- 1799 the sender.
- 1800 (9) "Canvass" means the review of election returns and the official declaration of election
1801 results by the board of canvassers.
- 1802 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the
1803 canvass.
- 1804 (11) "Contracting election officer" means an election officer who enters into a contract or
1805 interlocal agreement with a provider election officer.
- 1806 (12) "Convention" means the political party convention at which party officers and
1807 delegates are selected.
- 1808 (13) "Counting center" means one or more locations selected by the election officer in
1809 charge of the election for the automatic counting of ballots.
- 1810 (14) "Counting judge" means a poll worker designated to count the ballots during election
1811 day.
- 1812 (15) "Counting room" means a suitable and convenient private place or room for use by the
1813 poll workers and counting judges to count ballots.
- 1814 (16) "County officers" means those county officers that are required by law to be elected.
- 1815 (17) "Date of the election" or "election day" or "day of the election":
- 1816 (a) means the day that is specified in the calendar year as the day that the election
1817 occurs; and
- 1818 (b) does not include:
- 1819 (i) deadlines established for voting by mail, military-overseas voting, or emergency
1820 voting; or
- 1821 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,
1822 Early Voting.
- 1823 (18) "Director" means the director of the office, appointed under Subsection
1824 20A-1-104.6(3)(a).
- 1825 [(18)] (19) "Elected official" means:
- 1826 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
1827 Municipal Alternate Voting Methods Pilot Project;
- 1828 (b) a person who is considered to be elected to a municipal office in accordance with
1829 Subsection [20A-1-206(1)(e)(ii)] 20A-1-206(2)(b)(ii) or (3)(b)(ii); or
- 1830 (c) a person who is considered to be elected to a special district office in accordance
1831 with Subsection [20A-1-206(3)(b)(ii)] 20A-1-206(5)(b) or (6)(b).
- 1832 [(19)] (20) "Election" means a regular general election, a municipal general election, a

- 1833 statewide special election, a local special election, a regular primary election, a
 1834 municipal primary election, and a special district election.
- 1835 [(20)] (21) "Election Assistance Commission" means the commission established by the
 1836 Help America Vote Act of 2002, Pub. L. No. 107-252.
- 1837 [(21)] (22) "Election cycle" means the period beginning on the first day persons are eligible
 1838 to file declarations of candidacy and ending when the canvass is completed.
- 1839 [(22)] (23) "Election judge" means a poll worker that is assigned to:
- 1840 (a) preside over other poll workers at a polling place;
- 1841 (b) act as the presiding election judge; or
- 1842 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1843 [(23)] (24) "Election officer" means:
- 1844 (a) the [~~lieutenant governor~~] director, for all statewide ballots and elections;
- 1845 (b) the county clerk for:
- 1846 (i) a county ballot and election; and
- 1847 (ii) a ballot and election as a provider election officer as provided in Section
 1848 20A-5-400.1 or 20A-5-400.5;
- 1849 (c) the municipal clerk for:
- 1850 (i) a municipal ballot and election; and
- 1851 (ii) a ballot and election as a provider election officer as provided in Section
 1852 20A-5-400.1 or 20A-5-400.5;
- 1853 (d) the special district clerk or chief executive officer for:
- 1854 (i) a special district ballot and election; and
- 1855 (ii) a ballot and election as a provider election officer as provided in Section
 1856 20A-5-400.1 or 20A-5-400.5; or
- 1857 (e) the business administrator or superintendent of a school district for:
- 1858 (i) a school district ballot and election; and
- 1859 (ii) a ballot and election as a provider election officer as provided in Section
 1860 20A-5-400.1 or 20A-5-400.5.
- 1861 [(24)] (25) "Election official" means any election officer, election judge, or poll worker.
- 1862 [(25)] (26) "Election results" means:
- 1863 (a) for an election other than a bond election, the count of votes cast in the election and
 1864 the election returns requested by the board of canvassers; or
- 1865 (b) for bond elections, the count of those votes cast for and against the bond proposition
 1866 plus any or all of the election returns that the board of canvassers may request.

- 1867 [~~(26)~~] (27) "Election returns" includes:
- 1868 (a) the pollbook, the military and overseas absentee voter registration and voting
- 1869 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all
- 1870 excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 1871 the total votes cast form; and
- 1872 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
- 1873 ballot.
- 1874 [~~(27)~~] (28) "Electronic signature" means an electronic sound, symbol, or process attached to
- 1875 or logically associated with a record and executed or adopted by a person with the intent
- 1876 to sign the record.
- 1877 [~~(28)~~] (29) "Inactive voter" means a registered voter who is listed as inactive by a county
- 1878 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).
- 1879 [~~(29)~~] (30) "Judicial office" means the office filled by any judicial officer.
- 1880 [~~(30)~~] (31) "Judicial officer" means any justice or judge of a court of record or any county
- 1881 court judge.
- 1882 [~~(31)~~] (32) "Local election" means a regular county election, a regular municipal election, a
- 1883 municipal primary election, a local special election, a special district election, and a
- 1884 bond election.
- 1885 [~~(32)~~] (33) "Local political subdivision" means a county, a municipality, a special district, or
- 1886 a local school district.
- 1887 [~~(33)~~] (34) "Local special election" means a special election called by the governing body of
- 1888 a local political subdivision in which all registered voters of the local political
- 1889 subdivision may vote.
- 1890 [~~(34)~~] (35) "Manual ballot" means a paper document produced by an election officer on
- 1891 which an individual records an individual's vote by directly placing a mark on the paper
- 1892 document using a pen or other marking instrument.
- 1893 [~~(35)~~] (36) "Mechanical ballot" means a record, including a paper record, electronic record,
- 1894 or mechanical record, that:
- 1895 (a) is created via electronic or mechanical means; and
- 1896 (b) records an individual voter's vote cast via a method other than an individual directly
- 1897 placing a mark, using a pen or other marking instrument, to record an individual
- 1898 voter's vote.
- 1899 [~~(36)~~] (37) "Municipal executive" means:
- 1900 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or

1901 (b) the mayor in the council-manager form of government defined in Subsection
 1902 10-3b-103(6).

1903 [(37)] (38) "Municipal general election" means the election held in municipalities and, as
 1904 applicable, special districts on the first Tuesday after the first Monday in November of
 1905 each odd-numbered year for the purposes established in Section 20A-1-202.

1906 [(38)] (39) "Municipal legislative body" means the council of the city or town in any form
 1907 of municipal government.

1908 [(39)] (40) "Municipal office" means an elective office in a municipality.

1909 [(40)] (41) "Municipal officers" means those municipal officers that are required by law to
 1910 be elected.

1911 [(41)] (42) "Municipal primary election" means an election held to nominate candidates for
 1912 municipal office.

1913 [(42)] (43) "Municipality" means a city or town.

1914 (44) "Office" means the Elections Office, created in Section 63A-19-21.

1915 [(43)] (45) "Official ballot" means the ballots distributed by the election officer for voters to
 1916 record their votes.

1917 [(44)] (46) "Official endorsement" means the information on the ballot that identifies:
 1918 (a) the ballot as an official ballot;
 1919 (b) the date of the election; and
 1920 (c)(i) for a ballot prepared by an election officer other than a county clerk, the
 1921 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
 1922 (ii) for a ballot prepared by a county clerk, the words required by Subsection
 1923 20A-6-301(1)(b)(iii).

1924 [(45)] (47) "Official register" means the official record furnished to election officials by the
 1925 election officer that contains the information required by Section 20A-5-401.

1926 [(46)] (48) "Political party" means an organization of registered voters that has qualified to
 1927 participate in an election by meeting the requirements of Chapter 8, Political Party
 1928 Formation and Procedures.

1929 [(47)] (49)(a) "Poll worker" means a person assigned by an election official to assist with
 1930 an election, voting, or counting votes.
 1931 (b) "Poll worker" includes election judges.
 1932 (c) "Poll worker" does not include a watcher.

1933 [(48)] (50) "Pollbook" means a record of the names of voters in the order that they appear to
 1934 cast votes.

- 1935 [~~(49)~~] (51) "Polling place" means a building where voting is conducted.
- 1936 [~~(50)~~] (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
1937 in which the voter marks the voter's choice.
- 1938 [~~(51)~~] (53) "Presidential Primary Election" means the election established in Chapter 9, Part
1939 8, Presidential Primary Election.
- 1940 [~~(52)~~] (54) "Primary convention" means the political party conventions held during the year
1941 of the regular general election.
- 1942 [~~(53)~~] (55) "Protective counter" means a separate counter, which cannot be reset, that:
1943 (a) is built into a voting machine; and
1944 (b) records the total number of movements of the operating lever.
- 1945 [~~(54)~~] (56) "Provider election officer" means an election officer who enters into a contract or
1946 interlocal agreement with a contracting election officer to conduct an election for the
1947 contracting election officer's local political subdivision in accordance with Section
1948 20A-5-400.1.
- 1949 [~~(55)~~] (57) "Provisional ballot" means a ballot voted provisionally by a person:
1950 (a) whose name is not listed on the official register at the polling place;
1951 (b) whose legal right to vote is challenged as provided in this title; or
1952 (c) whose identity was not sufficiently established by a poll worker.
- 1953 [~~(56)~~] (58) "Provisional ballot envelope" means an envelope printed in the form required by
1954 Section 20A-6-105 that is used to identify provisional ballots and to provide information
1955 to verify a person's legal right to vote.
- 1956 [~~(57)~~] (59)(a) "Public figure" means an individual who, due to the individual being
1957 considered for, holding, or having held a position of prominence in a public or
1958 private capacity, or due to the individual's celebrity status, has an increased risk to the
1959 individual's safety.
- 1960 (b) "Public figure" does not include an individual:
1961 (i) elected to public office; or
1962 (ii) appointed to fill a vacancy in an elected public office.
- 1963 [~~(58)~~] (60) "Qualify" or "qualified" means to take the oath of office and begin performing
1964 the duties of the position for which the individual was elected.
- 1965 [~~(59)~~] (61) "Receiving judge" means the poll worker that checks the voter's name in the
1966 official register at a polling place and provides the voter with a ballot.
- 1967 [~~(60)~~] (62) "Registration form" means a form by which an individual may register to vote
1968 under this title.

- 1969 [(61)] (63) "Regular ballot" means a ballot that is not a provisional ballot.
- 1970 [(62)] (64) "Regular general election" means the election held throughout the state on the
 1971 first Tuesday after the first Monday in November of each even-numbered year for the
 1972 purposes established in Section 20A-1-201.
- 1973 [(63)] (65) "Regular primary election" means the election, held on the date specified in
 1974 Section 20A-1-201.5, to nominate candidates of political parties and candidates for
 1975 nonpartisan local school board positions to advance to the regular general election.
- 1976 [(64)] (66) "Resident" means a person who resides within a specific voting precinct in Utah.
- 1977 [(65)] (67) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
 1978 provided to a voter with a manual ballot:
- 1979 (a) into which the voter places the manual ballot after the voter has voted the manual
 1980 ballot in order to preserve the secrecy of the voter's vote; and
- 1981 (b) that includes the voter affidavit and a place for the voter's signature.
- 1982 [(66)] (68) "Sample ballot" means a mock ballot similar in form to the official ballot,
 1983 published as provided in Section 20A-5-405.
- 1984 [(67)] (69) "Special district" means a local government entity under Title 17B, Limited
 1985 Purpose Local Government Entities - Special Districts, and includes a special service
 1986 district under Title 17D, Chapter 1, Special Service District Act.
- 1987 [(68)] (70) "Special district officers" means those special district board members who are
 1988 required by law to be elected.
- 1989 [(69)] (71) "Special election" means an election held as authorized by Section 20A-1-203.
- 1990 [(70)] (72) "Spoiled ballot" means each ballot that:
- 1991 (a) is spoiled by the voter;
- 1992 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 1993 (c) lacks the official endorsement.
- 1994 [(71)] (73) "Statewide special election" means a special election called by the governor or
 1995 the Legislature in which all registered voters in Utah may vote.
- 1996 [(72)] (74) "Tabulation system" means a device or system designed for the sole purpose of
 1997 tabulating votes cast by voters at an election.
- 1998 [(73)] (75) "Ticket" means a list of:
- 1999 (a) political parties;
- 2000 (b) candidates for an office; or
- 2001 (c) ballot propositions.
- 2002 [(74)] (76) "Transfer case" means the sealed box used to transport voted ballots to the

2003 counting center.

2004 [(75)] (77) "Vacancy" means:

- 2005 (a) except as provided in Subsection [(75)(b)] (77)(b), the absence of an individual to
 2006 serve in a position created by state constitution or state statute, whether that absence
 2007 occurs because of death, disability, disqualification, resignation, or other cause[-]; or
 2008 (b) in relation to a candidate for a position created by state constitution or state statute,
 2009 the removal of a candidate due to the candidate's death, resignation, or
 2010 disqualification.

2011 [(76)] (78) "Valid voter identification" means:

- 2012 (a) a form of identification that bears the name and photograph of the voter which may
 2013 include:
 2014 (i) a currently valid Utah driver license;
 2015 (ii) a currently valid identification card that is issued by:
 2016 (A) the state; or
 2017 (B) a branch, department, or agency of the United States;
 2018 (iii) a currently valid Utah permit to carry a concealed weapon;
 2019 (iv) a currently valid United States passport; or
 2020 (v) a currently valid United States military identification card;
 2021 (b) one of the following identification cards, whether or not the card includes a
 2022 photograph of the voter:
 2023 (i) a valid tribal identification card;
 2024 (ii) a Bureau of Indian Affairs card; or
 2025 (iii) a tribal treaty card; or
 2026 (c) two forms of identification not listed under Subsection [(76)(a) or (b)] (78)(a) or (b)
 2027 but that bear the name of the voter and provide evidence that the voter resides in the
 2028 voting precinct, which may include:
 2029 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 2030 election;
 2031 (ii) a bank or other financial account statement, or a legible copy thereof;
 2032 (iii) a certified birth certificate;
 2033 (iv) a valid social security card;
 2034 (v) a check issued by the state or the federal government or a legible copy thereof;
 2035 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 2036 (vii) a currently valid Utah hunting or fishing license;

- 2037 (viii) certified naturalization documentation;
- 2038 (ix) a currently valid license issued by an authorized agency of the United States;
- 2039 (x) a certified copy of court records showing the voter's adoption or name change;
- 2040 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 2041 (xii) a currently valid identification card issued by:
- 2042 (A) a local government within the state;
- 2043 (B) an employer for an employee; or
- 2044 (C) a college, university, technical school, or professional school located within
- 2045 the state; or
- 2046 (xiii) a current Utah vehicle registration.
- 2047 ~~[(77)]~~ (79) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 2048 candidate by following the procedures and requirements of this title.
- 2049 ~~[(78)]~~ (80) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter,
- 2050 by:
- 2051 (a) mailing the ballot to the location designated in the mailing; or
- 2052 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 2053 ~~[(79)]~~ (81) "Voter" means an individual who:
- 2054 (a) meets the requirements for voting in an election;
- 2055 (b) meets the requirements of election registration;
- 2056 (c) is registered to vote; and
- 2057 (d) is listed in the official register book.
- 2058 ~~[(80)]~~ (82) "Voter registration deadline" means the registration deadline provided in Section
- 2059 20A-2-102.5.
- 2060 ~~[(81)]~~ (83) "Voting area" means the area within six feet of the voting booths, voting
- 2061 machines, and ballot box.
- 2062 ~~[(82)]~~ (84) "Voting booth" means:
- 2063 (a) the space or compartment within a polling place that is provided for the preparation
- 2064 of ballots, including the voting enclosure or curtain; or
- 2065 (b) a voting device that is free standing.
- 2066 ~~[(83)]~~ (85) "Voting device" means any device provided by an election officer for a voter to
- 2067 vote a mechanical ballot.
- 2068 ~~[(84)]~~ (86) "Voting precinct" means the smallest geographical voting unit, established under
- 2069 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 2070 ~~[(85)]~~ (87) "Watcher" means an individual who complies with the requirements described in

2071 Section 20A-3a-801 to become a watcher for an election.
 2072 [(86)] (88) "Write-in ballot" means a ballot containing any write-in votes.
 2073 [(87)] (89) "Write-in vote" means a vote cast for an individual, whose name is not printed on
 2074 the ballot, in accordance with the procedures established in this title.

2075 Section 26. Section **20A-1-104.5** is enacted to read:

2076 **20A-1-104.5 . Definitions.**

2077 As used in this chapter:

- 2078 (1) "Appointing committee" means the committee created in Subsection 20A-1-104.6(2).
 2079 (2) "Director" means the director of the office, appointed under Subsection
 2080 20A-1-104.6(3)(a).
 2081 (3) "Independent state agency" means the same as that term is defined in Section 63E-1-102.
 2082 (4) "Office" means the Elections Office, created in Subsection 20A-1-104.6(1).

2083 Section 27. Section **20A-1-104.6** is enacted to read:

2084 **20A-1-104.6 . Elections Office - Creation -- Director -- Appointment -- Term.**

- 2085 (1) There is created an independent state agency known as the "Elections Office."
 2086 (2)(a) There is created an appointing committee, consisting of the following:
 2087 (i) two county clerks selected by the governor;
 2088 (ii) one county clerk selected by the president of the Senate;
 2089 (iii) one county clerk selected by the speaker of the House or Representatives; and
 2090 (iv) one county clerk selected by the state auditor.
 2091 (b) The individuals described in Subsections (2)(a)(i) through (iv):
 2092 (i) shall select the first appointing committee on or before July 1, 2025;
 2093 (ii) shall select a new appointing committee on or before July 1, every four years
 2094 after 2025; and
 2095 (iii) may, when selecting a new appointing committee, select or reselect a county
 2096 clerk who previously served on the appointing committee.
 2097 (3) The appointing committee shall, by a majority vote of the members of the appointing
 2098 committee:
 2099 (a) appoint a director to administer the office; and
 2100 (b) establish the salary for the director based upon a recommendation from the Division
 2101 of Human Resource Management which shall be based on a market salary survey
 2102 conducted by the Division of Human Resource Management.
 2103 (4) An individual appointed as the director:
 2104 (a) shall be familiar with federal and state election law;

- 2105 (b) shall be familiar with the state's election system;
 2106 (c) shall have strong management and interpersonal skills;
 2107 (d) shall be a nonpartisan individual who is not affiliated with a political party; and
 2108 (e) may not hold an elective office, or be a candidate for elective office, while serving as
 2109 the director.
- 2110 (5)(a) The director:
- 2111 (i) shall, unless removed early by the appointing committee, serve until December 31
 2112 of the year in which a new appointing committee is selected under Subsection
 2113 (2)(b)(ii); and
- 2114 (ii) is an at will employee who may be removed at any time, with or without cause,
 2115 by a majority vote of the appointing committee.
- 2116 (b) A new appointing committee shall:
- 2117 (i) reappoint the director to begin a new term of service on January 1 following the
 2118 selection of the new appointing committee; or
- 2119 (ii) appoint a new director to begin serving on January 1 following the selection of
 2120 the new appointing committee.
- 2121 (c) If the office of director becomes vacant before the director's term ends under
 2122 Subsection (5)(a)(i), the appointing committee:
- 2123 (i) shall appoint a new director to serve the remainder of the former director's term;
 2124 and
- 2125 (ii) may appoint an interim director pending appointment of a new director.
- 2126 (6) The office:
- 2127 (a) shall use the legal services of the Office of the Attorney General;
 2128 (b) shall submit a budget for the office directly to the department;
 2129 (c) is subject to:
- 2130 (i) Title 51, Chapter 5, Funds Consolidation Act;
 2131 (ii) Title 51, Chapter 7, State Money Management Act;
 2132 (iii) Title 52, Chapter 4, Open and Public Meetings Act;
 2133 (iv) Title 63A, Chapter 17, Utah State Personnel Management Act;
 2134 (v) Title 63G, Chapter 2, Government Records Access and Management Act;
 2135 (vi) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 2136 (vii) Title 63G, Chapter 6a, Utah Procurement Code;
 2137 (viii) Title 63J, Chapter 1, Budgetary Procedures Act;
 2138 (ix) Title 63J, Chapter 2, Revenue Procedures and Control Act;

- 2139 (x) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and
 2140 (xi) coverage under the Risk Management Fund created under Section 63A-4-201;
 2141 and
 2142 (d) shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 2143 Act, make rules to establish policies for employees that are substantially similar to
 2144 the rules made by the Division of Human Resource Management.
- 2145 Section 28. Section **20A-1-104.7** is enacted to read:
 2146 **20A-1-104.7 . Duties of the director.**
- 2147 (1) The director shall, in accordance with Subsection (2), serve as the chief election officer
 2148 of the state.
- 2149 (2)(a) As the chief election officer, the director shall:
- 2150 (i) exercise oversight, and general supervisory authority, over all elections;
 2151 (ii) exercise direct authority over the conduct of elections for federal, state, and
 2152 multicounty officers and statewide or multicounty ballot propositions and any
 2153 recounts involving those races;
 2154 (iii) establish uniformity in the election ballot;
 2155 (iv)(A) prepare election information for the public as required by law and as
 2156 determined appropriate by the director; and
 2157 (B) make the information described in Subsection (2)(a)(iv)(A) available to the
 2158 public and to news media, on the Internet, and in other forms as required by
 2159 law and as determined appropriate by the director;
 2160 (v) receive and answer election questions and maintain an election file on opinions
 2161 received from the attorney general;
 2162 (vi) maintain a current list of registered political parties as defined in Section
 2163 20A-8-101;
 2164 (vii) maintain election returns and statistics;
 2165 (viii) certify to the governor the names of individuals nominated to run for, or elected
 2166 to, office;
 2167 (ix) ensure that all voting equipment purchased by the state complies with the
 2168 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;
 2169 (x) during a declared emergency, to the extent that the director determines it
 2170 warranted, designate, as provided in Section 20A-1-308, a different method, time,
 2171 or location relating to:
 2172 (A) voting on election day;

- 2173 (B) early voting;
2174 (C) the transmittal or voting of a mail-in ballot or military-overseas ballot;
2175 (D) the counting of a mail-in ballot or military-overseas ballot; or
2176 (E) the canvassing of election returns; and
2177 (xi) exercise all other election authority, and perform other election duties, as
2178 provided in this title.
- 2179 (b) As chief election officer, the director:
- 2180 (i) shall oversee all elections, and functions relating to elections, in the state;
2181 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance
2182 by an election officer with legal requirements relating to elections; and
2183 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,
2184 town clerks, or other local election officials by this title.
- 2185 (3) The director shall:
- 2186 (a) for a new municipality:
- 2187 (i) determine the new municipality's classification under Section 10-2-301 upon the
2188 city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a
2189 Municipality, based on the municipality's population using the population estimate
2190 from the Utah Population Committee;
2191 (ii) prepare a certificate indicating the class in which the new municipality belongs
2192 based on the municipality's population; and
2193 (iii) within 10 days after the day on which the director prepares the certificate, deliver
2194 a copy of the certificate to the municipality's legislative body;
- 2195 (b) for a consolidated municipality:
- 2196 (i) determine the classification under Section 10-2-301 of a consolidated municipality
2197 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
2198 6, Consolidation of Municipalities, using population information from:
2199 (A) each official census or census estimate of the United States Bureau of the
2200 Census; or
2201 (B) the population estimate from the Utah Population Committee, if the
2202 population of a municipality is not available from the United States Bureau of
2203 the Census;
2204 (ii) prepare a certificate indicating the class in which the consolidated municipality
2205 belongs based on the municipality's population; and
2206 (iii) within 10 days after the day on which the director prepares the certificate, deliver

- 2207 a copy of the certificate to the consolidated municipality's legislative body;
- 2208 (c) monitor the population of each municipality using population information from:
- 2209 (i) each official census or census estimate of the United States Bureau of the Census;
- 2210 or
- 2211 (ii) the population estimate from the Utah Population Committee, if the population of
- 2212 a municipality is not available from the United States Bureau of the Census;
- 2213 (d) if the applicable population figure described in Subsection (3)(b) or (c) indicates that
- 2214 a municipality's population has increased beyond the population for the
- 2215 municipality's current class:
- 2216 (i) prepare a certificate indicating the class in which the municipality belongs based
- 2217 on the increased population figure; and
- 2218 (ii) within 10 days after the day on which the director prepares the certificate, deliver
- 2219 a copy of the certificate to the legislative body of the municipality whose class has
- 2220 changed;
- 2221 (e) if the applicable population figure under Subsection (3)(b) or (c) indicates that a
- 2222 municipality's population has decreased below the population for the municipality's
- 2223 current class, send written notification of that fact to the municipality's legislative
- 2224 body; and
- 2225 (f) upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
- 2226 population has decreased below the population for the municipality's current class:
- 2227 (i) prepare a certificate indicating the class in which the municipality belongs based
- 2228 on the decreased population figure; and
- 2229 (ii) within 10 days after the day on which the director prepares the certificate, deliver
- 2230 a copy of the certificate to the legislative body of the municipality whose class has
- 2231 changed.

2232 Section 29. Section **20A-1-105** is amended to read:

2233 **20A-1-105 . Chief election officer of the state -- Duties, authority, and**

2234 **enforcement.**

- 2235 (1) The [~~lieutenant governor~~] director:
- 2236 (a) is the chief election officer of the state;
- 2237 (b) is responsible to oversee, and generally supervise, all elections and functions relating
- 2238 to elections in the state; and
- 2239 (c) shall enforce compliance by election officers with all legal requirements relating to
- 2240 elections, including:

- 2241 (i) Public Law 103-31, the National Voter Registration Act of 1993;
- 2242 (ii) Public Law 107-252, the Help America Vote Act of 2002;
- 2243 (iii) all other applicable provisions of federal law and rule relating to elections;
- 2244 (iv) state law relating to elections;
- 2245 (v) the requirements of this title; and
- 2246 (vi) rules made under this title.
- 2247 (2) To the extent that the [~~lieutenant governor~~] director determines the following is useful in
- 2248 fulfilling the responsibilities described in Subsection (1), the [~~lieutenant governor~~]
- 2249 director has:
- 2250 (a) full access to closely observe, examine, and copy all records, documents, recordings,
- 2251 and other information in the custody or control of an election officer or a board of
- 2252 canvassers;
- 2253 (b) full access to closely observe, examine, and copy all voter registration records,
- 2254 ballots, ballot envelopes, vote tallies, canvassing records, and other election returns in
- 2255 the custody or control of an election officer or a board of canvassers;
- 2256 (c) full access to closely observe and examine all facilities, storage areas, and
- 2257 equipment, and to closely observe, examine, or copy all materials, in the custody or
- 2258 control of an election officer or a board of canvassers;
- 2259 (d) full access to all staff, including full-time, part-time, and volunteer staff of an
- 2260 election officer or a board of canvassers;
- 2261 (e) full access to closely observe, examine, and copy all records and information relating
- 2262 to election audits that are conducted, directed, or commissioned by a county clerk;
- 2263 (f) the right to attend any meeting, including a closed meeting, relating to a matter
- 2264 within the scope of authority or responsibility of the [~~lieutenant governor~~] director
- 2265 described in this chapter or Subsection [~~67-1a-2(2)~~] 63A-19-202(2); and
- 2266 (g) the right to closely observe and examine any work or other process relating to a
- 2267 matter within the scope of authority or responsibility of the [~~lieutenant governor~~]
- 2268 director described in this chapter or Subsection [~~67-1a-2(2)~~] 63A-19-202(2).
- 2269 (3) An election officer shall fully assist, and cooperate with, the [~~lieutenant governor~~]
- 2270 director in:
- 2271 (a) fulfillment, by the [~~lieutenant governor~~] director, of the responsibilities described in
- 2272 Subsection (1); and
- 2273 (b) obtaining the access and exercising the rights described in Subsection (2).
- 2274 (4) If the [~~lieutenant governor~~] director determines that an election officer is in violation of a

- 2275 law or rule described in Subsection (1)(c), the [~~lieutenant governor~~] director, in an effort
2276 to remedy the violation and bring the election officer into compliance with the law or
2277 rule:
- 2278 (a) shall consult with the election officer; and
2279 (b) may provide training and other assistance to the election officer to the extent the [~~lieutenant governor~~] director determines warranted.
- 2281 (5) If a violation continues after the [~~lieutenant governor~~] director complies with Subsection
2282 (4)(a), the [~~lieutenant governor~~] director shall issue a written order to the election officer
2283 that:
- 2284 (a) describes the violation;
2285 (b) describes the action taken under Subsection (4) to remedy the violation and bring the
2286 election officer into compliance with the law or rule;
2287 (c) directs the election officer to remedy and cease the violation;
2288 (d) describes the specific actions the election officer must take to comply with the order;
2289 (e) states the deadline for the election officer to comply with the order; and
2290 (f) describes the actions the election officer must take to verify compliance with the
2291 order.
- 2292 (6)(a) An order described in Subsection (5) has the force of law.
2293 (b) An election officer shall fully comply with an order described in Subsection (5)
2294 unless the election officer obtains a court order rescinding or modifying the order in
2295 accordance with Subsections (7) through (9).
- 2296 (7) An election officer desiring to seek a court order described in Subsection (6) shall file
2297 an action seeking a court order within 10 days after the day on which the [~~lieutenant~~
2298 ~~governor~~] director issues the order described in Subsection (5).
- 2299 (8) A court may not rescind or modify an order described in Subsection (5) unless, and only
2300 to the extent that:
- 2301 (a) the order is arbitrary or capricious;
2302 (b) the court finds that the violation alleged by the [~~lieutenant governor~~] director did not
2303 occur; or
2304 (c) the court determines that the violation alleged by the [~~lieutenant governor~~] director is
2305 not a violation of law or rule.
- 2306 (9) An election officer who files an action described in Subsection (7) has the burden of
2307 proof.
- 2308 (10) This section does not prohibit the [~~lieutenant governor~~] director from bringing a legal

2309 action, at any time, to compel an election officer to comply with the law and rules
2310 described in Subsection (1).

2311 Section 30. Section **20A-1-106** is amended to read:

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

2313 (1) As used in this section, "clerk" means an election officer other than the [~~lieutenant~~
2314 ~~governor~~] director.

2315 (2) A clerk shall:

2316 (a) comply with all of the following in relation to elections:

2317 (i) federal and state law;

2318 (ii) federal and state rules; and

2319 (iii) the policies and direction of the [~~lieutenant governor~~] director; and

2320 (b) diligently learn and become familiar with the law, rules, policies, and direction
2321 described in Subsection (2)(a).

2322 Section 31. Section **20A-1-107** is amended to read:

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

2324 (1) As used in this section, "election administrator" means:

2325 (a) a county clerk; and

2326 (b) if the county clerk employs one or more individuals who assist with elections:

2327 (i) the most senior employee who assists with elections; or

2328 (ii) if more than one employee qualifies as the most senior employee under

2329 Subsection (1)(b)(i), one of those employees, as designated by the election officer.

2330 (2) The [~~lieutenant governor~~] director shall, in accordance with this section:

2331 (a) design and provide training to election officers and government workers who
2332 perform functions relating to elections; and

2333 (b) provide the training described in this section without charge to the officers and
2334 workers described in Subsection (2)(a).

2335 (3) The training shall include:

2336 (a) a course designed for election administrators:

2337 (i) that may include multiple sessions;

2338 (ii) that may require attendance on multiple occasions; and

2339 (iii) for which the [~~lieutenant governor~~] director may, notwithstanding Section
2340 63G-22-103, require live attendance; and

2341 (b) a course designed for government workers, who perform functions relating to
2342 elections, that consists of modules relating to individual election processes.

- 2343 (4)(a) An election administrator who was elected, appointed, or hired before May 3,
2344 2023, shall:
- 2345 (i) begin the first session described in Subsection (3)(a) before July 1, 2024; and
2346 (ii) complete all sessions within four years after the election administrator takes the
2347 first session.
- 2348 (b) An election administrator who is elected, appointed, or hired on or after May 3,
2349 2023, shall:
- 2350 (i) begin the first session described in Subsection (3)(a) within one year after the day
2351 on which the election administrator is elected, appointed, or hired; and
2352 (ii) complete all sessions within four years after the election administrator takes the
2353 first session.
- 2354 (5) The ~~[lieutenant governor]~~ director shall reimburse an election administrator who is
2355 required under this section to attend the training described in Subsection (3)(a) per diem
2356 and travel expenses for attending the training, in accordance with:
- 2357 (a) Section 63A-3-106;
2358 (b) Section 63A-3-107; and
2359 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2360 63A-3-107.
- 2361 (6) An individual may not perform an election process for which the ~~[lieutenant governor]~~
2362 director has developed an online training module described in Subsection (3)(b), unless
2363 the individual has completed the training module developed for that election process.
- 2364 (7) The ~~[director of elections, within the Office of the Lieutenant Governor,]~~ office may
2365 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2366 Act, establishing requirements for:
- 2367 (a) complying with the training requirements described in this section; and
2368 (b) supplemental or refresher training that the ~~[lieutenant governor]~~ director determines is
2369 needed to ensure the integrity of elections in the state.
- 2370 Section 32. Section **20A-1-108** is amended to read:
- 2371 **20A-1-108 . Audits -- Studies relating to elections.**
- 2372 (1) Except as provided in Subsection (2):
- 2373 (a) the ~~[director of elections within the Office of the Lieutenant Governor]~~ office shall
2374 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
2375 Rulemaking Act, establishing requirements and procedures for an audit described in
2376 this title; and

- 2377 (b) an election officer shall ensure that, when an audit is conducted of work done during
 2378 ballot processing, the individual who performs the audit does not audit the
 2379 individual's own work.
- 2380 (2) Subsection (1) does not relate to an audit conducted by the legislative auditor general or
 2381 the ~~[lieutenant governor]~~ director.
- 2382 (3) The ~~[lieutenant governor]~~ director shall keep the Government Operations Interim
 2383 Committee informed of advances in election technology that the committee may want to
 2384 study for use in Utah's elections.
- 2385 (4) The ~~[lieutenant governor]~~ director shall:
- 2386 (a) study methods to improve post-election audits to confirm that the election correctly
 2387 identified the winning candidates, including evaluating:
- 2388 (i) different risk-limiting audit methods; and
 2389 (ii) other confirmation methods; and
- 2390 (b) at or before the last 2023 meeting of the Government Operations Interim Committee,
 2391 report to the committee on:
- 2392 (i) the methods studied; and
 2393 (ii) recommendations for post-election audit requirements.
- 2394 ~~[(5) The Driver License Division shall, in cooperation with the lieutenant governor:]~~
 2395 ~~[(a) study:]~~
- 2396 ~~[(i) the options for improving the quality of signatures collected by the Driver~~
 2397 ~~License Division that are used for signature verification in an election; and]~~
 2398 ~~[(ii) the technology needs and costs associated with the options described in~~
 2399 ~~Subsection (5)(a)(i); and]~~
- 2400 ~~[(b) at or before the last 2023 meeting of the Government Operations Interim~~
 2401 ~~Committee, report to the committee on:]~~
- 2402 ~~[(i) the options, technology needs, and costs described in Subsection (5)(a); and]~~
 2403 ~~[(ii) recommendations regarding the options described in Subsection (5)(a)(i).]~~
- 2404 Section 33. Section **20A-1-206** is amended to read:
- 2405 **20A-1-206 . Cancellation of local election or local race -- Municipalities -- Special**
 2406 **districts -- Notice.**
- 2407 (1) As used in this section:
- 2408 (a) "Contested race" means a race in a general election where the number of candidates,
 2409 including any eligible write-in candidates, exceeds the number of offices to be filled
 2410 in the race.

- 2411 (b) "Election" means an event, run by an election officer, that includes one or more races
2412 for public office or one or more ballot propositions.
- 2413 (c)(i) "Race" means a contest between candidates to obtain the number of votes
2414 necessary to take a particular public office.
- 2415 (ii) "Race," as the term relates to a contest for an at-large position, includes all open
2416 positions for the same at-large office.
- 2417 (iii) "Race," as the term relates to a contest for a municipal council position that is not
2418 an at-large position, includes only the contest to represent a particular district on
2419 the council.
- 2420 (2) A municipal legislative body may cancel a local election if:
- 2421 (a) the ballot for the local election will not include any contested races or ballot
2422 propositions; and
- 2423 (b) the municipal legislative body passes, no later than 20 days before the day of the
2424 scheduled election, a resolution that cancels the election and certifies that:
- 2425 (i) the ballot for the election would not include any contested races or ballot
2426 propositions; and
- 2427 (ii) the candidates who qualified for the ballot are considered elected.
- 2428 (3) A municipal legislative body may cancel a race in a local election if:
- 2429 (a) the ballot for the race will not include any contested races or ballot propositions; and
2430 (b) the municipal legislative body passes, no later than 20 days before the day of the
2431 scheduled election, a resolution that cancels the race and certifies that:
- 2432 (i) the ballot for the race would not include any contested races or ballot propositions;
2433 and
- 2434 (ii) the candidate for the race is considered elected.
- 2435 (4) A municipal legislative body that cancels a local election in accordance with Subsection
2436 (2) shall give notice that the election is cancelled by:
- 2437 (a) subject to Subsection (8), providing notice to the [~~lieutenant governor's~~] office to be
2438 posted on the Statewide Electronic Voter Information Website described in Section
2439 20A-7-801, for 15 consecutive days before the day of the scheduled election; and
- 2440 (b) providing notice for the municipality, as a class A notice under Section 63G-30-102,
2441 for at least 15 days before the day of the scheduled election.
- 2442 (5) A special district board may cancel a local election if:
- 2443 (a) the ballot for the local election will not include any contested races or ballot
2444 propositions; and

- 2445 (b) the special district board passes, no later than 20 days before the day of the
 2446 scheduled election, a resolution that cancels the election and certifies that:
 2447 (i) the ballot for the election would not include any contested races or ballot
 2448 propositions; and
 2449 (ii) the candidates who qualified for the ballot are considered elected.
- 2450 (6) A special district board may cancel a special district race if:
 2451 (a) the race is uncontested; and
 2452 (b) the special district board passes, no later than 20 days before the day of the
 2453 scheduled election, a resolution that cancels the race and certifies that the candidate
 2454 who qualified for the ballot for that race is considered elected.
- 2455 (7) A special district that cancels a local election in accordance with Subsection (5) shall
 2456 provide notice that the election is cancelled:
 2457 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter
 2458 Information Website described in Section 20A-7-801, for 15 consecutive days before
 2459 the day of the scheduled election; and
 2460 (b) as a class A notice under Section 63G-30-102, for at least 15 days before the day of
 2461 the scheduled election.
- 2462 (8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or
 2463 a special district that posts a notice in accordance with Subsection (7)(a) is not liable for
 2464 a notice that fails to post due to technical or other error by the publisher of the Statewide
 2465 Electronic Voter Information Website.
- 2466 Section 34. Section **20A-1-305** is amended to read:
 2467 **20A-1-305 . Compilation and distribution of election laws.**
- 2468 (1) The [~~lieutenant governor~~] director shall:
 2469 (a) make an electronic compilation of [~~Title 20A, Election Code,~~] this title and any other
 2470 provisions of law that govern elections; and
 2471 (b) transmit an electronic copy of the compilation to each county clerk.
- 2472 (2) Each county clerk shall furnish each election officer in the county with a copy of the
 2473 compilation described in Subsection (1)(a).
- 2474 Section 35. Section **20A-1-308** is amended to read:
 2475 **20A-1-308 . Elections during declared emergencies.**
- 2476 (1) As used in this section, "declared emergency" means a state of emergency that:
 2477 (a) is declared by:
 2478 (i) the president of the United States;

- 2479 (ii) the governor in an executive order under Title 53, Chapter 2a, Part 2, Disaster
 2480 Response and Recovery Act; or
- 2481 (iii) the chief executive officer of a political subdivision in a proclamation under Title
 2482 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; and
- 2483 (b) affects an election in the state, including:
- 2484 (i) voting on election day;
- 2485 (ii) early voting;
- 2486 (iii) the transmittal or voting of a ballot;
- 2487 (iv) the counting of a ballot; or
- 2488 (v) the canvassing of election returns.
- 2489 (2) During a declared emergency, the [~~lieutenant governor~~] director may designate a
 2490 method, time, or location for, or relating to, an event described in Subsection (1)(b) that
 2491 is different than the method, time, or location described in this title.
- 2492 (3) The [~~lieutenant governor~~] director shall notify a voter or potential voter of a different
 2493 method, time, or location designated under Subsection (2) by:
- 2494 (a) posting a notice on the Statewide Electronic Voter Information Website established
 2495 under Section 20A-7-801;
- 2496 (b) notifying each election officer affected by the designation; and
- 2497 (c) notifying a newspaper of general circulation within the state or a local media
 2498 correspondent.
- 2499 Section 36. Section **20A-1-501** is amended to read:
- 2500 **20A-1-501 . Candidate vacancies -- Procedure for filling.**
- 2501 (1) As used in this section, "central committee" means:
- 2502 (a) the state central committee of a political party, for a candidate for:
- 2503 (i) United States senator, United States representative, governor, lieutenant governor,
 2504 attorney general, state treasurer, or state auditor; or
- 2505 (ii) state legislator if the legislative district encompasses all or a portion of more than
 2506 one county; or
- 2507 (b) the county central committee of a political party, for a party candidate seeking an
 2508 office, other than an office described in Subsection (1)(a), elected at an election held
 2509 in an even-numbered year.
- 2510 (2) Except as provided in Subsection (6), the central committee may certify the name of
 2511 another candidate to the appropriate election officer if:
- 2512 (a) for a registered political party that will have a candidate on a ballot in a primary

- 2513 election:
- 2514 (i) after the close of the period for filing a declaration of candidacy and continuing
- 2515 through the day before the day on which the [~~lieutenant governor~~] director
- 2516 provides the list described in Subsection 20A-9-403(4)(a), only one or two
- 2517 candidates from that party have filed a declaration of candidacy for that office and
- 2518 one or both dies, resigns as a candidate, or is disqualified as a candidate; and
- 2519 (ii) the central committee provides written certification of the replacement candidate
- 2520 to the appropriate election officer before the day on which the [~~lieutenant governor~~]
- 2521 director provides the list described in Subsection 20A-9-403(4)(a); [~~and~~]
- 2522 (b) for a registered political party that does not have a candidate on the ballot in a
- 2523 primary, but will have a candidate on the ballot for a regular general election:
- 2524 (i) after the close of the period for filing a declaration of candidacy and continuing
- 2525 through the day before the day on which the [~~lieutenant governor~~] director makes
- 2526 the certification described in Section 20A-5-409, the party's candidate dies,
- 2527 resigns as a candidate, or is disqualified as a candidate; and
- 2528 (ii) the central committee provides written certification of the replacement candidate
- 2529 to the appropriate election officer before the day on which the [~~lieutenant governor~~]
- 2530 director makes the certification described in Section 20A-5-409; or
- 2531 (c) for a registered political party with a candidate certified as winning a primary
- 2532 election:
- 2533 (i) after the close of the period for filing a declaration of candidacy and continuing
- 2534 through the day before the day on which the [~~lieutenant governor~~] director makes
- 2535 the certification described in Section 20A-5-409, the party's candidate dies,
- 2536 resigns as a candidate, or is disqualified as a candidate; and
- 2537 (ii) the central committee provides written certification of the replacement candidate
- 2538 to the appropriate election officer before the day on which the [~~lieutenant governor~~]
- 2539 director makes the certification described in Section 20A-5-409.
- 2540 (3) If no more than two candidates from a political party have filed a declaration of
- 2541 candidacy for an office elected at a regular general election and one resigns to become
- 2542 the party candidate for another position, the central committee of that political party may
- 2543 certify the name of another candidate to the appropriate election officer.
- 2544 (4) Each replacement candidate shall file a declaration of candidacy as required by [~~Title~~
- 2545 ~~20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy~~] Chapter
- 2546 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

- 2547 (5)(a) The name of a candidate who is certified under Subsection (2)(a) after the
2548 deadline described in Subsection (2)(a)(ii) may not appear on the primary election
2549 ballot.
- 2550 (b) The name of a candidate who is certified under Subsection (2)(b) after the deadline
2551 described in Subsection (2)(b)(ii) may not appear on the general election ballot.
- 2552 (c) The name of a candidate who is certified under Subsection (2)(c) after the deadline
2553 described in Subsection (2)(c)(ii) may not appear on the general election ballot.
- 2554 (6) A political party may not replace a candidate who is disqualified for failure to timely
2555 file a campaign disclosure financial report under [~~Title 20A, Chapter 11, Campaign and~~
2556 ~~Financial Reporting Requirements~~] Chapter 11, Campaign and Financial Reporting
2557 Requirements, or Section 17-16-6.5.
- 2558 (7) This section does not apply to a candidate vacancy for a nonpartisan office.
2559 Section 37. Section **20A-1-503** is amended to read:
2560 **20A-1-503 . Midterm vacancies in the Legislature.**
- 2561 (1) As used in this section:
- 2562 (a) "Filing deadline" means the final date for filing:
2563 (i) a declaration of candidacy as provided in Section 20A-9-202; and
2564 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 2565 (b) "Party liaison" means the political party officer designated to serve as a liaison with
2566 the [~~lieutenant governor~~] director on all matters relating to the political party's
2567 relationship with the state as required by Section 20A-8-401.
- 2568 (2) When a vacancy occurs for any reason in the office of representative in the Legislature,
2569 the governor shall fill the vacancy by immediately appointing the person whose name
2570 was submitted by the party liaison of the same political party as the prior representative.
- 2571 (3)(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
2572 the office of senator in the Legislature, it shall be filled for the unexpired term at the
2573 next regular general election.
- 2574 (b) The governor shall fill the vacancy until the next regular general election by
2575 immediately appointing the person whose name was submitted by the party liaison of
2576 the same political party as the prior senator.
- 2577 (4)(a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
2578 before August 31 of an even-numbered year in which the term of office does not
2579 expire, the [~~lieutenant governor~~] director shall:
2580 (i) establish a date and time, which is before the date for a candidate to be certified

- 2581 for the ballot under Section 20A-9-701 and no later than 21 days after the day on
 2582 which the vacancy occurred, by which a person intending to obtain a position on
 2583 the ballot for the vacant office shall file:
- 2584 (A) a declaration of candidacy; or
 2585 (B) a certificate of nomination; and
- 2586 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
 2587 (A) on the [~~lieutenant governor's~~] office's website; and
 2588 (B) to each registered political party.
- 2589 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 2590 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
 2591 candidacy or certificate of nomination according to the procedures and
 2592 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
 2593 and
- 2594 (ii) run in the regular general election if:
 2595 (A) nominated as a party candidate; or
 2596 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
 2597 Qualifications and Nominating Procedures.
- 2598 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
 2599 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
 2600 which the term of office does not expire, a party liaison from each registered political
 2601 party may submit a name of a person described in Subsection (4)(b) to the [~~lieutenant~~
 2602 ~~governor~~] director before 5 p.m. no later than August 30 for placement on the regular
 2603 general election ballot.
- 2604 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
 2605 even-numbered year in which a term does not expire, the governor shall fill the vacancy
 2606 for the unexpired term by immediately appointing the person whose name was submitted
 2607 by the party liaison of the same political party as the prior senator.
- 2608 Section 38. Section **20A-1-510** is amended to read:
- 2609 **20A-1-510 . Midterm vacancies in municipal offices.**
- 2610 (1)(a) As used in this section:
- 2611 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined
 2612 in Section 20A-1-102.
- 2613 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
- 2614 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of

- 2615 municipal executive or member of a municipal legislative body, the municipal
2616 legislative body shall, within 30 calendar days after the day on which the vacancy
2617 occurs, appoint a registered voter in the municipality who meets the qualifications for
2618 office described in Section 10-3-301 to fill the unexpired term of the vacated office.
- (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 2620 (i) give public notice of the vacancy at least 14 calendar days before the day on
2621 which the municipal legislative body meets to fill the vacancy;
- 2622 (ii) identify, in the notice:
- 2623 (A) the date, time, and place of the meeting where the vacancy will be filled;
2624 (B) the person to whom an individual interested in being appointed to fill the
2625 vacancy may submit the interested individual's name for consideration; and
2626 (C) the deadline for submitting an interested individual's name; and
- 2627 (iii) in an open meeting, interview each individual whose name is submitted for
2628 consideration, and who meets the qualifications for office, regarding the
2629 individual's qualifications.
- (d)(i) The municipal legislative body shall take an initial vote to fill the vacancy from
2630 among the names of the candidates interviewed under Subsection (1)(c)(iii).
2631
- (ii)(A) If no candidate receives a majority vote of the municipal legislative body
2632 in the initial vote described in Subsection (1)(d)(i), the two candidates that
2633 received the most votes in the initial vote, as determined by the tie-breaking
2634 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,
2635 shall be placed before the municipal legislative body for a second vote to fill
2636 the vacancy.
2637
- (B) If the initial vote results in a tie for second place, the candidates tied for
2638 second place shall be reduced to one by a coin toss conducted in accordance
2639 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection
2640 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the
2641 initial vote and the candidate that wins the coin toss described in this
2642 Subsection (1)(d)(ii)(B).
2643
- (C) If the initial vote results in a tie among three or more candidates for first place,
2644 the candidates tied for first place shall be reduced to two by a coin toss
2645 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote
2646 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that
2647 remain after the coin toss described in this Subsection (1)(d)(ii)(C).
2648

- 2649 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the
2650 municipal clerk or recorder in the presence of the municipal legislative body.
- 2651 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate
2652 receives a majority vote of the municipal legislative body, the vacancy shall be
2653 determined by a coin toss between the two candidates in accordance with
2654 Subsection (1)(d)(ii)(D).
- 2655 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)
2656 through (d), the municipal clerk or recorder shall immediately notify the [~~lieutenant~~
2657 ~~governor~~] director.
- 2658 (f) After receiving notice that a municipal legislative body has failed to timely comply
2659 with Subsections (1)(b) through (d), the [~~lieutenant governor~~] director shall:
2660 (i) notify the municipal legislative body of the violation; and
2661 (ii) direct the municipal legislative body to, within 30 calendar days after the day on
2662 which the [~~lieutenant governor~~] director provides the notice described in this
2663 Subsection (1)(f), appoint an eligible individual to fill the vacancy in accordance
2664 with Subsections (1)(c) and (d).
- 2665 (g) If the municipality fails to timely comply with a directive described in Subsection
2666 (1)(f):
2667 (i) the [~~lieutenant governor~~] director shall notify the governor of the municipality's
2668 failure to fill the vacancy; and
2669 (ii) the governor shall, within 45 days after the day on which the governor receives
2670 the notice described in Subsection (1)(g)(i), provide public notice soliciting
2671 candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an
2672 individual to fill the vacancy.
- 2673 (2)(a) A vacancy in the office of municipal executive or member of a municipal
2674 legislative body shall be filled by an interim appointment, followed by an election to
2675 fill a two-year term, if:
2676 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
2677 executive at least 14 days before the deadline for filing for election in an
2678 odd-numbered year; and
2679 (ii) two years of the vacated term will remain after the first Monday of January
2680 following the next municipal election.
- 2681 (b) In appointing an interim replacement, the municipal legislative body shall:
2682 (i) comply with the notice requirements of this section; and

- 2683 (ii) in an open meeting, interview each individual whose name is submitted for
2684 consideration, and who meets the qualifications for office, regarding the
2685 individual's qualifications.
- 2686 (3)(a) In a municipality operating under the council-mayor form of government, as
2687 defined in Section 10-3b-102:
- 2688 (i) the council may appoint an individual to fill a vacancy in the office of mayor
2689 before the effective date of the mayor's resignation by making the effective date of
2690 the appointment the same as the effective date of the mayor's resignation; and
- 2691 (ii) if a vacancy in the office of mayor occurs before the effective date of an
2692 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council
2693 members, by majority vote, shall appoint a council member to serve as acting
2694 mayor during the time between the creation of the vacancy and the effective date
2695 of the appointment to fill the vacancy.
- 2696 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
- 2697 (i) act as a council member; and
- 2698 (ii) vote at council meetings.
- 2699 (4)(a)(i) For a vacancy of a member of a municipal legislative body as described in
2700 this section, the municipal legislative body member whose resignation creates the
2701 vacancy on the municipal legislative body may:
- 2702 (A) interview an individual whose name is submitted for consideration under
2703 Subsection (1)(c)(iii) or (2)(b)(ii); and
- 2704 (B) vote on the appointment of an individual to fill the vacancy.
- 2705 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is
2706 removed from office in accordance with state law may not cast a vote under
2707 Subsection (4)(a)(i).
- 2708 (b) A member of a municipal legislative body who submits his or her resignation to the
2709 municipal legislative body may not rescind the resignation.
- 2710 (c) A member of a municipal legislative body may not vote on an appointment under
2711 this section for himself or herself to fill a vacancy in the municipal legislative body.
- 2712 (5) In a municipality operating under the council-mayor form of government, the mayor
2713 may not:
- 2714 (a) participate in the vote to fill a vacancy;
- 2715 (b) veto a decision of the council to fill a vacancy; or
- 2716 (c) vote in the case of a tie.

2717 (6) A mayor whose resignation from the municipal legislative body is due to election or
 2718 appointment as mayor may, in the case of a tie, participate in the vote under this section.

2719 (7) A municipal legislative body may, consistent with the provisions of state law, adopt
 2720 procedures governing the appointment, interview, and voting process for filling
 2721 vacancies in municipal offices.

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

2723 **20A-1-603 . Fraud, interference, disturbance -- Tampering with ballots or**
 2724 **records -- Penalties.**

2725 (1)(a) An individual may not fraudulently vote on the individual's behalf or on behalf of
 2726 another, by:

- 2727 (i) voting more than once at any one election, regardless of whether one of the
 2728 elections is in a state or territory of the United States outside of Utah;
- 2729 (ii) knowingly handing in two or more ballots folded together;
- 2730 (iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot
 2731 drop box, or mailed;
- 2732 (iv) adding or attempting to add any ballot or vote to those legally polled at any
 2733 election by fraudulently introducing the ballot or vote into the ballot box or vote
 2734 tally, either before or after the ballots have been counted;
- 2735 (v) adding to or mixing or attempting to add or mix, other ballots with the ballots
 2736 lawfully polled while those ballots are being counted or canvassed, or at any other
 2737 time; or
- 2738 (vi) voting in a voting district or precinct when the individual knew or should have
 2739 known that the individual was not eligible for voter registration in that district or
 2740 precinct, unless the individual is legally entitled to vote the ballot under Section
 2741 20A-4-107 or another provision of this title.

2742 (b) A person may not fraudulently interfere with an election by:

- 2743 (i) willfully tampering with, detaining, mutilating, or destroying any election returns;
- 2744 (ii) in any manner, interfering with the officers holding an election or conducting a
 2745 canvass, or with the voters lawfully exercising their rights of voting at an election,
 2746 so as to prevent the election or canvass from being fairly held or lawfully
 2747 conducted;
- 2748 (iii) engaging in riotous conduct at any election, or interfering in any manner with
 2749 any election official in the discharge of the election official's duties;
- 2750 (iv) inducing any election officer, or officer whose duty it is to ascertain, announce,

2751 or declare the result of any election or to give or make any certificate, document,
 2752 or evidence in relation to any election, to violate or refuse to comply with the
 2753 election officer's duty or any law regulating the election officer's duty;
 2754 (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook,
 2755 or other thing from a polling place, or from the possession of the person
 2756 authorized by law to have the custody of that thing;
 2757 (vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or
 2758 the contents of a ballot drop box; or
 2759 (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do
 2760 any of the acts described in this section.

2761 (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3):
 2762 (a) a person who commits an offense under Subsection (1)(b)(vi), or who aids, counsels,
 2763 provides, procures, advises, or assists a person to commit an offense under
 2764 Subsection (1)(b)(vi), is guilty of a third degree felony; and
 2765 (b) a person who commits an offense under Subsection (1), other than an offense
 2766 described in Subsection (2)(a), is guilty of a class A misdemeanor.
 2767 (3) The [~~lieutenant governor~~] director shall take, and store for at least 22 months, a static
 2768 copy of the official register made at the following times:
 2769 (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);
 2770 (b) the day of the election; and
 2771 (c) the last day of the canvass.

2772 Section 40. Section **20A-1-802** is amended to read:

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

2774 As used in this part:

2775 (1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):
 2776 (a) under circumstances where a reasonable person would not believe that the allegations
 2777 are true; or
 2778 (b)(i) within 60 days before an election that the candidate to which the petition relates
 2779 will appear on the ballot; and
 2780 (ii) under circumstances where a reasonable person would not believe that the
 2781 allegations constitute a significant violation of a provision of this title.
 2782 (2) "Defendant" means each person against whom an allegation is made in the verified
 2783 petition described in Subsection 20A-1-803(1).
 2784 (3) "Receiving official" means:

- 2785 (a) the [~~lieutenant governor~~] director, unless the verified petition described in Section
 2786 20A-1-803 alleges a violation by the [~~governor, the lieutenant governor,]~~ director or
 2787 an employee of the [~~lieutenant governor's~~] office; or
- 2788 (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a
 2789 violation by the [~~governor, the lieutenant governor,]~~ director or an employee of the [~~lieutenant governor's~~]
 2790 office.
- 2791 (4) "Reviewing official" means:
- 2792 (a) except as provided in Subsection (4)(b), the receiving official; or
- 2793 (b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving
 2794 official appoints another individual as the reviewing official under Subsection
 2795 20A-1-803(3)(a).
- 2796 (5) "Significant violation" means:
- 2797 (a) a violation that, if known by voters before the election, may have resulted in a
 2798 candidate, other than the candidate certified as having won the election, winning the
 2799 election; or
- 2800 (b) a violation that, had the violation not occurred, may have resulted in a candidate,
 2801 other than the candidate certified as having won the election, winning the election.
- 2802 Section 41. Section **20A-1-1001** is amended to read:
- 2803 **20A-1-1001 . Definitions.**
- 2804 As used in this part:
- 2805 (1)(a) "Clerk" means the [~~lieutenant governor~~] director, a county clerk, municipal clerk,
 2806 town clerk, city recorder, or municipal recorder.
- 2807 (b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions
 2808 Applicable to All Special Districts.
- 2809 (2) "Local petition" means:
- 2810 (a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local
 2811 Initiatives - Procedures; or
- 2812 (b) a manual or electronic local referendum petition described in Chapter 7, Part 6, Local
 2813 Referenda - Procedures.
- 2814 (3) "Petition" means one of the following written requests, signed by registered voters,
 2815 appealing to an authority with respect to a particular cause:
- 2816 (a) a local petition;
- 2817 (b) a petition to consolidate two or more municipalities under Section 10-2-601;
- 2818 (c) a petition for disincorporation of a municipality under Section 10-2-701;

- 2819 (d) a petition to incorporate a proposed municipality under Section 10-2a-208;
- 2820 (e) a petition to consolidate adjoining counties under Section 17-2-103;
- 2821 (f) a petition to annex a portion of a county to an adjoining county under Section
- 2822 17-2-203;
- 2823 (g) a petition for the creation of a new county under Section 17-3-1;
- 2824 (h) a petition for the removal of a county seat under Section 17-11-2;
- 2825 (i) a petition for the adoption of an optional plan under Section 17-52a-303;
- 2826 (j) a petition for the repeal of an optional plan under Section 17-52a-505;
- 2827 (k) a petition to create a special district under Section 17B-1-203;
- 2828 (l) a petition to withdraw an area from a special district under Section 17B-1-504;
- 2829 (m) a petition to dissolve a special district under Section 17B-1-1303;
- 2830 (n) a petition for issuance of local building authority bonds under Section 17D-2-502;
- 2831 (o) a petition to become a registered political party under Section 20A-8-103;
- 2832 (p) a nomination petition for municipal office under Section 20A-9-203;
- 2833 (q) a nomination petition for a regular primary election under Subsection 20A-9-403
- 2834 (3)(a) and Section 20A-9-405;
- 2835 (r) a petition for a political party to qualify as a municipal political party under Section
- 2836 20A-9-404;
- 2837 (s) a petition for the nomination of a qualified political party under Section 20A-9-408;
- 2838 (t) a nomination petition for a candidate not affiliated with a political party under
- 2839 Section 20A-9-502;
- 2840 (u) a nomination petition to become a delegate to a ratification convention under Section
- 2841 20A-15-103;
- 2842 (v) a petition to create a new school district under Section 53G-3-301;
- 2843 (w) a petition to consolidate school districts under Section 53G-3-401;
- 2844 (x) a petition to transfer a portion of a school district to another district under Section
- 2845 53G-3-501;
- 2846 (y) a petition to determine whether a privatization project agreement should be approved
- 2847 under Section 73-10d-4; or
- 2848 (z) a statewide petition.
- 2849 (4) "Statewide petition" means:
- 2850 (a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2,
- 2851 Statewide Initiatives; or
- 2852 (b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3,

2853 Statewide Referenda.

2854 (5)(a) "Substantially similar name" means:

2855 (i) the given name, the surname, or both, provided by the individual with the
2856 individual's petition signature, contain only minor spelling differences when
2857 compared to the given name and surname shown on the official register;

2858 (ii) the surname provided by the individual with the individual's petition signature
2859 exactly matches the surname shown on the official register, and the given names
2860 differ only because one of the given names shown is a commonly used
2861 abbreviation or variation of the other;

2862 (iii) the surname provided by the individual with the individual's petition signature
2863 exactly matches the surname shown on the official register, and the given names
2864 differ only because one of the given names shown is accompanied by a first or
2865 middle initial or a middle name which is not shown on the other record; or

2866 (iv) the surname provided by the individual with the individual's petition signature
2867 exactly matches the surname shown on the official register, and the given names
2868 differ only because one of the given names shown is an alphabetically
2869 corresponding initial that has been provided in the place of a given name shown
2870 on the other record.

2871 (b) "Substantially similar name" does not include a name having an initial or a middle
2872 name provided by the individual with the individual's petition signature that does not
2873 match a different initial or middle name shown on the official register.

2874 Section 42. Section **20A-2-101.1** is amended to read:

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

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

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

2878 (b) is not eligible to register to vote because the individual does not comply with the age
2879 requirements described in Subsection 20A-2-101(1)(c);

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

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

2882 (e) currently resides within the voting district or precinct in which the individual
2883 preregisters to vote.

2884 (2) An individual described in Subsection (1) may not vote in an election and is not
2885 registered to vote until:

2886 (a) the individual is otherwise eligible to register to vote because the individual complies

- 2887 with the age requirements described in Subsection 20A-2-101(1)(c); and
- 2888 (b) the county clerk registers the individual to vote under Subsection (4).
- 2889 (3) An individual who preregisters to vote shall:
- 2890 (a) complete a voter registration form, including an indication that the individual is
- 2891 preregistering to vote; and
- 2892 (b) submit the voter registration form to a county clerk in person, by mail, or in any
- 2893 other manner authorized by this chapter for the submission of a voter registration
- 2894 form.
- 2895 (4)(a) A county clerk shall:
- 2896 (i) retain the voter registration form of an individual who meets the qualifications for
- 2897 preregistration and who submits a completed voter registration form to the county
- 2898 clerk under Subsection (3)(b);
- 2899 (ii) register the individual to vote in the next election in which the individual will be
- 2900 eligible to vote, before the voter registration deadline established in Section
- 2901 20A-2-102.5 for that election; and
- 2902 (iii) send a notice to the individual that:
- 2903 (A) informs the individual that the individual's voter registration form has been
- 2904 accepted as an application for preregistration;
- 2905 (B) informs the individual that the individual will be registered to vote in the next
- 2906 election in which the individual will be eligible to vote; and
- 2907 (C) indicates in which election the individual will be registered to vote.
- 2908 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is
- 2909 considered to have applied for voter registration on the earlier of:
- 2910 (i) the day of the voter registration deadline immediately preceding the election day
- 2911 on which the individual will be at least 18 years ~~[of age]~~ old; or
- 2912 (ii) the day on which the individual turns 18 years ~~[of age]~~ old.
- 2913 (c) A county clerk shall refer a voter registration form to the county attorney for
- 2914 investigation and possible prosecution if the clerk or the clerk's designee believes the
- 2915 individual is attempting to preregister to vote in an election in which the individual
- 2916 will not be legally entitled to vote.
- 2917 (5)(a) The ~~[lieutenant governor]~~ director or a county clerk shall classify the voter
- 2918 registration record of an individual who preregisters to vote as a private record until
- 2919 the day on which the individual turns 18 years ~~[of age]~~ old.
- 2920 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years ~~[of~~

2921 ~~age, the lieutenant governor]~~ old, the director or county clerk shall classify the
 2922 individual's voter registration record as a public record in accordance with Subsection
 2923 63G-2-301(2)(l).

2924 (6) If an individual who is at least 18 years [~~of age]~~ old erroneously indicates on the voter
 2925 registration form that the individual is preregistering to vote, the county clerk shall
 2926 consider the form as a voter registration form and shall process the form in accordance
 2927 with this chapter.

2928 Section 43. Section **20A-2-102.5** is amended to read:

2929 **20A-2-102.5 . Voter registration deadline.**

2930 (1) Except as otherwise provided in Chapter 16, Uniform Military and Overseas Voters Act,
 2931 an individual who fails to timely submit a correctly completed voter registration form
 2932 may not vote in the election.

2933 (2) The voter registration deadline is as follows:

2934 (a) the voter registration must be received by the county clerk, the municipal clerk, or
 2935 the [~~lieutenant governor]~~ director no later than 5 p.m. 11 calendar days before the date
 2936 of the election, if the individual registers to vote:

2937 (i) at the office of the county clerk, in accordance with Section 20A-2-201;

2938 (ii) by mail, in accordance with Section 20A-2-202;

2939 (iii) via an application for a driver license, in accordance with Section 20A-2-204;

2940 (iv) via a public assistance agency or a discretionary voter registration agency, in
 2941 accordance with Section 20A-2-205; or

2942 (v) via electronic registration, in accordance with Section 20A-2-206;

2943 (b) before the polls close on the last day of early voting, described in Section 20A-3a-601,
 2944 if the individual registers by casting a provisional ballot at an early voting location in
 2945 accordance with Section 20A-2-207; or

2946 (c) before polls close on the date of the election, if the individual registers to vote on the
 2947 date of the election by casting a provisional ballot, in accordance with Section
 2948 20A-2-207.

2949 Section 44. Section **20A-2-104** is amended to read:

2950 **20A-2-104 . Voter registration form -- Registered voter lists -- Fees for copies.**

2951 (1) As used in this section:

2952 (a) "Candidate for public office" means an individual:

2953 (i) who files a declaration of candidacy for a public office;

2954 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or

2955 (iii) employed by, under contract with, or a volunteer of, an individual described in
2956 Subsection (1)(a)(i) or (ii) for political campaign purposes.

2957 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
2958 the federal Violence Against Women Act of 1994, as amended.

2959 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and
2960 the federal Violence Against Women Act of 1994, as amended.

2961 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
2962 produce a code that:

2963 (i) uniquely represents the set of data;

2964 (ii) is always the same if the same algorithm is applied to the same set of data; and

2965 (iii) cannot be reversed to reveal the data applied to the algorithm.

2966 (e) "Protected individual" means an individual:

2967 (i) who submits a withholding request form with the individual's voter registration
2968 record, or to the [~~lieutenant governor~~] director or a county clerk, if the individual
2969 indicates on the form that the individual, or an individual who resides with the
2970 individual, is a victim of domestic violence or dating violence or is likely to be a
2971 victim of domestic violence or dating violence;

2972 (ii) who submits a withholding request form with the individual's voter registration
2973 record, or to the [~~lieutenant governor~~] director or a county clerk, if the individual
2974 indicates on the form and provides verification that the individual, or an individual
2975 who resides with the individual, is a law enforcement officer, a member of the
2976 armed forces as defined in Section 20A-1-513, a public figure, or protected by a
2977 protective order or protection order; or

2978 (iii) whose voter registration record was classified as a private record at the request of
2979 the individual before May 12, 2020.

2980 (2)(a) An individual applying for voter registration, or an individual preregistering to vote,
2981 shall complete a voter registration form in substantially the following form:

2982 -----

2983 UTAH ELECTION REGISTRATION FORM

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

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

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

2987 If you checked "no" to the above question, are you 16 or 17 years of age and
2988 preregistering to vote? Yes No

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

2990 Name of Voter

2991 _____

2992 First Middle Last

2993 Utah Driver License or Utah Identification Card

2994 Number _____

2995 Date of Birth _____

2996 Street Address of Principal Place of Residence

2997 _____

2998 City County State Zip Code

2999 Telephone Number (optional) _____

3000 Email Address (optional) _____

3001 Last four digits of Social Security Number _____

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

3003 known) _____

3004 _____

3005 City County State Zip Code

3006 Political Party

3007 (a listing of each registered political party, as defined in Section 20A-8-101 and
3008 maintained by the [~~lieutenant governor~~] director under Section [~~67-1a-2~~] 63A-19-202, with each
3009 party's name preceded by a checkbox)

3010 Unaffiliated (no political party preference) Other (Please
3011 specify) _____

3012 I do swear (or affirm), subject to penalty of law for false statements, that the information
3013 contained in this form is true, and that I am a citizen of the United States and a resident of the
3014 state of Utah, residing at the above address. Unless I have indicated above that I am
3015 preregistering to vote in a later election, I will be at least 18 years of age and will have resided
3016 in Utah for 30 days immediately before the next election. I am not a convicted felon currently
3017 incarcerated for commission of a felony.

3018 Signed and sworn

3019 _____

3020 Voter's Signature

3021 _____(month/day/year).

3022 PRIVACY INFORMATION

3023 Voter registration records contain some information that is available to the public, such
 3024 as your name and address, some information that is available only to government entities, and
 3025 some information that is available only to certain third parties in accordance with the
 3026 requirements of law.

3027 Your driver license number, identification card number, social security number, email
 3028 address, full date of birth, and phone number are available only to government entities. Your
 3029 year of birth is available to political parties, candidates for public office, certain third parties,
 3030 and their contractors, employees, and volunteers, in accordance with the requirements of law.

3031 You may request that all information on your voter registration records be withheld from
 3032 all persons other than government entities, political parties, candidates for public office, and
 3033 their contractors, employees, and volunteers, by indicating here:

3034 _____ Yes, I request that all information on my voter registration records be withheld
 3035 from all persons other than government entities, political parties, candidates for public office,
 3036 and their contractors, employees, and volunteers.

3037 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3038 In addition to the protections provided above, you may request that identifying
 3039 information on your voter registration records be withheld from all political parties, candidates
 3040 for public office, and their contractors, employees, and volunteers, by submitting a
 3041 withholding request form, and any required verification, as described in the following
 3042 paragraphs.

3043 A person may request that identifying information on the person's voter registration
 3044 records be withheld from all political parties, candidates for public office, and their
 3045 contractors, employees, and volunteers, by submitting a withholding request form with this
 3046 registration record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or
 3047 is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence
 3048 or dating violence.

3049 A person may request that identifying information on the person's voter registration
 3050 records be withheld from all political parties, candidates for public office, and their
 3051 contractors, employees, and volunteers, by submitting a withholding request form and any
 3052 required verification with this registration form, or to the lieutenant governor or a county clerk,
 3053 if the person is, or resides with a person who is, a law enforcement officer, a member of the
 3054 armed forces, a public figure, or protected by a protective order or a protection order.

3055 CITIZENSHIP AFFIDAVIT

3056 Name:

3057 Name at birth, if different:
 3058 Place of birth:
 3059 Date of birth:
 3060 Date and place of naturalization (if applicable):

3061 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
 3062 citizen and that to the best of my knowledge and belief the information above is true and
 3063 correct.

3064 _____

3065 Signature of Applicant

3066 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
 3067 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
 3068 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

3069 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
 3070 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
 3071 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
 3072 PHOTOGRAPH; OR

3073 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME
 3074 AND CURRENT ADDRESS.

3075 FOR OFFICIAL USE ONLY

3076 Type of I.D. _____

3077 Voting Precinct _____

3078 Voting I.D. Number _____

3079 -----

3080 (b) The voter registration form described in Subsection (2)(a) shall include a section in
 3081 substantially the following form:

3082 -----

3083 **BALLOT NOTIFICATIONS**

3084 If you have provided a phone number or email address, you can receive notifications by
 3085 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
 3086 deposit in the mail or in a ballot drop box, by indicating here:

3087 _____ Yes, I would like to receive electronic notifications regarding the status of my
 3088 ballot.

3089 -----

3090 (c)(i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a

- 3091 copy of each voter registration form in a permanent countywide alphabetical file,
3092 which may be electronic or some other recognized system.
- 3093 (ii) The county clerk may transfer a superseded voter registration form to the
3094 Division of Archives and Records Service created under Section 63A-12-101.
- 3095 (3)(a) Each county clerk shall retain lists of currently registered voters.
- 3096 (b) The [~~lieutenant governor~~] director shall maintain a list of registered voters in
3097 electronic form.
- 3098 (c) If there are any discrepancies between the two lists, the county clerk's list is the
3099 official list.
- 3100 (d) The [~~lieutenant governor~~] director and the county clerks may charge the fees
3101 established under the authority of Subsection 63G-2-203(10) to individuals who wish
3102 to obtain a copy of the list of registered voters.
- 3103 (4)(a) As used in this Subsection (4), "qualified person" means:
- 3104 (i) a government official or government employee acting in the government official's
3105 or government employee's capacity as a government official or a government
3106 employee;
- 3107 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or
3108 independent contractor of a health care provider;
- 3109 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee,
3110 or independent contractor of an insurance company;
- 3111 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
3112 independent contractor of a financial institution;
- 3113 (v) a political party, or an agent, employee, or independent contractor of a political
3114 party;
- 3115 (vi) a candidate for public office, or an employee, independent contractor, or
3116 volunteer of a candidate for public office;
- 3117 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a
3118 year of birth from the list of registered voters:
- 3119 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)
3120 through [~~(vii)~~] (vi);
- 3121 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person
3122 described in Subsections (4)(a)(i) through [~~(vii)~~] (vi);
- 3123 (C) ensures, using industry standard security measures, that the year of birth may
3124 not be accessed by a person other than a person described in Subsections

- 3125 (4)(a)(i) through [~~(vii)~~] (vi);
- 3126 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to
- 3127 whom the person provides the year of birth will only use the year of birth to
- 3128 verify the accuracy of personal information submitted by an individual or to
- 3129 confirm the identity of a person in order to prevent fraud, waste, or abuse;
- 3130 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person
- 3131 provides the year of birth will only use the year of birth in the person's capacity
- 3132 as a government official or government employee; and
- 3133 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
- 3134 person provides the year of birth will only use the year of birth for a political
- 3135 purpose of the political party or candidate for public office; or
- 3136 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining
- 3137 information under Subsection (4)(n) and (o):
- 3138 (A) provides the information only to another person described in Subsection
- 3139 (4)(a)(v) or (vi);
- 3140 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a
- 3141 person described in Subsection (4)(a)(v) or (vi);
- 3142 (C) ensures, using industry standard security measures, that the information may
- 3143 not be accessed by a person other than a person described in Subsection
- 3144 (4)(a)(v) or (vi); and
- 3145 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
- 3146 person provides the information will only use the information for a political
- 3147 purpose of the political party or candidate for public office.
- 3148 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
- 3149 Subsection 63G-2-302(1)(k) or (l), the [~~lieutenant governor~~] director or a county clerk
- 3150 shall, when providing the list of registered voters to a qualified person under this
- 3151 section, include, with the list, the years of birth of the registered voters, if:
- 3152 (i) the [~~lieutenant governor~~] director or a county clerk verifies the identity of the
- 3153 person and that the person is a qualified person; and
- 3154 (ii) the qualified person signs a document that includes the following:
- 3155 (A) the name, address, and telephone number of the person requesting the list of
- 3156 registered voters;
- 3157 (B) an indication of the type of qualified person that the person requesting the list
- 3158 claims to be;

- 3159 (C) a statement regarding the purpose for which the person desires to obtain the
 3160 years of birth;
- 3161 (D) a list of the purposes for which the qualified person may use the year of birth
 3162 of a registered voter that is obtained from the list of registered voters;
- 3163 (E) a statement that the year of birth of a registered voter that is obtained from the
 3164 list of registered voters may not be provided or used for a purpose other than a
 3165 purpose described under Subsection (4)(b)(ii)(D);
- 3166 (F) a statement that if the person obtains the year of birth of a registered voter
 3167 from the list of registered voters under false pretenses, or provides or uses the
 3168 year of birth of a registered voter that is obtained from the list of registered
 3169 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor
 3170 and is subject to a civil fine;
- 3171 (G) an assertion from the person that the person will not provide or use the year of
 3172 birth of a registered voter that is obtained from the list of registered voters in a
 3173 manner that is prohibited by law; and
- 3174 (H) notice that if the person makes a false statement in the document, the person is
 3175 punishable by law under Section 76-8-504.
- 3176 (c) The [~~lieutenant governor~~] director or a county clerk:
- 3177 (i) may not disclose the year of birth of a registered voter to a person that the [
 3178 ~~lieutenant governor~~] director or county clerk reasonably believes:
- 3179 (A) is not a qualified person or a person described in Subsection (4)(l); or
 3180 (B) will provide or use the year of birth in a manner prohibited by law; and
- 3181 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the [
 3182 ~~lieutenant governor~~] director or county clerk reasonably believes:
- 3183 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
 3184 (B) will provide or use the information in a manner prohibited by law.
- 3185 (d) The [~~lieutenant governor~~] director or a county clerk may not disclose the voter
 3186 registration form of a person, or information included in the person's voter
 3187 registration form, whose voter registration form is classified as private under
 3188 Subsection (4)(h) to a person other than:
- 3189 (i) a government official or government employee acting in the government official's
 3190 or government employee's capacity as a government official or government
 3191 employee; or
 3192 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for

- 3193 a political purpose.
- 3194 (e)(i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or
3195 information under Subsection (4)(d)(ii), the [~~lieutenant governor~~] director or
3196 county clerk shall exclude the information described in Subsection 63G-2-302
3197 (1)(j), other than the year of birth.
- 3198 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the
3199 voter registration record of a protected individual, the [~~lieutenant governor~~] director
3200 or county clerk shall comply with Subsections (4)(n) through (p).
- 3201 (f) The [~~lieutenant governor~~] director or a county clerk may not disclose a withholding
3202 request form, described in Subsections (7) and (8), submitted by an individual, or
3203 information obtained from that form, to a person other than a government official or
3204 government employee acting in the government official's or government employee's
3205 capacity as a government official or government employee.
- 3206 (g) A person is guilty of a class A misdemeanor if the person:
- 3207 (i) obtains from the list of registered voters, under false pretenses, the year of birth of
3208 a registered voter or information described in Subsection (4)(n) or (o);
- 3209 (ii) uses or provides the year of birth of a registered voter, or information described in
3210 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a
3211 manner that is not permitted by law;
- 3212 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k)
3213 under false pretenses;
- 3214 (iv) uses or provides information obtained from a voter registration record described
3215 in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 3216 (v) unlawfully discloses or obtains a voter registration record withheld under
3217 Subsection (7) or a withholding request form described in Subsections (7) and (8);
3218 or
- 3219 (vi) unlawfully discloses or obtains information from a voter registration record
3220 withheld under Subsection (7) or a withholding request form described in
3221 Subsections (7) and (8).
- 3222 (h) The [~~lieutenant governor~~] director or a county clerk shall classify the voter
3223 registration record of a voter as a private record if the voter:
- 3224 (i) submits a written application, created by the [~~lieutenant governor~~] director,
3225 requesting that the voter's voter registration record be classified as private;
- 3226 (ii) requests on the voter's voter registration form that the voter's voter registration

- 3227 record be classified as a private record; or
- 3228 (iii) submits a withholding request form described in Subsection (7) and any required
- 3229 verification.
- 3230 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the [~~lieutenant governor~~
- 3231 director or a county clerk may not disclose to a person described in Subsection
- 3232 (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter
- 3233 registration record, if the record is withheld under Subsection (7).
- 3234 (j) In addition to any criminal penalty that may be imposed under this section, the [
- 3235 ~~lieutenant governor~~ director may impose a civil fine against a person who violates a
- 3236 provision of this section, in an amount equal to the greater of:
- 3237 (i) the product of 30 and the square root of the total number of:
- 3238 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
- 3239 dollar; or
- 3240 (B) records from which information is obtained, provided, or used unlawfully,
- 3241 rounded to the nearest whole dollar; or
- 3242 (ii) \$200.
- 3243 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
- 3244 voter, if the year of birth is obtained from the list of registered voters or from a voter
- 3245 registration record, unless the person:
- 3246 (i) is a government official or government employee who obtains, provides, or uses
- 3247 the year of birth in the government official's or government employee's capacity
- 3248 as a government official or government employee;
- 3249 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
- 3250 uses the year of birth only to verify the accuracy of personal information
- 3251 submitted by an individual or to confirm the identity of a person in order to
- 3252 prevent fraud, waste, or abuse;
- 3253 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
- 3254 provides, or uses the year of birth for a political purpose of the political party or
- 3255 candidate for public office; or
- 3256 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
- 3257 uses the year of birth to provide the year of birth to another qualified person to
- 3258 verify the accuracy of personal information submitted by an individual or to
- 3259 confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 3260 (l) The [~~lieutenant governor~~ director or a county clerk may provide a year of birth to a

- 3261 member of the media, in relation to an individual designated by the member of the
3262 media, in order for the member of the media to verify the identity of the individual.
- 3263 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
3264 information from a voter registration record for a purpose other than a political
3265 purpose.
- 3266 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the [~~lieutenant governor~~] director
3267 or a county clerk shall, when providing the list of registered voters to a qualified
3268 person described in Subsection (4)(a)(v) or (vi), include, from the record of a voter
3269 whose record is withheld under Subsection (7), the information described in
3270 Subsection (4)(o), if:
- 3271 (i) the [~~lieutenant governor~~] director or a county clerk verifies the identity of the
3272 person and that the person is a qualified person described in Subsection (4)(a)(v)
3273 or (vi); and
- 3274 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document
3275 that includes the following:
- 3276 (A) the name, address, and telephone number of the person requesting the list of
3277 registered voters;
- 3278 (B) an indication of the type of qualified person that the person requesting the list
3279 claims to be;
- 3280 (C) a statement regarding the purpose for which the person desires to obtain the
3281 information;
- 3282 (D) a list of the purposes for which the qualified person may use the information;
- 3283 (E) a statement that the information may not be provided or used for a purpose
3284 other than a purpose described under Subsection (4)(n)(ii)(D);
- 3285 (F) a statement that if the person obtains the information under false pretenses, or
3286 provides or uses the information in a manner that is prohibited by law, the
3287 person is guilty of a class A misdemeanor and is subject to a civil fine;
- 3288 (G) an assertion from the person that the person will not provide or use the
3289 information in a manner that is prohibited by law; and
- 3290 (H) notice that if the person makes a false statement in the document, the person is
3291 punishable by law under Section 76-8-504.
- 3292 (o) Except as provided in Subsection (4)(p), the information that the [~~lieutenant governor~~]
3293 director or a county clerk is required to provide, under Subsection (4)(n), from the
3294 record of a protected individual is:

- 3295 (i) a single hash code, generated from a string of data that includes both the voter's
 3296 voter identification number and residential address;
- 3297 (ii) the voter's residential address;
- 3298 (iii) the voter's mailing address, if different from the voter's residential address;
- 3299 (iv) the party affiliation of the voter;
- 3300 (v) the precinct number for the voter's residential address;
- 3301 (vi) the voter's voting history; and
- 3302 (vii) a designation of which age group, of the following age groups, the voter falls
 3303 within:
- 3304 (A) 25 or younger;
- 3305 (B) 26 through 35;
- 3306 (C) 36 through 45;
- 3307 (D) 46 through 55;
- 3308 (E) 56 through 65;
- 3309 (F) 66 through 75; or
- 3310 (G) 76 or older.
- 3311 (p) The [~~lieutenant governor~~] director or a county clerk may not disclose:
- 3312 (i) information described in Subsection (4)(o) that, due to a small number of voters
 3313 affiliated with a particular political party, or due to another reason, would likely
 3314 reveal the identity of a voter if disclosed; or
- 3315 (ii) the address described in Subsection (4)(o)(iii) if the [~~lieutenant governor~~] director
 3316 or the county clerk determines that the nature of the address would directly reveal
 3317 sensitive information about the voter.
- 3318 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide,
 3319 or use the information described in Subsection (4)(n) or (o), except to the extent that
 3320 the qualified person uses the information for a political purpose of a political party or
 3321 candidate for public office.
- 3322 (5) When political parties not listed on the voter registration form qualify as registered
 3323 political parties under [~~Title 20A, Chapter 8, Political Party Formation and Procedures,~~
 3324 ~~the lieutenant governor~~] Chapter 8, Political Party Formation and Procedures, the director
 3325 shall inform the county clerks of the name of the new political party and direct the
 3326 county clerks to ensure that the voter registration form is modified to include that
 3327 political party.
- 3328 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the

- 3329 clerk's designee shall:
- 3330 (a) review each voter registration form for completeness and accuracy; and
- 3331 (b) if the county clerk believes, based upon a review of the form, that an individual may
- 3332 be seeking to register or preregister to vote who is not legally entitled to register or
- 3333 preregister to vote, refer the form to the county attorney for investigation and
- 3334 possible prosecution.
- 3335 (7) The ~~[lieutenant governor]~~ director or a county clerk shall withhold from a person, other
- 3336 than a person described in Subsection (4)(a)(i), the voter registration record, and
- 3337 information obtained from the voter registration record, of a protected individual.
- 3338 (8)(a) The ~~[lieutenant governor]~~ director shall design and distribute ~~[the]~~ a withholding
- 3339 request form ~~[described in Subsection (7)]~~ to each election officer and to each agency
- 3340 that provides a voter registration form.
- 3341 (b) An individual described in Subsection (1)(e)(i) is not required to provide
- 3342 verification, other than the individual's attestation and signature on the withholding
- 3343 request form, that the individual, or an individual who resides with the individual, is a
- 3344 victim of domestic violence or dating violence or is likely to be a victim of domestic
- 3345 violence or dating violence.
- 3346 (c) The ~~[director of elections within the Office of the Lieutenant Governor]~~ office shall
- 3347 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 3348 Rulemaking Act, establishing requirements for providing the verification described in
- 3349 Subsection (1)(e)(ii).
- 3350 (9) An election officer or an employee of an election officer may not encourage an
- 3351 individual to submit, or discourage an individual from submitting, a withholding request
- 3352 form.
- 3353 (10)(a) The ~~[lieutenant governor]~~ director shall make and execute a plan to provide
- 3354 notice to registered voters who are protected individuals, that includes the following
- 3355 information:
- 3356 (i) that the voter's classification of the record as private remains in effect;
- 3357 (ii) that certain non-identifying information from the voter's voter registration record
- 3358 may, under certain circumstances, be released to political parties and candidates
- 3359 for public office;
- 3360 (iii) that the voter's name, driver license or identification card number, social security
- 3361 number, email address, phone number, and the voter's day, month, and year of
- 3362 birth will remain private and will not be released to political parties or candidates

- 3363 for public office;
- 3364 (iv) that a county clerk will only release the information to political parties and
 3365 candidates in a manner that does not associate the information with a particular
 3366 voter; and
- 3367 (v) that a county clerk may, under certain circumstances, withhold other information
 3368 that the county clerk determines would reveal identifying information about the
 3369 voter.
- 3370 (b) The [~~lieutenant governor~~] director may include in the notice described in this
 3371 Subsection (10) a statement that a voter may obtain additional information on the [
 3372 ~~lieutenant governor's~~] office's website.
- 3373 (c) The plan described in Subsection (10)(a) may include providing the notice described
 3374 in Subsection (10)(a) by:
- 3375 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;
 3376 (ii) publication on the [~~lieutenant governor's~~] office's website or a county's website;
 3377 (iii) posting the notice in public locations;
 3378 (iv) publication in a newspaper;
 3379 (v) sending notification to the voters by electronic means;
 3380 (vi) sending notice by other methods used by government entities to communicate
 3381 with citizens; or
 3382 (vii) providing notice by any other method.
- 3383 (d) The [~~lieutenant governor~~] director shall provide the notice included in a plan
 3384 described in this Subsection (10) before June 16, 2023.

3385 Section 45. Section **20A-2-107** is amended to read:

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

- 3387 (1) As used in this section, "change of affiliation deadline" means:
- 3388 (a) for an election held in an even-numbered year in which a presidential election will be
 3389 held, the day after the declaration of candidacy deadline described in Subsection
 3390 20A-9-201.5(2)(b); or
- 3391 (b) for an election held in an even-numbered year in which a presidential election will
 3392 not be held, April 1.
- 3393 (2) The county clerk shall:
- 3394 (a) except as provided in Subsection (6) or 20A-2-107.5(3), record the party affiliation
 3395 designated by the voter on the voter registration form as the voter's party affiliation; or
 3396 (b) if no political party affiliation is designated by the voter on the voter registration

- 3397 form:
- 3398 (i) except as provided in Subsection (2)(b)(ii), record the voter's party affiliation as
- 3399 the party that the voter designated the last time that the voter designated a party on
- 3400 a voter registration form, unless the voter more recently registered as
- 3401 "unaffiliated"; or
- 3402 (ii) record the voter's party affiliation as "unaffiliated" if the voter:
- 3403 (A) did not previously designate a party;
- 3404 (B) most recently designated the voter's party affiliation as "unaffiliated"; or
- 3405 (C) did not previously register.
- 3406 (3)(a) Any registered voter may designate or change the voter's political party affiliation
- 3407 by complying with the procedures and requirements of this Subsection (3).
- 3408 (b) A registered voter may designate or change the voter's political party affiliation by
- 3409 filing with the county clerk, the municipal clerk, or the ~~lieutenant governor~~ director
- 3410 a voter registration form or another signed form that identifies the registered political
- 3411 party with which the voter chooses to affiliate.
- 3412 (c) Except as provided in Subsection (3)(d), a voter registration form or another signed
- 3413 form designating or changing a voter's political party affiliation takes effect when the
- 3414 county clerk receives the signed form.
- 3415 (d) The party affiliation of a voter who changes party affiliation, or who becomes
- 3416 unaffiliated from a political party, at any time on or after the change of affiliation
- 3417 deadline and on or before the date of the regular primary election, takes effect the day
- 3418 after the statewide canvass for the regular primary election.
- 3419 (4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received by
- 3420 the county clerk before the change of affiliation deadline if:
- 3421 (a) the individual submits the form in person at the county clerk's office no later than 5
- 3422 p.m. on the day before the change of affiliation deadline;
- 3423 (b) the individual submits the form electronically through the system described in
- 3424 Section 20A-2-206, at or before 11:59 p.m. before the day of the change of affiliation
- 3425 deadline; or
- 3426 (c) the individual's form is clearly postmarked before the change of affiliation deadline.
- 3427 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter
- 3428 registration form if:
- 3429 (a) the voter has not previously been registered to vote in the state; or
- 3430 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county

- 3431 clerk under Subsection (6).
- 3432 (6) If the most recent party affiliation designated by a voter is for a political party that is no
 3433 longer a registered political party, the county clerk shall:
- 3434 (a) change the voter's party affiliation to "unaffiliated"; and
 3435 (b) notify the voter electronically or by mail:
- 3436 (i) that the voter's affiliation has been changed to "unaffiliated" because the most
 3437 recent party affiliation designated by the voter is for a political party that is no
 3438 longer a registered political party; and
 3439 (ii) of the methods and deadlines for changing the voter's party affiliation.

3440 Section 46. Section **20A-2-108** is amended to read:

3441 **20A-2-108 . Driver license or state identification card registration form --**
 3442 **Transmittal of information.**

- 3443 (1) As used in this section, "qualifying form" means:
- 3444 (a) a driver license application form; or
 3445 (b) a state identification card application form.
- 3446 (2) The [~~lieutenant governor~~] director and the Driver License Division shall design each
 3447 qualifying form to include:
- 3448 (a) the following question, which an applicant is required to answer: "Do you authorize
 3449 the use of information in this form for voter registration purposes? YES____
 3450 NO____";
- 3451 (b) the following statement:

3452 "PRIVACY INFORMATION

3453 Voter registration records contain some information that is available to the public, such
 3454 as your name and address, some information that is available only to government entities, and
 3455 some information that is available only to certain third parties in accordance with the
 3456 requirements of law.

3457 Your driver license number, identification card number, social security number, email
 3458 address, full date of birth, and phone number are available only to government entities. Your
 3459 year of birth is available to political parties, candidates for public office, certain third parties,
 3460 and their contractors, employees, and volunteers, in accordance with the requirements of law.

3461 You may request that all information on your voter registration records be withheld from
 3462 all persons other than government entities, political parties, candidates for public office, and
 3463 their contractors, employees, and volunteers, by indicating here:

3464 _____ Yes, I request that all information on my voter registration records be withheld

3465 from all persons other than government entities, political parties, candidates for public office,
3466 and their contractors, employees, and volunteers.

3467 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

3468 In addition to the protections provided above, you may request that identifying
3469 information on your voter registration records be withheld from all political parties, candidates
3470 for public office, and their contractors, employees, and volunteers, by submitting a
3471 withholding request form, and any required verification, as described in the following
3472 paragraphs.

3473 A person may request that identifying information on the person's voter registration
3474 records be withheld from all political parties, candidates for public office, and their
3475 contractors, employees, and volunteers, by submitting a withholding request form with this
3476 registration record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or
3477 is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence
3478 or dating violence.

3479 A person may request that identifying information on the person's voter registration
3480 records be withheld from all political parties, candidates for public office, and their
3481 contractors, employees, and volunteers, by submitting a withholding request form and any
3482 required verification with this registration form, or to the [~~lieutenant governor~~] director or a
3483 county clerk, if the person is, or resides with a person who is, a law enforcement officer, a
3484 member of the armed forces, a public figure, or protected by a protective order or a protection
3485 order."; and

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

3487 -----

3488 **BALLOT NOTIFICATIONS**

3489 If you have provided a phone number or email address, you can receive notifications by
3490 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
3491 deposit in the mail or in a ballot drop box, by indicating here:

3492 _____ Yes, I would like to receive electronic notifications regarding the status of my
3493 ballot.

3494 -----

3495 (3) The [~~lieutenant governor~~] director and the Driver License Division shall ensure that a
3496 qualifying form contains:

3497 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and
3498 Utah residency, and that the information provided in the form is true;

- 3499 (b) a records disclosure that is similar to the records disclosure on a voter registration
 3500 form described in Section 20A-2-104;
- 3501 (c) a statement that if an applicant declines to register or preregister to vote, the fact that
 3502 the applicant has declined to register or preregister will remain confidential and will
 3503 be used only for voter registration purposes;
- 3504 (d) a statement that if an applicant does register or preregister to vote, the office at which
 3505 the applicant submits a voter registration application will remain confidential and will
 3506 be used only for voter registration purposes; and
- 3507 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space
 3508 where an individual may, if desired:
- 3509 (i) indicate the individual's desired political affiliation from a listing of each
 3510 registered political party, as defined in Section 20A-8-101;
- 3511 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the
 3512 individual desires to affiliate; or
- 3513 (iii) indicate that the individual does not wish to affiliate with a political party.

3514 Section 47. Section **20A-2-201** is amended to read:

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

- 3516 (1) Except as provided in Subsection (3), the county clerk shall register to vote each
 3517 individual who registers in person at the county clerk's office during designated office
 3518 hours if the individual will, on the date of the election, be legally eligible to vote in a
 3519 voting precinct in the county in accordance with Section 20A-2-101.
- 3520 (2) If an individual who is registering to vote submits a registration form in person at the
 3521 office of the county clerk no later than 5 p.m. 11 calendar days before the date of the
 3522 election, the county clerk shall:
- 3523 (a) accept and process the voter registration form;
- 3524 (b) unless the individual named in the form is preregistering to vote:
- 3525 (i) enter the individual's name on the list of registered voters for the voting precinct in
 3526 which the individual resides; and
- 3527 (ii) notify the individual that the individual is registered to vote in the upcoming
 3528 election; and
- 3529 (c) if the individual named in the form is preregistering to vote, comply with Section
 3530 20A-2-101.1.
- 3531 (3) If an individual who is registering to vote and who will be legally qualified and entitled
 3532 to vote in a voting precinct in the county on the date of an election appears in person,

3533 during designated office hours, and submits a registration form after the deadline
 3534 described in Subsection (2), the county clerk shall accept the registration form and,
 3535 except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), inform the individual
 3536 that the individual will not be registered to vote in the pending election, unless the
 3537 individual registers to vote by provisional ballot during the early voting period, if
 3538 applicable, or on election day, in accordance with Section 20A-2-207.

3539 Section 48. Section **20A-2-204** is amended to read:

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

3541 (1) As used in this section, "voter registration form" means, when an individual named on a
 3542 qualifying form, as defined in Section 20A-2-108, answers "yes" to the question
 3543 described in Subsection 20A-2-108(2)(a), the information on the qualifying form that
 3544 can be used for voter registration purposes.

3545 (2)(a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may
 3546 register to vote, and a citizen who is qualified to preregister to vote may preregister to
 3547 vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a)
 3548 and completing the voter registration form.

3549 (b) A citizen who is a program participant in the Safe at Home Program created in
 3550 Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a),
 3551 but is eligible to register to vote by any other means described in this part.

3552 (3) The Driver License Division shall:

3553 (a) assist an individual in completing the voter registration form unless the individual
 3554 refuses assistance;

3555 (b) electronically transmit each address change to the [~~Lieutenant governor~~] director
 3556 within five days after the day on which the division receives the address change; and

3557 (c) within five days after the day on which the division receives a voter registration
 3558 form, electronically transmit the form to the [~~Office of the Lieutenant Governor~~] office,
 3559 including the following for the individual named on the form:

3560 (i) the name, date of birth, driver license or state identification card number, last four
 3561 digits of the social security number, Utah residential address, place of birth, and
 3562 signature;

3563 (ii) a mailing address, if different from the individual's Utah residential address;

3564 (iii) an email address and phone number, if available;

3565 (iv) the desired political affiliation, if indicated;

3566 (v) an indication of whether the individual requested that the individual's voter

- 3567 registration record be classified as a private record under Subsection 20A-2-108
3568 (2)(b); and
- 3569 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and
3570 any verification submitted with the form.
- 3571 (4) Upon receipt of an individual's voter registration form from the Driver License Division
3572 under Subsection (3), the [~~lieutenant governor~~] director shall:
- 3573 (a) enter the information into the statewide voter registration database; and
3574 (b) if the individual requests on the individual's voter registration form that the
3575 individual's voter registration record be classified as a private record or the individual
3576 submits a withholding request form described in Subsections 20A-2-104(7) and (8)
3577 and any required verification, classify the individual's voter registration record as a
3578 private record.
- 3579 (5) The county clerk of an individual whose information is entered into the statewide voter
3580 registration database under Subsection (4) shall:
- 3581 (a) ensure that the individual meets the qualifications to be registered or preregistered to
3582 vote; and
- 3583 (b)(i) if the individual meets the qualifications to be registered to vote:
3584 (A) ensure that the individual is assigned to the proper voting precinct; and
3585 (B) send the individual the notice described in Section 20A-2-304; or
- 3586 (ii) if the individual meets the qualifications to be preregistered to vote, process the
3587 form in accordance with the requirements of Section 20A-2-101.1.
- 3588 (6)(a) When the county clerk receives a correctly completed voter registration form
3589 under this section, the clerk shall:
- 3590 (i) comply with the applicable provisions of this Subsection (6); or
3591 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 3592 (b) If the county clerk receives a correctly completed voter registration form under this
3593 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11
3594 calendar days before the date of an election, the county clerk shall:
- 3595 (i) accept the voter registration form; and
3596 (ii) unless the individual is preregistering to vote:
3597 (A) enter the individual's name on the list of registered voters for the voting
3598 precinct in which the individual resides; and
3599 (B) notify the individual that the individual is registered to vote in the upcoming
3600 election; and

- 3601 (iii) if the individual named in the form is preregistering to vote, comply with Section
 3602 20A-2-101.1.
- 3603 (c) If the county clerk receives a correctly completed voter registration form under this
 3604 section after the deadline described in Subsection (6)(b), the county clerk shall,
 3605 unless the individual named in the form is preregistering to vote:
- 3606 (i) accept the application for registration of the individual;
 3607 (ii) process the voter registration form; and
 3608 (iii) unless the individual is preregistering to vote, and except as provided in
 3609 Subsection [~~20A-2-207(6)~~] 20A-2-207(5), inform the individual that the individual
 3610 will not be registered to vote in the pending election, unless the individual
 3611 registers to vote by provisional ballot during the early voting period, if applicable,
 3612 or on election day, in accordance with Section 20A-2-207.
- 3613 (7)(a) If the county clerk determines that an individual's voter registration form received
 3614 from the Driver License Division is incorrect because of an error, because the form is
 3615 incomplete, or because the individual does not meet the qualifications to be registered
 3616 to vote, the county clerk shall mail notice to the individual stating that the individual
 3617 has not been registered or preregistered because of an error, because the registration
 3618 form is incomplete, or because the individual does not meet the qualifications to be
 3619 registered to vote.
- 3620 (b) If a county clerk believes, based upon a review of a voter registration form, that an
 3621 individual, who knows that the individual is not legally entitled to register or
 3622 preregister to vote, may be intentionally seeking to register or preregister to vote, the
 3623 county clerk shall refer the form to the county attorney for investigation and possible
 3624 prosecution.
- 3625 Section 49. Section **20A-2-205** is amended to read:
- 3626 **20A-2-205 . Registration at voter registration agencies.**
- 3627 (1) As used in this section:
- 3628 (a) "Discretionary voter registration agency" means the same as that term is defined in
 3629 Section 20A-2-300.5.
- 3630 (b) "Public assistance agency" means the same as that term is defined in Section
 3631 20A-2-300.5.
- 3632 (2) An individual may obtain and complete a registration form at a public assistance agency
 3633 or discretionary voter registration agency.
- 3634 (3) Each public assistance agency and discretionary voter registration agency shall provide,

3635 either as part of existing forms or on a separate form, the following information in
 3636 substantially the following form:

3637 "REGISTERING TO VOTE

3638 If you are not registered to vote where you live now, would you like to apply to register
 3639 or preregister to vote here today? (The decision of whether to register or preregister to vote
 3640 will not affect the amount of assistance that you will be provided by this agency.) Yes____
 3641 No____ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO
 3642 HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If
 3643 you would like help in filling out the voter registration form, we will help you. The decision
 3644 about whether to seek or accept help is yours. You may fill out the application form in private.
 3645 If you believe that someone has interfered with your right to register or preregister or to
 3646 decline to register or preregister to vote, your right to privacy in deciding whether to register or
 3647 preregister, or in applying to register or preregister to vote, or your right to choose your own
 3648 political party or other political preference, you may file a complaint with the [~~Office of the~~
 3649 ~~Lieutenant Governor~~] Elections Office, State Capitol Building, Salt Lake City, Utah 84114.
 3650 (The phone number of the [~~Office of the Lieutenant Governor~~] office)."

3651 (4) Unless an individual applying for service or assistance from a public assistance agency
 3652 or discretionary voter registration agency declines, in writing, to register or preregister to
 3653 vote, each public assistance agency and discretionary voter registration agency shall:

3654 (a) distribute a voter registration form with each application for service or assistance
 3655 provided by the agency or office;

3656 (b) assist applicants in completing the voter registration form unless the applicant
 3657 refuses assistance;

3658 (c) accept completed forms for transmittal to the appropriate election official; and

3659 (d) transmit a copy of each voter registration form to the appropriate election official
 3660 within five days after the division receives the voter registration form.

3661 (5) An individual in a public assistance agency or a discretionary voter registration agency
 3662 that helps an applicant complete the voter registration form may not:

3663 (a) seek to influence an applicant's political preference or party registration;

3664 (b) display any political preference or party allegiance;

3665 (c) make any statement to an applicant or take any action that has the purpose or effect
 3666 of discouraging the applicant from registering to vote; or

3667 (d) make any statement to an applicant or take any action that has the purpose or effect
 3668 of leading the applicant to believe that a decision of whether to register or preregister

- 3669 has any bearing upon the availability of services or benefits.
- 3670 (6) If the county clerk receives a correctly completed voter registration form under this
3671 section no later than 5 p.m. 11 calendar days before the date of an election, the county
3672 clerk shall:
- 3673 (a) accept and process the voter registration form;
- 3674 (b) unless the individual named in the form is preregistering to vote:
- 3675 (i) enter the applicant's name on the list of registered voters for the voting precinct in
3676 which the applicant resides; and
- 3677 (ii) notify the applicant that the applicant is registered to vote in the upcoming
3678 election; and
- 3679 (c) if the individual named in the form is preregistering to vote, comply with Section
3680 20A-2-101.1.
- 3681 (7) If the county clerk receives a correctly completed voter registration form after the
3682 deadline described in Subsection (6), the county clerk shall:
- 3683 (a) accept the application for registration of the individual; and
- 3684 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), if possible, promptly
3685 inform the individual that the individual will not be registered to vote in the pending
3686 election, unless the individual registers to vote by provisional ballot during the early
3687 voting period, if applicable, or on election day, in accordance with Section 20A-2-207.
- 3688 (8) If the county clerk determines that a voter registration form received from a public
3689 assistance agency or discretionary voter registration agency is incorrect because of an
3690 error or because the voter registration form is incomplete, the county clerk shall mail
3691 notice to the individual attempting to register or preregister to vote, stating that the
3692 individual has not been registered or preregistered to vote because of an error or because
3693 the voter registration form is incomplete.
- 3694 Section 50. Section **20A-2-206** is amended to read:
- 3695 **20A-2-206 . Electronic registration.**
- 3696 (1) The [~~lieutenant governor~~] director shall create and maintain an electronic system that is
3697 publicly available on the Internet for an individual to apply for voter registration or
3698 preregistration.
- 3699 (2) An electronic system for voter registration or preregistration shall require:
- 3700 (a) that an applicant have a valid driver license or identification card, issued under Title
3701 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current
3702 principal place of residence;

- 3703 (b) that the applicant provide the information required by Section 20A-2-104, except
3704 that the applicant's signature may be obtained in the manner described in Subsections
3705 (2)(d) and (5);
- 3706 (c) that the applicant attest to the truth of the information provided; and
- 3707 (d) that the applicant authorize the [~~lieutenant governor's~~] director's and county clerk's
3708 use of the applicant's:
- 3709 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,
3710 Uniform Driver License Act, for voter registration purposes; or
- 3711 (ii) signature on file in the [~~lieutenant governor's~~] office's statewide voter registration
3712 database developed under Section 20A-2-502.
- 3713 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for voter
3714 registration or preregistration created under this section is not required to complete a
3715 printed registration form.
- 3716 (4) A system created and maintained under this section shall provide the notices concerning
3717 a voter's presentation of identification contained in Subsection 20A-2-104(1).
- 3718 (5) The [~~lieutenant governor~~] director shall:
- 3719 (a) obtain a digital copy of the applicant's driver license or identification card signature
3720 from the Driver License Division; or
- 3721 (b) ensure that the applicant's signature is already on file in the [~~lieutenant governor's~~]
3722 office's statewide voter registration database developed under Section 20A-2-502.
- 3723 (6) The [~~lieutenant governor~~] director shall send the information to the county clerk for the
3724 county in which the applicant's principal place of residence is found for further action as
3725 required by Section 20A-2-304 after:
- 3726 (a) receiving all information from an applicant; and
- 3727 (b)(i) receiving all information from the Driver License Division; or
- 3728 (ii) ensuring that the applicant's signature is already on file in the [~~lieutenant~~
3729 ~~governor's~~] office's statewide voter registration database developed under Section
3730 20A-2-502.
- 3731 (7) The [~~lieutenant governor~~] director may use additional security measures to ensure the
3732 accuracy and integrity of an electronically submitted voter registration.
- 3733 (8) If an individual applies to register under this section no later than 11 calendar days
3734 before the date of an election, the county clerk shall:
- 3735 (a) accept and process the voter registration form;
- 3736 (b) unless the individual named in the form is preregistering to vote:

- 3737 (i) enter the applicant's name on the list of registered voters for the voting precinct in
 3738 which the applicant resides; and
- 3739 (ii) notify the individual that the individual is registered to vote in the upcoming
 3740 election; and
- 3741 (c) if the individual named in the form is preregistering to vote, comply with Section
 3742 20A-2-101.1.
- 3743 (9) If an individual applies to register under this section after the deadline described in
 3744 Subsection (8), the county clerk shall, unless the individual is preregistering to vote:
- 3745 (a) accept the application for registration; and
- 3746 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), if possible, promptly
 3747 inform the individual that the individual will not be registered to vote in the pending
 3748 election, unless the individual registers to vote by provisional ballot during the early
 3749 voting period, if applicable, or on election day, in accordance with Section 20A-2-207.
- 3750 (10) The [~~lieutenant governor~~] director shall provide a means by which a registered voter
 3751 shall sign the application form.
- 3752 Section 51. Section **20A-2-207** is amended to read:
- 3753 **20A-2-207 . Registration by provisional ballot.**
- 3754 (1) Except as provided in Subsection [~~(6)~~] (5), an individual who is not registered to vote
 3755 may register to vote, and vote, on election day or during the early voting period
 3756 described in Section 20A-3a-601, by voting a provisional ballot, if:
- 3757 (a) the individual is otherwise legally entitled to vote the ballot;
- 3758 (b) the ballot is identical to the ballot for the precinct in which the individual resides;
- 3759 (c) the information on the provisional ballot form is complete; and
- 3760 (d) the individual provides valid voter identification and proof of residence to the poll
 3761 worker.
- 3762 (2) If a provisional ballot and the individual who voted the ballot comply with the
 3763 requirements described in Subsection (1), the election officer shall:
- 3764 (a) consider the provisional ballot a voter registration form;
- 3765 (b) place the ballot with the other ballots, to be counted with those ballots at the canvass;
 3766 and
- 3767 (c) as soon as reasonably possible, register the individual to vote.
- 3768 (3) Except as provided in Subsection (4), the election officer shall retain a provisional ballot
 3769 form, uncounted, for the period specified in Section 20A-4-202, if the election officer
 3770 determines that the individual who voted the ballot:

- 3771 (a) is not registered to vote and is not eligible for registration under this section; or
 3772 (b) is not legally entitled to vote the ballot that the individual voted.
- 3773 (4) Subsection (3) does not apply if a court orders the election officer to produce or count
 3774 the provisional ballot.
- 3775 [~~(5) The lieutenant governor shall report to the Government Operations Interim Committee~~
 3776 ~~on or before October 31, 2020, regarding:]~~
- 3777 [~~(a) implementation of registration by provisional ballot, as described in this section, on~~
 3778 ~~a statewide basis;]~~
- 3779 [~~(b) any difficulties resulting from the implementation described in Subsection (5)(a);]~~
 3780 [~~(c) the effect of registration by provisional ballot on voter participation in Utah;]~~
 3781 [~~(d) the number of ballots cast by voters who registered by provisional ballot:]~~
- 3782 [~~(i) during the early voting period described in Section 20A-3a-601; and]~~
 3783 [~~(ii) on election day; and]~~
- 3784 [~~(e) suggested changes in the law relating to registration by provisional ballot.]~~
- 3785 [~~(6)~~] (5) For an election administered by an election officer other than a county clerk:
- 3786 (a) if the election officer does not operate a polling place to allow early voting, the
 3787 individual may not register to vote, under this section, during an early voting period;
 3788 and
- 3789 (b) if the election officer does not operate a polling place on election day, the individual
 3790 may not register to vote, under this section, on election day.
- 3791 Section 52. Section **20A-2-300.6** is amended to read:
- 3792 **20A-2-300.6 . Voter registration activities -- Coordination among local, state, and**
 3793 **federal officials.**
- 3794 The [~~lieutenant governor~~] director shall:
- 3795 (1) oversee, manage, and coordinate all voter registration activities in the state; and
 3796 (2) coordinate with local, state, and federal officials to ensure compliance with state and
 3797 federal election laws.
- 3798 Section 53. Section **20A-2-502** is amended to read:
- 3799 **20A-2-502 . Statewide voter registration system -- Maintenance and update of**
 3800 **system -- Record security -- List of incarcerated felons -- Public document showing**
 3801 **compliance by county clerks.**
- 3802 (1) The [~~lieutenant governor~~] director shall:
- 3803 (a) develop, manage, and maintain a statewide voter registration system to be used by
 3804 county clerks to maintain an updated statewide voter registration database in

- 3805 accordance with this section and rules made under Section 20A-2-507;
- 3806 (b) except as provided in Subsection (2)(c), regularly update the system with
- 3807 information relevant to voter registration, as follows:
- 3808 (i) on at least a weekly basis, information received from the Driver License Division
- 3809 in relation to:
- 3810 (A) voter registration;
- 3811 (B) a registered voter's change of address; or
- 3812 (C) a registered voter's change of name;
- 3813 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11)
- 3814 from the state registrar, regarding deceased individuals;
- 3815 (iii) on at least a monthly basis, the information described in Subsection (3), received
- 3816 from the Department of Corrections regarding incarcerated individuals;
- 3817 (iv) on at least a monthly basis, information received from other states, including
- 3818 information received under an agreement described in Subsection (2); and
- 3819 (v) within 31 days after receiving information relevant to voter registration, other
- 3820 than the information described in Subsections (1)(b)(i) through ~~(iv)~~ (iv);
- 3821 (c) regularly monitor the system to ensure that each county clerk complies with the
- 3822 requirements of this part and rules made under Section 20A-2-507;
- 3823 (d) establish matching criteria and security measures for identifying a change described
- 3824 in Subsection (1)(b) to ensure the accuracy of a voter registration record; and
- 3825 (e) on at least a monthly basis:
- 3826 (i) use the matching criteria and security measures described in Subsection (1)(d) to
- 3827 compare information in the database to identify duplicate data, contradictory data,
- 3828 and changes in data;
- 3829 (ii) notify the applicable county clerk of the data identified; and
- 3830 (iii) notify the county clerk of the county in which a voter's principal place of
- 3831 residence is located of a change in a registered voter's principal place of residence
- 3832 or name.
- 3833 (2)(a) Subject to Subsection (2)(b), the ~~lieutenant governor~~ director may cooperate or
- 3834 enter into an agreement with a governmental entity or another state to share
- 3835 information and increase the accuracy of the database.
- 3836 (b) For a record shared under Subsection (2)(a), the ~~lieutenant governor~~ director shall
- 3837 ensure:
- 3838 (i) that the record is only used to maintain the accuracy of the database;

- 3839 (ii) compliance with Section 63G-2-206; and
- 3840 (iii) that the record is secure from unauthorized use by employing data encryption or
- 3841 another similar technology security system.
- 3842 (c) The ~~[lieutenant governor]~~ director is not required to comply with an updating
- 3843 requirement described in Subsection (1)(b) to the extent that the person responsible to
- 3844 provide the information to the ~~[lieutenant governor]~~ director fails to provide the
- 3845 information.
- 3846 (3)(a) The ~~[lieutenant governor]~~ director shall maintain a current list of all incarcerated
- 3847 felons in Utah.
- 3848 (b) The Department of Corrections shall provide the ~~[lieutenant governor's]~~ office with:
- 3849 (i) the name and last-known address of each individual who:
- 3850 (A) was convicted of a felony in a Utah state court; and
- 3851 (B) is currently incarcerated for commission of a felony; and
- 3852 (ii) the name of each convicted felon who has been released from incarceration.
- 3853 (4) The ~~[lieutenant governor]~~ director shall maintain on the ~~[lieutenant governor's]~~ office's
- 3854 website a document that:
- 3855 (a) describes the utilities and tools within the system that a county clerk is required to
- 3856 run;
- 3857 (b) describes the actions, if any, that a county clerk is required to take in relation to the
- 3858 results of running a utility or tool;
- 3859 (c) lists, by date, the recurring deadlines by which a county clerk must comply with
- 3860 Subsection (4)(a) or (b); and
- 3861 (d) indicates, by county:
- 3862 (i) whether the county clerk timely complies with each deadline described in
- 3863 Subsection (4)(c); and
- 3864 (ii) if the county clerk fails to timely comply with a deadline described in Subsection
- 3865 (4)(c), whether the county clerk subsequently complies with the deadline and the
- 3866 date on which the county clerk complies.
- 3867 Section 54. Section **20A-2-503** is amended to read:
- 3868 **20A-2-503 . County clerk's responsibilities -- Updating voter registration.**
- 3869 (1)(a) Each county clerk shall use the system to record or modify all voter registration
- 3870 records.
- 3871 (b) A county clerk shall:
- 3872 (i) at the time the county clerk enters a voter registration record into the system, run

3873 the system's voter identification verification tool in relation to the record; and
 3874 (ii) in accordance with rules made under Section 20A-2-507, regularly report to the [
 3875 ~~lieutenant governor~~] director the information described in Subsection 20A-2-502
 3876 (4).

3877 (2) A county clerk who receives notification from the [~~lieutenant governor~~] director, as
 3878 provided in Subsection 20A-2-502(1)(e), of a change in a registered voter's principal
 3879 place of residence or name may verify the change with the registered voter.

3880 (3) Unless the county clerk verifies that a change described in Subsection (2) is incorrect,
 3881 the county clerk shall:

3882 (a) change the voter registration record to show the registered voter's current name and
 3883 address; and

3884 (b) notify the registered voter of the change to the voter registration record.

3885 (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:

3886 (a) on at least a monthly basis, run the duplicate voter utility and take the action required
 3887 to resolve potential duplicate data identified by the utility; and

3888 (b) every December, run the annual maintenance utility.

3889 (5)(a) If a voter does not vote in any election during the period beginning on the date of any
 3890 regular general election and ending on the day after the date of the next regular general
 3891 election, and the county clerk has not sent the voter a notice described in Section 20A-2-505
 3892 during the period, the county clerk shall, within 14 days after the day on which the county
 3893 clerk runs the annual maintenance utility, send to the voter a preaddressed return form in
 3894 substantially the following form:

3895 ["]VOTER REGISTRATION ADDRESS["]

3896 To ensure the address on your voter registration is correct, please complete and return
 3897 this form if your address has changed. What is your current street address?

3898 _____

3899 Street City County State ZIP

3900 _____

3901 Signature of Voter

3902 (b) The county clerk shall mail the form described in Subsection (5)(a) with a postal
 3903 service that will notify the county clerk if the voter has changed the voter's address.

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

3905 **20A-2-505 . Removing names from the official register -- Determining and**
 3906 **confirming change of residence.**

3907 (1) A county clerk may not remove a voter's name from the official register on the grounds
3908 that the voter has changed residence unless the voter:

3909 (a) confirms in writing that the voter has changed residence to a place outside the
3910 county; or

3911 (b)(i) does not vote in an election during the period beginning on the date of the
3912 notice described in Subsection (3), and ending on the day after the date of the
3913 second regular general election occurring after the date of the notice; and

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

3915 (2)(a) Within 31 days after the day on which a county clerk obtains information that a
3916 voter's address has changed, if it appears that the voter still resides within the same
3917 county, the county clerk shall:

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

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

3920 (b) When a county clerk obtains information that a voter's address has changed and it
3921 appears that the voter now resides in a different county, the county clerk shall verify
3922 the changed residence by sending to the voter, by forwardable mail, the notice
3923 described in Subsection (3), printed on a postage prepaid, preaddressed return form.

3924 (3)(a) Each county clerk shall use substantially the following form to notify voters whose
3925 addresses have changed:

3926 "VOTER REGISTRATION NOTICE

3927 We have been notified that your residence has changed. Please read, complete, and
3928 return this form so that we can update our voter registration records. What is your current
3929 street address?

3930 _____

3931 Street City County State Zip

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

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

3934 If you have not changed your residence, or have moved but stayed within the same
3935 county, you must complete and return this form to the county clerk so that it is received by the
3936 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to
3937 return this form within that time:

3938 - you may be required to show evidence of your address to the poll worker before being
3939 allowed to vote in either of the next two regular general elections; or

3940 - if you fail to vote at least once, from the date this notice was mailed until the passing of

3941 two regular general elections, you will no longer be registered to vote. If you have changed
 3942 your residence and have moved to a different county in Utah, you may register to vote by
 3943 contacting the county clerk in your county.

3944

3945 _____
 Signature of Voter

3946

PRIVACY INFORMATION

3947 Voter registration records contain some information that is available to the public, such
 3948 as your name and address, some information that is available only to government entities, and
 3949 some information that is available only to certain third parties in accordance with the
 3950 requirements of law.

3951 Your driver license number, identification card number, social security number, email
 3952 address, full date of birth, and phone number are available only to government entities. Your
 3953 year of birth is available to political parties, candidates for public office, certain third parties,
 3954 and their contractors, employees, and volunteers, in accordance with the requirements of law.

3955 You may request that all information on your voter registration records be withheld from
 3956 all persons other than government entities, political parties, candidates for public office, and
 3957 their contractors, employees, and volunteers, by indicating here:

3958 _____ Yes, I request that all information on my voter registration records be withheld
 3959 from all persons other than government entities, political parties, candidates for public office,
 3960 and their contractors, employees, and volunteers.

3961 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3962 In addition to the protections provided above, you may request that identifying
 3963 information on your voter registration records be withheld from all political parties, candidates
 3964 for public office, and their contractors, employees, and volunteers, by submitting a
 3965 withholding request form, and any required verification, as described in the following
 3966 paragraphs.

3967 A person may request that identifying information on the person's voter registration
 3968 records be withheld from all political parties, candidates for public office, and their
 3969 contractors, employees, and volunteers, by submitting a withholding request form with this
 3970 registration record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or
 3971 is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence
 3972 or dating violence.

3973 A person may request that identifying information on the person's voter registration
 3974 records be withheld from all political parties, candidates for public office, and their

3975 contractors, employees, and volunteers, by submitting a withholding request form and any
 3976 required verification with this registration form, or to the [~~lieutenant governor~~] director or a
 3977 county clerk, if the person is, or resides with a person who is, a law enforcement officer, a
 3978 member of the armed forces, a public figure, or protected by a protective order or a protection
 3979 order."

3980 (b) The form described in Subsection (3)(a) shall also include a section in substantially the
 3981 following form:

3982 -----

3983 **BALLOT NOTIFICATIONS**

3984 If you have provided a phone number or email address, you can receive notifications by
 3985 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
 3986 deposit in the mail or in a ballot drop box, by indicating here:

3987 _____ Yes, I would like to receive electronic notifications regarding the status of my
 3988 ballot.

3989 -----

3990 (4)(a) Except as provided in Subsection (4)(b), the county clerk may not remove the
 3991 names of any voters from the official register during the 90 days before a regular
 3992 primary election or the 90 days before a regular general election.

3993 (b) The county clerk may remove the names of voters from the official register during
 3994 the 90 days before a regular primary election or the 90 days before a regular general
 3995 election if:

- 3996 (i) the voter requests, in writing, that the voter's name be removed; or
- 3997 (ii) the voter dies.

3998 (c)(i) After a county clerk mails a notice under this section, the county clerk shall,
 3999 unless otherwise prohibited by law, list that voter as inactive.

4000 (ii) If a county clerk receives a returned voter identification card, determines that
 4001 there was no clerical error causing the card to be returned, and has no further
 4002 information to contact the voter, the county clerk shall, unless otherwise
 4003 prohibited by law, list that voter as inactive.

4004 (iii) An inactive voter may vote, sign petitions, and have all other privileges of a
 4005 registered voter.

4006 (iv) A county is not required to:

- 4007 (A) send routine mailings to an inactive voter; or
- 4008 (B) count inactive voters when dividing precincts and preparing supplies.

4009 (5) The ~~[lieutenant governor]~~ director shall make available to a county clerk United States
 4010 Social Security Administration data received by the ~~[lieutenant governor]~~ director
 4011 regarding deceased individuals.

4012 (6) A county clerk shall, within ten business days after the day on which the county clerk
 4013 receives the information described in Subsection (5) or Subsections 26B-8-114(11) and
 4014 (12) relating to a decedent whose name appears on the official register, remove the
 4015 decedent's name from the official register.

4016 (7) Ninety days before each primary and general election the ~~[lieutenant governor]~~ director
 4017 shall compare the information the ~~[lieutenant governor]~~ director has received under
 4018 Subsection 26B-8-114(11) with the official register of voters to ensure that all deceased
 4019 voters have been removed from the official register.

4020 Section 56. Section **20A-2-506** is amended to read:

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

4022 (1) As used in this section:

4023 (a) "Voter registration record" means a record concerning the implementation of
 4024 programs and activities conducted for the purpose of ensuring that the official
 4025 register is accurate and current.

4026 (b) "Voter registration record" does not include a record that:

4027 (i) relates to a person's decision to decline to register to vote; or

4028 (ii) identifies the particular public assistance agency, discretionary voter registration
 4029 agency, or Driver License Division through which a particular voter registered to
 4030 vote.

4031 (2) The ~~[lieutenant governor]~~ director and each county clerk shall:

4032 (a) preserve for at least two years all records relating to voter registration, including:

4033 (i) the official register; and

4034 (ii) the name and address of each individual to whom the notice required by Section
 4035 20A-2-505 was sent and a notation regarding whether the individual responded to
 4036 the notice;

4037 (b) make a voter registration record available for public inspection, except for a voter
 4038 registration record, or part of a voter registration record that is classified as private
 4039 under Section 63G-2-302; and

4040 (c) allow a record or part of a record described in Subsection (2)(b) that is not classified
 4041 as a private record to be photocopied for a reasonable cost.

4042 (3) The ~~[lieutenant governor]~~ director shall take, and store for at least 22 months, a static

4043 copy of the official register made at the following times:

- 4044 (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);
4045 (b) the day of the election; and
4046 (c) the last day of the canvass.

4047 Section 57. Section **20A-2-507** is amended to read:

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

4049 The [~~director of elections within the Office of the Lieutenant Governor~~] office shall make
4050 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

- 4051 (1) to regulate the use, security, maintenance, data entry, and update of the system;
4052 (2) establishing duties and deadlines for a county clerk to:
4053 (a) ensure that the database is updated, accurate, and secure; and
4054 (b) regularly report to the [~~Lieutenant Governor~~] director the information described in
4055 Subsection 20A-2-502(4); and
4056 (3) establishing requirements for a county clerk in relation to:
4057 (a) running the utilities and tools in the system;
4058 (b) actions that the county clerk is required to take in response to the matters identified,
4059 or the results produced, from running the utilities and tools; and
4060 (c) documenting and reporting compliance with the requirements of this part and rules
4061 made under this section.

4062 Section 58. Section **20A-3a-106** is amended to read:

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

4064 The [~~director of elections, within the Office of the Lieutenant Governor,~~] office may
4065 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4066 establishing requirements for:

- 4067 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and
4068 security of the envelopes;
4069 (2) complying with the signature comparison audit requirements described in Section
4070 20A-3a-402.5; or
4071 (3) conducting and documenting the identity verification process described in Subsection
4072 20A-3a-401(7)(b).

4073 Section 59. Section **20A-3a-202** is amended to read:

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

- 4075 (1)(a) Except as otherwise provided for an election conducted entirely by mail under
4076 Section 20A-7-609.5, an election officer shall administer an election primarily by

- 4077 mail, in accordance with this section.
- 4078 (b) An individual who did not provide valid voter identification at the time the voter
4079 registered to vote shall provide valid voter identification before voting.
- 4080 (2) An election officer who administers an election:
- 4081 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
4082 and no later than seven days before election day, mail to each active voter within a
4083 voting precinct:
- 4084 (i) a manual ballot;
- 4085 (ii) a return envelope;
- 4086 (iii) instructions for returning the ballot that include an express notice about any
4087 relevant deadlines that the voter must meet in order for the voter's vote to be
4088 counted;
- 4089 (iv) for an election administered by a county clerk, information regarding the location
4090 and hours of operation of any election day voting center at which the voter may
4091 vote or a website address where the voter may view this information;
- 4092 (v) for an election administered by an election officer other than a county clerk, if the
4093 election officer does not operate a polling place or an election day voting center, a
4094 warning, on a separate page of colored paper in bold face print, indicating that if
4095 the voter fails to follow the instructions included with the ballot, the voter will be
4096 unable to vote in that election because there will be no polling place for the voting
4097 precinct on the day of the election; and
- 4098 (vi) instructions on how a voter may sign up to receive electronic ballot status
4099 notifications via the ballot tracking system described in Section 20A-3a-401.5;
- 4100 (b) may not mail a ballot under this section to:
- 4101 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
4102 (ii) a voter whom the election officer is prohibited from sending a ballot under
4103 Subsection (9)(c)(ii);
- 4104 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
4105 include instructions for returning the ballot if the individual to whom the election
4106 officer mails the ballot does not live at the address to which the ballot is sent;
- 4107 (d) shall provide a method of accessible voting to a voter with a disability who is not
4108 able to vote by mail; and
- 4109 (e) shall include, on the election officer's website and with each ballot mailed,
4110 instructions regarding how a voter described in Subsection (2)(d) may vote.

- 4111 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
 4112 manual ballot to the address:
- 4113 (i) provided at the time of registration; or
 4114 (ii) if, at or after the time of registration, the voter files an alternate address request
 4115 form described in Subsection (3)(b), the alternate address indicated on the form.
- 4116 (b) The [~~lieutenant governor~~] director shall make available to voters an alternate address
 4117 request form that permits a voter to request that the election officer mail the voter's
 4118 ballot to a location other than the voter's residence.
- 4119 (c) A voter shall provide the completed alternate address request form to the election
 4120 officer no later than 11 days before the day of the election.
- 4121 (4) The return envelope shall include:
- 4122 (a) the name, official title, and post office address of the election officer on the front of
 4123 the envelope;
- 4124 (b) a space where a voter may write an email address and phone number by which the
 4125 election officer may contact the voter if the voter's ballot is rejected;
- 4126 (c) a printed affidavit in substantially the following form:
- 4127 "County of ____ State of ____
 4128 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
 4129 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
 4130 currently incarcerated for commission of a felony.
 4131 _____
 4132 Signature of Voter"; and
- 4133 (d) a warning that the affidavit must be signed by the individual to whom the ballot was
 4134 sent and that the ballot will not be counted if the signature on the affidavit does not
 4135 match the signature on file with the election officer of the individual to whom the
 4136 ballot was sent.
- 4137 (5) If the election officer determines that the voter is required to show valid voter
 4138 identification, the election officer may:
- 4139 (a) mail a ballot to the voter;
- 4140 (b) instruct the voter to include a copy of the voter's valid voter identification with the
 4141 return ballot; and
- 4142 (c) provide instructions to the voter on how the voter may sign up to receive electronic
 4143 ballot status notifications via the ballot tracking system described in Section
 4144 20A-3a-401.5.

- 4145 (6) An election officer who administers an election shall:
- 4146 (a)(i) before the election, obtain the signatures of each voter qualified to vote in the
- 4147 election; or
- 4148 (ii) obtain the signature of each voter within the voting precinct from the county
- 4149 clerk; and
- 4150 (b) maintain the signatures on file in the election officer's office.
- 4151 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot
- 4152 under Section 20A-3a-401.
- 4153 (8) A county that administers an election:
- 4154 (a) shall provide at least one election day voting center in accordance with Part 7,
- 4155 Election Day Voting Center, and at least one additional election day voting center for
- 4156 every 5,000 active voters in the county who have requested to not receive a ballot by
- 4157 mail;
- 4158 (b) shall ensure that each election day voting center operated by the county has at least
- 4159 one voting device that is accessible, in accordance with the Help America Vote Act
- 4160 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 4161 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 4162 (i) the county clerk conducts early voting on at least four days;
- 4163 (ii) the early voting days are within the period beginning on the date that is 14 days
- 4164 before the date of the election and ending on the day before the election; and
- 4165 (iii) the county clerk provides notice of the reduced early voting period in accordance
- 4166 with Section 20A-3a-604; and
- 4167 (d) is not required to pay return postage for a ballot.
- 4168 (9)(a) An individual may request that the election officer not send the individual a ballot
- 4169 by mail in the next and subsequent elections by submitting a written request to the
- 4170 election officer.
- 4171 (b) An individual shall submit the request described in Subsection (9)(a) to the election
- 4172 officer before 5 p.m. no later than 60 days before an election if the individual does
- 4173 not wish to receive a ballot by mail in that election.
- 4174 (c) An election officer who receives a request from an individual under Subsection
- 4175 (9)(a):
- 4176 (i) shall remove the individual's name from the list of voters who will receive a ballot
- 4177 by mail; and
- 4178 (ii) may not send the individual a ballot by mail for:

- 4179 (A) the next election, if the individual submits the request described in Subsection
 4180 (9)(a) before the deadline described in Subsection (9)(b); or
 4181 (B) an election after the election described in Subsection (9)(c)(ii)(A).
 4182 (d) An individual who submits a request under Subsection (9)(a) may resume the
 4183 individual's receipt of a ballot by mail by submitting a written request to the election
 4184 officer.

4185 Section 60. Section **20A-3a-401** is amended to read:

4186 **20A-3a-401 . Custody of voted ballots mailed or deposited in a ballot drop box --**
 4187 **Disposition -- Notice -- Disclosures relating to unresolved ballots.**

- 4188 (1) This section governs ballots returned by mail or via a ballot drop box.
 4189 (2)(a) Poll workers shall open return envelopes containing manual ballots that are in the
 4190 custody of the poll workers in accordance with this section.
 4191 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of the
 4192 return envelope to the signature of the voter in the voter registration records.
 4193 (3) After complying with Subsection (2), the poll workers shall determine whether:
 4194 (a) the signatures correspond;
 4195 (b) the affidavit is sufficient;
 4196 (c) the voter is registered to vote in the correct precinct;
 4197 (d) the voter's right to vote the ballot has been challenged;
 4198 (e) the voter has already voted in the election;
 4199 (f) the voter is required to provide valid voter identification; and
 4200 (g) if the voter is required to provide valid voter identification, whether the voter has
 4201 provided valid voter identification.
 4202 (4)(a) The poll workers shall take the action described in Subsection (4)(b) if the poll
 4203 workers determine:
 4204 (i) in accordance with the rules made under Subsection (11):
 4205 (A) that the signature on the affidavit of the return envelope is reasonably
 4206 consistent with the individual's signature in the voter registration records; or
 4207 (B) for an individual who checks the box described in Subsection (5)(c)(v), that
 4208 the signature is verified by alternative means;
 4209 (ii) that the affidavit is sufficient;
 4210 (iii) that the voter is registered to vote in the correct precinct;
 4211 (iv) that the voter's right to vote the ballot has not been challenged;
 4212 (v) that the voter has not already voted in the election; and

- 4213 (vi) for a voter required to provide valid voter identification, that the voter has
 4214 provided valid voter identification.
- 4215 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
 4216 workers shall:
- 4217 (i) remove the manual ballot from the return envelope in a manner that does not
 4218 destroy the affidavit on the return envelope;
- 4219 (ii) ensure that the ballot does not unfold and is not otherwise examined in
 4220 connection with the return envelope; and
- 4221 (iii) place the ballot with the other ballots to be counted.
- 4222 (c) If the poll workers do not make all of the findings described in Subsection (4)(a), the
 4223 poll workers shall:
- 4224 (i) disallow the vote;
- 4225 (ii) without opening the return envelope, record the ballot as "rejected" and state the
 4226 reason for the rejection; and
- 4227 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 4228 (5)(a) If the poll workers reject an individual's ballot because the poll workers
 4229 determine, in accordance with rules made under Subsection (11), that the signature
 4230 on the return envelope is not reasonably consistent with the individual's signature in
 4231 the voter registration records, the election officer shall:
- 4232 (i) contact the individual in accordance with Subsection (6); and
- 4233 (ii) inform the individual:
- 4234 (A) that the individual's signature is in question;
- 4235 (B) how the individual may resolve the issue; and
- 4236 (C) that, in order for the ballot to be counted, the individual is required to deliver
 4237 to the election officer a correctly completed affidavit, provided by the county
 4238 clerk, that meets the requirements described in Subsection (5)(c).
- 4239 (b) The election officer shall ensure that the notice described in Subsection (5)(a)
 4240 includes:
- 4241 (i) when communicating the notice by mail, a printed copy of the affidavit described
 4242 in Subsection (5)(c) and a courtesy reply envelope;
- 4243 (ii) when communicating the notice electronically, a link to a copy of the affidavit
 4244 described in Subsection (5)(c) or information on how to obtain a copy of the
 4245 affidavit; or
- 4246 (iii) when communicating the notice by phone, either during a direct conversation

- 4247 with the voter or in a voicemail, arrangements for the voter to receive a copy of
4248 the affidavit described in Subsection (5)(c), either in person from the clerk's
4249 office, by mail, or electronically.
- 4250 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:
- 4251 (i) an attestation that the individual voted the ballot;
 - 4252 (ii) a space for the individual to enter the individual's name, date of birth, and driver
4253 license number or the last four digits of the individual's social security number;
 - 4254 (iii) a space for the individual to sign the affidavit;
 - 4255 (iv) a statement that, by signing the affidavit, the individual authorizes the [~~lieutenant~~
4256 ~~governor's~~] director's and county clerk's use of the individual's signature on the
4257 affidavit for voter identification purposes; and
 - 4258 (v) a check box accompanied by language in substantially the following form: "I am
4259 a voter with a qualifying disability under the Americans with Disabilities Act that
4260 impacts my ability to sign my name consistently. I can provide appropriate
4261 documentation upon request. To discuss accommodations, I can be contacted at
4262 _____".
- 4263 (d) In order for an individual described in Subsection (5)(a) to have the individual's
4264 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c)
4265 to the election officer.
- 4266 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall
4267 immediately:
- 4268 (i) scan the signature on the affidavit electronically and keep the signature on file in
4269 the statewide voter registration database developed under Section 20A-2-502;
 - 4270 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before
4271 the day on which the canvass begins, count the individual's ballot; and
 - 4272 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
4273 rules described in Subsection (11)(c).
- 4274 (6)(a) The election officer shall, within two business days after the day on which an
4275 individual's ballot is rejected, notify the individual of the rejection and the reason for
4276 the rejection, by phone, mail, email, or SMS text message, unless:
- 4277 (i) the ballot is cured within one business day after the day on which the ballot is
4278 rejected; or
 - 4279 (ii) the ballot is rejected because the ballot is received late or for another reason that
4280 cannot be cured.

- 4281 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii), the
4282 election officer shall notify the individual of the rejection and the reason for the
4283 rejection by phone, mail, email, or SMS text message, within the later of:
4284 (i) 30 days after the day of the rejection; or
4285 (ii) 30 days after the day of the election.
- 4286 (c) The election officer may, when notifying an individual by phone under this
4287 Subsection (6), use auto-dial technology.
- 4288 (7) An election officer may not count the ballot of an individual whom the election officer
4289 contacts under Subsection (5) or (6) unless, no later than 5 p.m. three days before the
4290 day on which the canvass begins, the election officer:
4291 (a) receives a signed affidavit from the individual under Subsection (5); or
4292 (b)(i) contacts the individual;
4293 (ii) if the election officer has reason to believe that an individual, other than the voter
4294 to whom the ballot was sent, signed the ballot affidavit, informs the individual that
4295 it is unlawful to sign a ballot affidavit for another person, even if the person gives
4296 permission;
4297 (iii) verifies the identity of the individual by:
4298 (A) requiring the individual to provide at least two types of personal identifying
4299 information for the individual; and
4300 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records
4301 relating to the individual that are in the possession or control of an election
4302 officer; and
4303 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
4304 (A) the name and voter identification number of the individual contacted;
4305 (B) the name of the individual who conducts the verification;
4306 (C) the date and manner of the communication;
4307 (D) the type of personal identifying information provided by the individual;
4308 (E) a description of the records against which the personal identifying information
4309 provided by the individual is compared and verified; and
4310 (F) other information required by the [~~lieutenant governor~~] director.
- 4311 (8) The election officer shall:
4312 (a) retain and preserve the return envelopes in the manner provided by law for the
4313 retention and preservation of ballots voted at that election;
4314 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and

- 4315 (c) if the election officer complies with Subsection (8)(b) by including the
4316 documentation in the voter's voter registration record, make, retain, and preserve a
4317 record of the name and voter identification number of each voter contacted under
4318 Subsection (7)(b).
- 4319 (9)(a) The election officer shall record the following in the database used to verify
4320 signatures:
- 4321 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day
4322 after the day on which the election officer rejects the ballot; and
- 4323 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business
4324 day after the day on which the ballot rejection is resolved.
- 4325 (b) An election officer shall include, in the canvass report, a final report of the
4326 disposition of all rejected and resolved ballots, including, for ballots rejected, the
4327 following:
- 4328 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
4329 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in
4330 records on file, do not correspond.
- 4331 (10) Willful failure to comply with this section constitutes willful neglect of duty under
4332 Section 20A-5-701.
- 4333 (11) The director of elections within the [~~Office of the Lieutenant Governor~~] office shall
4334 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4335 Act, to establish:
- 4336 (a) criteria and processes for use by poll workers in determining if a signature
4337 corresponds with the signature on file for the voter under Subsections (3)(a) and
4338 (4)(a)(i)(A);
- 4339 (b) training and certification requirements for election officers and employees of election
4340 officers regarding the criteria and processes described in Subsection (11)(a); and
- 4341 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.
4342 Secs. 12131 through 12165, an alternative means of verifying the identity of an
4343 individual who checks the box described in Subsection (5)(c)(v).
- 4344 (12) Subject to Subsection (13), if, in response to a request, and in accordance with the
4345 requirements of law, an election officer discloses the name or address of voters whose
4346 ballots have been rejected and not yet resolved, the election officer shall:
- 4347 (a) make the disclosure within two business days after the day on which the request is
4348 made;

- 4349 (b) respond to each request in the order the requests were made; and
4350 (c) make each disclosure in a manner, and within a period of time, that does not reflect
4351 favoritism to one requestor over another.
- 4352 (13) A disclosure described in Subsection (12) may not include the name or address of a
4353 protected individual, as defined in Subsection 20A-2-104(1).
- 4354 Section 61. Section **20A-3a-401.1** is amended to read:
4355 **20A-3a-401.1 . Ballot chain of custody.**
- 4356 (1) As used in this section:
- 4357 (a) "Batch" means a grouping of a specified number of ballots:
- 4358 (i) that is assembled by poll workers, and given a number to distinguish the grouping
4359 from other groupings, when the ballots are first received for processing;
- 4360 (ii) that is kept together in the same grouping, and kept separate from other
4361 groupings, throughout ballot processing; and
- 4362 (iii) for which a log is kept to document the chain of custody of the grouping.
- 4363 (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a
4364 return envelope that a poll worker has not separated from a ballot, as follows:
- 4365 (i) starting with receiving the ballot;
- 4366 (ii) each step taken in relation to a ballot as part of conducting an election; and
4367 (iii) ending after the ballots are counted and stored.
- 4368 (2) An election officer shall preserve the chain of custody of all ballots in accordance with
4369 this section.
- 4370 (3) An election officer shall maintain an accurate, updated count of the number of ballots
4371 that the election officer:
- 4372 (a) mails or otherwise provides to a voter;
- 4373 (b) receives from a voter;
- 4374 (c) counts;
- 4375 (d) rejects;
- 4376 (e) resolves after rejecting; or
4377 (f) does not resolve after rejecting.
- 4378 (4) Upon receiving ballots cast by voters, the election officer shall ensure that poll workers
4379 immediately count the number of ballots received and divide the ballots into batches.
- 4380 (5) The election officer shall ensure that:
- 4381 (a) ballots in each batch are kept separate from the ballots in other batches;
- 4382 (b) a ballot is not separated from a batch, except as necessary to the election process;

- 4383 (c) if a ballot is separated from a batch, the batch log indicates:
- 4384 (i) the ballot number;
- 4385 (ii) the date and time of removal;
- 4386 (iii) the identity of the individual who removes the ballot; and
- 4387 (iv) the reason the ballot is removed;
- 4388 (d) poll workers shall keep for each batch a log that includes:
- 4389 (i) a unique identifying code or number for the batch;
- 4390 (ii) the number of ballots in the batch;
- 4391 (iii) the date that the ballots were received; and
- 4392 (iv) for each occasion that the batches, or any of the ballots in the batches, are
- 4393 handled:
- 4394 (A) the date and time that the ballots are handled;
- 4395 (B) a description of what is done with the ballots;
- 4396 (C) the identity of the poll workers who handle the ballots; and
- 4397 (D) any other information required by rule under Subsection (7);
- 4398 (e) an election official who performs a ballot processing function performs the function
- 4399 in the presence of at least one other election official;
- 4400 (f) to the extent reasonably possible, the poll workers who perform a ballot processing
- 4401 function for a batch complete performing that function for the entire batch; and
- 4402 (g) each part of the processing of all ballots is monitored by recorded video, without
- 4403 audio.
- 4404 (6) An election officer shall:
- 4405 (a) keep the recordings described in Subsection (5)(g) until the later of:
- 4406 (i) the end of the calendar year in which the election was held; or
- 4407 (ii) if the election is contested, when the contest is resolved; and
- 4408 (b) ensure that a camera, a video, or a recording of a video described in Subsection
- 4409 (5)(g) may only be accessed:
- 4410 (i) by the election officer;
- 4411 (ii) by a custodian of the camera, video, or recording;
- 4412 (iii) by the [~~lieutenant governor~~] director;
- 4413 (iv) by the legislative auditor general, when performing an audit; or
- 4414 (v) by, or pursuant to an order of, a court of competent jurisdiction.
- 4415 (7) An individual may not view a video, or a recording of a video, described in Subsection
- 4416 (5)(g):

- 4417 (a) unless the individual is an individual described in Subsection (6)(b); and
 4418 (b) the individual views the video to the extent necessary to:
 4419 (i) ensure compliance with Subsection (5)(g) or (6); or
 4420 (ii) investigate a concern relating to the processing of ballots.

4421 (8) The [~~director of elections within the Office of the Lieutenant Governor~~] office may make
 4422 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 4423 establishing specific requirements and procedures for an election officer or poll worker
 4424 to:

- 4425 (a) fulfill the chain of custody requirements described in this section;
 4426 (b) perform the signature verification audits described in Section 20A-3a-402.5; and
 4427 (c) comply with the reconciliation requirements described in Subsection 20A-4-304
 4428 (2)(h).

4429 Section 62. Section **20A-3a-401.5** is amended to read:

4430 **20A-3a-401.5 . Ballot tracking system.**

4431 (1) As used in this section:

- 4432 (a) "Ballot tracking system" means the system described in this section to track and
 4433 confirm the status of trackable ballots.
 4434 (b) "Change in the status" includes:
 4435 (i) when a trackable ballot is mailed to a voter;
 4436 (ii) when an election official receives a voted trackable ballot; and
 4437 (iii) when a voted trackable ballot is counted.
 4438 (c) "Trackable ballot" means a manual ballot that is:
 4439 (i) mailed to a voter in accordance with Section 20A-3a-202;
 4440 (ii) deposited in the mail by a voter in accordance with Section 20A-3a-204; or
 4441 (iii) deposited in a ballot drop box by a voter in accordance with Section 20A-3a-204.
 4442 (d) "Voter registration database" means the database, as defined in Section 20A-2-501.

4443 (2) The [~~lieutenant governor~~] director shall operate and maintain a statewide or locally based
 4444 system to track and confirm when there is a change in the status of a trackable ballot.

4445 (3) If a voter elects to receive electronic notifications regarding the status of the voter's
 4446 trackable ballot, the ballot tracking system shall, when there is a change in the status of
 4447 the voter's trackable ballot:

- 4448 (a) send a text message notification to the voter if the voter's information in the voter
 4449 registration database includes a mobile telephone number;
 4450 (b) send an email notification to the voter if the voter's information in the voter

4451 registration database includes an email address; and
 4452 (c) send a notification by another electronic means directed by the [~~lieutenant governor~~]
 4453 director.

4454 (4) The [~~lieutenant governor~~] director shall ensure that the ballot tracking system and the
 4455 state-provided website described in Section 20A-7-801 automatically share appropriate
 4456 information to ensure that a voter is able to confirm the status of the voter's trackable
 4457 ballot via the state-provided website free of charge.

4458 (5) The ballot tracking system shall include a toll-free telephone number or other offline
 4459 method by which a voter can confirm the status of the voter's trackable ballot.

4460 (6) The [~~lieutenant governor~~] director shall ensure that the ballot tracking system:

4461 (a) is secure from unauthorized use by employing data encryption or other security
 4462 measures; and

4463 (b) is only used for the purposes described in this section.

4464 Section 63. Section **20A-3a-402** is amended to read:

4465 **20A-3a-402 . Custody of ballots voted at a polling place -- Disposition -- Counting**
 4466 **ballots -- Release of tally.**

4467 (1)[~~(a)~~] For ballots voted at a polling place:

4468 [~~(b)~~] (a) the election officer shall deliver all return envelopes containing valid ballots and
 4469 valid provisional ballots that are in the election officer's custody to the counting
 4470 center before noon on the day of the official canvass following the election;

4471 [~~(c)~~] (b) valid ballots, including valid provisional ballots, may be processed and counted:

4472 (i) by the election officer, or poll workers acting under the supervision of the election
 4473 officer, before the date of the canvass; and

4474 (ii) at the canvass, by the election officer or poll workers, acting under the
 4475 supervision of the official canvassers of the election;

4476 [~~(d)~~] (c) when processing ballots, the election officer and poll workers shall comply with
 4477 the procedures and requirements of Section 20A-3a-401 in opening envelopes,
 4478 verifying signatures, confirming eligibility of the ballots, and depositing ballots in
 4479 preparation for counting; and

4480 [~~(e)~~] (d) all valid ballots, including valid provisional ballots have been deposited, the
 4481 ballots shall be counted in the usual manner.

4482 (2)(a) After the polls close on the date of the election, the election officer shall publicly
 4483 release the results of all ballots, including provisional ballots, that have been counted
 4484 on or before the date of the election.

- 4485 (b) Except as provided in Subsection (2)(c), on each day, beginning on the day after the
 4486 date of the election and ending on the day before the date of the canvass, the election
 4487 officer shall publicly release the results of all ballots, including provisional ballots,
 4488 counted on that day.
- 4489 (c)(i) If complying with Subsection (2)(b) on a particular day will likely result in
 4490 disclosing a vote cast by an individual voter, the election officer shall request
 4491 permission from the [~~lieutenant governor~~] director to delay compliance for the
 4492 minimum number of days necessary to protect against disclosure of the voter's
 4493 vote.
- 4494 (ii) The [~~lieutenant governor~~] director shall grant a request made under Subsection
 4495 (2)(c)(i) if the [~~lieutenant governor~~] director finds that the delay is necessary to
 4496 protect against disclosure of a voter's vote.
- 4497 (d) On the date of the canvass, the election officer shall provide a tally of all ballots,
 4498 including provisional ballots, counted, and the resulting tally shall be added to the
 4499 official canvass of the election.

4500 Section 64. Section **20A-3a-402.5** is amended to read:

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

- 4502 (1) An election officer shall, in accordance with this section and rules made under Section
 4503 20A-3a-106, conduct regular audits of signature comparisons made between signatures
 4504 on envelopes and voter signatures maintained by the election officer.
- 4505 (2) An individual who conducts an audit of signature comparisons may not audit the
 4506 individual's own work.
- 4507 (3) Before separating ballots from return envelopes, the election officer shall:
- 4508 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine
 4509 the accuracy of the comparisons made; and
- 4510 (b) provide additional training or staff reassignments, as needed, based on the results of
 4511 the audit.
- 4512 (4) An election officer shall submit to the [~~lieutenant governor~~] director and the board of
 4513 canvassers a record of:
- 4514 (a) the audits performed under this section;
- 4515 (b) the results of the audits; and
- 4516 (c) any remedial action taken.

4517 Section 65. Section **20A-3a-404** is amended to read:

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

4519 (1) The [~~director of elections within the Office of the Lieutenant Governor~~] office shall
4520 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4521 Act, establishing requirements for election officials regarding ballot security, including
4522 the custody, documentation of custody, handling, processing, disposition, and tabulation
4523 of ballots.

4524 (2) Beginning in November 2022, an election officer shall include, with all election returns
4525 provided to a board of canvassers, an affidavit, signed by the election officer, certifying:

4526 (a) compliance with the rules described in Subsection (1); and

4527 (b) that the county clerk maintains the voter registration database in accordance with
4528 federal and state laws and rules.

4529 Section 66. Section **20A-3a-601** is amended to read:

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

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

4532 (a) an individual who is registered to vote may vote at a polling place before the election
4533 date in accordance with this section; and

4534 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), an individual who is
4535 not registered to vote may register to vote and vote at a polling place before the
4536 election date in accordance with this section if the individual:

4537 (i) is otherwise legally entitled to vote the ballot; and

4538 (ii) casts a provisional ballot in accordance with Section 20A-2-207.

4539 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:

4540 (a) begins on the date that is 14 days before the date of the election; and

4541 (b) continues through the Friday before the election if the election date is a Tuesday.

4542 (3)(a) An election officer may extend the end of the early voting period to the day before
4543 the election date if the election officer provides notice of the extension in accordance
4544 with Section 20A-3a-604.

4545 (b) For a municipal election, the municipal clerk may reduce the early voting period
4546 described in this section if:

4547 (i) the municipal clerk conducts early voting on at least four days;

4548 (ii) the early voting days are within the period beginning on the date that is 14 days
4549 before the date of the election and ending on the day before the election; and

4550 (iii) the municipal clerk provides notice of the reduced early voting period in
4551 accordance with Section 20A-3a-604.

4552 (c) For a county election, the county clerk may reduce the early voting period described

- 4553 in this section if:
- 4554 (i) the county clerk conducts early voting on at least four days;
- 4555 (ii) the early voting days are within the period beginning on the date that is 14 days
- 4556 before the date of the election and ending on the day before the election; and
- 4557 (iii) the county clerk provides notice of the reduced early voting period in accordance
- 4558 with Section 20A-3a-604.
- 4559 (4) Except as provided in Section 20A-1-308, during the early voting period, the election
- 4560 officer:
- 4561 (a) for a local special election, a municipal primary election, and a municipal general
- 4562 election:
- 4563 (i) shall conduct early voting on a minimum of four days during each week of the
- 4564 early voting period; and
- 4565 (ii) shall conduct early voting on the last day of the early voting period; and
- 4566 (b) for all other elections:
- 4567 (i) shall conduct early voting on each weekday; and
- 4568 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- 4569 (5) Except as specifically provided in this [~~Part 6, Early Voting,~~] this part or Section
- 4570 20A-1-308, early voting shall be administered in accordance with the requirements of
- 4571 this title.
- 4572 Section 67. Section **20A-3a-603** is amended to read:
- 4573 **20A-3a-603 . Early voting polling places.**
- 4574 (1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the election officer shall
- 4575 designate one or more polling places for early voting, as follows:
- 4576 (a) at least one polling place shall be open on each day that polls are open during the
- 4577 early voting period;
- 4578 (b) each polling place shall comply with the requirements for polling places under
- 4579 Chapter 5, Election Administration;
- 4580 (c) for all elections other than local special elections, municipal primary elections, and
- 4581 municipal general elections, at least 10% of the voting devices at a polling place shall
- 4582 be accessible for individuals with disabilities in accordance with Public Law
- 4583 107-252, the Help America Vote Act of 2002; and
- 4584 (d) each polling place shall be located in a government building or office, unless the
- 4585 election officer determines that, in the area designated by the election officer, there is
- 4586 no government building or office available that:

- 4587 (i) can be scheduled for use during early voting hours;
- 4588 (ii) has the physical facilities necessary to accommodate early voting requirements;
- 4589 (iii) has adequate space for voting equipment, poll workers, and voters; and
- 4590 (iv) has adequate security, public accessibility, and parking.
- 4591 (2)(a) Except as provided in Section 20A-1-308, the election officer may, after the
- 4592 deadline described in Section 20A-3a-604:
- 4593 (i) if necessary, change the location of an early voting place; or
- 4594 (ii) if the election officer determines that the number of early voting polling places is
- 4595 insufficient due to the number of registered voters who are voting, designate
- 4596 additional polling places during the early voting period.
- 4597 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
- 4598 of an early voting polling place or designates an additional early voting polling place,
- 4599 the election officer shall, as soon as is reasonably possible, give notice of the dates,
- 4600 times, and location of the changed early voting polling place or the additional early
- 4601 voting polling place:
- 4602 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Voter
- 4603 Information Website;
- 4604 (ii) by posting the information on the website of the election officer, if available; and
- 4605 (iii) by posting notice:
- 4606 (A) for a change in the location of an early voting polling place, at the new
- 4607 location and, if possible, the old location; and
- 4608 (B) for an additional early voting polling place, at the additional early voting
- 4609 polling place.
- 4610 (3) Except as provided in Section 20A-1-308, for each regular general election and regular
- 4611 primary election, counties of the first class shall ensure that the early voting polling
- 4612 places are approximately proportionately distributed based on population within the
- 4613 county.
- 4614 Section 68. Section **20A-3a-703** is amended to read:
- 4615 **20A-3a-703 . Election day voting centers as polling places -- Location --**
- 4616 **Notification.**
- 4617 (1) The election officer may designate one or more polling places as an election day voting
- 4618 center if:
- 4619 (a) except as provided in Subsection (2), the election officer notifies the [~~lieutenant~~
- 4620 ~~governor~~] director of the designation and location of the election day voting center at

- 4621 least 15 days before the election;
- 4622 (b) the polling place meets the requirements for a polling place under Chapter 5,
4623 Election Administration; and
- 4624 (c) the polling place is located in a government building or office, unless the election
4625 officer determines that there is no government building or office available, in the area
4626 designated by the election officer, that:
- 4627 (i) can be scheduled for use during election day voting hours;
- 4628 (ii) has the physical facilities necessary to accommodate election day voting
4629 requirements;
- 4630 (iii) has adequate space for voting equipment, poll workers, and voters; and
- 4631 (iv) has adequate security, public accessibility, and parking.
- 4632 (2)(a) The election officer may, after the deadline described in Subsection (1)(a):
- 4633 (i) if necessary, change the location of an election day voting center; or
- 4634 (ii) if the election officer determines that the number of election day voting centers is
4635 insufficient due to the number of registered voters who are voting, designate
4636 additional election day voting centers.
- 4637 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
4638 of an election day voting center or designates an additional election day voting
4639 center, the election officer shall, as soon as is reasonably possible, give notice of the
4640 dates, times, and location of the changed election day voting center or the additional
4641 election day voting center:
- 4642 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Electronic Voter
4643 Information Website;
- 4644 (ii) by posting the information on the website of the election officer, if available; and
- 4645 (iii) by posting notice:
- 4646 (A) of a change in the location of an election day voting center, at the new
4647 location and, if possible, the old location; and
- 4648 (B) of an additional election day voting center, at the additional election day
4649 voting center.
- 4650 Section 69. Section **20A-3a-801** is amended to read:
- 4651 **20A-3a-801 . Watchers.**
- 4652 (1) As used in this section, "administering election officer" means:
- 4653 (a) the election officer; or
- 4654 (b) if the election officer is the [~~lieutenant governor~~] director, the county clerk of the

- 4655 county in which an individual will act as a watcher.
- 4656 (2)(a) Any individual who is registered or preregistered to vote in Utah may become a
4657 watcher in an election at any time by registering as a watcher with the administering
4658 election officer.
- 4659 (b) An individual who registers under Subsection (2)(a) is not required to be certified by
4660 a person under Subsection (3) in order to act as a watcher.
- 4661 (c) An individual who registers as a watcher shall notify the administering election
4662 officer of the dates, times, and locations that the individual intends to act as a watcher.
- 4663 (d) An election official may not prohibit a watcher from performing a function described
4664 in Subsection (4) because the watcher did not provide the notice described in
4665 Subsection (2)(c).
- 4666 (e) An administering election officer shall provide a copy of this section, or instructions
4667 on how to access an electronic copy of this section, to a watcher at the time the
4668 watcher registers under this Subsection (2).
- 4669 (3)(a) A person that is a candidate whose name will appear on the ballot, a qualified
4670 write-in candidate for the election, a registered political party, or a political issues
4671 committee may certify an individual as an official watcher for the person:
- 4672 (i) by filing an affidavit with the administering election officer responsible to
4673 designate an individual as an official watcher for the certifying person; and
4674 (ii) if the individual registers as a watcher under Subsection (2)(a).
- 4675 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
4676 same function described in Subsection (4) at the same time and in the same location
4677 as another watcher who is certified by that person.
- 4678 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
4679 another individual to serve in the watcher's stead during the watcher's temporary
4680 absence by filing with a poll worker an affidavit that designates the individual as a
4681 temporary replacement.
- 4682 (4) A watcher may:
- 4683 (a) observe the setup or takedown of a polling place;
- 4684 (b) observe a voter checking in at a polling place;
- 4685 (c) observe the collection, receipt, and processing of a ballot, including a provisional
4686 ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
- 4687 (d) observe the transport or transmission of a ballot that is in an election official's
4688 custody;

- 4689 (e) observe the opening and inspection of a manual ballot;
- 4690 (f) observe ballot replication;
- 4691 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
- 4692 (h) observe ballot tabulation;
- 4693 (i) observe the process of storing and securing a ballot;
- 4694 (j) observe a post-election audit;
- 4695 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3,~~
- 4696 ~~Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;
- 4697 (l) observe the certification of the results of an election;
- 4698 (m) observe a recount; or
- 4699 (n) observe signature verification.
- 4700 (5) An administering election officer shall:
- 4701 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an
- 4702 election process;
- 4703 (b) establish locations for a watcher to observe an event described in Subsection (4),
- 4704 other than an event described in Subsection (4)(d) or (k), from no further than six feet
- 4705 away; and
- 4706 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or
- 4707 upload of votes from a voting machine or scanner, that is conducted on a computer
- 4708 screen, project the activity onto a screen that is large enough to be viewed by each
- 4709 watcher.
- 4710 (6)(a) A watcher may not:
- 4711 (i) record an activity described in Subsection (4) if the recording would reveal a vote
- 4712 or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
- 4713 (ii) interfere with an activity described in Subsection (4), except to challenge an
- 4714 individual's eligibility to vote under Section 20A-3a-803; or
- 4715 (iii) divulge information related to the number of votes counted, tabulated, or cast for
- 4716 a candidate or ballot proposition until after the election officer makes the
- 4717 information public.
- 4718 (b) A person who violates Subsection (6)(a)(iii) is guilty of a third degree felony.
- 4719 (7)(a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working
- 4720 environment for an election official or to protect the safety or security of a ballot, an
- 4721 administering election officer may take reasonable action to:
- 4722 (i) limit the number of watchers at a single location;

- 4723 (ii) remove a watcher for violating a provision of this section;
- 4724 (iii) remove a watcher for interfering with an activity described in Subsection (4);
- 4725 (iv) designate areas for a watcher to reasonably observe the activities described in
- 4726 Subsection (4); or
- 4727 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
- 4728 (b) If an administering election officer limits the number of watchers at a single location
- 4729 under Subsection [~~(6)(a)(i)~~] (7)(a)(i), the administering election officer shall give
- 4730 preferential access to the location to a watcher designated under Subsection (3).
- 4731 (c) An administering election officer may provide a watcher a badge that identifies the
- 4732 watcher and require the watcher to wear the badge while acting as a watcher.

4733 Section 70. Section **20A-4-101** is amended to read:

4734 **20A-4-101 . Manual ballots cast at a polling place -- Counting manual ballots at**

4735 **polling place on day of election before polls close.**

- 4736 (1) Each county legislative body, municipal legislative body, and each poll worker shall
- 4737 comply with the requirements of this section when counting manual ballots on the day of
- 4738 an election, if:
- 4739 (a) the ballots are cast at a polling place; and
- 4740 (b) the ballots are counted at the polling place before the polls close.
- 4741 (2)(a) Each county legislative body or municipal legislative body shall provide:
- 4742 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
- 4743 judges have been appointed; and
- 4744 (ii) a counting room for the use of the poll workers counting the ballots during the
- 4745 day.
- 4746 (b) At any election in any voting precinct in which both receiving and counting judges
- 4747 have been appointed, when at least 20 votes have been cast, the receiving judges shall:
- 4748 (i) close the first ballot box and deliver it to the counting judges; and
- 4749 (ii) prepare and use another ballot box to receive voted ballots.
- 4750 (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting
- 4751 judges shall:
- 4752 (i) take the ballot box to the counting room;
- 4753 (ii) count the votes on the regular ballots in the ballot box;
- 4754 (iii) place the provisional ballot envelopes in the envelope or container provided for
- 4755 them for return to the election officer; and
- 4756 (iv) when they have finished counting the votes in the ballot box, return the emptied

- 4757 box to the receiving judges.
- 4758 (d)(i) During the course of election day, whenever there are at least 20 ballots
 4759 contained in a ballot box, the receiving judges shall deliver that ballot box to the
 4760 counting judges for counting; and
- 4761 (ii) the counting judges shall immediately count the regular ballots and segregate the
 4762 provisional ballots contained in that box.
- 4763 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
 4764 until the polls close.
- 4765 (f)(i) The [~~director of elections within the Office of the Lieutenant Governor~~] office
 4766 shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 4767 Rulemaking Act, describing the procedures that a counting judge is required to
 4768 follow for counting ballots in an instant runoff voting race under Part 6, Municipal
 4769 Alternate Voting Methods Pilot Project.
- 4770 (ii) When counting ballots in an instant runoff voting race described in Part 6,
 4771 Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply
 4772 with the procedures established under Subsection (2)(f)(i) and Part 6, Municipal
 4773 Alternate Voting Methods Pilot Project.
- 4774 (3) To resolve questions that arise during the counting of ballots, a counting judge shall
 4775 apply the standards and requirements of:
- 4776 (a) to the extent applicable, Section 20A-4-105; and
- 4777 (b) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate
 4778 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).
- 4779 Section 71. Section **20A-4-102** is amended to read:
- 4780 **20A-4-102 . Manual ballots cast at a polling place -- Counting manual ballots at**
 4781 **polling place on day of election after polls close.**
- 4782 (1)(a) This section governs counting manual ballots on the day of an election, if:
- 4783 (i) the ballots are cast at a polling place; and
- 4784 (ii) the ballots are counted at the polling place after the polls close.
- 4785 (b) Except as provided in Subsection (2) or a rule made under Subsection 20A-4-101
 4786 (2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,
 4787 the election judges shall count the ballots by performing the tasks specified in this
 4788 section in the order that they are specified.
- 4789 (c) To resolve questions that arise during the counting of ballots, a counting judge shall
 4790 apply the standards and requirements of:

- 4791 (i) to the extent applicable, Section 20A-4-105; and
4792 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate
4793 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).
- 4794 (2)(a) First, the election judges shall count the number of ballots in the ballot box.
4795 (b)(i) If there are more ballots in the ballot box than there are names entered in the
4796 pollbook, the judges shall examine the official endorsements on the ballots.
4797 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the
4798 proper official endorsement, the judges shall put those ballots in an excess ballot
4799 file and not count them.
- 4800 (c)(i) If, after examining the official endorsements, there are still more ballots in the
4801 ballot box than there are names entered in the pollbook, the judges shall place the
4802 remaining ballots back in the ballot box.
4803 (ii) One of the judges, without looking, shall draw a number of ballots equal to the
4804 excess from the ballot box.
4805 (iii) The judges shall put those excess ballots into the excess ballot envelope and not
4806 count them.
- 4807 (d) When the ballots in the ballot box equal the number of names entered in the
4808 pollbook, the judges shall count the votes.
- 4809 (3) The judges shall:
4810 (a) place all unused ballots in the envelope or container provided for return to the county
4811 clerk or city recorder; and
4812 (b) seal that envelope or container.
- 4813 (4) The judges shall:
4814 (a) place all of the provisional ballot envelopes in the envelope provided for them for
4815 return to the election officer; and
4816 (b) seal that envelope or container.
- 4817 (5)(a) In counting the votes, the election judges shall read and count each ballot
4818 separately.
4819 (b) In regular primary elections the judges shall:
4820 (i) count the number of ballots cast for each party;
4821 (ii) place the ballots cast for each party in separate piles; and
4822 (iii) count all the ballots for one party before beginning to count the ballots cast for
4823 other parties.
- 4824 (6)(a) In all elections, the counting judges shall, except as provided in Part 6, Municipal

- 4825 Alternate Voting Methods Pilot Project, or a rule made under Subsection 20A-4-101
- 4826 (2)(f)(i):
- 4827 (i) count one vote for each candidate designated by the marks in the squares next to
- 4828 the candidate's name;
- 4829 (ii) count each vote for each write-in candidate who has qualified by filing a
- 4830 declaration of candidacy under Section 20A-9-601;
- 4831 (iii) read every name marked on the ballot and mark every name upon the tally sheets
- 4832 before another ballot is counted;
- 4833 (iv) evaluate each ballot and each vote based on the standards and requirements of
- 4834 Section 20A-4-105;
- 4835 (v) write the word "spoiled" on the back of each ballot that lacks the official
- 4836 endorsement and deposit it in the spoiled ballot envelope; and
- 4837 (vi) read, count, and record upon the tally sheets the votes that each candidate and
- 4838 ballot proposition received from all ballots, except excess or spoiled ballots.
- 4839 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or
- 4840 persons clearly not eligible to qualify for office.
- 4841 (c) The judges shall certify to the accuracy and completeness of the tally list in the space
- 4842 provided on the tally list.
- 4843 (d) When the judges have counted all of the voted ballots, they shall record the results
- 4844 on the total votes cast form.
- 4845 (7)(a) Except as provided in Subsection (7)(b), only an election judge and a watcher may
- 4846 be present at the place where counting is conducted until the count is completed.
- 4847 (b)(i) An auditor conducting an audit described in Section 36-12-15.2 may be present
- 4848 at the place where counting is conducted, regardless of whether the count is
- 4849 completed.
- 4850 (ii) The [~~lieutenant governor~~] director may be present at the place where counting is
- 4851 conducted, regardless of whether the count is completed.
- 4852 Section 72. Section **20A-4-104** is amended to read:
- 4853 **20A-4-104 . Counting ballots electronically -- Notice of testing tabulating**
- 4854 **equipment.**
- 4855 (1)(a) Before beginning to count ballots using automatic tabulating equipment, the
- 4856 election officer shall test the automatic tabulating equipment to ensure that it will
- 4857 accurately count the votes cast for all offices and all measures.
- 4858 (b) The election officer shall provide public notice of the time and place of the test by

- 4859 publishing the notice, as a class A notice under Section 63G-30-102, for the county,
4860 municipality, or jurisdiction where the equipment is used, for at least 10 days before
4861 the day of the test.
- 4862 (c) The election officer shall conduct the test by processing a preaudited group of ballots.
- 4863 (d) The election officer shall ensure that:
- 4864 (i) a predetermined number of valid votes for each candidate and measure are
4865 recorded on the ballots;
- 4866 (ii) for each office, one or more ballots have votes in excess of the number allowed
4867 by law in order to test the ability of the automatic tabulating equipment to reject
4868 those votes; and
- 4869 (iii) a different number of valid votes are assigned to each candidate for an office, and
4870 for and against each measure.
- 4871 (e) If any error is detected, the election officer shall determine the cause of the error and
4872 correct it.
- 4873 (f) The election officer shall ensure that:
- 4874 (i) the automatic tabulating equipment produces an errorless count before beginning
4875 the actual counting; and
- 4876 (ii) before the election returns are approved as official , the automatic [~~tabuating~~
4877 tabulating] equipment passes a post election audit conducted in accordance with
4878 the rules described in Subsection 20A-1-108(1).
- 4879 (2)(a) The election officer or the election officer's designee shall supervise and direct all
4880 proceedings at the counting center.
- 4881 (b)(i) Proceedings at the counting center are public and may be observed by
4882 interested persons.
- 4883 (ii) Only those persons authorized to participate in the count may touch any ballot or
4884 return.
- 4885 (c) The election officer shall deputize and administer an oath or affirmation to all
4886 persons who are engaged in processing and counting the ballots that they will
4887 faithfully perform their assigned duties.
- 4888 (3)(a) If any ballot is damaged or defective so that it cannot properly be counted by the
4889 automatic tabulating equipment, the election officer shall ensure that two counting
4890 judges jointly:
- 4891 (i) make a true replication of the ballot with an identifying serial number;
- 4892 (ii) substitute the replicated ballot for the damaged or defective ballot;

- 4893 (iii) label the replicated ballot "replicated"; and
- 4894 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 4895 (b) The [~~lieutenant governor~~] director shall provide to each election officer a standard
- 4896 form on which the election officer shall maintain a log of all replicated ballots, that
- 4897 includes, for each ballot:
- 4898 (i) the serial number described in Subsection (3)(a);
- 4899 (ii) the identification of the individuals who replicated the ballot;
- 4900 (iii) the reason for the replication; and
- 4901 (iv) any other information required by the [~~lieutenant governor~~] director.
- 4902 (c) An election officer shall:
- 4903 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner,
- 4904 as ballots are replicated;
- 4905 (ii) at the end of each day during which one or more ballots are replicated, make an
- 4906 electronic copy of the log; and
- 4907 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.
- 4908 (4) The election officer may:
- 4909 (a) conduct an unofficial count before conducting the official count in order to provide
- 4910 early unofficial returns to the public;
- 4911 (b) release unofficial returns from time to time after the polls close; and
- 4912 (c) report the progress of the count for each candidate during the actual counting of
- 4913 ballots.
- 4914 (5) Beginning on the day after the date of the election, if an election officer releases early
- 4915 unofficial returns or reports the progress of the count for each candidate under
- 4916 Subsection (4), the election officer shall, with each release or report, disclose an estimate
- 4917 of the total number of voted ballots in the election officer's custody that have not yet
- 4918 been counted.
- 4919 (6) The election officer shall review and evaluate the provisional ballot envelopes and
- 4920 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.
- 4921 (7)(a) The election officer or the election officer's designee shall:
- 4922 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 4923 (ii) complete the standard form provided by the clerk for recording valid write-in
- 4924 votes.
- 4925 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 4926 more votes for an office than that voter is entitled to vote for that office, the poll

4927 workers shall count the valid write-in vote as being the obvious intent of the voter.

4928 (8)(a) The election officer shall certify the return printed by the automatic tabulating
4929 equipment, to which have been added write-in and absentee votes, as the official
4930 return of each voting precinct.

4931 (b) Upon completion of the count, the election officer shall make official returns open to
4932 the public.

4933 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
4934 tabulating equipment, the election officer may direct that they be counted manually
4935 according to the procedures and requirements of this part.

4936 (10) After the count is completed, the election officer shall seal and retain the programs,
4937 test materials, and ballots as provided in Section 20A-4-202.

4938 Section 73. Section **20A-4-106** is amended to read:

4939 **20A-4-106 . Manual ballots -- Sealing.**

4940 (1) After the official canvas of an election, the election officer shall store all election returns
4941 in containers that identify the containers' contents.

4942 (2) After the ballots are stored under Subsection (1), the ballots may not be examined by
4943 anyone, except as follows:

4944 (a) when examined during a recount conducted under the authority of Section 20A-4-401
4945 or [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~]
4946 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

4947 (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the
4948 ballots:

4949 (i) if the audit uncovers evidence that raises a substantial doubt regarding the
4950 accuracy of the results of an election, the auditor may examine the ballots until the
4951 later of:

4952 (A) the end of the calendar year in which the election was held; or

4953 (B) if the election is contested, when the contest is resolved; or

4954 (ii) at any time via a subpoena or other legal process; or

4955 (c) the [~~lieutenant governor~~] director may examine the ballots:

4956 (i) until the later of:

4957 (A) the end of the calendar year in which the election was held; or

4958 (B) if the election is contested, when the contest is resolved; or

4959 (ii) at any time via a subpoena or other legal process.

4960 Section 74. Section **20A-4-109** is amended to read:

4961 **20A-4-109 . Ballot reconciliation -- Rulemaking authority.**

- 4962 (1) In accordance with this section and rules made under Subsection (2), an election officer
 4963 whose office processes ballots shall:
- 4964 (a) conduct ballot reconciliations every time ballots are tabulated;
 - 4965 (b) conduct a final ballot reconciliation when an election officer concludes processing all
 4966 ballots;
 - 4967 (c) document each ballot reconciliation;
 - 4968 (d) publicly release the results of each ballot reconciliation; and
 - 4969 (e) in conducting ballot reconciliations:
 - 4970 (i) ensure that the sum of the number of uncounted verified ballots and the number of
 4971 ballots tabulated is equal to the number of voters given credit for voting; or
 - 4972 (ii) if the sum described in Subsection (1)(e)(i) is not equal to the number of voters
 4973 given credit for voting, account for and explain the differences in the numbers.
- 4974 (2) The [~~director of elections within the Office of the Lieutenant Governor~~] office may make
 4975 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 4976 establishing procedures and requirements for conducting, documenting, and publishing a
 4977 ballot reconciliation.

4978 Section 75. Section **20A-4-202** is amended to read:

4979 **20A-4-202 . Election officers -- Disposition of ballots -- Release of number of**
 4980 **provisional ballots cast.**

- 4981 (1) Upon receipt of the election returns from the poll workers, the election officer shall:
- 4982 (a) ensure that the poll workers have provided all of the ballots and election returns;
 - 4983 (b) inspect the ballots and election returns to ensure that they are sealed;
 - 4984 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and
 4985 secure place;
 - 4986 (d) for mechanical ballots:
 - 4987 (i) count the ballots; and
 - 4988 (ii) deposit and lock the ballots and election returns in a safe and secure place; and
 - 4989 (e) for bond elections, provide a copy of the election results to the board of canvassers of
 4990 the local political subdivision that called the bond election.
- 4991 (2) Each election officer shall:
- 4992 (a) before 5 p.m. on the day after the date of the election, determine the number of
 4993 provisional ballots cast within the election officer's jurisdiction and make that number
 4994 available to the public;

- 4995 (b) preserve ballots for 22 months after the election or until the time has expired during
4996 which the ballots could be used in an election contest;
- 4997 (c) preserve all other official election returns for at least 22 months after an election; and
4998 (d) after that time, destroy them without opening or examining them.
- 4999 (3)(a) The election officer shall package and retain all tabulating cards and other
5000 materials used in the programming of the automatic tabulating equipment.
- 5001 (b) The election officer:
- 5002 (i) may access these tabulating cards and other materials;
- 5003 (ii) may make copies of these materials and make changes to the copies;
- 5004 (iii) may not alter or make changes to the materials themselves; and
5005 (iv) within 22 months after the election in which they were used, may dispose of
5006 those materials or retain them.
- 5007 (4)(a) If an election contest is begun within 12 months, the election officer shall, except
5008 as provided in Subsection (4)(c):
- 5009 (i) keep the ballots and election returns unopened and unaltered until the contest is
5010 complete; or
- 5011 (ii) surrender the ballots and election returns to the custody of the court having
5012 jurisdiction of the contest when ordered or subpoenaed to do so by that court.
- 5013 (b) Except as provided in Subsection (4)(c), when all election contests arising from an
5014 election are complete, the election officer shall either:
- 5015 (i) retain the ballots and election returns until the time for preserving them under this
5016 section has run; or
- 5017 (ii) destroy the ballots and election returns remaining in the election officer's custody
5018 without opening or examining them if the time for preserving them under this
5019 section has run.
- 5020 (c)(i) An auditor conducting an audit described in Section 36-12-15.2 may examine
5021 the ballots and election returns described in this Subsection (4).
- 5022 (ii) The [~~lieutenant governor~~] director may examine the ballots and election returns
5023 described in this Subsection (4).
- 5024 (5)(a) Notwithstanding the provisions of this section, the legislative auditor general:
- 5025 (i) may make and keep copies of ballots or election returns as part of a legislative
5026 audit; and
- 5027 (ii) may not examine, make copies, or keep copies, of a ballot in a manner that
5028 identifies a ballot with the voter who casts the ballot.

- 5029 (b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure,
5030 under Title 63G, Chapter 2, Government Records Access and Management Act.
5031 Section 76. Section **20A-4-304** is amended to read:
5032 **20A-4-304 . Declaration of results -- Canvassers' report.**
- 5033 (1)(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
5034 board of canvassers shall declare "elected" or "nominated" those persons who:
5035 (i) had the highest number of votes; and
5036 (ii) sought election or nomination to an office completely within the board's
5037 jurisdiction.
- 5038 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
5039 board of canvassers shall declare a "tie vote" if:
5040 (i) two or more candidates for an office receive an equal and the highest number of
5041 votes for that office; or
5042 (ii) in a race for an at-large office:
5043 (A) two or more candidates receive an equal number of votes; and
5044 (B) a recount is necessary to determine which candidates are elected to the at-large
5045 office.
- 5046 (c) A board of canvassers shall declare:
5047 (i) "approved" those ballot propositions that:
5048 (A) had more "yes" votes than "no" votes; and
5049 (B) were submitted only to the voters within the board's jurisdiction; or
5050 (ii) "rejected" those ballot propositions that:
5051 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and
5052 "yes" votes; and
5053 (B) were submitted only to the voters within the board's jurisdiction.
- 5054 (d) A board of canvassers shall:
5055 (i) certify the vote totals for persons and for and against ballot propositions that were
5056 submitted to voters within and beyond the board's jurisdiction and transmit those
5057 vote totals to the [~~lieutenant governor~~] director; and
5058 (ii) if applicable, certify the results of each special district election to the special
5059 district clerk.
- 5060 (2) The election officer shall submit a report to the board of canvassers that includes the
5061 following information:
5062 (a) the total number of votes cast in the board's jurisdiction;

- 5063 (b) the names of each candidate whose name appeared on the ballot;
5064 (c) the title of each ballot proposition that appeared on the ballot;
5065 (d) each office that appeared on the ballot;
5066 (e) from each voting precinct:
5067 (i) the number of votes for each candidate;
5068 (ii) for each race conducted by instant runoff voting under Part 6, Municipal
5069 Alternate Voting Methods Pilot Project, the number of valid votes cast for each
5070 candidate for each potential ballot-counting phase and the name of the candidate
5071 excluded in each ballot-counting phase; and
5072 (iii) the number of votes for and against each ballot proposition;
5073 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
5074 and against each ballot proposition;
5075 (g) standardized statistics, on a form provided by the [~~lieutenant-governor~~] director,
5076 disclosing:
5077 (i) the number of ballots counted;
5078 (ii) provisional ballots; and
5079 (iii) the number of ballots rejected;
5080 (h) a final ballot reconciliation report;
5081 (i) other information required by law to be provided to the board of canvassers; and
5082 (j) a statement certifying that the information contained in the report is accurate.
5083 (3) The election officer and the board of canvassers shall:
5084 (a) review the report to ensure that the report is correct; and
5085 (b) sign the report.
5086 (4) The election officer shall:
5087 (a) record or file the certified report in a book kept for that purpose;
5088 (b) prepare and transmit a certificate of nomination or election under the officer's seal to
5089 each nominated or elected candidate;
5090 (c) publish a copy of the certified report in accordance with Subsection (5); and
5091 (d) file a copy of the certified report with the [~~lieutenant-governor~~] director.
5092 (5) Except as provided in Subsection (6), the election officer shall, no later than seven days
5093 after the day on which the board of canvassers declares the election results, publicize the
5094 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
5095 Section 63G-30-102, for at least seven days.
5096 (6) Instead of including a copy of the entire certified report, a notice required under

- 5097 Subsection (5) may contain a statement that:
- 5098 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction]
- 5099 has prepared a report of the election results for the [indicate type and date of
- 5100 election]."; and
- 5101 (b) specifies the following sources where an individual may view or obtain a copy of the
- 5102 entire certified report:
- 5103 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5104 (ii) the physical address for the jurisdiction; and
- 5105 (iii) a mailing address and telephone number.
- 5106 (7) When there has been a regular general or a statewide special election for statewide
- 5107 officers, for officers that appear on the ballot in more than one county, or for a statewide
- 5108 or two or more county ballot proposition, each board of canvassers shall:
- 5109 (a) prepare a separate report detailing the number of votes for each candidate and the
- 5110 number of votes for and against each ballot proposition; and
- 5111 (b) transmit the separate report by registered mail to the [~~lieutenant governor~~] director.
- 5112 (8) In each county election, municipal election, school election, special district election, and
- 5113 local special election, the election officer shall transmit the reports to the [~~lieutenant~~
- 5114 ~~governor~~] director within 14 days after the date of the election.
- 5115 (9) In a regular primary election and in a presidential primary election, the board shall
- 5116 transmit to the [~~lieutenant governor~~] director:
- 5117 (a) the county totals for multi-county races, to be telephoned or faxed to the [~~lieutenant~~
- 5118 ~~governor~~] director not later than the second Tuesday after the election; and
- 5119 (b) a complete tabulation showing voting totals for all primary races, precinct by
- 5120 precinct, to be mailed to the [~~lieutenant governor~~] director on or before the third
- 5121 Friday following the primary election.
- 5122 Section 77. Section **20A-4-306** is amended to read:
- 5123 **20A-4-306 . Statewide canvass.**
- 5124 (1)(a) The state board of canvassers shall convene:
- 5125 (i) on the fourth Monday of November, at noon; or
- 5126 (ii) at noon on the day following the receipt by the [~~lieutenant governor~~] director of
- 5127 the last of the returns of a statewide special election.
- 5128 (b) The state auditor, the state treasurer, and the attorney general are the state board of
- 5129 canvassers.
- 5130 (c) Attendance of all members of the state board of canvassers is required to constitute a

- 5131 quorum for conducting the canvass.
- 5132 (2)(a) The state board of canvassers shall:
- 5133 (i) meet [~~in the lieutenant governor's~~] at the office; and
- 5134 (ii) compute and determine the vote for officers and for and against any ballot
- 5135 propositions voted upon by the voters of the entire state or of two or more
- 5136 counties.
- 5137 (b) The [~~lieutenant governor~~] director, as secretary of the board shall file a report [~~in the~~
- 5138 ~~lieutenant governor's~~] with the office that details:
- 5139 (i) for each statewide officer and ballot proposition:
- 5140 (A) the name of the statewide office or ballot proposition that appeared on the
- 5141 ballot;
- 5142 (B) the candidates for each statewide office whose names appeared on the ballot,
- 5143 plus any recorded write-in candidates;
- 5144 (C) the number of votes from each county cast for each candidate and for and
- 5145 against each ballot proposition;
- 5146 (D) the total number of votes cast statewide for each candidate and for and against
- 5147 each ballot proposition; and
- 5148 (E) the total number of votes cast statewide; and
- 5149 (ii) for each officer or ballot proposition voted on in two or more counties:
- 5150 (A) the name of each of those offices and ballot propositions that appeared on the
- 5151 ballot;
- 5152 (B) the candidates for those offices, plus any recorded write-in candidates;
- 5153 (C) the number of votes from each county cast for each candidate and for and
- 5154 against each ballot proposition; and
- 5155 (D) the total number of votes cast for each candidate and for and against each
- 5156 ballot proposition.
- 5157 (c) Except as provided in Subsection (2)(d), the [~~lieutenant governor~~] director shall:
- 5158 (i) prepare certificates of election for:
- 5159 (A) each successful candidate; and
- 5160 (B) each of the presidential electors of the candidate for president who received a
- 5161 majority of the votes;
- 5162 (ii) authenticate each certificate with the [~~lieutenant governor's~~] director's seal; and
- 5163 (iii) deliver a certificate of election to:
- 5164 (A) each candidate who had the highest number of votes for each office; and

- 5165 (B) each of the presidential electors of the candidate for president who received a
5166 majority of the votes.
- 5167 (d) The [~~lieutenant governor~~] director shall, in the report described in Subsection (2)(b),
5168 declare a tie vote if:
- 5169 (i) two or more officers receive an equal and the highest number of votes for an
5170 office; or
- 5171 (ii) in a race for an at-large office:
- 5172 (A) two or more candidates receive an equal number of votes; and
- 5173 (B) a recount is necessary to determine which candidates are elected to the at-large
5174 office.
- 5175 (3) If the [~~lieutenant governor~~] director has not received election returns from all counties on
5176 the fifth day before the day designated for the meeting of the state board of canvassers,
5177 the [~~lieutenant governor~~] director shall:
- 5178 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
5179 county;
- 5180 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
5181 required by Section 20A-4-304 from the clerk; and
- 5182 (c) pay the messenger the per diem provided by law as compensation.
- 5183 (4) The state board of canvassers may not withhold the declaration of the result or any
5184 certificate of election because of any defect or informality in the returns of any election
5185 if the board can determine from the returns, with reasonable certainty, what office is
5186 intended and who is elected to it.
- 5187 (5)(a) At noon on the fourth Monday after the regular primary election, the [~~lieutenant~~
5188 ~~governor~~] director shall:
- 5189 (i) canvass the returns for all multicounty candidates required to file with the office
5190 of the [~~lieutenant governor~~] director; and
- 5191 (ii) publish and file the results of the canvass [~~in the lieutenant governor's~~] at the
5192 office.
- 5193 (b) Not later than the August 1 after the primary election, the [~~lieutenant governor~~]
5194 director shall certify the results of the primary canvass to the county clerks.
- 5195 (6)(a) At noon on the fourth Tuesday in March of a year in which a presidential election
5196 will be held, the [~~lieutenant governor~~] director shall:
- 5197 (i) canvass the returns of the presidential primary election; and
- 5198 (ii) publish and file the results of the canvass [~~in the lieutenant governor's~~] at the

5199 office.

5200 (b) The [~~lieutenant governor~~] director shall certify the results of the presidential primary
5201 election canvass to each registered political party that participated in the primary not
5202 later than the April 15 after the primary election.

5203 Section 78. Section **20A-4-401** is amended to read:

5204 **20A-4-401 . Recounts -- Procedure.**

5205 (1) This section does not apply to a race conducted by instant runoff voting under [~~Chapter~~
5206 ~~4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] Part 6, Municipal Alternate
5207 Voting Methods Pilot Project.

5208 (2) The election officer shall conduct a recount of votes cast in a race if:

5209 (a) two or more candidates for an office receive an equal and the highest number of
5210 votes for that office; or

5211 (b) in a race for an at-large office, two or more candidates receive an equal number of
5212 votes and at least one of the candidates must be eliminated to determine which
5213 candidates are elected.

5214 (3)(a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if
5215 the difference between the number of votes cast for a winning candidate in the race
5216 and a losing candidate in the race is equal to or less than .25% of the total number of
5217 votes cast for all candidates in the race, the losing candidate may file a request for a
5218 recount in accordance with Subsection (4).

5219 (b) Except as provided in Subsection (2), for a race between candidates where the total
5220 of all votes cast in the race is 400 or less, if the difference between the number of
5221 votes cast for a winning candidate in the race and a losing candidate in the race is one
5222 vote, the losing candidate may file a request for a recount in accordance with
5223 Subsection (4).

5224 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall
5225 file the request:

5226 (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later
5227 than three days after the day on which the canvass is completed; or

5228 (b) for all other elections, before 5 p.m., no later than seven days after the day on which
5229 the canvass is completed, with:

5230 (i) the municipal clerk, if the election is a municipal general election;

5231 (ii) the special district clerk, if the election is a special district election;

5232 (iii) the county clerk, for a race voted on entirely within a single county; or

- 5233 (iv) the [~~lieutenant governor~~] director, for a statewide race or multi-county race.
- 5234 (5)(a) The election officer shall conduct the recount:
- 5235 (i) for a race described in Subsection (2), no later than 10 days after the day on which
- 5236 the board of canvassers certifies the vote totals; or
- 5237 (ii) for a race described in Subsection (3), no later than seven days after the day on
- 5238 which the losing candidate requests the recount.
- 5239 (b) In conducting the recount, the election officer shall:
- 5240 (i) supervise the recount;
- 5241 (ii) recount all ballots cast in the race;
- 5242 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
- 5243 Disposition of Ballots; and
- 5244 (iv)(A) for a race between candidates for a single office, declare elected the
- 5245 candidate who receives the highest number of votes on the recount;
- 5246 (B) for a race for an at-large office, declare elected the candidate who receives the
- 5247 highest number of votes on the recount, until all offices are filled by the
- 5248 candidates who received the highest number of votes;
- 5249 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more
- 5250 candidates receive an equal and the highest number of votes, declare a tie vote;
- 5251 or
- 5252 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more
- 5253 candidates receive an equal number of votes, declare a tie vote if the selection
- 5254 of the winning candidate by lot under Section 20A-1-304 is necessary to
- 5255 determine which candidate is elected to the at-large office.
- 5256 (6) The cost of a recount under Subsection (5) shall be paid by:
- 5257 (a) for a statewide race or multi-county race, the state; or
- 5258 (b) for all other races:
- 5259 (i) the political subdivision that conducts the election; or
- 5260 (ii) the political subdivision that enters into a contract or interlocal agreement under
- 5261 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer
- 5262 to conduct the election.
- 5263 (7)(a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond
- 5264 proposition, if the proposition passes or fails by a margin that is equal to or less than
- 5265 .25% of the total votes cast for or against the proposition, any 10 voters who voted in
- 5266 the election where the proposition was on the ballot may file a request for a recount

- 5267 before 5 p.m. within seven days after the day of the canvass with the person
5268 described in Subsection (8).
- 5269 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
5270 against the proposition is 400 or less, if the difference between the number of votes
5271 cast for the proposition and the number of votes cast against the proposition is one
5272 vote, any 10 voters who voted in the election where the proposition was on the ballot
5273 may file a request for a recount before 5 p.m. within seven days after the day of the
5274 canvass with the person described in Subsection (8).
- 5275 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file
5276 the request with:
- 5277 (a) the municipal clerk, if the election is a municipal election;
5278 (b) the special district clerk, if the election is a special district election;
5279 (c) the county clerk, for a proposition voted on entirely within a single county; or
5280 (d) the [~~lieutenant governor~~] director, for a statewide proposition or multi-county
5281 proposition.
- 5282 (9)(a) In conducting the recount, the election officer shall:
- 5283 (i) supervise the recount;
5284 (ii) recount all ballots cast for the ballot proposition or bond proposition;
5285 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
5286 Disposition of Ballots; and
5287 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
5288 based upon the results of the recount.
- 5289 (b) Proponents and opponents of the ballot proposition or bond proposition may
5290 designate representatives to witness the recount.
- 5291 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the
5292 recount.
- 5293 (11)(a) Upon completing a recount described in Subsection (5) or (9), the election
5294 officer shall immediately convene the board of canvassers.
- 5295 (b) The board of canvassers shall:
- 5296 (i) canvass the election returns for the race or proposition that was the subject of the
5297 recount; and
5298 (ii) with the assistance of the election officer, prepare and sign the report required by
5299 Section 20A-4-304 or 20A-4-306.
- 5300 (c) If the recount is for a statewide race, multi-county race, or a statewide proposition,

5301 the board of county canvassers shall prepare and transmit a separate report to the [
5302 ~~lieutenant governor~~] director as required by Subsection 20A-4-304(7).

5303 (d) The canvassers' report prepared as provided in this Subsection (11) is the official
5304 result of the race or proposition that is the subject of the recount.

5305 Section 79. Section **20A-4-602** is amended to read:

5306 **20A-4-602 . Municipal Alternate Voting Methods Pilot Project -- Creation --**
5307 **Participation.**

5308 (1) There is created the Municipal Alternate Voting Methods Pilot Project.

5309 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

5310 (3)(a) A municipality may participate in the pilot project, in accordance with the

5311 requirements of this section and all other applicable provisions of law, during any

5312 odd-numbered year that the pilot project is in effect, if, before May 1 of the

5313 odd-numbered year, the legislative body of the municipality:

5314 (i) votes to participate; and

5315 (ii) provides written notice to the [~~lieutenant governor~~] director and the county clerk

5316 stating that the municipality intends to participate in the pilot project for the year

5317 specified in the notice.

5318 (b) The legislative body of a municipality that provides the notice of intent described in

5319 Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot

5320 project, if the legislative body of the municipality provides written notice of

5321 withdrawal to the [~~lieutenant governor~~] director and the county clerk before May 1.

5322 (4) The [~~lieutenant governor~~] director shall maintain, in a prominent place on the [~~lieutenant~~

5323 ~~governor's~~] office's website, a current list of the municipalities that are participating in

5324 the pilot project.

5325 (5)(a) An election officer of a participating municipality shall, in accordance with the

5326 provisions of this part, conduct a multi-candidate race during the municipal general

5327 election using instant runoff voting.

5328 (b) Except as provided in Subsection 20A-4-603(9), an election officer of a participating

5329 municipality that will conduct a multi-candidate race under Subsection (5)(a) may not

5330 conduct a municipal primary election relating to that race.

5331 (c) A municipality that has in effect an ordinance described in Subsection 20A-9-404(3)

5332 or (4) may not participate in the pilot project.

5333 (6) Except for an election described in Subsection 20A-4-603(9), an individual who files a

5334 declaration of candidacy or a nomination petition, for a candidate who will run in an

5335 election described in this part, shall file the declaration of candidacy or nomination
 5336 petition during the office hours described in Section 10-3-301 and not later than the
 5337 close of those office hours, no sooner than the second Tuesday in August and no later
 5338 than the third Tuesday in August of an odd-numbered year.

5339 Section 80. Section **20A-5-101** is amended to read:

5340 **20A-5-101 . Notice of election.**

- 5341 (1) On or before November 15 in the year before each regular general election year, the [
 5342 ~~lieutenant governor~~] director shall prepare and transmit a written notice to each county
 5343 clerk that:
- 5344 (a) designates the offices to be filled at the next year's regular general election;
 - 5345 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
 5346 certifying nomination petition signatures, as applicable, under Sections 20A-9-403,
 5347 20A-9-407, and 20A-9-408 for those offices; and
 - 5348 (c) contains a description of any ballot propositions to be decided by the voters that have
 5349 qualified for the ballot as of that date.
- 5350 (2)(a) No later than seven business days after the day on which the [~~lieutenant governor~~]
 5351 director transmits the written notice described in Subsection (1), each county clerk
 5352 shall provide notice for the county, as a class A notice under Section 63G-30-102, for
 5353 seven days before the day of the election and in accordance with Subsection (3).
- 5354 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a),
 5355 showing a copy of the notice and the places where the notice was posted.
- 5356 (3) The notice described in Subsection (2) shall:
- 5357 (a) designate the offices to be voted on in that election; and
 - 5358 (b) identify the dates for filing a declaration of candidacy for those offices.
- 5359 (4) Except as provided in Subsection (6), before each election, the election officer shall give
 5360 printed notice of the following information:
- 5361 (a) the date of election;
 - 5362 (b) the hours during which the polls will be open;
 - 5363 (c) the polling places for each voting precinct, early voting polling place, and election
 5364 day voting center;
 - 5365 (d) the address of the Statewide Electronic Voter Information Website and, if available,
 5366 the address of the election officer's website, with a statement indicating that the
 5367 election officer will post on the website any changes to the location of a polling place
 5368 and the location of any additional polling place;

- 5369 (e) a phone number that a voter may call to obtain information regarding the location of
5370 a polling place;
- 5371 (f) the qualifications for persons to vote in the election: and
- 5372 (g) instructions regarding how an individual with a disability, who is not able to vote a
5373 manual ballot by mail, may obtain information on voting in an accessible manner.
- 5374 (5) The election officer shall provide the notice described in Subsection (4) for the
5375 jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days before
5376 the day of the election.
- 5377 (6) Instead of including the information described in Subsection (4) in the notice, the
5378 election officer may give printed notice that:
- 5379 (a) is entitled "Notice of Election";
- 5380 (b) includes the following: "A [indicate election type] will be held in [indicate the
5381 jurisdiction] on [indicate date of election]. Information relating to the election,
5382 including polling places, polling place hours, and qualifications of voters may be
5383 obtained from the following sources:"; and
- 5384 (c) specifies the following sources where an individual may view or obtain the
5385 information described in Subsection (4):
- 5386 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5387 (ii) the physical address of the jurisdiction offices; and
- 5388 (iii) a mailing address and telephone number.

5389 Section 81. Section **20A-5-302** is amended to read:

5390 **20A-5-302 . Automated voting system.**

- 5391 (1)(a) Any county or municipal legislative body or special district board may:
- 5392 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
5393 automated voting system that meets the requirements of this section; and
- 5394 (ii) use that system in any election, in all or a part of the voting precincts within its
5395 boundaries, or in combination with manual ballots.
- 5396 (b) Nothing in this title shall be construed to require the use of electronic voting devices
5397 in local special elections, municipal primary elections, or municipal general elections.
- 5398 (2) Each automated voting system shall:
- 5399 (a) provide for voting in secrecy, except in the case of voters who have received
5400 assistance as authorized by Section 20A-3a-208;
- 5401 (b) permit each voter at any election to:
- 5402 (i) vote for all persons and offices for whom and for which that voter is lawfully

- 5403 entitled to vote;
- 5404 (ii) vote for as many persons for an office as that voter is entitled to vote; and
- 5405 (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;
- 5406 (c) permit each voter, at presidential elections, by one mark, to vote for the candidates of
- 5407 that party for president, vice president, and for their presidential electors;
- 5408 (d) at elections other than primary elections, permit each voter to vote for the nominees
- 5409 of one or more parties and for independent candidates;
- 5410 (e) at primary elections:
- 5411 (i) permit each voter to vote for candidates of the political party of the voter's choice;
- 5412 and
- 5413 (ii) reject any votes cast for candidates of another party;
- 5414 (f) prevent the voter from voting for the same person more than once for the same office;
- 5415 (g) provide the opportunity for each voter to change the ballot and to correct any error
- 5416 before the voter casts the ballot in compliance with the Help America Vote Act of
- 5417 2002, Pub. L. No. 107-252;
- 5418 (h) include automatic tabulating equipment that rejects choices recorded on a voter's
- 5419 ballot if the number of the voter's recorded choices is greater than the number which
- 5420 the voter is entitled to vote for the office or on the measure;
- 5421 (i) be of durable construction, suitably designed so that it may be used safely, efficiently,
- 5422 and accurately in the conduct of elections and counting ballots;
- 5423 (j) when properly operated, record correctly and count accurately each vote cast;
- 5424 (k) for voting equipment certified after January 1, 2005, produce a permanent paper
- 5425 record that:
- 5426 (i) shall be available as an official record for any recount or election contest
- 5427 conducted with respect to an election where the voting equipment is used;
- 5428 (ii)(A) shall be available for the voter's inspection prior to the voter leaving the
- 5429 polling place; and
- 5430 (B) shall permit the voter to inspect the record of the voter's selections
- 5431 independently only if reasonably practicable commercial methods permitting
- 5432 independent inspection are available at the time of certification of the voting
- 5433 equipment by the [~~lieutenant governor~~] director;
- 5434 (iii) shall include, at a minimum, human readable printing that shows a record of the
- 5435 voter's selections;
- 5436 (iv) may also include machine readable printing which may be the same as the human

- 5437 readable printing; and
- 5438 (v) allows a watcher to observe the election process to ensure the integrity of the
- 5439 election process; and
- 5440 (l) meet the requirements of Section 20A-5-802.
- 5441 (3) For the purposes of a recount or an election contest, if the permanent paper record
- 5442 contains a conflict or inconsistency between the human readable printing and the
- 5443 machine readable printing, the human readable printing shall supercede the machine
- 5444 readable printing when determining the intent of the voter.
- 5445 (4) Notwithstanding any other provisions of this section, the election officers shall ensure
- 5446 that the ballots to be counted by means of electronic or electromechanical devices are of
- 5447 a size, layout, texture, and printed in a type of ink or combination of inks that will be
- 5448 suitable for use in the counting devices in which they are intended to be placed.
- 5449 Section 82. Section **20A-5-400.1** is amended to read:
- 5450 **20A-5-400.1 . Contracting with an election officer to conduct elections -- Fees --**
- 5451 **Contracts and interlocal agreements -- Private providers.**
- 5452 (1)(a) In accordance with this section, a local political subdivision may enter into a
- 5453 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal
- 5454 Cooperation Act, with a provider election officer to conduct an election.
- 5455 (b) If the boundaries of a local political subdivision holding the election extend beyond a
- 5456 single local political subdivision, the local political subdivision may have more than
- 5457 one provider election officer conduct an election.
- 5458 (c) Upon approval by the [~~lieutenant governor~~] director, a municipality may enter into a
- 5459 contract or agreement under Subsection (1)(a) with any local political subdivision in
- 5460 the state, regardless of whether the municipality is located in, next to, or near, the
- 5461 local political subdivision, to conduct an election during which the municipality is
- 5462 participating in the Municipal Alternate Voting Methods Pilot Project.
- 5463 (d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a
- 5464 local political subdivision other than a county within which the municipality exists,
- 5465 the municipality, the local political subdivision, and the county within which the
- 5466 municipality exists shall enter into a cooperative agreement to ensure the proper
- 5467 functioning of the election.
- 5468 (2) A provider election officer shall conduct an election:
- 5469 (a) under the direction of the contracting election officer; and
- 5470 (b) in accordance with a contract or interlocal agreement.

- 5471 (3) A provider election officer shall establish fees for conducting an election for a
5472 contracting election officer that:
- 5473 (a) are consistent with the contract or interlocal agreement; and
5474 (b) do not exceed the actual costs incurred by the provider election officer.
- 5475 (4) The contract or interlocal agreement under this section may specify that a contracting
5476 election officer request, within a specified number of days before the election, that the
5477 provider election officer conduct the election to allow adequate preparations by the
5478 provider election officer.
- 5479 (5) An election officer conducting an election may appoint or employ an agent or
5480 professional service to assist in conducting the election.

5481 Section 83. Section **20A-5-403** is amended to read:

5482 **20A-5-403 . Polling places -- Booths -- Ballot boxes -- Inspections --**
5483 **Arrangements.**

- 5484 (1) Except as provided in Section 20A-7-609.5, each election officer shall:
- 5485 (a) designate polling places for each voting precinct in the jurisdiction; and
5486 (b) obtain the approval of the county or municipal legislative body or special district
5487 governing board for those polling places.
- 5488 (2)(a) For each polling place, the election officer shall provide:
- 5489 (i) an American flag;
5490 (ii) a sufficient number of voting booths or compartments;
5491 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and
5492 supplies necessary to enable a voter to vote;
5493 (iv) the constitutional amendment cards required by Part 1, Election Notices and
5494 Instructions;
5495 (v) the instructions required by Section 20A-5-102; and
5496 (vi) a sign, to be prominently displayed in the polling place, indicating that valid
5497 voter identification is required for every voter before the voter may vote and
5498 listing the forms of identification that constitute valid voter identification.
- 5499 (b) Each election officer shall ensure that:
- 5500 (i) each voting booth is at a convenient height for writing, and is arranged so that the
5501 voter can prepare the voter's ballot screened from observation;
5502 (ii) there are a sufficient number of voting booths or voting devices to accommodate
5503 the voters at that polling place; and
5504 (iii) there is at least one voting booth or voting device that is configured to

- 5505 accommodate persons with disabilities.
- 5506 (c) Each county clerk shall provide a ballot box for each polling place that is large
5507 enough to properly receive and hold the ballots to be cast.
- 5508 (3)(a) All polling places shall be physically inspected by each county clerk to ensure
5509 access by a person with a disability.
- 5510 (b) Any issues concerning inaccessibility to polling places by a person with a disability
5511 discovered during the inspections referred to in Subsection (3)(a) or reported to the
5512 county clerk shall be:
- 5513 (i) forwarded to the [~~Office of the Lieutenant Governor~~] office; and
5514 (ii) within six months of the time of the complaint, the issue of inaccessibility shall
5515 be either:
- 5516 (A) remedied at the particular location by the county clerk;
5517 (B) the county clerk shall designate an alternative accessible location for the
5518 particular precinct; or
5519 (C) if no practical solution can be identified, file with the [~~Office of the Lieutenant
5520 Governor~~] office a written explanation identifying the reasons compliance
5521 cannot reasonably be met.
- 5522 (4)(a) The municipality in which the election is held shall pay the cost of conducting
5523 each municipal election, including the cost of printing and supplies.
- 5524 (b)(i) Costs assessed by a county clerk to a municipality under this section may not
5525 exceed the actual costs incurred by the county clerk.
- 5526 (ii) The actual costs shall include:
- 5527 (A) costs of or rental fees associated with the use of election equipment and
5528 supplies; and
5529 (B) reasonable and necessary administrative costs.
- 5530 (5) The county clerk shall make detailed entries of all proceedings had under this chapter.
- 5531 (6)(a) Each county clerk shall, to the extent possible, ensure that the amount of time that
5532 an individual waits in line before the individual can vote at a polling place in the
5533 county does not exceed 30 minutes.
- 5534 (b) The [~~lieutenant governor~~] director may require a county clerk to submit a line
5535 management plan before the next election if an individual waits in line at a polling
5536 place in the county longer than 30 minutes before the individual can vote.
- 5537 (c) The [~~lieutenant governor~~] director may consider extenuating circumstances in
5538 deciding whether to require the county clerk to submit a plan described in Subsection

5539 (6)(b).
 5540 (d) The [~~lieutenant governor~~] director shall review each plan submitted under Subsection
 5541 (6)(b) and consult with the county clerk submitting the plan to ensure, to the extent
 5542 possible, that the amount of time an individual waits in line before the individual can
 5543 vote at a polling place in the county does not exceed 30 minutes.

5544 Section 84. Section **20A-5-403.5** is amended to read:

5545 **20A-5-403.5 . Ballot drop boxes -- Notice.**

5546 (1)(a) An election officer:

- 5547 (i) shall designate at least one ballot drop box in each municipality and reservation
 5548 located in the jurisdiction to which the election relates;
 5549 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;
 5550 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the
 5551 election officer's jurisdiction;
 5552 (iv) shall provide 24-hour recorded video surveillance, without audio, of each
 5553 unattended ballot drop box;
 5554 (v) shall post a sign on or near each unattended ballot drop box indicating that the
 5555 ballot drop box is under 24-hour video surveillance; and
 5556 (vi) shall ensure that a camera, a video, or a recording of a video described in
 5557 Subsection (1)(a)(iv) may only be accessed:
 5558 (A) by the election officer;
 5559 (B) by a custodian of the camera, video, or recording;
 5560 (C) by the [~~lieutenant governor~~] director;
 5561 (D) by the legislative auditor general, when performing an audit; or
 5562 (E) by, or pursuant to an order of, a court of competent jurisdiction.

5563 (b) An individual may not view a video, or a recording of a video, described in
 5564 Subsection (1)(a)(iv), unless the individual:

- 5565 (i) is an individual described in Subsection (1)(a)(vi); and
 5566 (ii) views the video to the extent necessary to:
 5567 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or
 5568 (B) investigate a concern relating to ballots or the ballot box.

5569 (c) The election officer, or the custodian of the recording, shall keep a recording
 5570 described in Subsection (1)(a)(iv) until the later of:

- 5571 (i) the end of the calendar year in which the election was held; or
 5572 (ii) if the election is contested, when the contest is resolved.

- 5573 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at
5574 least 28 days before the date of the election, provide notice of the location of each ballot
5575 drop box designated under Subsection (1), by publishing notice for the jurisdiction
5576 holding the election, as a class A notice under Section 63G-30-102, for at least 28 days
5577 before the day of the election.
- 5578 (3) Instead of including the location of ballot drop boxes, a notice required under
5579 Subsection (2) may specify the following sources where a voter may view or obtain a
5580 copy of all ballot drop box locations:
- 5581 (a) the jurisdiction's website;
 - 5582 (b) the physical address of the jurisdiction's offices; and
 - 5583 (c) a mailing address and telephone number.
- 5584 (4) The election officer shall include in the notice described in Subsection (2):
- 5585 (a) the address of the Statewide Electronic Voter Information Website and, if available,
5586 the address of the election officer's website, with a statement indicating that the
5587 election officer will post on the website the location of each ballot drop box,
5588 including any changes to the location of a ballot drop box and the location of
5589 additional ballot drop boxes; and
 - 5590 (b) a phone number that a voter may call to obtain information regarding the location of
5591 a ballot drop box.
- 5592 (5)(a) Except as provided in Section 20A-1-308, the election officer may, after the
5593 deadline described in Subsection (2):
- 5594 (i) if necessary, change the location of a ballot drop box; or
 - 5595 (ii) if the election officer determines that the number of ballot drop boxes is
5596 insufficient due to the number of registered voters who are voting, designate
5597 additional ballot drop boxes.
- 5598 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
5599 of a ballot box or designates an additional ballot drop box location, the election
5600 officer shall, as soon as is reasonably possible, give notice of the changed ballot drop
5601 box location or the additional ballot drop box location:
- 5602 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Voter
5603 Information Website;
 - 5604 (ii) by posting the information on the website of the election officer, if available; and
 - 5605 (iii) by posting notice:
 - 5606 (A) for a change in the location of a ballot drop box, at the new location and, if

- 5607 possible, the old location; and
- 5608 (B) for an additional ballot drop box location, at the additional ballot drop box
- 5609 location.
- 5610 (6) An election officer may, at any time, authorize two or more poll workers to remove a
- 5611 ballot drop box from a location, or to remove ballots from a ballot drop box for
- 5612 processing.
- 5613 (7)(a) At least two poll workers must be present when a poll worker collects ballots from
- 5614 a ballot drop box and delivers the ballots to the location where the ballots will be
- 5615 opened and counted.
- 5616 (b) An election officer shall ensure that the chain of custody of ballots placed in a ballot
- 5617 box are recorded and tracked from the time the ballots are removed from the ballot
- 5618 box until the ballots are delivered to the location where the ballots will be opened and
- 5619 counted.

5620 Section 85. Section **20A-5-405** is amended to read:

5621 **20A-5-405 . Election officer to provide ballots -- Notice of sample ballot.**

- 5622 (1) An election officer shall:
- 5623 (a) provide ballots for every election of public officers in which the voters, or any of the
- 5624 voters, within the election officer's jurisdiction participate;
- 5625 (b) cause the name of every candidate whose nomination has been certified to or filed
- 5626 with the election officer in the manner provided by law to be included on each ballot;
- 5627 (c) cause any ballot proposition that has qualified for the ballot as provided by law to be
- 5628 included on each ballot;
- 5629 (d) ensure that the ballots are prepared and in the possession of the election officer at
- 5630 least seven days before the commencement of early voting as described in Section
- 5631 20A-3a-601;
- 5632 (e) allow candidates and their agents and the sponsors of ballot propositions that have
- 5633 qualified for the official ballot to inspect the ballots;
- 5634 (f) no later than 45 days before the day of the election, make sample ballots available for
- 5635 inspection, in the same form as official ballots and that contain the same information
- 5636 as official ballots, by:
- 5637 (i) posting a copy of the sample ballot in the election officer's office;
- 5638 (ii) sending a copy of the sample ballot to:
- 5639 (A) each candidate listed on the ballot; and
- 5640 (B) the [~~lieutenant governor~~] director; and

- 5641 (iii) providing a copy of the sample ballot for the jurisdiction holding the election, as
5642 a class A notice under Section 63G-30-102, for at least seven days;
- 5643 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct
5644 the poll workers to post the sample ballot as required by Section 20A-5-102; and
- 5645 (h) print and deliver, at the expense of the jurisdiction conducting the election, enough
5646 ballots, sample ballots, and instructions to meet the voting demands of the qualified
5647 voters in each voting precinct.
- 5648 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the election
5649 officer may post a statement that:
- 5650 (a) is entitled, "sample ballot";
- 5651 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
5652 upcoming [indicate type and date of election] may be obtained from the following
5653 sources:"; and
- 5654 (c) specifies the following sources where an individual may view or obtain a copy of the
5655 sample ballot:
- 5656 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5657 (ii) the physical address of the jurisdiction's offices; and
- 5658 (iii) a mailing address and telephone number.
- 5659 (3)(a) Each election officer shall, without delay, correct any error discovered in any
5660 ballot, if the correction can be made without interfering with the timely distribution
5661 of the ballots.
- 5662 (b)(i) If the election officer discovers an error or omission in a manual ballot, and it is
5663 not possible to correct the error or omission, the election officer shall direct the
5664 poll workers to make the necessary corrections on the manual ballots before the
5665 ballots are distributed.
- 5666 (ii) If the election officer discovers an error or omission in an electronic ballot and it
5667 is not possible to correct the error or omission by revising the electronic ballot, the
5668 election officer shall direct the poll workers to post notice of each error or
5669 omission with instructions on how to correct each error or omission in a
5670 prominent position at each polling booth.
- 5671 (4)(a) If the election officer refuses or fails to correct an error or omission in a ballot, a
5672 candidate or a candidate's agent may file a verified petition with the district court
5673 asserting that:
- 5674 (i) an error or omission has occurred in:

- 5675 (A) the publication of the name or description of a candidate;
- 5676 (B) the preparation or display of an electronic ballot; or
- 5677 (C) the posting of sample ballots or the printing of official manual ballots; and
- 5678 (ii) the election officer has failed to correct or provide for the correction of the error
- 5679 or omission.
- 5680 (b) The district court shall issue an order requiring correction of any error in a ballot or
- 5681 an order to show cause why the error should not be corrected if it appears to the court
- 5682 that the error or omission has occurred and the election officer has failed to correct or
- 5683 provide for the correction of the error or omission.
- 5684 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah
- 5685 Supreme Court within five days after the day on which the district court enters the
- 5686 decision.

5687 Section 86. Section **20A-5-409** is amended to read:

5688 **20A-5-409 . Certification of candidates to county clerks.**

5689 No later than August 31 of each regular general election year, the [~~lieutenant governor~~]

5690 director shall certify to each county clerk the name of each candidate qualified to be printed on

5691 the regular general election ballot for that county clerk's county.

5692 Section 87. Section **20A-5-802** is amended to read:

5693 **20A-5-802 . Certification of voting equipment.**

- 5694 (1) For the voting equipment used in the jurisdiction over which an election officer has
- 5695 authority, the election officer shall:
- 5696 (a) before each election, use logic and accuracy tests to ensure that the voting equipment
- 5697 performs the voting equipment's functions accurately;
- 5698 (b) develop and implement a procedure to protect the physical security of the voting
- 5699 equipment; and
- 5700 (c) ensure that the voting equipment is certified by the [~~lieutenant governor~~] director
- 5701 under Subsection (2) as having met the requirements of this section.
- 5702 (2)(a) Except as provided in Subsection (2)(b)(ii):
- 5703 (i) the [~~lieutenant governor~~] director shall ensure that all voting equipment used in the
- 5704 state is independently tested using security testing protocols and standards that:
- 5705 (A) are generally accepted in the industry at the time the [~~lieutenant governor~~]
- 5706 director reviews the voting equipment for certification; and
- 5707 (B) meet the requirements of Subsection (2)(a)(ii);
- 5708 (ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require

- 5709 that a voting system:
- 5710 (A) is accurate and reliable;
- 5711 (B) possesses established and maintained access controls;
- 5712 (C) has not been fraudulently manipulated or tampered with;
- 5713 (D) is able to identify fraudulent or erroneous changes to the voting equipment;
- 5714 and
- 5715 (E) protects the secrecy of a voter's ballot; and
- 5716 (iii) The [~~lieutenant governor~~] director may comply with the requirements of
- 5717 Subsection (2)(a) by certifying voting equipment that has been certified by:
- 5718 (A) the United States Election Assistance Commission; or
- 5719 (B) a laboratory that has been accredited by the United States Election Assistance
- 5720 Commission to test voting equipment.
- 5721 (b)(i) Voting equipment used in the state may include technology that allows for
- 5722 ranked-choice voting.
- 5723 (ii) The [~~lieutenant governor~~] director may, for voting equipment used for
- 5724 ranked-choice voting under Title 20A, Chapter 4, Part 6, Municipal Alternate
- 5725 Voting Methods Pilot Project, certify voting equipment that has been successfully
- 5726 used within the United States or a territory of the United States for ranked-choice
- 5727 voting for a race for federal office.
- 5728 Section 88. Section **20A-5-803** is amended to read:
- 5729 **20A-5-803 . Voting Equipment Selection Committee.**
- 5730 (1) Before selecting or purchasing a new voting equipment system, the [~~lieutenant governor~~]
- 5731 director shall:
- 5732 (a) appoint a Voting Equipment Selection Committee; and
- 5733 (b) ensure that the committee includes persons having experience in:
- 5734 (i) election procedures and administration;
- 5735 (ii) computer technology;
- 5736 (iii) data security;
- 5737 (iv) auditing; and
- 5738 (v) access for persons with disabilities.
- 5739 (2) A member may not receive compensation or benefits for the member's service, but may
- 5740 receive per diem and travel expenses in accordance with:
- 5741 (a) Section 63A-3-106;
- 5742 (b) Section 63A-3-107; and

- 5743 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5744 63A-3-107.
- 5745 (3) The ~~[lieutenant governor]~~ director shall select a chair from the committee membership.
- 5746 (4) The ~~[lieutenant governor]~~ director may fill any vacancies that occur on the committee.
- 5747 (5) The ~~[Office of the Lieutenant Governor]~~ office shall provide staffing for the committee.
- 5748 (6) The Voting Equipment Selection Committee shall:
- 5749 (a) evaluate new voting equipment systems proposed for purchase by the state; and
- 5750 (b) provide information and recommendations to assist the ~~[lieutenant governor]~~ director
5751 with the purchase of new voting equipment systems.
- 5752 (7) The ~~[lieutenant governor]~~ director may designate individuals, including committee
5753 members, to inspect and review proprietary software as part of an evaluation of new
5754 voting equipment systems under consideration for purchase.
- 5755 (8) Before making any selection or purchase, the ~~[lieutenant governor]~~ director shall provide
5756 for a period of public review and comment on new voting equipment systems under
5757 consideration for purchase by the state.
- 5758 Section 89. Section **20A-5-901** is amended to read:
- 5759 **20A-5-901 . Voter registration audit.**
- 5760 (1) The ~~[lieutenant governor]~~ director shall, on at least an annual basis, conduct an audit of
5761 the voter registration database.
- 5762 (2) The audit shall include:
- 5763 (a) a random selection of at least .02% of the active registered voters statewide; and
- 5764 (b) at least one active registered voter from each county.
- 5765 (3) For each voter selected for the audit, the auditor shall:
- 5766 (a) verify that the voter is eligible for registration;
- 5767 (b) verify that the voter's registration information is accurate and supported by the
5768 documentation on file;
- 5769 (c) verify that there is a signature on file for the voter;
- 5770 (d) check for duplicate voter registrations; and
- 5771 (e) search available resources to determine whether the voter is deceased.
- 5772 (4) The audit report shall identify areas of concern or training needed in response to the
5773 audit findings.
- 5774 (5) The ~~[lieutenant governor]~~ director shall:
- 5775 (a) share the audit results with the county clerks and verify that the county clerks address
5776 the concerns and fulfill the training identified under Subsection (4); and

5777 (b) beginning in 2023, report biennially to the Government Operations Interim
5778 Committee on the results of the audits conducted under this section.

5779 Section 90. Section **20A-5-905** is amended to read:

5780 **20A-5-905 . Software validation -- Database security.**

5781 (1) [~~Before November 2022, the director of elections within the Office of the Lieutenant~~
5782 ~~Governor~~] The office shall make rules, in accordance with Title 63G, Chapter 3, Utah
5783 Administrative Rulemaking Act, establishing software validation procedures that an
5784 election officer is required to comply with to verify that voting system files have not
5785 been tampered with.

5786 (2) The [~~lieutenant governor~~] director and each county clerk shall ensure that a record is
5787 made, and stored for at least 22 months, of each time a voter database is accessed by a
5788 person, including:

5789 (a) the name of the person accessing the voter database;

5790 (b) the date and time of the access; and

5791 (c) any changes made to the voter database.

5792 Section 91. Section **20A-6-105** is amended to read:

5793 **20A-6-105 . Provisional ballot envelopes.**

5794 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
5795 substantially the following form:

5796 "AFFIRMATION

5797 Are you a citizen of the United States of America? Yes No

5798 Will you be 18 years old on or before election day? Yes No

5799 If you checked "no" in response to either of the two above questions, do not complete
5800 this form.

5801 Name of Voter _____

5802 First Middle Last

5803 Driver License or Identification Card Number _____

5804 State of Issuance of Driver License or Identification Card Number _____

5805 Date of Birth _____

5806 Street Address of Principal Place of Residence

5807 _____

5808 City County State Zip Code

5809 Telephone Number (optional) _____

5810 Email Address (optional) _____

5811 Last four digits of Social Security Number _____

5812 Last former address at which I was registered to vote (if known)

5813 _____

5814 City County State Zip Code

5815 Voting Precinct (if known) _____

5816 I, (please print your full name)_____do solemnly swear or
5817 affirm:

5818 That I am eligible to vote in this election; that I have not voted in this election in any
5819 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted
5820 to vote in this precinct; and

5821 Subject to penalty of law for false statements, that the information contained in this form
5822 is true, and that I am a citizen of the United States and a resident of Utah, residing at the above
5823 address; and that I am at least 18 years old and have resided in Utah for the 30 days
5824 immediately before this election.

5825 Signed

5826 _____

5827 Dated

5828 _____

5829 In accordance with Section 20A-3a-506, wilfully providing false information above is a
5830 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

5831 PRIVACY INFORMATION

5832 Voter registration records contain some information that is available to the public, such
5833 as your name and address, some information that is available only to government entities, and
5834 some information that is available only to certain third parties in accordance with the
5835 requirements of law.

5836 Your driver license number, identification card number, social security number, email
5837 address, full date of birth, and phone number are available only to government entities. Your
5838 year of birth is available to political parties, candidates for public office, certain third parties,
5839 and their contractors, employees, and volunteers, in accordance with the requirements of law.

5840 You may request that all information on your voter registration records be withheld from
5841 all persons other than government entities, political parties, candidates for public office, and
5842 their contractors, employees, and volunteers, by indicating here:

5843 _____ Yes, I request that all information on my voter registration records be withheld
5844 from all persons other than government entities, political parties, candidates for public office,

5845 and their contractors, employees, and volunteers.

5846 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

5847 In addition to the protections provided above, you may request that identifying
5848 information on your voter registration records be withheld from all political parties, candidates
5849 for public office, and their contractors, employees, and volunteers, by submitting a
5850 withholding request form, and any required verification, as described in the following
5851 paragraphs.

5852 A person may request that identifying information on the person's voter registration
5853 records be withheld from all political parties, candidates for public office, and their
5854 contractors, employees, and volunteers, by submitting a withholding request form with this
5855 registration record, or to the [~~lieutenant-governor~~] director or a county clerk, if the person is or
5856 is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence
5857 or dating violence.

5858 A person may request that identifying information on the person's voter registration
5859 records be withheld from all political parties, candidates for public office, and their
5860 contractors, employees, and volunteers, by submitting a withholding request form and any
5861 required verification with this registration form, or to the [~~lieutenant-governor~~] director or a
5862 county clerk, if the person is, or resides with a person who is, a law enforcement officer, a
5863 member of the armed forces, a public figure, or protected by a protective order or a protection
5864 order.

5865 CITIZENSHIP AFFIDAVIT

5866 Name:

5867 Name at birth, if different:

5868 Place of birth:

5869 Date of birth:

5870 Date and place of naturalization (if applicable):

5871 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
5872 citizen and that to the best of my knowledge and belief the information above is true and
5873 correct.

5874

5875 _____
Signature of Applicant

5876 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
5877 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
5878 up to one year in jail and a fine of up to \$2,500."

- 5879 (2) The provisional ballot envelope shall include:
- 5880 (a) a unique number;
- 5881 (b) a detachable part that includes the unique number;
- 5882 (c) a telephone number, internet address, or other indicator of a means, in accordance
- 5883 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was
- 5884 counted; and
- 5885 (d) an insert containing written instructions on how a voter may sign up to receive ballot
- 5886 status notifications via the ballot tracking system described in Section 20A-3a-401.5.

5887 Section 92. Section **20A-6-107** is amended to read:

5888 **20A-6-107 . Numbering of ballot propositions and bond propositions -- Duties of**

5889 **election officer and director.**

- 5890 (1)(a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall
- 5891 be listed on the ballot under the heading "Proposition #___", with the number of the
- 5892 ballot proposition placed in the blank.
- 5893 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot
- 5894 under the heading "Constitutional Amendment ___", with a letter placed in the blank.
- 5895 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot
- 5896 under the title assigned to each bond proposition under Section 11-14-206.
- 5897 (2)(a) When an election officer or other person given authority to prepare or number
- 5898 ballot propositions receives a ballot proposition that is eligible for inclusion on the
- 5899 ballot, they shall ask the [~~lieutenant governor~~] director to assign a number to the ballot
- 5900 proposition.
- 5901 (b)(i) Upon request from an election officer or other person given authority to prepare
- 5902 or number ballot propositions, the [~~lieutenant governor~~] director shall assign each
- 5903 ballot proposition a unique number, except as provided under Subsection
- 5904 (2)(b)(iii).
- 5905 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests
- 5906 for ballot proposition numbers are received.
- 5907 (iii) The same ballot proposition number may be assigned to multiple ballot
- 5908 propositions if:
- 5909 (A) the sponsors of each ballot proposition agree, in writing, to share the number;
- 5910 and
- 5911 (B) the ballot propositions sharing the same number are identical in their terms,
- 5912 purpose, and effect, with jurisdiction being the only significant difference

5913 between the ballot propositions.

5914 Section 93. Section **20A-6-108** is amended to read:

5915 **20A-6-108 . Requirements for printing and mailing ballots.**

5916 (1) Before January 2023, the [~~director of elections within the Office of the Lieutenant~~
5917 ~~Governor~~] office shall, in consultation with county clerks, make rules, in accordance with
5918 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing minimum
5919 requirements that a vendor must meet to be eligible to print ballots to be used in an
5920 election.

5921 (2) Beginning on the effective date of the rules described in Subsection (1), an election
5922 officer shall ensure that, when the bulk of ballots are initially mailed to voters, the
5923 ballots are mailed from a location in Utah.

5924 Section 94. Section **20A-6-203** is amended to read:

5925 **20A-6-203 . Ballots for regular primary elections.**

5926 (1) The [~~lieutenant governor~~] director, together with county clerks, suppliers of election
5927 materials, and representatives of registered political parties, shall:

5928 (a) develop ballots to be used in Utah's regular primary election;

5929 (b) ensure that the ballots comply generally, where applicable, with the requirements of
5930 Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and this section;
5931 and

5932 (c) provide voting booths, election records and supplies, ballot boxes, and as applicable,
5933 voting devices, for each voting precinct as required by Section 20A-5-403.

5934 (2)(a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
5935 Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403,
5936 20A-6-401, and 20A-6-401.1, the [~~lieutenant governor~~] director, together with county
5937 clerks, suppliers of election materials, and representatives of registered political
5938 parties shall ensure that the ballots, voting booths, election records and supplies, and
5939 ballot boxes:

5940 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
5941 voters are authorized to vote for a party's candidate;

5942 (ii) simplify the task of poll workers, particularly in determining a voter's party
5943 affiliation;

5944 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

5945 (iv) protect against fraud.

5946 (b) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~]

5947 director, county clerks, suppliers of election materials, and representatives of
 5948 registered political parties shall:
 5949 (i) mark ballots as being for a particular registered political party; and
 5950 (ii) instruct individuals counting the ballots to count only those votes for candidates
 5951 from the registered political party whose ballot the voter received.

5952 Section 95. Section **20A-6-305** is amended to read:

5953 **20A-6-305 . Master ballot position list -- Random selection -- Procedures --**
 5954 **Publication -- Surname -- Exemptions -- Ballot order.**

- 5955 (1) As used in this section, "master ballot position list" means an official list of the 26
 5956 characters in the alphabet listed in random order and numbered from one to 26 as
 5957 provided under Subsection (2).
 5958 (2) The [~~lieutenant governor~~] director shall:
 5959 (a) within 30 days after the candidate filing deadline in each even-numbered year,
 5960 conduct a random selection to create a master ballot position list for all elections in
 5961 accordance with procedures established under Subsection (2)(c);
 5962 (b) publish the master ballot position list on the [~~lieutenant governor's~~] office's election
 5963 website no later than 15 days after creating the list; and
 5964 (c) establish written procedures for:
 5965 (i) the election official to use the master ballot position list; and
 5966 (ii) the [~~lieutenant governor~~] director in:
 5967 (A) conducting the random selection in a fair manner; and
 5968 (B) providing a record of the random selection process used.
 5969 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
 5970 election officer shall use the master ballot position list for the current year to determine
 5971 the order in which to list candidates on the ballot for an election held during the year.
 5972 (4) To determine the order in which to list candidates on the ballot required under
 5973 Subsection (3), the election officer shall apply the randomized alphabet using:
 5974 (a) the candidate's surname;
 5975 (b) for candidates with a surname that has the same spelling, the candidate's given name;
 5976 and
 5977 (c) the surname of the president and the surname of the governor for an election for the
 5978 offices of president and vice president and governor and lieutenant governor.
 5979 (5) Subsections (1) through (4) do not apply to:
 5980 (a) an election for an office for which only one candidate is listed on the ballot; or

- 5981 (b) a judicial retention election under Section 20A-12-201.
- 5982 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
- 5983 appear separately, in the following order:
- 5984 (a) for federal office:
- 5985 (i) president and vice president of the United States;
- 5986 (ii) United States Senate office; and
- 5987 (iii) United States House of Representatives office;
- 5988 (b) for state office:
- 5989 (i) governor and lieutenant governor;
- 5990 (ii) attorney general;
- 5991 (iii) state auditor;
- 5992 (iv) state treasurer;
- 5993 (v) state Senate office;
- 5994 (vi) state House of Representatives office; and
- 5995 (vii) State Board of Education member;
- 5996 (c) for county office:
- 5997 (i) county executive office;
- 5998 (ii) county legislative body member;
- 5999 (iii) county assessor;
- 6000 (iv) county or district attorney;
- 6001 (v) county auditor;
- 6002 (vi) county clerk;
- 6003 (vii) county recorder;
- 6004 (viii) county sheriff;
- 6005 (ix) county surveyor;
- 6006 (x) county treasurer; and
- 6007 (xi) local school board member;
- 6008 (d) for municipal office:
- 6009 (i) mayor; and
- 6010 (ii) city or town council member;
- 6011 (e) elected planning and service district council member;
- 6012 (f) judicial retention questions; and
- 6013 (g) ballot propositions not described in Subsection (6)(f).
- 6014 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of

6015 the earliest ballot ticket position that is reserved for an office that is subsumed in the
6016 combined office.

6017 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:

6018 (i) each candidate in accordance with Subsections (1) through (4); and

6019 (ii) except as otherwise provided in this title, the party name, initials, or title
6020 following each candidate's name.

6021 Section 96. Section **20A-7-103** is amended to read:

6022 **20A-7-103 . Constitutional amendments and other questions submitted by the**
6023 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

6024 (1) The procedures contained in this section govern when the Legislature submits a
6025 proposed constitutional amendment or other question to the voters.

6026 (2) The [~~lieutenant governor~~] director shall, not more than 60 days or less than 14 days
6027 before the date of the election, publish the full text of the amendment, question, or
6028 statute for the state, as a class A notice under Section 63G-30-102, through the date of
6029 the election.

6030 (3) The presiding officers shall:

6031 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___" and
6032 assign a letter to the constitutional amendment in accordance with the requirements
6033 of Section 20A-6-107;

6034 (b) entitle each proposed question "Proposition Number ___" with the number assigned to
6035 the proposition under Section 20A-6-107 placed in the blank;

6036 (c) draft and designate a ballot title for each proposed amendment or question submitted
6037 by the Legislature that:

6038 (i) summarizes the subject matter of the amendment or question; and

6039 (ii) for a proposed constitutional amendment, summarizes any legislation that is
6040 enacted and will become effective upon the voters' adoption of the proposed
6041 constitutional amendment; and

6042 (d) deliver each letter or number and ballot title to the [~~lieutenant governor~~] director.

6043 (4) The [~~lieutenant governor~~] director shall certify the letter or number and ballot title of
6044 each amendment or question to the county clerk of each county no later than 65 days
6045 before the date of the election.

6046 (5) The county clerk of each county shall:

6047 (a) ensure that the letter or number and the ballot title of each amendment and question
6048 prepared in accordance with this section are included in the sample ballots and

6049 official ballots; and

6050 (b) publish the sample ballots and official ballots as provided by law.

6051 Section 97. Section **20A-7-104** is amended to read:

6052 **20A-7-104 . Signature gatherers -- Payments -- Badges -- Information --**

6053 **Requirement to provide initiative or referendum for reading.**

6054 (1) A person may not pay a person to gather signatures under this chapter based on a rate
6055 per signature, on a rate per verified signature, or on the initiative or referendum
6056 qualifying for the ballot.

6057 (2) A person that pays a person to gather signatures under this section shall base the
6058 payment solely on an hourly rate.

6059 (3) A person may not accept payment made in violation of this section.

6060 (4) An individual who is paid to gather signatures for a petition described in this chapter
6061 shall, while gathering signatures, wear a badge on the front of the individual's torso that
6062 complies with the following, ensuring that the information on the badge is clearly visible
6063 to the individual from whom a signature is sought:

6064 (a) the badge shall be printed in black ink on white cardstock and laminated; and

6065 (b) the information on the badge shall be in at least 24-point type and include the
6066 following information:

6067 (i) an identification number that is unique to the individual gathering signatures,
6068 assigned by:

6069 (A) for a statewide initiative or referendum, the ~~[lieutenant governor]~~ director; or

6070 (B) for a local initiative or referendum, the local clerk;

6071 (ii) the title of the initiative or referendum;

6072 (iii) the words "Paid Signature Gatherer"; and

6073 (iv) the name of the entity paying the signature gatherer.

6074 (5) An individual who gathers signatures under this chapter shall offer a paper document to
6075 each individual who signs the petition that:

6076 (a) is printed in black ink on white paper, white cardstock, or a white sticker, in at least
6077 12-point type; and

6078 (b)(i) for an initiative, includes the name of the initiative and the following statement:

6079 "You may view the initiative, its fiscal impact, and information on removing your
6080 signature from the petition at [list a uniform resource locator that links directly to the
6081 information described in Section 20A-7-202.7 or 20A-7-502.6, as applicable]."; or

6082 (ii) for a referendum, includes the name of the referendum and the following statement:

6083 "You may view the referendum and information on removing your signature from the
 6084 petition at [list a uniform resource locator that links directly to the information described in
 6085 Section 20A-7-304.5 or 20A-7-604.5, as applicable]."

6086 (6) An individual who gathers signatures under this chapter shall, before collecting a
 6087 signature from an individual, present to the individual a printed or digital copy of the
 6088 initiative or referendum and wait for the individual to read the initiative or referendum.

6089 (7) A person who violates this section is guilty of a class B misdemeanor.

6090 Section 98. Section **20A-7-105** is amended to read:

6091 **20A-7-105 . Manual petition processes -- Obtaining signatures -- Verification --**
 6092 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --**
 6093 **Removal of signature.**

6094 (1) This section applies only to the manual initiative process and the manual referendum
 6095 process.

6096 (2) As used in this section:

6097 (a) "Local petition" means:

6098 (i) a manual local initiative petition described in Part 5, Local Initiatives -
 6099 Procedures; or

6100 (ii) a manual local referendum petition described in Part 6, Local Referenda -
 6101 Procedures.

6102 (b) "Packet" means an initiative packet or referendum packet.

6103 (c) "Petition" means a local petition or statewide petition.

6104 (d) "Statewide petition" means:

6105 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or

6106 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.

6107 (3)(a) A Utah voter may sign a statewide petition if the voter is a legal voter.

6108 (b) A Utah voter may sign a local petition if the voter:

6109 (i) is a legal voter; and

6110 (ii) resides in the local jurisdiction.

6111 (4)(a) The sponsors shall ensure that the individual in whose presence each signature
 6112 sheet was signed:

6113 (i) is at least 18 years old;

6114 (ii) verifies each signature sheet by completing the verification printed on the last
 6115 page of each packet; and

6116 (iii) is informed that each signer is required to read and understand:

- 6117 (A) for an initiative petition, the law proposed by the initiative; or
6118 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 6119 (b) An individual may not sign the verification printed on the last page of a packet if the
6120 individual signed a signature sheet in the packet.
- 6121 (5)(a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
6122 packet to the county clerk of the county in which the packet was circulated before 5
6123 p.m. no later than the earlier of:
- 6124 (i) for a statewide initiative:
- 6125 (A) 30 days after the day on which the first individual signs the initiative packet;
6126 (B) 316 days after the day on which the application for the initiative petition is
6127 filed; or
6128 (C) the February 15 immediately before the next regular general election
6129 immediately after the application is filed under Section 20A-7-202;
- 6130 (ii) for a statewide referendum:
- 6131 (A) 30 days after the day on which the first individual signs the referendum
6132 packet; or
6133 (B) 40 days after the day on which the legislative session at which the law passed
6134 ends;
- 6135 (iii) for a local initiative:
- 6136 (A) 30 days after the day on which the first individual signs the initiative packet;
6137 (B) 316 days after the day on which the application is filed;
6138 (C) the April 15 immediately before the next regular general election immediately
6139 after the application is filed under Section 20A-7-502, if the local initiative is a
6140 county initiative; or
6141 (D) the April 15 immediately before the next municipal general election
6142 immediately after the application is filed under Section 20A-7-502, if the local
6143 initiative is a municipal initiative; or
- 6144 (iv) for a local referendum:
- 6145 (A) 30 days after the day on which the first individual signs the referendum
6146 packet; or
6147 (B) 45 days after the day on which the sponsors receive the items described in
6148 Subsection 20A-7-604(3) from the local clerk.
- 6149 (b) A person may not submit a packet after the applicable deadline described in
6150 Subsection (5)(a).

- 6151 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),
 6152 the sponsors shall send an email to each individual who provides a legible, valid
 6153 email address on the signature sheet that includes the following:
 6154 (i) the subject of the email shall include the following statement, "Notice Regarding
 6155 Your Petition Signature"; and
 6156 (ii) the body of the email shall include the following statement in 12-point type:
 6157 "You signed a petition for the following initiative:
 6158 [insert title of initiative]
 6159 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and
 6160 information on the deadline for removing your signature from the petition, please visit the
 6161 following link: [insert a uniform resource locator that takes the individual directly to the page
 6162 on the [lieutenant governor's] office's or county clerk's website that includes the information
 6163 referred to in the email]."
 6164 (d) For a statewide initiative, the sponsors shall, no later than 5 p.m. on the day on which
 6165 the sponsors submit the last initiative packet to the county clerk, submit to the
 6166 lieutenant governor:
 6167 (i) a list containing:
 6168 (A) the name and email address of each individual the sponsors sent, or caused to
 6169 be sent, the email described in Subsection (5)(c); and
 6170 (B) the date the email was sent;
 6171 (ii) a copy of the email described in Subsection (5)(c); and
 6172 (iii) the following written verification, completed and signed by each of the sponsors:
 6173 "Verification of initiative sponsor State of Utah, County of _____ I, _____,
 6174 of _____, hereby state, under penalty of perjury, that:
 6175 I am a sponsor of the initiative petition entitled _____; and
 6176 I sent, or caused to be sent, to each individual who provided a legible, valid email
 6177 address on a signature sheet submitted to the county clerk in relation to the initiative petition,
 6178 the email described in Utah Code Subsection 20A-7-105(5)(c).
 6179 _____
 6180 (Name) (Residence Address) (Date)".
 6181 (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the
 6182 sponsors submit the last initiative packet to the local clerk, submit to the local clerk
 6183 the items described in Subsection (5)(d).
 6184 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not

- 6185 comply with Subsection (5)(c), (d), or (e).
- 6186 (6)(a) Within 21 days after the day on which the county clerk receives the packet, the
6187 county clerk shall:
- 6188 (i) use the procedures described in Section 20A-1-1002, or 20A-7-106 if applicable,
6189 to determine whether each signer is a legal voter and, as applicable, the
6190 jurisdiction where the signer is registered to vote;
- 6191 (ii) for a statewide initiative or a statewide referendum:
- 6192 (A) certify on the petition whether each name is that of a legal voter;
- 6193 (B) post the name, voter identification number, and date of signature of each legal
6194 voter certified under Subsection (6)(a)(ii)(A) on the [~~lieutenant governor's~~]
6195 office's website, in a conspicuous location designated by the [~~lieutenant~~
6196 ~~governor~~] director; and
- 6197 (C) deliver the verified packet to the [~~lieutenant governor~~] director;
- 6198 (iii) for a local initiative or a local referendum:
- 6199 (A) certify on the petition whether each name is that of a legal voter who is
6200 registered in the jurisdiction to which the initiative or referendum relates;
- 6201 (B) post the name, voter identification number, and date of signature of each legal
6202 voter certified under Subsection (6)(a)(iii)(A) on the [~~lieutenant governor's~~]
6203 office's website, in a conspicuous location designated by the [~~lieutenant~~
6204 ~~governor~~] director; and
- 6205 (C) deliver the verified packet to the local clerk.
- 6206 (b) For a local initiative or local referendum, the local clerk shall post a link in a
6207 conspicuous location on the local government's website to the posting described in
6208 Subsection (6)(a)(iii)(B):
- 6209 (i) for a local initiative, during the period of time described in Subsection 20A-7-507
6210 (3)(a); or
- 6211 (ii) for a local referendum, during the period of time described in Subsection
6212 20A-7-607(2)(a)(i).
- 6213 (7) The county clerk may not certify a signature under Subsection (6):
- 6214 (a) on a packet that is not verified in accordance with Subsection (4); or
- 6215 (b) that does not have a date of signature next to the signature.
- 6216 (8)(a) A voter who signs a statewide initiative petition may have the voter's signature
6217 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
6218 the county clerk a statement requesting that the voter's signature be removed no later

- 6219 than the earlier of:
- 6220 (i) for an initiative packet received by the county clerk before December 1:
- 6221 (A) 30 days after the day on which the voter signs the signature removal
- 6222 statement; or
- 6223 (B) 90 days after the day on which the [~~lieutenant governor~~] director posts the
- 6224 voter's name under Subsection 20A-7-207(2); or
- 6225 (ii) for an initiative packet received by the county clerk on or after December 1:
- 6226 (A) 30 days after the day on which the voter signs the signature removal
- 6227 statement; or
- 6228 (B) 45 days after the day on which the [~~lieutenant governor~~] director posts the
- 6229 voter's name under Subsection 20A-7-207(2).
- 6230 (b) A voter who signs a statewide referendum petition may have the voter's signature
- 6231 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 6232 the county clerk a statement requesting that the voter's signature be removed no later
- 6233 than the earlier of:
- 6234 (i) 30 days after the day on which the voter signs the statement requesting removal; or
- 6235 (ii) 45 days after the day on which the [~~lieutenant governor~~] director posts the voter's
- 6236 name under Subsection 20A-7-307(2).
- 6237 (c) A voter who signs a local initiative petition may have the voter's signature removed
- 6238 from the petition by, in accordance with Section 20A-1-1003, submitting to the
- 6239 county clerk a statement requesting that the voter's signature be removed no later than
- 6240 the earlier of:
- 6241 (i) 30 days after the day on which the voter signs the signature removal statement;
- 6242 (ii) 90 days after the day on which the local clerk posts the voter's name under
- 6243 Subsection 20A-7-507(2);
- 6244 (iii) 316 days after the day on which the application is filed; or
- 6245 (iv)(A) for a county initiative, April 15 immediately before the next regular
- 6246 general election immediately after the application is filed under Section
- 6247 20A-7-502; or
- 6248 (B) for a municipal initiative, April 15 immediately before the next municipal
- 6249 general election immediately after the application is filed under Section
- 6250 20A-7-502.
- 6251 (d) A voter who signs a local referendum petition may have the voter's signature
- 6252 removed from the petition by, in accordance with Section 20A-1-1003, submitting to

- 6253 the county clerk a statement requesting that the voter's signature be removed no later
 6254 than the earlier of:
- 6255 (i) 30 days after the day on which the voter signs the statement requesting removal; or
 6256 (ii) 45 days after the day on which the local clerk posts the voter's name under
 6257 Subsection 20A-7-607(2)(a).
- 6258 (e) In order for the signature to be removed, the county clerk must receive the statement
 6259 described in this Subsection (8) before 5 p.m. no later than the applicable deadline
 6260 described in this Subsection (8).
- 6261 (f) A county clerk shall analyze a signature, for purposes of removing a signature from a
 6262 petition, in accordance with Subsection 20A-1-1003(3).
- 6263 (9)(a) If the county clerk timely receives a statement requesting signature removal under
 6264 Subsection (8) and determines that the signature should be removed from the petition
 6265 under Subsection 20A-1-1003(3), the county clerk shall:
- 6266 (i) ensure that the voter's name, voter identification number, and date of signature are
 6267 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and
 6268 (ii) remove the voter's signature from the signature packets and signature packet
 6269 totals.
- 6270 (b) The county clerk shall comply with Subsection (9)(a) before the later of:
- 6271 (i) the deadline described in Subsection (6)(a); or
 6272 (ii) two business days after the day on which the county clerk receives a statement
 6273 requesting signature removal under Subsection (8).
- 6274 (10) A person may not retrieve a packet from a county clerk, or make any alterations or
 6275 corrections to a packet, after the packet is submitted to the county clerk.
- 6276 Section 99. Section **20A-7-106** is amended to read:
- 6277 **20A-7-106 . Petition signature or removal for an individual with a disability.**
- 6278 (1) If a voter who desires to sign a petition is, due to a qualifying disability under the
 6279 Americans with Disabilities Act, unable to fill out the signature sheet or to sign the
 6280 voter's name consistently, the voter may:
- 6281 (a) inform the individual gathering signatures that, due to a qualifying disability under
 6282 the Americans with Disabilities Act, the voter is unable to fill out the signature sheet
 6283 or to sign the voter's name consistently; and
- 6284 (b) direct the individual gathering signatures to:
- 6285 (i) fill out the form on the signature sheet with the information provided by the voter;
 6286 and

- 6287 (ii) in place of the registered voter's signature:
 6288 (A) place the initials "AV" to indicate that the county clerk must use an alternate
 6289 verification process to verify the validity of the voter's signature; and
 6290 (B) place next to the initials described in Subsection (1)(b)(ii)(A) a phone number,
 6291 email address, or other method that the county clerk may use to contact the
 6292 voter to verify the identity of the voter.

6293 (2) If a voter who desires to remove the voter's signature from a petition is, due to a
 6294 qualifying disability under the Americans with Disabilities Act, unable to sign the
 6295 voter's name consistently, the voter may, instead of signing the statement described in
 6296 Section 20A-1-1003:

- 6297 (a) place the initials "AV" to indicate that the county clerk must use an alternate
 6298 verification process to verify the validity of the voter's signature; and
 6299 (b) include in the statement a phone number, email address, or other method that the
 6300 county clerk may use to contact the voter to verify the identity of the voter.

6301 (3) The alternate verification process described in this section includes:

- 6302 (a) the process described in Subsection 20A-3a-401(7)(b); or
 6303 (b) another process established by rule, made by the [~~director of elections within the~~
 6304 ~~Office of the Lieutenant Governor~~] office, in accordance with Title 63G, Chapter 3,
 6305 Utah Administrative Rulemaking Act.

6306 Section 100. Section **20A-7-201** is amended to read:

6307 **20A-7-201 . Statewide initiatives -- Signature requirements -- Submission to the**
 6308 **Legislature or to a vote of the people.**

- 6309 (1)(a) A person seeking to have an initiative submitted to the Legislature for approval or
 6310 rejection shall, after filing an initiative application, obtain:
 6311 (i) legal signatures equal to 4% of the number of active voters in the state on January
 6312 1 immediately following the last regular general election; and
 6313 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the
 6314 number of active voters in that district on January 1 immediately following the
 6315 last regular general election.
 6316 (b) If, at any time not less than 10 days before the beginning of the next annual general
 6317 session of the Legislature, the [~~lieutenant governor~~] director declares that an initiative
 6318 petition designated under Subsection 20A-7-202(2)(c)(i) for submission to the
 6319 Legislature is signed by a sufficient number of voters to meet the requirements of
 6320 Subsection (1)(a), the [~~lieutenant governor~~] director shall deliver a copy of the

- 6321 initiative petition, the text of the proposed law, and the cover sheet described in
 6322 Subsection (1)(c) to the president of the Senate, the speaker of the House, and the
 6323 director of the Office of Legislative Research and General Counsel.
- 6324 (c) The [~~lieutenant governor~~] director shall prepare a cover sheet for a petition declared
 6325 sufficient under Subsection (1)(b) that contains:
- 6326 (i) the number of active voters in the state on January 1 immediately following the
 6327 last regular general election;
- 6328 (ii) the number of active voters in each Utah State Senate district on January 1
 6329 immediately following the last regular general election;
- 6330 (iii) the total number of certified signatures obtained for the initiative petition; and
 6331 (iv) the total number of certified signatures obtained from each Utah State Senate
 6332 district for the initiative petition.
- 6333 (2)(a) A person seeking to have an initiative submitted to a vote of the people for
 6334 approval or rejection shall, after filing an initiative application, obtain:
- 6335 (i) legal signatures equal to 8% of the number of active voters in the state on January
 6336 1 immediately following the last regular general election; and
- 6337 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the
 6338 number of active voters in that district on January 1 immediately following the
 6339 last regular general election.
- 6340 (b) If an initiative petition meets the requirements of this part and the [~~lieutenant~~
 6341 ~~governor~~] director declares that the initiative petition is signed by a sufficient number
 6342 of voters to meet the requirements of Subsection (2)(a), the [~~lieutenant governor~~]
 6343 director shall submit the proposed law to a vote of the people at the next regular
 6344 general election:
- 6345 (i) immediately after the application is filed under Section 20A-7-202; and
 6346 (ii) specified on the petition under Section 20A-7-203.
- 6347 (3) The [~~lieutenant governor~~] director shall provide the following information to any
 6348 interested person:
- 6349 (a) the number of active voters in the state on January 1 immediately following the last
 6350 regular general election; and
- 6351 (b) for each Utah State Senate district, the number of active voters in that district on
 6352 January 1 immediately following the last regular general election.
- 6353 Section 101. Section **20A-7-202** is amended to read:
- 6354 **20A-7-202 . Statewide initiative process -- Initiative application procedures --**

6355 **Time to gather signatures -- Grounds for rejection.**

- 6356 (1) Individuals wishing to circulate an initiative petition shall file an initiative application
6357 with the [~~lieutenant governor~~] director.
- 6358 (2) The initiative application shall include:
- 6359 (a) the name and residence address of at least five sponsors of the initiative petition;
- 6360 (b) a statement indicating that each of the sponsors is registered to vote in Utah;
- 6361 (c) a statement indicating whether the initiative will be presented to:
- 6362 (i) the Legislature under Subsection 20A-7-201(1); or
- 6363 (ii) a vote of the people under Subsection 20A-7-201(2);
- 6364 (d) the signature of each of the sponsors, attested to by a notary public;
- 6365 (e) a copy of the proposed law that includes, in the following order:
- 6366 (i) the title of the proposed law, that clearly expresses the subject of the law;
- 6367 (ii) a description of all proposed sources of funding for the costs associated with the
6368 proposed law, including the proposed percentage of total funding from each
6369 source; and
- 6370 (iii) the text of the proposed law;
- 6371 (f) if the initiative proposes a tax increase, the following statement, "This initiative seeks
6372 to increase the current (insert name of tax) rate by (insert the tax percentage
6373 difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6374 increase in the current tax rate."; and
- 6375 (g) a statement indicating whether persons gathering signatures for the initiative petition
6376 may be paid for gathering signatures.
- 6377 (3)(a) An individual's status as a resident, under Subsection (2), is determined in
6378 accordance with Section 20A-2-105.
- 6379 (b) The initiative application and the initiative application's contents are public when
6380 filed with the [~~lieutenant governor~~] director.
- 6381 (4) If the initiative petition fails to qualify for the ballot of the election described in
6382 Subsection 20A-7-201(2)(b), the sponsors shall:
- 6383 (a) submit a new initiative application;
- 6384 (b) obtain new signature sheets; and
- 6385 (c) collect signatures again.
- 6386 (5) The [~~lieutenant governor~~] director shall reject an initiative application or an initiative
6387 application addendum filed under Subsection 20A-7-204.1(5) and not issue signature
6388 sheets if:

- 6389 (a) the proposed law:
- 6390 (i) is patently unconstitutional;
- 6391 (ii) is nonsensical;
- 6392 (iii) could not become law if passed;
- 6393 (iv) contains more than one subject as evaluated in accordance with Subsection (6); or
- 6394 (v) is identical or substantially similar to a law proposed by an initiative for which
- 6395 signatures were submitted to the county clerks and [~~lieutenant governor~~] director
- 6396 for certification within two years preceding the date on which the initiative
- 6397 application for the new initiative is filed; or

6398 (b) the subject of the proposed law is not clearly expressed in the law's title.

- 6399 (6) To evaluate whether the proposed law contains more than one subject under Subsection
- 6400 (5)(a)(iv), the [~~lieutenant governor~~] director shall apply the same standard provided in
- 6401 Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains
- 6402 more than one subject.

6403 Section 102. Section **20A-7-202.5** is amended to read:

6404 **20A-7-202.5 . Initial fiscal impact statement -- Preparation of statement --**

6405 **Challenge to statement.**

- 6406 (1) Within three working days after the day on which the [~~lieutenant governor~~] director
- 6407 receives an initiative application, the [~~lieutenant governor~~] director shall submit a copy of
- 6408 the initiative application to the Office of the Legislative Fiscal Analyst.
- 6409 (2)(a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith
- 6410 initial fiscal impact statement for the proposed law, not exceeding 100 words plus
- 6411 100 words per revenue source created or impacted by the proposed law, that contains:
- 6412 (i) a description of the total estimated fiscal impact of the proposed law over the time
- 6413 period or time periods determined by the Office of the Legislative Fiscal Analyst
- 6414 to be most useful in understanding the estimated fiscal impact of the proposed law;
- 6415 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a
- 6416 dollar amount representing the total estimated increase or decrease for each type
- 6417 of tax affected under the proposed law, a dollar amount showing the estimated
- 6418 amount of a new tax, and a dollar amount representing the total estimated increase
- 6419 or decrease in taxes under the proposed law;
- 6420 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage
- 6421 difference and the tax percentage increase for each tax or tax rate increased;
- 6422 (iv) if the proposed law would result in the issuance or a change in the status of

- 6423 bonds, notes, or other debt instruments, a dollar amount representing the total
 6424 estimated increase or decrease in public debt under the proposed law;
- 6425 (v) a dollar amount representing the estimated cost or savings, if any, to state or local
 6426 government entities under the proposed law;
- 6427 (vi) if the proposed law would increase costs to state government, a listing of all
 6428 sources of funding for the estimated costs; and
- 6429 (vii) a concise description and analysis titled "Funding Source," not to exceed 100
 6430 words for each funding source, of the funding source information described in
 6431 Subsection 20A-7-202(2)(e)(ii).
- 6432 (b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative
 6433 Fiscal Analyst shall include a summary statement in the initial fiscal impact statement in
 6434 substantially the following form:
- 6435 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this
 6436 initiative would have no significant fiscal impact and would not result in either an increase or
 6437 decrease in taxes or debt."
- 6438 (3) Within 25 calendar days after the day on which the [~~lieutenant governor~~] director
 6439 delivers a copy of the initiative application, the Office of the Legislative Fiscal Analyst
 6440 shall:
- 6441 (a) send a copy of the initial fiscal impact statement to the [~~lieutenant governor's~~] office;
 6442 and
- 6443 (b) send a copy of the initial fiscal impact statement to the first five sponsors named in
 6444 the initiative application.
- 6445 (4)(a)(i) Three or more of the sponsors of the initiative petition may, within 20
 6446 calendar days after the day on which the Office of the Legislative Fiscal Analyst
 6447 delivers the initial fiscal impact statement to the [~~lieutenant governor's~~] office, file
 6448 a petition with the appropriate court, alleging that the initial fiscal impact
 6449 statement, taken as a whole, is an inaccurate estimate of the fiscal impact of the
 6450 initiative.
- 6451 (ii) After receipt of the appeal, the court shall direct the [~~lieutenant governor~~] director
 6452 to send notice of the petition filed with the court to:
- 6453 (A) any person or group that has filed an argument with the lieutenant governor's
 6454 office for or against the initiative that is the subject of the challenge; and
- 6455 (B) any political issues committee established under Section 20A-11-801 that has
 6456 filed written or electronic notice with the [~~lieutenant governor~~] director that

6457 identifies the name, mailing or email address, and telephone number of the
 6458 person designated to receive notice about any issues relating to the initiative.

6459 (b)(i) There is a presumption that the initial fiscal impact statement prepared by the
 6460 Office of the Legislative Fiscal Analyst is based upon reasonable assumptions,
 6461 uses reasonable data, and applies accepted analytical methods to present the
 6462 estimated fiscal impact of the initiative.

6463 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal
 6464 impact statement unless the plaintiffs rebut the presumption by clear and
 6465 convincing evidence that establishes that the initial fiscal impact statement, taken
 6466 as a whole, is an inaccurate statement of the estimated fiscal impact of the
 6467 initiative.

6468 (iii) The court may refer an issue related to the initial fiscal impact statement to a
 6469 master to examine the issue and make a report in accordance with Utah Rules of
 6470 Civil Procedure, Rule 53.

6471 (c) The court shall certify to the [~~lieutenant governor~~] director a fiscal impact statement
 6472 for the initiative that meets the requirements of this section.

6473 Section 103. Section **20A-7-202.7** is amended to read:

6474 **20A-7-202.7 . Posting initiative information.**

6475 (1) Within one business day after the day on which the [~~lieutenant governor~~] director
 6476 receives the initial fiscal impact statement under Subsection 20A-7-202.5(3)(a), the [
 6477 ~~lieutenant governor~~] director shall post the following information together in a
 6478 conspicuous place on the [~~lieutenant governor's~~] office's website:

6479 (a) the initiative application;

6480 (b) the initiative petition;

6481 (c) the text of the proposed law;

6482 (d) the initial fiscal impact statement; and

6483 (e) information describing how an individual may remove the individual's signature
 6484 from the initiative petition.

6485 (2) The [~~lieutenant governor~~] director shall:

6486 (a) promptly update the information described in Subsection (1) if the information
 6487 changes; and

6488 (b) maintain the information described in Subsection (1) on the [~~lieutenant governor's~~]
 6489 office's website until the initiative fails to qualify for the ballot or is passed or
 6490 defeated at an election.

6491 Section 104. Section **20A-7-203** is amended to read:

6492 **20A-7-203 . Manual initiative process -- Form of initiative petition and signature**
6493 **sheets.**

6494 (1) This section applies only to the manual initiative process.

6495 (2)(a) Each proposed initiative petition shall be printed in substantially the following form:

6496 "INITIATIVE PETITION To the [~~Honorable _____, Lieutenant Governor~~] director of the
6497 Elections Office:

6498 We, the undersigned citizens of Utah, respectfully demand that the following proposed
6499 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the
6500 regular general election/session to be held/ beginning on _____(month\day\year);

6501 Each signer says:

6502 I have personally signed this initiative petition or, if I am an individual with a qualifying
6503 disability, I have signed this initiative petition by directing the signature gatherer to enter the
6504 initials "AV" as my signature;

6505 The date next to my signature correctly reflects the date that I actually signed the
6506 initiative petition;

6507 I have personally read the entire statement included with this packet;

6508 I am registered to vote in Utah; and

6509 My residence and post office address are written correctly after my name.

6510 NOTICE TO SIGNERS:

6511 Public hearings to discuss this initiative were held at: (list dates and locations of public
6512 hearings.)".

6513 (b) If the initiative proposes a tax increase, the following statement shall appear, in at least
6514 14-point, bold type, immediately following the information described in Subsection (2)(a):

6515 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6516 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6517 increase in the current tax rate.".

6518 (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the
6519 proposed law to each initiative petition.

6520 (3) Each initiative signature sheet shall:

6521 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

6522 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
6523 that line blank for the purpose of binding;

6524 (c) include the title of the initiative printed below the horizontal line, in at least 14-point,

- 6525 bold type;
- 6526 (d) include a table immediately below the title of the initiative, and beginning .5 inch
- 6527 from the left side of the paper, as follows:
- 6528 (i) the first column shall be .5 inch wide and include three rows;
- 6529 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
- 6530 Office Use Only" in 10-point type;
- 6531 (iii) the second row of the first column shall be .35 inch tall;
- 6532 (iv) the third row of the first column shall be .5 inch tall;
- 6533 (v) the second column shall be 2.75 inches wide;
- 6534 (vi) the first row of the second column shall be .35 inch tall and contain the words
- 6535 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point
- 6536 type;
- 6537 (vii) the second row of the second column shall be .5 inch tall;
- 6538 (viii) the third row of the second column shall be .35 inch tall and contain the words
- 6539 "Street Address, City, Zip Code" in 10-point type;
- 6540 (ix) the fourth row of the second column shall be .5 inch tall;
- 6541 (x) the third column shall be 2.75 inches wide;
- 6542 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 6543 "Signature of Registered Voter" in 10-point type;
- 6544 (xii) the second row of the third column shall be .5 inch tall;
- 6545 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 6546 "Email Address (optional, to receive additional information)" in 10-point type;
- 6547 (xiv) the fourth row of the third column shall be .5 inch tall;
- 6548 (xv) the fourth column shall be one inch wide;
- 6549 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 6550 "Date Signed" in 10-point type;
- 6551 (xvii) the second row of the fourth column shall be .5 inch tall;
- 6552 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 6553 "Birth Date or Age (optional)" in 10-point type;
- 6554 (xix) the fourth row of the third column shall be .5 inch tall; and
- 6555 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
- 6556 and contain the following statement, "By signing this initiative petition, you are
- 6557 stating that you have read and understand the law proposed by this initiative
- 6558 petition." in 12-point type;

6559 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
6560 the bottom of the sheet for the information described in Subsection (3)(f); and

6561 (f) at the bottom of the sheet, include in the following order:

6562 (i) the words "Fiscal Impact of" followed by the title of the initiative, in at least
6563 12-point, bold type;

6564 (ii) except as provided in Subsection (5), the initial fiscal impact statement issued by
6565 the Office of the Legislative Fiscal Analyst in accordance with Subsection
6566 20A-7-202.5(2)(a), including any update in accordance with Subsection
6567 20A-7-204.1(5), in not less than 12-point type;

6568 (iii) if the initiative proposes a tax increase, the following statement in 12-point, bold type:

6569 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6570 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6571 increase in the current tax rate."; and

6572 (iv) the word "Warning," in 12-point, bold type, followed by the following statement in not
6573 less than eight-point type:

6574 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
6575 other than the individual's own name, or to knowingly sign the individual's name more than
6576 once for the same initiative petition, or to sign an initiative petition when the individual knows
6577 that the individual is not a registered voter.

6578 Birth date or age information is not required, but it may be used to verify your identity
6579 with voter registration records. If you choose not to provide it, your signature may not be
6580 verified as a valid signature if you change your address before petition signatures are verified
6581 or if the information you provide does not match your voter registration records."

6582 (4) The final page of each initiative packet shall contain the following printed or typed
6583 statement:

6584 Verification of signature collector

6585 State of Utah, County of ____

6586 I, _____, of _____, hereby state, under penalty of perjury, that:

6587 I am at least 18 years old;

6588 All the names that appear in this initiative packet were signed by individuals who
6589 professed to be the individuals whose names appear in it, and each of the individuals signed
6590 the individual's name on it in my presence or, in the case of an individual with a qualifying
6591 disability, I have signed this initiative petition on the individual's behalf, at the direction of the
6592 individual and in the individual's presence, by entering the initials "AV" as the individual's

6593 signature;

6594 I certify that, for each individual whose signature is represented in this initiative
6595 packet by the initials "AV":

6596 I obtained the individual's voluntary direction or consent to sign the initiative
6597 petition on the individual's behalf;

6598 I do not believe, or have reason to believe, that the individual lacked the mental
6599 capacity to give direction or consent;

6600 I do not believe, or have reason to believe, that the individual did not
6601 understand the purpose or nature of my signing the initiative petition on the individual's behalf;

6602 I did not intentionally or knowingly deceive the individual into directing me to,
6603 or consenting for me to, sign the initiative petition on the individual's behalf; and

6604 I did not intentionally or knowingly enter false information on the signature
6605 sheet;

6606 I did not knowingly make a misrepresentation of fact concerning the law proposed by
6607 the initiative;

6608 I believe that each individual's name, post office address, and residence is written
6609 correctly, that each signer has read the law proposed by the initiative, and that each signer is
6610 registered to vote in Utah;

6611 The correct date of signature appears next to each individual's name; and

6612 I have not paid or given anything of value to any individual who signed this initiative
6613 packet to encourage that individual to sign it.

6614

6615 (Name) (Residence Address) (Date)

6616 (5) If the initial fiscal impact statement described in Subsection (3)(f)(ii), as updated in
6617 accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the
6618 Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of
6619 inclusion on an initiative signature sheet, that does not exceed 200 words.

6620 (6) If the forms described in this section are substantially followed, the initiative petitions
6621 are sufficient, notwithstanding clerical and merely technical errors.

6622 Section 105. Section **20A-7-204** is amended to read:

6623 **20A-7-204 . Manual initiative process -- Circulation requirements -- Lieutenant**
6624 **governor to provide sponsors with materials.**

6625 (1) This section applies only to the manual initiative process.

6626 (2) In order to obtain the necessary number of signatures required by this part, the sponsors

6627 or an agent of the sponsors shall, after the sponsors receive the documents described in
6628 Subsection (3), circulate initiative packets that meet the form requirements of this part.

6629 (3) The ~~[lieutenant governor]~~ director shall provide the sponsors with a copy of the initiative
6630 petition and a signature sheet within three days after the day on which the following
6631 conditions are fulfilled:

6632 (a) the sponsors hold the final hearing required under Section 20A-7-204.1;

6633 (b) the sponsors provide to the ~~[Office of the Lieutenant Governor]~~ office the video tape,
6634 audio tape, or comprehensive minutes described in Subsection 20A-7-204.1(4) for
6635 each public hearing described in Section 20A-7-204.1;

6636 (c)(i) the sponsors give written notice to the ~~[Office of the Lieutenant Governor]~~ office
6637 that the sponsors waive the opportunity to change the text of the proposed law
6638 under Subsection 20A-7-204.1(5);

6639 (ii) the deadline, described in Subsection 20A-7-204.1(5)(a), for changing the text of
6640 the proposed law passes without the sponsors filing an application addendum in
6641 accordance with Subsection 20A-7-204.1(5); or

6642 (iii) if the sponsors file an application addendum in accordance with Subsection
6643 20A-7-204.1(5), the Office of the Legislative Fiscal Analyst provides to the [
6644 ~~Office of the Lieutenant Governor]~~ office:

6645 (A) an updated initial fiscal impact statement, in accordance with Subsection
6646 20A-7-204.1(5)(b); or

6647 (B) a written notice indicating that no changes to the initial fiscal impact statement
6648 are necessary;

6649 (d)(i) the sponsors give written notice to the ~~[Office of the Lieutenant Governor]~~ office
6650 that the sponsors waive the opportunity to:

6651 (A) challenge the initial fiscal impact statement in court; and
6652 (B) if applicable, challenge the updated initial fiscal impact statement in court;

6653 (ii) the deadline, described in Subsection 20A-7-202.5(4)(a)(i), for:

6654 (A) challenging the initial fiscal impact statement in court passes without the
6655 sponsors filing a petition to challenge; and
6656 (B) if applicable, challenging the updated initial fiscal impact statement in court
6657 passes without the sponsors filing a petition to challenge; or

6658 (iii) if the sponsors timely file a petition challenging the initial fiscal impact
6659 statement in court or, if applicable, the updated initial fiscal impact statement in
6660 court, and the court's decision becomes final;[-and]

- 6661 (e) the sponsors sign an agreement, under Subsection (6)(a), with the [~~Office of the~~
 6662 ~~Lieutenant Governor~~] office; and
- 6663 (f) specifying the range of numbers that the sponsors will use to number the initiative
 6664 packets.
- 6665 (4) The sponsors of the initiative shall:
- 6666 (a) arrange and pay for the printing of all documents that are part of the initiative
 6667 packets; and
- 6668 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
 6669 meet the requirements of this part.
- 6670 (5)(a) The sponsors or an agent of the sponsors may prepare the initiative packets for
 6671 circulation by creating multiple initiative packets.
- 6672 (b) The sponsors or an agent of the sponsors shall create the initiative packets by binding
 6673 a copy of the initiative petition with the text of the proposed law, including any
 6674 modification made under Subsection 20A-7-204.1(5) and no more than 50 signature
 6675 sheets together at the top in a manner that the initiative packets may be conveniently
 6676 opened for signing.
- 6677 (c) An initiative packet is not required to have a uniform number of signature sheets.
- 6678 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 6679 (i) contact the[~~lieutenant governor's~~] office to receive a range of numbers that the
 6680 sponsors may use to number initiative packets;
- 6681 (ii) sign an agreement with the [~~Office of the Lieutenant Governor~~] office, specifying
 6682 the range of numbers that the sponsors will use to number the initiative packets;
 6683 and
- 6684 (iii) number each initiative packet, sequentially, within the range of numbers
 6685 provided by the[~~lieutenant governor's~~] office, starting with the lowest number in
 6686 the range.
- 6687 (b) The sponsors or an agent of the sponsors may not:
- 6688 (i) number an initiative packet in a manner not directed by the[~~lieutenant governor's~~]
 6689 office; or
- 6690 (ii) circulate or submit an initiative packet that is not numbered in the manner
 6691 directed by the[~~lieutenant governor's~~] office.

6692 Section 106. Section **20A-7-204.1** is amended to read:

6693 **20A-7-204.1 . Public hearings to be held before initiative petitions are circulated**

6694 **-- Changes to a proposed law or an initial fiscal impact statement.**

- 6695 (1)(a) After issuance of the initial fiscal impact statement by the Office of the
6696 Legislative Fiscal Analyst and before circulating initiative packets for signature
6697 statewide, sponsors of the initiative shall hold at least seven public hearings
6698 throughout Utah as follows:
- 6699 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
 - 6700 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
6701 County;
 - 6702 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
 - 6703 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
6704 County;
 - 6705 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
 - 6706 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
 - 6707 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
6708 County.
- 6709 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
6710 the public hearings in a first or second class county, but not in the same county.
- 6711 (c) The sponsors may not hold a public hearing described in this section until the later of:
- 6712 (i) one day after the day on which a sponsor receives a copy of the initial fiscal
6713 impact statement under Subsection 20A-7-202.5(3)(b); or
 - 6714 (ii) if three or more sponsors file a petition for an action challenging the accuracy of
6715 the initial fiscal impact statement under Section 20A-7-202.5, the day after the day
6716 on which the action is final.
- 6717 (2)(a) The sponsors shall, before 5 p.m. at least 10 calendar days before the date of the
6718 public hearing, provide written notice of the public hearing, including the date, time,
6719 and location of the public hearing:
- 6720 (i) to the [~~lieutenant governor~~] director;
 - 6721 (ii) to the county clerk of each county in the region where the public hearing will be
6722 held;
 - 6723 (iii) each state senator, state representative, and county commission or county council
6724 member who is elected in whole or in part from the region where the public
6725 hearing will be held; and
 - 6726 (iv) in accordance with Section 45-1-101, for at least three calendar days before the
6727 day of the public hearing.
- 6728 (b) The [~~lieutenant governor~~] director shall post the notice described in Subsection (2)(a)

- 6729 on the [~~lieutenant governor's~~] office's website for at least three days before the day of
6730 the public hearing.
- 6731 (c) The county clerk of each county in the region where the public hearing will be held:
6732 (i) shall post the notice described in Subsection (2)(a) for the county, as a class A
6733 notice under Section 63G-30-102, for at least three days before the day of the
6734 public hearing; and
6735 (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and
6736 posting the notice described in Subsection (2)(c)(i).
- 6737 (3) If the initiative proposes a tax increase, the written notice described in Subsection (2) shall
6738 include the following statement, in bold, in the same font and point size as the largest font and
6739 point size appearing in the notice:
6740 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6741 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6742 increase in the current tax rate."
- 6743 (4)(a) During the public hearing, the sponsors shall either:
6744 (i) video tape or audio tape the public hearing; or
6745 (ii) take comprehensive minutes of the public hearing, detailing the names and titles
6746 of each speaker and summarizing each speaker's comments.
- 6747 (b) The [~~lieutenant governor~~] director shall make copies of the tapes or minutes available
6748 to the public.
- 6749 (c) For each public hearing, the sponsors shall:
6750 (i) during the entire time that the public hearing is held, post a copy of the initial
6751 fiscal impact statement in a conspicuous location at the entrance to the room
6752 where the sponsors hold the public hearing; and
6753 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
6754 public hearing attendees, in a conspicuous location at the entrance to the room
6755 where the sponsors hold the public hearing.
- 6756 (d) Regardless of whether an individual is present to observe or speak at a public hearing:
6757 (i) the sponsors may not end the public hearing until at least one hour after the public
6758 hearing begins; and
6759 (ii) the sponsors shall provide at least one hour at the public hearing that is open for
6760 public comment.
- 6761 (5)(a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the
6762 seventh public hearing described in Subsection (1)(a), and before circulating an

- 6763 initiative signature packet for signatures, the sponsors of the initiative may change
 6764 the text of the proposed law if:
- 6765 (i) a change to the text is:
- 6766 (A) germane to the text of the proposed law filed with the [~~lieutenant governor~~]
 6767 director under Section 20A-7-202; and
- 6768 (B) consistent with the requirements of Subsection 20A-7-202(5); and
- 6769 (ii) each sponsor signs, attested to by a notary public, an application addendum to
 6770 change the text of the proposed law.
- 6771 (b)(i) Within three working days after the day on which the [~~lieutenant governor~~]
 6772 director receives an application addendum to change the text of the proposed law
 6773 for an initiative, the [~~lieutenant governor~~] director shall submit a copy of the
 6774 application addendum to the Office of the Legislative Fiscal Analyst.
- 6775 (ii) The Office of the Legislative Fiscal Analyst shall:
- 6776 (A) update the initial fiscal impact statement, by following the procedures and
 6777 requirements of Section 20A-7-202.5 to reflect a change to the text of the
 6778 proposed law ; or
- 6779 (B) provide written notice to the [~~Office of the Lieutenant Governor~~] office
 6780 indicating that no changes to the initial fiscal impact statement are necessary.
- 6781 Section 107. Section **20A-7-206.1** is amended to read:
- 6782 **20A-7-206.1 . Provisions relating only to process for submitting an initiative to**
 6783 **the Legislature for approval or rejection.**
- 6784 (1) This section relates only to the process, described in Subsection 20A-7-201(1), for
 6785 submitting an initiative to the Legislature for approval or rejection.
- 6786 (2) Notwithstanding Section 20A-7-105, in order to qualify an initiative petition for
 6787 submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver
 6788 each signed and verified initiative packet to the county clerk of the county in which the
 6789 initiative packet was circulated before 5 p.m. no later than November 15 before the next
 6790 annual general session of the Legislature immediately after the initiative application is
 6791 filed under Section 20A-7-202.
- 6792 (3) Notwithstanding Section 20A-7-105, no later than December 15 before the annual
 6793 general session of the Legislature, the county clerk shall, for an initiative for submission
 6794 to the Legislature:
- 6795 (a) determine whether each signer is a registered voter according to the requirements of
 6796 Section 20A-7-105;

- 6797 (b) certify on the initiative packet whether each name is that of a registered voter; and
 6798 (c) deliver the verified packets to the [~~lieutenant governor~~] director.
- 6799 (4) The county clerk may not certify a signature under Subsection (3) on an initiative packet
 6800 that is not verified in accordance with Section 20A-7-105.
- 6801 (5) A person may not retrieve an initiative packet from a county clerk, or make any
 6802 alterations or corrections to an initiative packet, after the initiative packet is submitted to
 6803 the county clerk.

6804 Section 108. Section **20A-7-207** is amended to read:

6805 **20A-7-207 . Evaluation by the director.**

- 6806 (1) In relation to the manual initiative process, when the [~~lieutenant governor~~] director
 6807 receives an initiative packet from a county clerk, the [~~lieutenant governor~~] director shall
 6808 record the number of the initiative packet received.
- 6809 (2) The county clerk shall:
- 6810 (a) in relation to the manual initiative process:
- 6811 (i) post the names, voter identification numbers, and dates of signatures described in
 6812 Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a
 6813 conspicuous location designated by the [~~lieutenant governor~~] director:
- 6814 (A) for an initiative packet received by the county clerk before December 1, for at
 6815 least 90 days; or
- 6816 (B) for an initiative packet received by the county clerk on or after December 1,
 6817 for at least 45 days; and
- 6818 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures
 6819 certified as of the date of the update; or
- 6820 (b) in relation to the electronic initiative process:
- 6821 (i) post the names, voter identification numbers, and dates of signatures described in
 6822 Subsection 20A-7-217(4) on the [~~lieutenant governor's~~] office's website, in a
 6823 conspicuous location designated by the [~~lieutenant governor~~] director:
- 6824 (A) for a signature received by the county clerk before December 1, for at least 90
 6825 days; or
- 6826 (B) for a signature received by the county clerk on or after December 1, for at
 6827 least 45 days; and
- 6828 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures
 6829 certified as of the date of the update.
- 6830 (3) The [~~lieutenant governor~~] director:

- 6831 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
6832 sufficient or insufficient on April 30 before the regular general election described in
6833 Subsection 20A-7-201(2)(b); or
- 6834 (b) may declare the initiative petition to be insufficient before the day described in
6835 Subsection (3)(a) if:
- 6836 (i) in relation to the manual initiative process, the total of all valid signatures on
6837 timely and lawfully submitted initiative packets that have been certified by the
6838 county clerks, plus the number of signatures on timely and lawfully submitted
6839 initiative packets that have not yet been evaluated for certification, is less than the
6840 number of names required under Section 20A-7-201;
- 6841 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
6842 submitted valid signatures that have been certified by the county clerks, plus the
6843 number of timely and lawfully submitted valid signatures received under
6844 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
6845 less than the number of names required under Section 20A-7-201; or
6846 (iii) a requirement of this part has not been met.
- 6847 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
6848 number of names required under Section 20A-7-201, and the requirements of this
6849 part are met, the ~~[lieutenant governor]~~ director shall mark upon the front of the
6850 initiative petition the word "sufficient."
- 6851 (b) If the total number of names certified under Subsection (3) does not equal or exceed
6852 the number of names required under Section 20A-7-201 or a requirement of this part
6853 is not met, the ~~[lieutenant governor]~~ director shall mark upon the front of the initiative
6854 petition the word "insufficient."
- 6855 (c) The ~~[lieutenant governor]~~ director shall immediately notify any one of the sponsors of
6856 the ~~[lieutenant governor's]~~ director's finding.
- 6857 (5) After an initiative petition is declared insufficient, a person may not submit additional
6858 signatures to qualify the initiative for the ballot.
- 6859 (6)(a) If the ~~[lieutenant governor]~~ director refuses to declare an initiative petition
6860 sufficient that a voter believes is legally sufficient, the voter may, no later than May
6861 15, apply to the appropriate court for an order finding the initiative petition legally
6862 sufficient.
- 6863 (b) If the court determines that the initiative petition is legally sufficient, the ~~[lieutenant~~
6864 ~~governor]~~ director shall mark the petition "sufficient" and consider the declaration of

6865 sufficiency effective as of the date on which the initiative petition should have been
 6866 declared sufficient by the [~~lieutenant governor's office~~] director.
 6867 (c) If the court determines that the initiative petition is not legally sufficient, the court
 6868 may enjoin the [~~lieutenant governor~~] director and all other officers from certifying or
 6869 printing the ballot title and numbers of that measure on the official ballot.
 6870 (7) An initiative petition determined to be sufficient in accordance with this section is
 6871 qualified for the ballot.

6872 Section 109. Section **20A-7-208** is amended to read:

6873 **20A-7-208 . Disposition of initiative petitions by the Legislature.**

6874 (1)(a) Except as provided in Subsection (1)(b), when the [~~lieutenant governor~~] director
 6875 delivers an initiative petition to the Legislature, the law proposed by that initiative
 6876 petition shall be either enacted or rejected without change or amendment by the
 6877 Legislature.
 6878 (b) The speaker of the House and the president of the Senate may direct legislative staff
 6879 to make technical corrections authorized by Section 36-12-12.
 6880 (c) If any law proposed by an initiative petition is enacted by the Legislature, the law is
 6881 subject to referendum the same as other laws.
 6882 (2) If any law proposed by an [~~initiative~~] initiative petition is not enacted by the Legislature,
 6883 that proposed law shall be submitted to a vote of the people at the next regular general
 6884 election if:
 6885 (a) sufficient additional signatures to the petition are first obtained to bring the total
 6886 number of signatures up to the number required by Subsection 20A-7-201(2); and
 6887 (b) those additional signatures are verified, certified by the county clerks, and declared
 6888 sufficient by the [~~lieutenant governor~~] director as provided in Section 20A-7-105 and
 6889 this part.

6890 Section 110. Section **20A-7-209** is amended to read:

6891 **20A-7-209 . Short title and summary of initiative -- Duties of lieutenant governor**
 6892 **and Office of Legislative Research and General Counsel.**

6893 (1) On or before June 5 before the regular general election, the [~~lieutenant governor~~] director
 6894 shall deliver a copy of all of the proposed laws that have qualified for the ballot to the
 6895 Office of Legislative Research and General Counsel.
 6896 (2)(a) The Office of Legislative Research and General Counsel shall:
 6897 (i) entitle each statewide initiative that has qualified for the ballot "Proposition
 6898 Number ___" and give it a number as assigned under Section 20A-6-107;

- 6899 (ii) prepare for each initiative:
- 6900 (A) an impartial short title, not exceeding 25 words, that generally describes the
- 6901 subject of the initiative; and
- 6902 (B) an impartial summary of the contents of the initiative, not exceeding 125
- 6903 words; and
- 6904 (iii) provide each short title, and summary to the [~~lieutenant governor~~] director on or
- 6905 before June 26.
- 6906 (b) The short title and summary may be distinct from the title of the proposed law.
- 6907 (c) If the initiative proposes a tax increase, the Office of Legislative Research and General
- 6908 Counsel shall include the following statement, in bold, in the summary:
- 6909 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
- 6910 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
- 6911 increase in the current tax rate."
- 6912 (d) Subject to Subsection (4), for each statewide initiative, the official ballot shall show,
- 6913 in the following order:
- 6914 (i) the number of the initiative, determined in accordance with Section 20A-6-107;
- 6915 (ii) the short title;
- 6916 (iii) except as provided in Subsection (2)(e):
- 6917 (A) the summary;
- 6918 (B) the text of the proposed law; and
- 6919 (C) a link to a location on the [~~lieutenant governor's~~] office's website where a voter
- 6920 may review additional information relating to each initiative, including the
- 6921 information described in Subsection 20A-7-202(2), the initial fiscal impact
- 6922 statement described in Section 20A-7-202.5, as updated under Section
- 6923 20A-7-204.1, and the arguments relating to the initiative that are included in
- 6924 the voter information pamphlet; and
- 6925 (iv) the initial fiscal impact statement prepared under Section 20A-7-202.5, as
- 6926 updated under Section 20A-7-204.1.
- 6927 (e) Unless the information described in Subsection (2)(d)(iii) is shown on the official
- 6928 ballot, the election officer shall include with the ballot a separate ballot proposition
- 6929 insert that includes the short title and summary for each initiative on the ballot and a
- 6930 link to a location on the [~~lieutenant governor's~~] office's website where a voter may
- 6931 review the additional information described in Subsection (2)(d)(iii)(C).
- 6932 (f) Unless the information described in Subsection (2)(d)(iii) for all initiatives on the

6933 ballot, and the information described in Subsection 20A-7-308(2)(c)(iii) for all
6934 referenda on the ballot, is printed on the ballot, the ballot shall include the following
6935 statement at the beginning of the portion of the ballot that includes ballot measures,
6936 "The ballot proposition sheet included with this ballot contains an impartial summary
6937 of each initiative and referendum on this ballot, unless the summary is printed
6938 directly on the ballot."

6939 (3) On or before June 27, the [~~lieutenant governor~~] director shall send a copy of the short
6940 title and summary to any sponsor of the petition.

6941 (4)(a)(i) At least three of the sponsors of the petition may, on or before July 6,
6942 challenge the wording of the short title and summary prepared by the Office of
6943 Legislative Research and General Counsel to the appropriate court.

6944 (ii) After receipt of the challenge, the court shall direct the [~~lieutenant governor~~]
6945 director to send notice of the challenge to:

6946 (A) any person or group that has filed an argument for or against the initiative that
6947 is the subject of the challenge; or

6948 (B) any political issues committee established under Section 20A-11-801 that has
6949 filed written or electronic notice with the [~~lieutenant governor~~] director that
6950 identifies the name, mailing or email address, and telephone number of the
6951 individual designated to receive notice about any issues relating to the initiative.

6952 (b)(i) There is a presumption that the short title prepared by the Office of Legislative
6953 Research and General Counsel is an impartial description of the contents of the
6954 initiative.

6955 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut
6956 the presumption by clearly and convincingly establishing that the short title is
6957 false or biased.

6958 (iii) There is a presumption that the summary prepared by the Office of Legislative
6959 Research and General Counsel is an impartial summary of the contents of the
6960 initiative.

6961 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
6962 the presumption by clearly and convincingly establishing that the summary is
6963 false or biased.

6964 (c) The court shall:

6965 (i) examine the short title and summary;

6966 (ii) hear arguments; and

6967 (iii) enter an order consistent with the requirements of this section.

6968 (d) The [~~lieutenant governor~~] director shall, in accordance with the court's order, certify
6969 the short title and summary to the county clerks for inclusion in the ballot or ballot
6970 proposition insert, as required by this section.

6971 Section 111. Section **20A-7-211** is amended to read:

6972 **20A-7-211 . Return and canvass -- Conflicting measures -- Law effective on**
6973 **proclamation.**

6974 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and
6975 delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

6976 (2) After the state board of canvassers completes the canvass, the [~~lieutenant governor~~]
6977 director shall certify to the governor the vote for and against the law proposed by the
6978 initiative petition.

6979 (3)(a) The governor shall immediately issue a proclamation that:

6980 (i) gives the total number of votes cast in the state for and against each law proposed
6981 by an initiative petition; and

6982 (ii) declares those laws proposed by an initiative petition that are approved by
6983 majority vote to be in full force and effect on the date described in Subsection
6984 20A-7-212(2).

6985 (b) When the governor believes that two proposed laws, or that parts of two proposed
6986 laws approved by the people at the same election are entirely in conflict, the governor
6987 shall proclaim as law the initiative that receives the greatest number of affirmative
6988 votes, regardless of the difference in the majorities which those initiatives receive.

6989 (c) Within 10 days after the day of the governor's proclamation, any qualified voter who
6990 signed the initiative petition proposing the law that is declared by the governor to be
6991 superseded by another initiative approved at the same election may bring an action in
6992 the appropriate court to review the governor's decision.

6993 (4) Within 10 days after the day on which the court issues an order in an action described in
6994 Subsection (3)(c), the governor shall:

6995 (a) proclaim as law all initiatives approved by the people that the court determines are
6996 not entirely in conflict; and

6997 (b) of the initiatives approved by the people that the court determines to be entirely in
6998 conflict, proclaim as law, regardless of the difference in majorities, the law that
6999 receives the greatest number of affirmative votes, to be in full force and effect on the
7000 date described in Subsection 20A-7-212(2).

7001 Section 112. Section **20A-7-215** is amended to read:

7002 **20A-7-215 . Electronic initiative process -- Form of initiative petition --**

7003 **Circulation requirements -- Signature collection.**

7004 (1) This section applies only to the electronic initiative process.

7005 (2)(a) The first screen presented on the approved device shall include the following statement:

7006 "This INITIATIVE PETITION is addressed to the [Honorable _____, Lieutenant
7007 Governor] director of the Elections Office:

7008 The citizens of Utah who sign this petition respectfully demand that the following
7009 proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or
7010 rejection at the regular general election/session to be held/beginning on
7011 _____(month\day\year)."

7012 (b) An individual may not advance to the second screen until the individual clicks a link
7013 at the bottom of the first screen stating, "By clicking here, I attest that I have read and
7014 understand the information presented on this screen."

7015 (3)(a) The second screen presented on the approved device shall include the following
7016 statement:

7017 "Public hearings to discuss this initiative were held at: (list dates and locations of public
7018 hearings.)".

7019 (b) An individual may not advance to the third screen until the individual clicks a link at
7020 the bottom of the second screen stating, "By clicking here, I attest that I have read
7021 and understand the information presented on this screen."

7022 (4)(a) The third screen presented on the approved device shall include the title of
7023 proposed law, described in Subsection 20A-7-202(2)(e)(i), followed by the entire text
7024 of the proposed law.

7025 (b) An individual may not advance to the fourth screen until the individual clicks a link
7026 at the bottom of the third screen stating, "By clicking here, I attest that I have read
7027 and understand the entire text of the proposed law."

7028 (5) Subsequent screens shall be presented on the device in the following order, with the
7029 individual viewing the device being required, before advancing to the next screen, to
7030 click a link at the bottom of the screen with the following statement: "By clicking here, I
7031 attest that I have read and understand the information presented on this screen.":

7032 (a) a description of all proposed sources of funding for the costs associated with the
7033 proposed law, including the proposed percentage of total funding from each source;

7034 (b)(i) if the initiative proposes a tax increase, the following statement, "This initiative

- 7035 seeks to increase the current (insert name of tax) rate by (insert the tax percentage
 7036 difference) percent, resulting in a(n) (insert the tax percentage increase) percent
 7037 increase in the current tax rate."; or
 7038 (ii) if the initiative does not propose a tax increase, the following statement, "This
 7039 initiative does not propose a tax increase.";
 7040 (c) the initial fiscal impact statement issued by the Office of the Legislative Fiscal
 7041 Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in
 7042 accordance with Subsection [~~20A-7-204.1(5)(b)~~] 20A-7-204.1(5);
 7043 (d) a statement indicating whether persons gathering signatures for the initiative petition
 7044 may be paid for gathering signatures; and
 7045 (e) the following statement, followed by links where the individual may click "yes" or "no":
 7046 "I have personally read the entirety of each statement presented on this device;
 7047 I am personally signing this initiative petition;
 7048 I am registered to vote in Utah; and
 7049 All information I enter on this device, including my residence and post office address, is
 7050 accurate.

7051 It is a class A misdemeanor for an individual to sign an initiative petition with a name
 7052 other than the individual's own name, or to knowingly sign the individual's name more than
 7053 once for the same initiative petition, or to sign an initiative petition when the individual knows
 7054 that the individual is not a registered voter.

7055 **WARNING**

7056 Even if your voter registration record is classified as private, your name, voter
 7057 identification number, and date of signature in relation to signing this initiative petition will be
 7058 made public.

7059 Do you wish to continue and sign this initiative petition?"

- 7060 (6)(a) If the individual clicks "no" in response to the question described in Subsection
 7061 (5)(e), the next screen shall include the following statement, "Thank you for your
 7062 time. Please return this device to the signature-gatherer."
 7063 (b) If the individual clicks "yes" in response to the question described in Subsection
 7064 (5)(e), the website, or the application that accesses the website, shall take the
 7065 signature-gatherer and the individual signing the initiative petition through the
 7066 signature process described in Section 20A-21-201.

7067 Section 113. Section **20A-7-216** is amended to read:

7068 **20A-7-216 . Electronic initiative process -- Obtaining signatures -- Request to**

7069 **remove signature.**

7070 (1) This section applies to the electronic initiative process.

7071 (2) A Utah voter may sign an initiative petition if the voter is a legal voter.

7072 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
7073 individual:

7074 (a) verifies that the individual is at least 18 years old and meets the residency
7075 requirements of Section 20A-2-105; and

7076 (b) is informed that each signer is required to read and understand the law proposed by
7077 the initiative.

7078 (4) A voter who signs an initiative petition may have the voter's signature removed from the
7079 initiative petition by, in accordance with Section 20A-1-1003, submitting to the county
7080 clerk a statement requesting that the voter's signature be removed before 5 p.m. no later
7081 than the earlier of:

7082 (a) for an electronic signature gathered before December 1:

7083 (i) 30 days after the day on which the voter signs the signature removal statement; or

7084 (ii) 90 days after the day on which the county clerk posts the voter's name under
7085 Subsection 20A-7-217(4); or

7086 (b) for an electronic signature gathered on or after December 1:

7087 (i) 30 days after the day on which the voter signs the signature removal statement; or

7088 (ii) 45 days after the day on which the county clerk posts the voter's name under
7089 Subsection 20A-7-217(4).

7090 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
7091 by email or other electronic means, unless the [~~lieutenant-governor~~] director
7092 establishes a signature removal process that is consistent with the requirements of
7093 this section and Section 20A-21-201.

7094 (b) A person may only remove an electronic signature from an initiative petition in
7095 accordance with this section.

7096 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
7097 electronic signature from an initiative petition, in accordance with Subsection
7098 20A-1-1003(3).

7099 Section 114. Section **20A-7-217** is amended to read:

7100 **20A-7-217 . Electronic initiative process -- Collecting signatures -- Email**
7101 **notification -- Removal of signatures.**

7102 (1) This section applies only to the electronic initiative process.

- 7103 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:
7104 (a) 316 days after the day on which the initiative application [-]is filed; or
7105 (b) the February 15 immediately before the next regular general election immediately
7106 after the initiative application is filed under Section 20A-7-202.
- 7107 (3) The [~~lieutenant governor~~] director shall send to each individual who provides a valid
7108 email address during the signature-gathering process an email that includes the
7109 following:
7110 (a) the subject of the email shall include the following statement, "Notice Regarding
7111 Your Petition Signature"; and
7112 (b) the body of the email shall include the following statement in 12-point type:
7113 "You signed a petition for the following initiative:
7114 [insert title of initiative]
7115 To access a copy of the initiative petition, the text of the law proposed by the initiative,
7116 the fiscal impact statement, and information on the deadline for removing your signature from
7117 the initiative petition, please visit the following link: [insert a uniform resource locator that
7118 takes the individual directly to the page on the [~~lieutenant governor's~~] office's website that
7119 includes the information referred to in the email]."
- 7120 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
7121 after the day on which the signature of an individual who signs an initiative petition is
7122 certified under Section 20A-21-201, post the name, voter identification number, and date
7123 of signature of the individual on the [~~lieutenant governor's~~] office's website, in a
7124 conspicuous location designated by the [~~lieutenant governor~~] director.
- 7125 (5)(a) If the county clerk timely receives a statement requesting signature removal under
7126 Subsection 20A-7-216(4), the county clerk shall:
7127 (i) ensure that the voter's name, voter identification number, and date of signature are
7128 not included in the posting described in Subsection (4); and
7129 (ii) remove the voter's signature from the initiative petition and the initiative petition
7130 signature totals.
- 7131 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
7132 (i) the deadline described in Subsection (4); or
7133 (ii) two business days after the day on which the county clerk receives a statement
7134 requesting signature removal under Subsection 20A-7-216(4).
- 7135 Section 115. Section **20A-7-301** is amended to read:
7136 **20A-7-301 . Referendum -- Signature requirements -- Submission to voters.**

- 7137 (1)(a) A person seeking to have a law passed by the Legislature submitted to a vote of
7138 the people shall, after filing a referendum application, obtain:
- 7139 (i) legal signatures equal to 8% of the number of active voters in the state on January
7140 1 immediately following the last regular general election; and
- 7141 (ii) from at least 15 Senate districts, legal signatures equal to 8% of the number of
7142 active voters in that Senate district on January 1 immediately following the last
7143 regular general election.
- 7144 (b) When the [~~lieutenant governor~~] director declares that a referendum petition is signed
7145 by a sufficient number of voters to meet the requirements of Subsection (1)(a), the
7146 governor shall issue an executive order that:
- 7147 (i) directs that the referendum be submitted to the voters at the next regular general
7148 election; or
- 7149 (ii) calls a special election according to the requirements of Section 20A-1-203 and
7150 directs that the referendum be submitted to the voters at that special election.
- 7151 (2) When the [~~lieutenant governor~~] director declares that a referendum petition is signed by
7152 a sufficient number of voters, the law that is the subject of the petition does not take
7153 effect unless and until it is approved by a vote of the people at a regular general election
7154 or a statewide special election.
- 7155 (3) The [~~lieutenant governor~~] director shall provide the following information to any
7156 interested person:
- 7157 (a) the number of active voters in the state on January 1 immediately following the last
7158 regular general election; and
- 7159 (b) for each county, the number of active voters in that Senate district on January 1
7160 immediately following the last regular general election.
- 7161 Section 116. Section **20A-7-302** is amended to read:
- 7162 **20A-7-302 . Referendum process -- Application procedures.**
- 7163 (1) Individuals wishing to circulate a referendum petition shall file a referendum
7164 application with the [~~lieutenant governor~~] director before 5 p.m. within five calendar
7165 days after the day on which the legislative session at which the law passed ends.
- 7166 (2) The referendum application shall include:
- 7167 (a) the name and residence address of at least five sponsors of the referendum petition;
- 7168 (b) a statement indicating that each of the sponsors is registered to vote in Utah;
- 7169 (c) a statement indicating whether persons gathering signatures for the referendum
7170 petition may be paid for gathering signatures;

7171 (d) the signature of each of the sponsors, attested to by a notary public; and

7172 (e) a copy of the law that is the subject of the proposed referendum.

7173 Section 117. Section **20A-7-303** is amended to read:

7174 **20A-7-303 . Manual referendum process -- Form of referendum petition and**
7175 **signature sheets.**

7176 (1) This section applies only to the manual referendum process.

7177 (2)(a) Each proposed referendum petition shall be printed in substantially the following form:

7178 "REFERENDUM PETITION To the [Honorable _____, Lieutenant Governor] director of
7179 the Elections Office:

7180 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.
7181 _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here
7182 the part or parts on which the referendum is sought), passed by the Legislature of the state of
7183 Utah during the _____ Session, be referred to the people of Utah for their approval or rejection
7184 at a regular general election or a statewide special election;

7185 Each signer says:

7186 I have personally signed this referendum petition or, if I am an individual with a
7187 qualifying disability, I have signed this referendum petition by directing the signature gatherer
7188 to enter the initials "AV" as my signature;

7189 The date next to my signature correctly reflects the date that I actually signed the
7190 referendum petition;

7191 I have personally read the entire statement included with this referendum packet;

7192 I am registered to vote in Utah; and

7193 My residence and post office address are written correctly after my name.".

7194 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
7195 law that is the subject of the referendum to each referendum petition.

7196 (3) Each referendum signature sheet shall:

7197 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

7198 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
7199 that line blank for the purpose of binding;

7200 (c) include the title of the referendum printed below the horizontal line, in at least
7201 14-point, bold type;

7202 (d) include a table immediately below the title of the referendum, and beginning .5 inch
7203 from the left side of the paper, as follows:

7204 (i) the first column shall be .5 inch wide and include three rows;

- 7205 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
7206 Office Use Only" in 10-point type;
- 7207 (iii) the second row of the first column shall be .35 inch tall;
- 7208 (iv) the third row of the first column shall be .5 inch tall;
- 7209 (v) the second column shall be 2.75 inches wide;
- 7210 (vi) the first row of the second column shall be .35 inch tall and contain the words
7211 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point
7212 type;
- 7213 (vii) the second row of the second column shall be .5 inch tall;
- 7214 (viii) the third row of the second column shall be .35 inch tall and contain the words
7215 "Street Address, City, Zip Code" in 10-point type;
- 7216 (ix) the fourth row of the second column shall be .5 inch tall;
- 7217 (x) the third column shall be 2.75 inches wide;
- 7218 (xi) the first row of the third column shall be .35 inch tall and contain the words
7219 "Signature of Registered Voter" in 10-point type;
- 7220 (xii) the second row of the third column shall be .5 inch tall;
- 7221 (xiii) the third row of the third column shall be .35 inch tall and contain the words
7222 "Email Address (optional, to receive additional information)" in 10-point type;
- 7223 (xiv) the fourth row of the third column shall be .5 inch tall;
- 7224 (xv) the fourth column shall be one inch wide;
- 7225 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
7226 "Date Signed" in 10-point type;
- 7227 (xvii) the second row of the fourth column shall be .5 inch tall;
- 7228 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
7229 "Birth Date or Age (optional)" in 10-point type;
- 7230 (xix) the fourth row of the third column shall be .5 inch tall; and
- 7231 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
7232 and contain the following words "By signing this referendum petition, you are
7233 stating that you have read and understand the law that this referendum petition
7234 seeks to overturn." in 12-point type;
- 7235 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
7236 the bottom of the sheet for the information described in Subsection (3)(f); and
- 7237 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by
7238 the following statement in not less than eight-point type:

7239 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
7240 other than the individual's own name, or to knowingly sign the individual's name more than
7241 once for the same referendum petition, or to sign a referendum petition when the individual
7242 knows that the individual is not a registered voter.

7243 Birth date or age information is not required, but it may be used to verify your identity
7244 with voter registration records. If you choose not to provide it, your signature may not be
7245 verified as a valid signature if you change your address before petition signatures are verified
7246 or if the information you provide does not match your voter registration records."

7247 (4) The final page of each referendum packet shall contain the following printed or typed
7248 statement:

7249 Verification of signature collector

7250 State of Utah, County of ____

7251 I, _____, of _____, hereby state, under penalty of perjury, that:

7252 I am at least 18 years old;

7253 All the names that appear in this referendum packet were signed by individuals who
7254 professed to be the individuals whose names appear in it, and each of the individuals signed
7255 the individual's name on it in my presence or, in the case of an individual with a qualifying
7256 disability, I have signed this referendum petition on the individual's behalf, at the direction of
7257 the individual and in the individual's presence, by entering the initials "AV" as the individual's
7258 signature;

7259 I certify that, for each individual whose signature is represented in this referendum
7260 packet by the initials "AV":

7261 I obtained the individual's voluntary direction or consent to sign the referendum
7262 petition on the individual's behalf;

7263 I do not believe, or have reason to believe, that the individual lacked the mental
7264 capacity to give direction or consent;

7265 I do not believe, or have reason to believe, that the individual did not
7266 understand the purpose or nature of my signing the referendum petition on the individual's
7267 behalf;

7268 I did not intentionally or knowingly deceive the individual into directing me to,
7269 or consenting for me to, sign the referendum petition on the individual's behalf; and

7270 I did not intentionally or knowingly enter false information on the signature
7271 sheet;

7272 I did not knowingly make a misrepresentation of fact concerning the law this petition

7273 seeks to overturn;

7274 I believe that each individual's name, post office address, and residence is written
7275 correctly, that each signer has read the law that the referendum seeks to overturn, and that each
7276 signer is registered to vote in Utah;

7277 The correct date of signature appears next to each individual's name; and

7278 I have not paid or given anything of value to any individual who signed this referendum
7279 packet to encourage that individual to sign it.

7280

7281 (Name) (Residence Address) (Date).

7282 (5) If the forms described in this section are substantially followed, the referendum
7283 petitions are sufficient, notwithstanding clerical and merely technical errors.

7284 Section 118. Section **20A-7-304** is amended to read:

7285 **20A-7-304 . Manual referendum process -- Circulation requirements -- Director**
7286 **to provide sponsors with materials.**

7287 (1) This section applies only to the manual referendum process.

7288 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
7289 or an agent of the sponsors shall, after the sponsors receive the documents described in
7290 Subsection (3), circulate referendum packets that meet the form requirements of this part.

7291 (3) The [~~lieutenant governor~~] director shall provide the sponsors with
7292 a copy of the referendum petition and
7293 a signature sheet within three days after the day on which the sponsors sign an
7294 agreement, under Subsection (6)(a), with the [~~Office of the Lieutenant Governor~~] office
7295 specifying the range of numbers that the sponsors will use to number the referendum packets.

7296 (4) The sponsors of the referendum petition shall:

7297 (a) arrange and pay for the printing of all documents that are part of the referendum
7298 packets; and

7299 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
7300 meet the form requirements of this section.

7301 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
7302 circulation by creating multiple referendum packets.

7303 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
7304 a copy of the referendum petition with the text of the law that is the subject of the
7305 referendum and no more than 50 signature sheets together at the top in a manner that
7306 the referendum packets may be conveniently opened for signing.

- 7307 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 7308 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 7309 (i) contact the [~~lieutenant governor's~~] office to receive a range of numbers that the
- 7310 sponsors may use to number referendum packets;
- 7311 (ii) sign an agreement with the [~~Office of the Lieutenant Governor~~] office, specifying
- 7312 the range of numbers that the sponsor will use to number the referendum packets;
- 7313 and
- 7314 (iii) number each referendum packet, sequentially, within the range of numbers
- 7315 provided by the [~~lieutenant governor's~~] office, starting with the lowest number in
- 7316 the range.
- 7317 (b) The sponsors or an agent of the sponsors may not:
- 7318 (i) number a referendum packet in a manner not directed by the [~~lieutenant governor's~~]
- 7319 office; or
- 7320 (ii) circulate or submit a referendum packet that is not numbered in the manner
- 7321 directed by the [~~lieutenant governor's~~] office.

7322 Section 119. Section **20A-7-304.5** is amended to read:

7323 **20A-7-304.5 . Posting referendum information.**

- 7324 (1) On the day on which the [~~lieutenant governor~~] director complies with Subsection
- 7325 20A-7-304(3), or provides the sponsors with access to the website defined in Section
- 7326 20A-21-101, the [~~lieutenant governor~~] director shall post the following information
- 7327 together in a conspicuous place on the [~~lieutenant governor's~~] office's website:
- 7328 (a) the referendum petition;
- 7329 (b) a copy of the law that is the subject of the referendum petition; and
- 7330 (c) information describing how an individual may remove the individual's signature
- 7331 from the referendum petition.
- 7332 (2) The [~~lieutenant governor~~] director shall:
- 7333 (a) promptly update the information described in Subsection (1) if the information
- 7334 changes; and
- 7335 (b) maintain the information described in Subsection (1) on the [~~lieutenant governor's~~]
- 7336 office's website until the referendum fails to qualify for the ballot or is passed or
- 7337 defeated at an election.

7338 Section 120. Section **20A-7-307** is amended to read:

7339 **20A-7-307 . Evaluation by the director.**

- 7340 (1) In relation to the manual referendum process, when the [~~lieutenant governor~~] director

- 7341 receives a referendum packet from a county clerk, the [~~lieutenant governor~~] director shall
7342 record the number of the referendum packet received.
- 7343 (2) The county clerk shall:
- 7344 (a) in relation to the manual referendum process:
- 7345 (i) post the names, voter identification numbers, and dates of signatures described in
7346 Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a
7347 conspicuous location designated by the [~~lieutenant governor~~] director, for at least
7348 45 days; and
- 7349 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures
7350 certified as of the date of the update; or
- 7351 (b) in relation to the electronic referendum process:
- 7352 (i) post the names, voter identification numbers, and dates of signatures described in
7353 Subsection 20A-7-315(4) on the [~~lieutenant governor's~~] office's website, in a
7354 conspicuous location designated by the [~~lieutenant governor~~] director, for at least
7355 45 days; and
- 7356 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures
7357 certified as of the date of the update.
- 7358 (3) The [~~lieutenant governor~~] director:
- 7359 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
7360 sufficient or insufficient 106 days after the end of the legislative session at which the
7361 law passed; or
- 7362 (b) may declare the referendum petition to be insufficient before the day described in
7363 Subsection (3)(a) if:
- 7364 (i) in relation to the manual referendum process, the total of all valid signatures on
7365 timely and lawfully submitted referendum packets that have been certified by the
7366 county clerks, plus the number of signatures on timely and lawfully submitted
7367 referendum packets that have not yet been evaluated for certification, is less than
7368 the number of names required under Section 20A-7-301;
- 7369 (ii) in relation to the electronic referendum process, the total of all timely and
7370 lawfully submitted valid signatures that have been certified by the county clerks,
7371 plus the number of timely and lawfully submitted valid signatures received under
7372 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
7373 less than the number of names required under Section 20A-7-301; or
- 7374 (iii) a requirement of this part has not been met.

- 7375 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
7376 number of names required under Section 20A-7-301, and the requirements of this
7377 part are met, the ~~[lieutenant governor]~~ director shall mark upon the front of the
7378 referendum petition the word "sufficient."
- 7379 (b) If the total number of names certified under Subsection (3) does not equal or exceed
7380 the number of names required under Section 20A-7-301 or a requirement of this part
7381 is not met, the ~~[lieutenant governor]~~ director shall mark upon the front of the
7382 referendum petition the word "insufficient."
- 7383 (c) The ~~[lieutenant governor]~~ director shall immediately notify any one of the sponsors of
7384 the ~~[lieutenant governor's]~~ director's finding.
- 7385 (d) After a referendum petition is declared insufficient, a person may not submit
7386 additional signatures to qualify the referendum for the ballot.
- 7387 (5)(a) If the ~~[lieutenant governor]~~ director refuses to declare a referendum petition
7388 sufficient that a voter believes is legally sufficient, the voter may, no later than 10
7389 days after the day on which the ~~[lieutenant governor]~~ director declares the petition
7390 insufficient, apply to the appropriate court for an order finding the referendum
7391 petition legally sufficient.
- 7392 (b) If the court determines that the referendum petition is legally sufficient, the [
7393 ~~lieutenant governor]~~ director shall mark the referendum petition "sufficient" and
7394 consider the declaration of sufficiency effective as of the date on which the
7395 referendum petition should have been declared sufficient by the [~~lieutenant~~
7396 ~~governor's office]~~ director.
- 7397 (c) If the court determines that a referendum petition filed is not legally sufficient, the
7398 court may enjoin the ~~[lieutenant governor]~~ director and all other officers from
7399 certifying or printing the ballot title and numbers of that measure on the official
7400 ballot.
- 7401 (6) A referendum petition determined to be sufficient in accordance with this section is
7402 qualified for the ballot.
- 7403 Section 121. Section **20A-7-308** is amended to read:
- 7404 **20A-7-308 . Short title and summary of referendum -- Duties of lieutenant**
7405 **governor and Office of Legislative Research and General Counsel.**
- 7406 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the
7407 people, the ~~[lieutenant governor]~~ director shall deliver a copy of the referendum petition
7408 and the law to which the referendum relates to the Office of Legislative Research and

- 7409 General Counsel.
- 7410 (2)(a) The Office of Legislative Research and General Counsel shall:
- 7411 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number
- 7412 ___" and assign a number to the referendum in accordance with Section 20A-6-107;
- 7413 (ii) prepare for each referendum:
- 7414 (A) an impartial short title, not exceeding 25 words, that generally describes the
- 7415 law to which the referendum relates; and
- 7416 (B) an impartial summary of the contents of the law to which the referendum
- 7417 relates, not exceeding 125 words; and
- 7418 (iii) submit the short title and summary to the [~~lieutenant governor~~] director within 15
- 7419 days after the day on which the Office of Legislative Research and General
- 7420 Counsel receives the petition under Subsection (1).
- 7421 (b) The short title and summary may be distinct from the title of the law that is the
- 7422 subject of the referendum.
- 7423 (c) Subject to Subsection (4), for each statewide referendum, the official ballot shall
- 7424 show, in the following order:
- 7425 (i) the number of the referendum, determined in accordance with Section 20A-6-107;
- 7426 (ii) the short title; and
- 7427 (iii) except as provided in Subsection (2)(d):
- 7428 (A) the summary;
- 7429 (B) a copy of the law; and
- 7430 (C) a link to a location on the [~~lieutenant governor's~~] office's website where a voter
- 7431 may review additional information relating to each referendum, including the
- 7432 information described in Subsection 20A-7-302(2) and the arguments relating
- 7433 to the referendum that are included in the voter information pamphlet.
- 7434 (d) Unless the information described in Subsection (2)(c)(iii) is shown on the official
- 7435 ballot, the election officer shall include with the ballot a separate ballot proposition
- 7436 insert that includes the short title and summary for each referendum on the ballot and
- 7437 a link to a location on the [~~lieutenant governor's~~] office's website where a voter may
- 7438 review the additional information described in Subsection (2)(c)(iii)(C).
- 7439 (e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all initiatives
- 7440 on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda
- 7441 on the ballot, is printed on the ballot, the ballot shall include the following statement
- 7442 at the beginning of the portion of the ballot that includes ballot measures, "The ballot

7443 proposition sheet included with this ballot contains an impartial summary of each
7444 initiative and referendum on this ballot, unless the summary is printed directly on the
7445 ballot."

7446 (3) Immediately after the Office of Legislative Research and General Counsel submits the
7447 short title and summary to the [~~lieutenant governor~~] director, the [~~lieutenant governor~~]
7448 director shall mail or email a copy of the short title and summary to any of the sponsors
7449 of the referendum petition.

7450 (4)(a)(i) At least three of the sponsors of the referendum petition may, within 15 days
7451 after the day on which the [~~lieutenant governor~~] director sends the short title and
7452 summary, challenge the wording of the short title and summary prepared by the
7453 Office of Legislative Research and General Counsel to the appropriate court.

7454 (ii) After receipt of the appeal, the court shall direct the [~~lieutenant governor~~] director
7455 to send notice of the appeal to:

7456 (A) any person or group that has filed an argument for or against the law to which
7457 the referendum relates; and

7458 (B) any political issues committee established under Section 20A-11-801 that has
7459 filed written or electronic notice with the [~~lieutenant governor~~] director that
7460 identifies the name, mailing or email address, and telephone number of the
7461 person designated to receive notice about any issues relating to the referendum.

7462 (b)(i) There is a presumption that the short title prepared by the Office of Legislative
7463 Research and General Counsel is an impartial description of the contents of the
7464 referendum.

7465 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut
7466 the presumption by clearly and convincingly establishing that the short title is
7467 false or biased.

7468 (iii) There is a presumption that the summary prepared by the Office of Legislative
7469 Research and General Counsel is an impartial summary of the contents of the law
7470 to which the referendum relates.

7471 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
7472 the presumption by clearly and convincingly establishing that the summary is
7473 false or biased.

7474 (c) The court shall:

7475 (i) examine the short title and summary;

7476 (ii) hear arguments; and

7477 (iii) enter an order consistent with the requirements of this section.
 7478 (d) The [~~lieutenant governor~~] director shall, in accordance with the court's order, certify
 7479 the short title and summary to the county clerks for inclusion in the ballot or ballot
 7480 proposition insert, as required by this section.

7481 Section 122. Section **20A-7-309** is amended to read:

7482 **20A-7-309 . Form of ballot -- Manner of voting.**

7483 (1) A county clerk shall ensure that the number and ballot title certified by the [~~lieutenant~~
 7484 ~~governor~~] director are presented upon the official ballot with, immediately adjacent to the
 7485 number and ballot title, the words "For" and "Against," each word presented with an
 7486 adjacent square in which a voter may indicate the voter's vote.

7487 (2)(a)(i) A voter desiring to vote in favor of the law that is the subject of the
 7488 referendum shall mark the square adjacent to the word "For."

7489 (ii) The law that is the subject of the referendum takes effect if a majority of voters
 7490 mark "For."

7491 (b)(i) A voter desiring to vote against the law that is the subject of the referendum
 7492 shall mark the square adjacent to the word "Against."

7493 (ii) The law that is the subject of the referendum does not take effect if a majority of
 7494 voters mark "Against."

7495 Section 123. Section **20A-7-310** is amended to read:

7496 **20A-7-310 . Return and canvass -- Conflicting measures.**

7497 (1) The votes on the law that is the subject of the referendum petition shall be counted,
 7498 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing
 7499 Returns.

7500 (2) After the state board of canvassers completes its canvass, the [~~lieutenant governor~~]
 7501 director shall certify to the governor the vote for and against the law that is the subject of
 7502 the referendum petition.

7503 (3)(a) The governor shall immediately issue a proclamation that:

7504 (i) gives the total number of votes cast in the state for and against each law that is the
 7505 subject of a referendum petition; and

7506 (ii) declares those laws that are the subject of a referendum petition that are approved
 7507 by majority vote to be in full force and effect as the law of Utah on the effective
 7508 date described in Section 20A-7-311.

7509 (b) When the governor determines that two laws, or that parts of two laws approved by
 7510 the people at the same election are entirely in conflict, the governor shall proclaim to

7511 be law the law that received the greatest number of affirmative votes, regardless of
 7512 the difference in the majorities which those approved laws received.

7513 (4)(a) Within 10 days after the day on which the governor issues the proclamation
 7514 described in Subsection (3), any qualified voter who signed the referendum petition
 7515 for the law that is declared by the governor to be superseded by another law approved
 7516 at the same election may apply to the appropriate court to review the governor's
 7517 decision.

7518 (b) The court shall:

7519 (i) consider the matter and decide whether the approved laws are in conflict; and

7520 (ii) enter an order consistent with the court's decision.

7521 (5) Within 10 days after the day on which the court enters an order described in Subsection
 7522 (4)(b)(ii), the governor shall:

7523 (a) proclaim as law all those laws approved by the people that the court determines are
 7524 not in conflict; and

7525 (b) of all those laws approved by the people as law that the court determines to be in
 7526 conflict, proclaim as law the one that receives the greatest number of affirmative
 7527 votes, regardless of difference in majorities.

7528 Section 124. Section **20A-7-311** is amended to read:

7529 **20A-7-311 . Temporary stay -- Effective date -- Effect of repeal by Legislature.**

7530 (1) If, at the time during the counting period described in Section 20A-7-307, the [
 7531 ~~lieutenant governor~~] director determines that, at that point in time, an adequate number of
 7532 signatures are certified to comply with the signature requirements, the [~~lieutenant~~
 7533 ~~governor~~] director shall:

7534 (a) issue an order temporarily staying the law from going into effect; and

7535 (b) continue the process of certifying signatures and removing signatures as required by
 7536 this part.

7537 (2) The temporary stay described in Subsection (1) remains in effect, regardless of whether
 7538 a future count falls below the signature threshold, until the day on which:

7539 (a) if the [~~lieutenant governor~~] director declares the referendum petition insufficient, five
 7540 days after the day on which the [~~lieutenant governor~~] director declares the referendum
 7541 petition insufficient; or

7542 (b) if the [~~lieutenant governor~~] director declares the referendum petition sufficient, the
 7543 day on which governor issues the proclamation described in Section 20A-7-310.

7544 (3) A law submitted to the people by referendum that is approved by the voters at an

7545 election takes effect the later of:

7546 (a) five days after the date of the official proclamation of the vote by the governor; or

7547 (b) the effective date specified in the approved law.

7548 (4) If, after the [~~lieutenant governor~~] director issues a temporary stay order under Subsection

7549 (1)(a), the [~~lieutenant governor~~] director declares the referendum petition insufficient, the

7550 law that is the subject of the referendum petition takes effect the later of:

7551 (a) five days after the day on which the [~~lieutenant governor~~] director declares the

7552 referendum petition insufficient; or

7553 (b) the effective date specified in the law that is the subject of the referendum petition.

7554 (5)(a) The governor may not veto a law approved by the people.

7555 (b) The Legislature may amend any laws approved by the people at any legislative

7556 session after the people approve the law.

7557 (6) If the Legislature repeals a law challenged by referendum petition under this part, the

7558 referendum petition is void and no further action on the referendum petition is required.

7559 Section 125. Section **20A-7-313** is amended to read:

7560 **20A-7-313 . Electronic referendum process -- Form of referendum petition --**

7561 **Circulation requirements -- Signature collection.**

7562 (1) This section applies only to the electronic referendum process.

7563 (2)(a) The first screen presented on the approved device shall include the following statement:

7564 "This REFERENDUM PETITION is addressed to the [~~Honorable _____, Lieutenant~~

7565 ~~Governor~~] director of the Elections Office:

7566 The citizens of Utah who sign this petition respectfully order that Senate (or House) Bill

7567 No.____, entitled (title of act, and, if the petition is against less than the whole act, set forth

7568 here the part or parts on which the referendum is sought), passed by the Legislature of the state

7569 of Utah during the ____ Session, be referred to the people of Utah for their approval or

7570 rejection at a regular general election or a statewide special election."

7571 (b) An individual may not advance to the second screen until the individual clicks a link

7572 at the bottom of the first screen stating, "By clicking here, I attest that I have read and

7573 understand the information presented on this screen."

7574 (3)(a) The second screen presented on the approved device shall include the entire text

7575 of the law that is the subject of the referendum petition.

7576 (b) An individual may not advance to the third screen until the individual clicks a link at

7577 the bottom of the second screen stating, "By clicking here, I attest that I have read

7578 and understand the entire text of the law that is the subject of the referendum

7579 petition."

7580 (4)(a) The third screen presented on the approved device shall include a statement
7581 indicating whether persons gathering signatures for the referendum petition may be
7582 paid for gathering signatures.

7583 (b) An individual may not advance to the fourth screen until the individual clicks a link
7584 at the bottom of the first screen stating, "By clicking here, I attest that I have read and
7585 understand the information presented on this screen."

7586 (5) The fourth screen presented on the approved device shall include the following statement,
7587 followed by links where the individual may click "yes" or "no":

7588 "I have personally read the entirety of each statement presented on this device;

7589 I am personally signing this referendum petition;

7590 I am registered to vote in Utah; and

7591 All information I enter on this device, including my residence and post office address, is
7592 accurate.

7593 It is a class A misdemeanor for an individual to sign a referendum petition with a name
7594 other than the individual's own name, or to knowingly sign the individual's name more than
7595 once for the same referendum petition, or to sign a referendum petition when the individual
7596 knows that the individual is not a registered voter.

7597 **WARNING**

7598 Even if your voter registration record is classified as private, your name, voter
7599 identification number, and date of signature in relation to signing this referendum petition will
7600 be made public.

7601 Do you wish to continue and sign this referendum petition?"

7602 (6)(a) If the individual clicks "no" in response to the question described in Subsection
7603 (5), the next screen shall include the following statement, "Thank you for your time.
7604 Please return this device to the signature-gatherer."

7605 (b) If the individual clicks "yes" in response to the question described in Subsection (5),
7606 the website, or the application that accesses the website, shall take the
7607 signature-gatherer and the individual signing the referendum petition through the
7608 signature process described in Section 20A-21-201.

7609 Section 126. Section **20A-7-314** is amended to read:

7610 **20A-7-314 . Electronic referendum process -- Obtaining signatures -- Request to**
7611 **remove signature.**

7612 (1) This section applies to the electronic referendum process.

- 7613 (2) A Utah voter may sign a referendum petition if the voter is a legal voter.
- 7614 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
7615 individual:
- 7616 (a) verifies that the individual is at least 18 years old and meets the residency
7617 requirements of Section 20A-2-105; and
- 7618 (b) is informed that each signer is required to read and understand the law that is the
7619 subject of the referendum petition.
- 7620 (4) A voter who signs a referendum petition may have the voter's signature removed from
7621 the referendum petition by, in accordance with Section 20A-1-1003, submitting to the
7622 county clerk a statement requesting that the voter's signature be removed before 5 p.m.
7623 no later than the earlier of:
- 7624 (a) 30 days after the day on which the voter signs the statement requesting removal; or
7625 (b) 45 days after the day on which the [~~lieutenant-governor~~] director posts the voter's
7626 name under Subsection 20A-7-315(4).
- 7627 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
7628 by email or other electronic means, unless the [~~lieutenant-governor~~] director
7629 establishes a signature removal process that is consistent with the requirements of
7630 this section and Section 20A-21-201.
- 7631 (b) A person may only remove an electronic signature from a referendum petition in
7632 accordance with this section.
- 7633 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
7634 electronic signature from a referendum petition, in accordance with Subsection
7635 20A-1-1003(3).
- 7636 Section 127. Section **20A-7-315** is amended to read:
- 7637 **20A-7-315 . Electronic referendum process -- Collecting signatures -- Removal of**
7638 **signatures.**
- 7639 (1) This section applies only to the electronic referendum process.
- 7640 (2) A signature-gatherer may not collect a signature after 5 p.m., 40 days after the day on
7641 which the legislative session at which the law passed ends.
- 7642 (3) The [~~lieutenant-governor~~] director shall send to each individual who provides a valid
7643 email address during the signature-gathering process an email that includes the
7644 following:
- 7645 (a) the subject of the email shall include the following statement, "Notice Regarding
7646 Your Petition Signature"; and

7647 (b) the body of the email shall include the following statement in 12-point type:

7648 "You signed a petition for the following referendum:

7649 [insert title of referendum]

7650 To access a copy of the referendum petition, the law that is the subject of the referendum
7651 petition, and information on the deadline for removing your signature from the referendum
7652 petition, please visit the following link: [insert a uniform resource locator that takes the
7653 individual directly to the page on the [~~lieutenant governor's~~] office's website that includes the
7654 information referred to in the email]."

7655 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
7656 after the day on which the signature of an individual who signs a referendum petition is
7657 certified under Section 20A-21-201, post the name, voter identification number, and date
7658 of signature of the individual on the [~~lieutenant governor's~~] office's website, in a
7659 conspicuous location designated by the [~~lieutenant governor~~] director.

7660 (5)(a) If the county clerk timely receives a statement requesting signature removal under
7661 Subsection 20A-7-314(4), the county clerk shall:

7662 (i) ensure that the voter's name, voter identification number, and date of signature are
7663 not included in the posting described in Subsection (4); and

7664 (ii) remove the voter's signature from the referendum petition and the signature totals.

7665 (b) The county clerk shall comply with Subsection (5)(a) before the later of:

7666 (i) the deadline described in Subsection (4); or

7667 (ii) two business days after the day on which the county clerk receives a statement
7668 requesting signature removal under Subsection 20A-7-314(4).

7669 Section 128. Section **20A-7-406** is amended to read:

7670 **20A-7-406 . Informational materials.**

7671 The [~~lieutenant governor~~] director shall create and publish to the [~~lieutenant governor's~~]
7672 office's website instructions on how a person may:

7673 (1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures; or

7674 (2) qualify a local referendum for the ballot under Part 6, Local Referenda - Procedures.

7675 Section 129. Section **20A-7-507** is amended to read:

7676 **20A-7-507 . Evaluation by the local clerk.**

7677 (1) In relation to the manual initiative process, when a local clerk receives an initiative
7678 packet from a county clerk, the local clerk shall record the number of the initiative
7679 packet received.

7680 (2) The county clerk shall:

- 7681 (a) in relation to the manual initiative process:
- 7682 (i) post the names, voter identification numbers, and dates of signatures described in
- 7683 Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a
- 7684 conspicuous location designated by the [~~lieutenant governor~~] director, for at least
- 7685 90 days; and
- 7686 (ii) update on the local government's website the number of signatures certified as of
- 7687 the date of the update; or
- 7688 (b) in relation to the electronic initiative process:
- 7689 (i) post the names, voter identification numbers, and dates of signatures described in
- 7690 Subsection 20A-7-516(4) on the [~~lieutenant governor's~~] office's website, in a
- 7691 conspicuous location designated by the [~~lieutenant governor~~] director, for at least
- 7692 90 days; and
- 7693 (ii) update on the local government's website the number of signatures certified as of
- 7694 the date of the update.
- 7695 (3) The local clerk:
- 7696 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
- 7697 sufficient or insufficient:
- 7698 (i) in relation to the manual initiative process, no later than 21 days after the day of
- 7699 the applicable deadline described in Subsection 20A-7-105(5)(a)(iii); or
- 7700 (ii) in relation to the electronic initiative process, no later than 21 days after the day
- 7701 of the applicable deadline described in Subsection 20A-7-516(2); or
- 7702 (b) may declare the initiative petition to be insufficient before the day described in
- 7703 Subsection (3)(a) if:
- 7704 (i) in relation to the manual initiative process, the total of all valid signatures on
- 7705 timely and lawfully submitted initiative packets that have been certified by the
- 7706 county clerks, plus the number of signatures on timely and lawfully submitted
- 7707 initiative packets that have not yet been evaluated for certification, is less than the
- 7708 number of names required under Section 20A-7-501;
- 7709 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
- 7710 submitted valid signatures that have been certified by the county clerks, plus the
- 7711 number of timely and lawfully submitted valid signatures received under
- 7712 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
- 7713 less than the number of names required under Section 20A-7-501; or
- 7714 (iii) a requirement of this part has not been met.

- 7715 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
7716 number of names required by Section 20A-7-501 and the requirements of this part are
7717 met, the local clerk shall mark upon the front of the initiative petition the word
7718 "sufficient."
- 7719 (b) If the total number of names certified under Subsection (3) does not equal or exceed
7720 the number of names required by Section 20A-7-501 or a requirement of this part is
7721 not met, the local clerk shall mark upon the front of the initiative petition the word
7722 "insufficient."
- 7723 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
7724 finding.
- 7725 (d) After an initiative petition is declared insufficient, a person may not submit
7726 additional signatures to qualify the initiative for the ballot.
- 7727 (5) If the local clerk finds the total number of certified signatures for the initiative petition
7728 to be insufficient, any sponsor may file a written demand with the local clerk for a
7729 recount of the signatures collected for the initiative petition in the presence of any
7730 sponsor.
- 7731 (6) An initiative petition determined to be sufficient in accordance with this section is
7732 qualified for the ballot.
- 7733 Section 130. Section **20A-7-515** is amended to read:
- 7734 **20A-7-515 . Electronic initiative process -- Obtaining signatures -- Request to**
7735 **remove signature.**
- 7736 (1) This section applies to the electronic initiative process.
- 7737 (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides
7738 in the local jurisdiction.
- 7739 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
7740 individual:
- 7741 (a) verifies that the individual is at least 18 years old and meets the residency
7742 requirements of Section 20A-2-105; and
- 7743 (b) is informed that each signer is required to read and understand the law proposed by
7744 the initiative.
- 7745 (4)(a) A voter who signs an initiative petition may have the voter's signature removed
7746 from the initiative petition by, in accordance with Section 20A-1-1003, submitting to
7747 the county clerk a statement requesting that the voter's signature be removed before 5
7748 p.m. no later than the earlier of:

- 7749 (i) 30 days after the day on which the voter signs the signature removal statement;
 7750 (ii) 90 days after the day on which the local clerk posts the voter's name under
 7751 Subsection 20A-7-516(4);
 7752 (iii) 316 days after the day on which the initiative application is filed; or
 7753 (iv)(A) for a county initiative, April 15 immediately before the next regular
 7754 general election immediately after the initiative application is filed under
 7755 Section 20A-7-502; or
 7756 (B) for a municipal initiative, April 15 immediately before the next municipal
 7757 general election immediately after the initiative application is filed under
 7758 Section 20A-7-502.
- 7759 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
 7760 by email or other electronic means, unless the [~~lieutenant governor~~] director
 7761 establishes a signature removal process that is consistent with the requirements of
 7762 this section and Section 20A-21-201.
- 7763 (c) A person may only remove an electronic signature from an initiative petition in
 7764 accordance with this section.
- 7765 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
 7766 electronic signature from an initiative petition, in accordance with Subsection
 7767 20A-1-1003(3).
- 7768 Section 131. Section **20A-7-516** is amended to read:
- 7769 **20A-7-516 . Electronic initiative process -- Collecting signatures -- Email**
 7770 **notification -- Removal of signatures.**
- 7771 (1) This section applies only to the electronic initiative process.
- 7772 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:
 7773 (a) 316 days after the day on which the initiative application is filed; or
 7774 (b)(i) for a county initiative, April 15 immediately before the next regular general
 7775 election immediately after the initiative application is filed under Section
 7776 20A-7-502; or
 7777 (ii) for a municipal initiative, April 15 immediately before the next municipal general
 7778 election immediately after the initiative application is filed under Section
 7779 20A-7-502.
- 7780 (3) The local clerk shall send to each individual who provides a valid email address during
 7781 the signature-gathering process an email that includes the following:
 7782 (a) the subject of the email shall include the following statement, "Notice Regarding

7783 Your Petition Signature"; and

7784 (b) the body of the email shall include the following statement in 12-point type:

7785 "You signed a petition for the following initiative:

7786 [insert title of initiative]

7787 To access a copy of the initiative petition, the text of the law proposed by the initiative,
7788 the initial fiscal impact and legal statement, and information on the deadline for removing your
7789 signature from the initiative petition, please visit the following link: [insert a uniform resource
7790 locator that takes the individual directly to the page on the [~~lieutenant governor's~~] office's
7791 website that includes the information referred to in the email]."

7792 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
7793 after the day on which the signature of an individual who signs an initiative petition is
7794 certified under Section 20A-21-201, post the name, voter identification number, and date
7795 of signature of the individual on the [~~lieutenant governor's~~] office's website, in a
7796 conspicuous location designated by the [~~lieutenant governor~~] director.

7797 (5)(a) If the local clerk timely receives a statement requesting signature removal under
7798 Subsection 20A-7-515(4), the local clerk shall:

7799 (i) ensure that the voter's name, voter identification number, and date of signature are
7800 not included in the posting described in Subsection (4); and

7801 (ii) remove the voter's signature from the initiative petition and the initiative petition
7802 signature totals.

7803 (b) The local clerk shall comply with Subsection (5)(a) before the later of:

7804 (i) the deadline described in Subsection (4); or

7805 (ii) two business days after the day on which the county clerk receives a statement
7806 requesting signature removal under Subsection 20A-7-515(4).

7807 Section 132. Section **20A-7-607** is amended to read:

7808 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**
7809 **referendum.**

7810 (1) In relation to the manual referendum process, when the local clerk receives a
7811 referendum packet from a county clerk, the local clerk shall record the number of the
7812 referendum packet received.

7813 (2) The county clerk shall:

7814 (a) in relation to the manual referendum process:

7815 (i) post the names, voter identification numbers, and dates of signatures described in

7816 Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a

- 7817 conspicuous location designated by the [~~lieutenant governor~~] director, for at least
7818 45 days; and
- 7819 (ii) update on the local clerk's website the number of signatures certified as of the
7820 date of the update; or
- 7821 (b) in relation to the electronic referendum process:
- 7822 (i) post the names, voter identification numbers, and dates of signatures described in
7823 Subsection [~~20A-7-616(3)~~] 20A-7-616(4) on the [~~lieutenant governor's~~] office's
7824 website, in a conspicuous location designated by the [~~lieutenant governor~~] director,
7825 for at least 45 days; and
- 7826 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures
7827 certified as of the date of the update.
- 7828 (3) The local clerk:
- 7829 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
7830 sufficient or insufficient:
- 7831 (i) in relation to the manual referendum process, no later than 111 days after the day
7832 of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
7833 referendum packet to the county clerk; or
- 7834 (ii) in relation to the electronic referendum process, no later than 111 days after the
7835 day of the deadline, described in Subsection 20A-7-616(2), to collect a signature;
7836 or
- 7837 (b) may declare the referendum petition to be insufficient before the day described in
7838 Subsection (3)(a) if:
- 7839 (i) in relation to the manual referendum process, the total of all valid signatures on
7840 timely and lawfully submitted referendum packets that have been certified by the
7841 county clerk, plus the number of signatures on timely and lawfully submitted
7842 referendum packets that have not yet been evaluated for certification, is less than
7843 the number of names required under Section 20A-7-601;
- 7844 (ii) in relation to the electronic referendum process, the total of all timely and
7845 lawfully submitted valid signatures that have been certified by the county clerks,
7846 plus the number of timely and lawfully submitted valid signatures received under
7847 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
7848 less than the number of names required under Section 20A-7-601; or
- 7849 (iii) a requirement of this part has not been met.
- 7850 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the

- 7851 number of names required under Section 20A-7-601, and the requirements of this
7852 part are met, the local clerk shall mark upon the front of the referendum petition the
7853 word "sufficient."
- 7854 (b) If the total number of names certified under Subsection (3) does not equal or exceed
7855 the number of names required under Section 20A-7-601 or a requirement of this part
7856 is not met, the local clerk shall mark upon the front of the referendum petition the
7857 word "insufficient."
- 7858 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
7859 finding.
- 7860 (d) After a referendum petition is declared insufficient, a person may not submit
7861 additional signatures to qualify the referendum for the ballot.
- 7862 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter
7863 may, no later than 10 days after the day on which the local clerk declares the
7864 referendum petition insufficient, apply to the appropriate court for an order finding
7865 the referendum petition legally sufficient.
- 7866 (b) If the court determines that the referendum petition is legally sufficient, the local
7867 clerk shall mark the referendum petition "sufficient" and consider the declaration of
7868 sufficiency effective as of the date on which the referendum petition should have
7869 been declared sufficient by the local clerk's office.
- 7870 (c) If the court determines that a referendum petition filed is not legally sufficient, the
7871 court may enjoin the local clerk and all other officers from:
- 7872 (i) certifying or printing the ballot title and numbers of that referendum on the official
7873 ballot for the next election; or
- 7874 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying,
7875 printing, or mailing the ballot title and numbers of that referendum under Section
7876 20A-7-609.5.
- 7877 (6) A referendum petition determined to be sufficient in accordance with this section is
7878 qualified for the ballot.
- 7879 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
7880 legislative action taken after April 15, the election officer may not place the
7881 referendum on an election ballot until a primary election, a general election, or a
7882 special election the following year.
- 7883 (b) The election officer may place a referendum described in Subsection (7)(a) on the
7884 ballot for a special, primary, or general election held during the year that the

- 7885 legislative action was taken if the following agree, in writing, on a timeline to place
 7886 the referendum on that ballot:
- 7887 (i) the local clerk;
 - 7888 (ii) the county clerk; and
 - 7889 (iii) the attorney for the county or municipality that took the legislative action.
- 7890 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
 7891 determines that the total number of certified names equals or exceeds the number of
 7892 signatures required in Section 20A-7-601, the election officer shall place the
 7893 referendum on the election ballot for:
- 7894 (i) the next general election; or
 - 7895 (ii) another election, if the following agree, in writing, on a timeline to place the
 7896 referendum on that ballot:
 - 7897 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as
 7898 applicable;
 - 7899 (B) the local clerk;
 - 7900 (C) the county clerk; and
 - 7901 (D) the attorney for the county or municipality that took the legislative action.

7902 Section 133. Section **20A-7-615** is amended to read:

7903 **20A-7-615 . Electronic referendum process -- Obtaining signatures -- Request to**
 7904 **remove signature.**

- 7905 (1) This section applies to the electronic referendum process described in Section
 7906 20A-21-201.
- 7907 (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and
 7908 resides in the local jurisdiction.
- 7909 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
 7910 individual:
 - 7911 (a) verifies that the individual is at least 18 years old and meets the residency
 7912 requirements of Section 20A-2-105; and
 - 7913 (b) is informed that each signer is required to read and understand the law that is the
 7914 subject of the referendum petition.
- 7915 (4)(a) A voter who signs a referendum petition may have the voter's signature removed
 7916 from the referendum petition by, in accordance with Section 20A-1-1003, submitting
 7917 to the county clerk a statement requesting that the voter's signature be removed
 7918 before 5 p.m. no later than the earlier of:

7919 (i) 30 days after the day on which the voter signs the statement requesting removal; or
 7920 (ii) 45 days after the day on which the local clerk posts the voter's name under
 7921 Subsection [~~20A-7-616(3)~~] 20A-7-616(4).

7922 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
 7923 by email or other electronic means, unless the [~~lieutenant governor~~] director
 7924 establishes a signature removal process that is consistent with the requirements of
 7925 this section and Section 20A-21-201.

7926 (c) A person may only remove an electronic signature from a referendum petition in
 7927 accordance with this section.

7928 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
 7929 electronic signature from a referendum petition, in accordance with Subsection
 7930 20A-1-1003(3).

7931 Section 134. Section **20A-7-616** is amended to read:

7932 **20A-7-616 . Electronic referendum process -- Collecting signatures -- Removal of**
 7933 **signatures.**

7934 (1) This section applies only to the electronic referendum process.

7935 (2) A signature-gatherer may not collect a signature after 5 p.m. 45 days after the day on
 7936 which the first three sponsors receive notice, under Section 20A-7-602.7 or 20A-7-602.8,
 7937 that the referendum is legally referable to voters.

7938 (3) The local clerk shall send to each individual who provides a valid email address during
 7939 the signature-gathering process an email that includes the following:

7940 (a) the subject of the email shall include the following statement, "Notice Regarding
 7941 Your Petition Signature"; and

7942 (b) the body of the email shall include the following statement in 12-point type:

7943 "You signed a petition for the following referendum:

7944 [insert title of referendum]

7945 To access a copy of the referendum petition, the law that is the subject of the referendum
 7946 petition, and information on the deadline for removing your signature from the referendum
 7947 petition, please visit the following link: [insert a uniform resource locator that takes the
 7948 individual directly to the page on the [~~lieutenant governor's~~] office's website that includes the
 7949 information referred to in the email]."

7950 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
 7951 after the day on which the signature of an individual who signs a referendum petition is
 7952 certified under Section 20A-21-201, post the name, voter identification number, and date

7953 of signature of the individual on the [~~lieutenant governor's~~] office's website, in a
 7954 conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days.

7955 (5)(a) If the local clerk timely receives a statement requesting signature removal under
 7956 Subsection 20A-7-615(4), the local clerk shall:

7957 (i) ensure that the voter's name, voter identification number, and date of signature are
 7958 not included in the posting described in Subsection (4); and

7959 (ii) remove the voter's signature from the referendum petition and the signature totals.

7960 (b) The local clerk shall comply with Subsection (5)(a) before the later of:

7961 (i) the deadline described in Subsection (4); or

7962 (ii) two business days after the day on which the county clerk receives a statement
 7963 requesting signature removal under Subsection 20A-7-615(4).

7964 Section 135. Section **20A-7-701** is amended to read:

7965 **20A-7-701 . Voter information pamphlet to be prepared.**

7966 (1) The [~~lieutenant governor~~] director shall cause to be prepared a voter information
 7967 pamphlet designed to inform the voters of the state of the content, effect, operation,
 7968 fiscal impact, and the supporting and opposing arguments of any measure submitted to
 7969 the voters by the Legislature or by a statewide initiative or referendum petition.

7970 (2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by
 7971 the Judicial Council describing the judicial selection and retention process.

7972 (3) Voter information pamphlets prepared in association with a local initiative or a local
 7973 referendum shall be prepared in accordance with the procedures and requirements of
 7974 Section 20A-7-402.

7975 Section 136. Section **20A-7-702** is amended to read:

7976 **20A-7-702 . Voter information pamphlet -- Form -- Contents.**

7977 The voter information pamphlet shall contain the following items in this order:

7978 (1) a cover title page;

7979 (2) an introduction to the pamphlet by the [~~lieutenant governor~~] director;

7980 (3) a table of contents;

7981 (4) a list of all candidates for constitutional offices;

7982 (5) a list of candidates for each legislative district;

7983 (6) a 100-word statement of qualifications for each candidate for the office of governor,
 7984 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
 7985 candidate to the [~~lieutenant governor's~~] office before 5 p.m. on the first business day in
 7986 August before the date of the election;

- 7987 (7) information pertaining to all measures to be submitted to the voters, beginning a new
7988 page for each measure and containing, in the following order for each measure:
- 7989 (a) a copy of the number and ballot title of the measure;
- 7990 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by
7991 the Legislature or by referendum;
- 7992 (c)(i) for a measure other than a measure described in Section 20A-7-103, the
7993 impartial analysis of the measure prepared by the Office of Legislative Research
7994 and General Counsel; or
- 7995 (ii) for a measure described in Section 20A-7-103, the analysis of the measure
7996 prepared by the presiding officers;
- 7997 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
7998 measure, the arguments against the measure, and the rebuttal to the arguments against
7999 the measure, with the name and title of the authors at the end of each argument or
8000 rebuttal;
- 8001 (e) for each constitutional amendment, a complete copy of the text of the constitutional
8002 amendment, with all new language underlined, and all deleted language placed within
8003 brackets;
- 8004 (f) for each initiative qualified for the ballot:
- 8005 (i) a copy of the initiative as certified by the [~~lieutenant governor~~] director and a copy
8006 of the initial fiscal impact statement prepared according to Section 20A-7-202.5;
8007 and
- 8008 (ii) if the initiative proposes a tax increase, the following statement in bold type:
8009 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
8010 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
8011 increase in the current tax rate."; and
- 8012 (g) for each referendum qualified for the ballot, a complete copy of the text of the law
8013 being submitted to the voters for their approval or rejection, with all new language
8014 underlined and all deleted language placed within brackets, as applicable;
- 8015 (8) a description provided by the Judicial Performance Evaluation Commission of the
8016 selection and retention process for judges, including, in the following order:
- 8017 (a) a description of the judicial selection process;
- 8018 (b) a description of the judicial performance evaluation process;
- 8019 (c) a description of the judicial retention election process;
- 8020 (d) a list of the criteria of the judicial performance evaluation and the certification

- 8021 standards;
- 8022 (e) the names of the judges standing for retention election; and
- 8023 (f) for each judge:
- 8024 (i) a list of the counties in which the judge is subject to retention election;
- 8025 (ii) a short biography of professional qualifications and a recent photograph;
- 8026 (iii) a narrative concerning the judge's performance;
- 8027 (iv) for each certification standard under Section 78A-12-205, a statement identifying
- 8028 whether, under Section 78A-12-205, the judge met the standard and, if not, the
- 8029 manner in which the judge failed to meet the standard;
- 8030 (v) a statement that the Judicial Performance Evaluation Commission:
- 8031 (A) has determined that the judge meets or exceeds minimum performance
- 8032 standards;
- 8033 (B) has determined that the judge does not meet or exceed minimum performance
- 8034 standards; or
- 8035 (C) has not made a determination regarding whether the judge meets or exceeds
- 8036 minimum performance standards;
- 8037 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
- 8038 whom the Judicial Performance Evaluation Commission determines does not meet
- 8039 or exceed minimum performance standards;
- 8040 (vii) in a bar graph, the average of responses to each survey category, displayed with
- 8041 an identification of the minimum acceptable score as set by Section 78A-12-205
- 8042 and the average score of all judges of the same court level; and
- 8043 (viii) a website address that contains the Judicial Performance Evaluation
- 8044 Commission's report on the judge's performance evaluation;
- 8045 (9) for each judge, a statement provided by the Utah Supreme Court identifying the
- 8046 cumulative number of informal reprimands, when consented to by the judge in
- 8047 accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal
- 8048 reprimands, and all orders of censure and suspension issued by the Utah Supreme Court
- 8049 under Utah Constitution, Article VIII, Section 13, during the judge's current term and the
- 8050 immediately preceding term, and a detailed summary of the supporting reasons for each
- 8051 violation of the Code of Judicial Conduct that the judge has received;
- 8052 (10) an explanation of ballot marking procedures prepared by the [~~lieutenant governor~~
- 8053 director, indicating the ballot marking procedure used by each county and explaining
- 8054 how to mark the ballot for each procedure;

- 8055 (11) voter registration information, including information on how to obtain a ballot;
- 8056 (12) a list of all county clerks' offices and phone numbers;
- 8057 (13) the address of the Statewide Electronic Voter Information Website, with a statement
- 8058 indicating that the election officer will post on the website any changes to the location of
- 8059 a polling place and the location of any additional polling place;
- 8060 (14) a phone number that a voter may call to obtain information regarding the location of a
- 8061 polling place; and

8062 (15) on the back cover page, a printed copy of the following statement signed by the [
8063 ~~lieutenant governor~~] director:

8064 "I, _____ (print name), [~~Lieutenant Governor of Utah~~] director of the
8065 Elections Office, certify that the measures contained in this pamphlet will be submitted to the
8066 voters of Utah at the election to be held throughout the state on ____ (date of election), and
8067 that this pamphlet is complete and correct according to law.

8068 SEAL

8069 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
8070 of ____ (month), ____ (year)

8071 (signed) _____
8072 [~~Lieutenant Governor~~] Elections Office Director."

8073 Section 137. Section **20A-7-702.5** is amended to read:

8074 **20A-7-702.5 . Publication of voter information pamphlet.**

8075 (1) No earlier than 75 days, and no later than 15 days, before the day on which voting
8076 commences, the [~~lieutenant governor~~] director shall make all information provided in the
8077 voter information pamphlet available on the Statewide Electronic Voter Information
8078 Website Program described in Section 20A-7-801.

8079 (2) The [~~lieutenant governor~~] director may distribute a voter information pamphlet at a
8080 location frequented by a person who cannot easily access the Statewide Electronic Voter
8081 Information Website authorized by Section 20A-7-801.

8082 Section 138. Section **20A-7-703** is amended to read:

8083 **20A-7-703 . Analysis of initiative or referendum -- Determination of fiscal effects.**

8084 (1) The director of the Office of Legislative Research and General Counsel, after the
8085 approval of the legislative general counsel as to legal sufficiency, shall:

- 8086 (a) prepare an impartial analysis of each measure submitted to the voters by initiative or
8087 referendum petition; and
- 8088 (b) submit the impartial analysis to the [~~lieutenant governor~~] director no later than the

8089 day that falls 90 days before the date of the election in which the measure will appear
8090 on the ballot.

8091 (2) The director shall ensure that the impartial analysis:

8092 (a) is not more than 1,000 words long;

8093 (b) is prepared in clear and concise language that will easily be understood by the
8094 average voter;

8095 (c) avoids the use of technical terms as much as possible;

8096 (d) shows the effect of the measure on existing law;

8097 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
8098 by the measure;

8099 (f) fairly describes the operation of the measure;

8100 (g) identifies the measure's fiscal effects over the time period or time periods determined
8101 by the director to be most useful in understanding the estimated fiscal impact of the
8102 proposed law; and

8103 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
8104 government.

8105 (3)(a) In determining the fiscal effects of a measure, the director shall confer with the
8106 legislative fiscal analyst.

8107 (b) The director shall consider any measure that requires implementing legislation in
8108 order to take effect to have no financial effect, unless implementing legislation has
8109 been enacted that will become effective upon adoption of the measure by the voters.

8110 (4) If the director requests the assistance of any state department, agency, or official in
8111 preparing the director's analysis, that department, agency, or official shall assist the
8112 director.

8113 Section 139. Section **20A-7-703.1** is amended to read:

8114 **20A-7-703.1 . Analysis of measure submitted to voters by Legislature --**

8115 **Determination of fiscal effects.**

8116 (1) The presiding officers shall:

8117 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is
8118 submitted to the voters by the Legislature; and

8119 (b) submit the analysis to the [~~lieutenant governor~~] director no later than the day that falls
8120 90 days before the date of the election in which the measure will appear on the ballot.

8121 (2) The presiding officers shall ensure that the analysis:

8122 (a) is not more than 1,000 words long;

- 8123 (b) is prepared in clear and concise language that will easily be understood by the
8124 average voter;
- 8125 (c) to the extent possible, avoids the use of technical terms;
- 8126 (d) shows the effect of the measure on existing law;
- 8127 (e) describes the measure;
- 8128 (f) identifies the measure's fiscal effects over the time period or time periods determined
8129 by the presiding officers to be most useful in understanding the estimated fiscal
8130 impact of the measure; and
- 8131 (g) identifies the amount of any increase or decrease in revenue or cost to state or local
8132 government.
- 8133 (3) The presiding officers shall analyze the measure as the measure is proposed to be
8134 adopted, without considering any implementing legislation, unless the implementing
8135 legislation has been enacted and will become effective upon the adoption of the measure
8136 by the voters.
- 8137 (4)(a) In determining the fiscal effects of a measure, the presiding officers shall confer
8138 with the legislative fiscal analyst.
- 8139 (b) The presiding officers shall consider any measure that requires implementing
8140 legislation in order to take effect to have no financial effect, unless implementing
8141 legislation has been enacted that will become effective upon adoption of the measure
8142 by the voters.
- 8143 (5) If the presiding officers request the assistance of any state department, agency, or
8144 official in preparing the analysis described in this section, that department, agency, or
8145 official shall assist the presiding officers.

8146 Section 140. Section **20A-7-704** is amended to read:

8147 **20A-7-704 . Initiative measures -- Arguments for and against -- Voters' requests**
8148 **for argument -- Ballot arguments.**

- 8149 (1)(a) Before 5 p.m. no later than July 1 of the regular general election year, a sponsor of
8150 any initiative petition that has been declared sufficient by the [~~lieutenant governor~~]
8151 director may deliver to the [~~lieutenant governor~~] director a written notice that the
8152 sponsor intends to submit a written argument for adoption of the measure.
- 8153 (b) If two or more sponsors timely submit a notice described in Subsection (1)(a), the [~~lieutenant governor~~]
8154 director shall designate one of the sponsors to submit the
8155 argument for the sponsor's side of the measure.
- 8156 (2)(a) Before 5 p.m. no later than July 1 of the regular general election year, a member

- 8157 of the Legislature may deliver to the speaker of the House and the president of the
 8158 Senate a written notice that the legislator intends to submit a written argument against
 8159 adoption of an initiative petition that has been declared sufficient by the [~~lieutenant~~
 8160 ~~governor~~] director.
- 8161 (b) If two or more legislators timely submit a notice described in Subsection (2)(a), the
 8162 speaker of the House and the president of the Senate shall, no later than July 5,
 8163 jointly designate one of the legislators to submit the argument to the [~~lieutenant~~
 8164 ~~governor~~] director.
- 8165 (3) The sponsors and the legislators submitting arguments shall ensure that each argument:
 8166 (a) does not exceed 500 words in length, not counting the information described in
 8167 Subsection (5); and
 8168 (b) is delivered to the [~~lieutenant governor~~] director before 5 p.m. no later than July 10.
- 8169 (4)(a) If an argument for or against a measure to be submitted to the voters by initiative
 8170 petition has not been filed within the time required under Subsection (3)(b):
 8171 (i) the [~~Office of the Lieutenant Governor~~] office shall immediately:
 8172 (A) send an electronic notice that complies with the requirements of Subsection
 8173 (4)(b) to each individual in the state for whom the [~~Office of the Lieutenant~~
 8174 ~~Governor~~] office has an email address; or
 8175 (B) post a notice that complies with the requirements of Subsection (4)(b) on the
 8176 home page of the [~~lieutenant governor's~~] office's website;
 8177 (ii) any voter may, before 5 p.m. no later than July 15, deliver written notice to the [~~lieutenant~~
 8178 ~~governor~~] director that the voter intends to submit a written argument
 8179 for the side on which no argument has been filed; and
 8180 (iii) if two or more voters timely submit the notice described in Subsection (4)(a)(ii)
 8181 in relation to the same side of a measure, the [~~lieutenant governor~~] director shall
 8182 designate one of the voters to write the argument.
- 8183 (b) A notice described in Subsection (4)(a)(i) shall contain:
 8184 (i) the ballot title for the measure;
 8185 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
 8186 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(c).
- 8187 (c) Any argument prepared under this Subsection (4) shall be submitted to the [~~lieutenant~~
 8188 ~~governor~~] director before 5 p.m. no later than July 20.
- 8189 (5) The [~~lieutenant governor~~] director may not accept a ballot argument submitted under this
 8190 section unless the argument lists:

- 8191 (a) the name and address of the individual submitting the argument, if the argument is
 8192 submitted by an individual voter; or
- 8193 (b) the name and address of the organization and the names and addresses of at least two
 8194 of the organization's principal officers, if the argument is submitted on behalf of an
 8195 organization.
- 8196 (6)(a) Except as provided in Subsection (6)(c) or (d), the authors may not amend or
 8197 change the arguments after they are submitted to the [~~lieutenant governor~~] director.
- 8198 (b) Except as provided in Subsection (6)(c) or (d), the [~~lieutenant governor~~] director may
 8199 not alter the arguments in any way.
- 8200 (c) The [~~lieutenant governor~~] director and the authors of an argument described in this
 8201 section may jointly modify the argument after the argument is submitted if:
- 8202 (i) the [~~lieutenant governor~~] director and the authors jointly agree that changes to:
- 8203 (A) the argument must be made to correct spelling or grammatical errors; or
 8204 (B) properly characterize the position of a state entity, if the argument
 8205 mischaracterizes the position of a state entity; and
- 8206 (ii) the argument has not yet been submitted for typesetting.
- 8207 (d) If, after the [~~lieutenant governor~~] director determines that an argument described in
 8208 this section mischaracterizes the position of a state entity, the [~~lieutenant governor~~]
 8209 director and the authors of the argument cannot jointly agree on a change to the
 8210 argument, the [~~lieutenant governor~~] director:
- 8211 (i) shall publish the argument with the mischaracterization; and
 8212 (ii) may, immediately following the argument, publish a brief description of the
 8213 position of the state entity.

8214 Section 141. Section **20A-7-705** is amended to read:

8215 **20A-7-705 . Measures to be submitted to voters and referendum measures --**

8216 **Preparation of argument of adoption.**

- 8217 (1)(a) Whenever the Legislature submits any measure to the voters or whenever an act of
 8218 the Legislature is referred to the voters by referendum petition, the presiding officer
 8219 of the house of origin of the measure shall appoint the sponsor of the measure or act
 8220 and one member of either house who voted with the majority to pass the act or
 8221 submit the measure to draft an argument for the adoption of the measure.
- 8222 (b)(i) The argument may not exceed 500 words in length, not counting the
 8223 information described in Subsection (4)(e).
- 8224 (ii) If the sponsor of the measure or act desires separate arguments to be written in

8225 favor by each person appointed, separate arguments may be written but the
8226 combined length of the two arguments may not exceed 500 words, not counting
8227 the information described in Subsection (4)(e).

8228 (2)(a) If a measure or act submitted to the voters by the Legislature or by referendum
8229 petition was not adopted unanimously by the Legislature, the presiding officer of
8230 each house shall, at the same time as appointments to an argument in its favor are
8231 made, appoint one member who voted against the measure or act from their house to
8232 write an argument against the measure or act.

8233 (b)(i) The argument may not exceed 500 words, not counting the information
8234 described in Subsection (4)(e).

8235 (ii) If those members appointed to write an argument against the measure or act
8236 desire separate arguments to be written in opposition to the measure or act by each
8237 person appointed, separate arguments may be written, but the combined length of
8238 the two arguments may not exceed 500 words, not counting the information
8239 described in Subsection (4)(e).

8240 (3)(a) The legislators appointed by the presiding officer of the Senate or House of
8241 Representatives to submit arguments shall submit the arguments to the [~~lieutenant~~
8242 ~~governor~~] director not later than the day that falls 150 days before the date of the
8243 election.

8244 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
8245 arguments after they are submitted to the [~~lieutenant governor~~] director.

8246 (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] director may not
8247 alter the arguments in any way.

8248 (d) The [~~lieutenant governor~~] director and the authors of an argument may jointly modify
8249 an argument after it is submitted if:

8250 (i) they jointly agree that changes to the argument must be made to correct spelling or
8251 grammatical errors; and

8252 (ii) the argument has not yet been submitted for typesetting.

8253 (4)(a) If an argument for or an argument against a measure submitted to the voters by the
8254 Legislature or by referendum petition has not been filed by a member of the
8255 Legislature within the time required by this section:

8256 (i) the [~~lieutenant governor~~] director shall immediately:

8257 (A) send an electronic notice that complies with the requirements of Subsection
8258 (4)(b) to each individual in the state for whom the [~~Office of the Lieutenant~~

- 8259 Governor] office has an email address; or
- 8260 (B) post a notice that complies with the requirements of Subsection (4)(b) on the
- 8261 home page of the [~~lieutenant governor's~~] office's website; and
- 8262 (ii) any voter may, before 5 p.m. no later than seven days after the day on which the [
- 8263 ~~lieutenant governor~~] director provides the notice described in Subsection (4)(a)(i),
- 8264 submit a written request to the presiding officer of the house in which the measure
- 8265 originated for permission to prepare and file an argument for the side on which no
- 8266 argument has been filed by a member of the Legislature.
- 8267 (b) A notice described in Subsection (4)(a)(i) shall contain:
- 8268 (i) the ballot title for the measure;
- 8269 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
- 8270 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
- 8271 (c)(i) The presiding officer of the house of origin shall grant permission unless two or
- 8272 more voters timely request permission to submit arguments on the same side of a
- 8273 measure.
- 8274 (ii) If two or more voters timely request permission to submit arguments on the same
- 8275 side of a measure, the presiding officer shall, no later than four calendar days after
- 8276 the day of the deadline described in Subsection (4)(a)(ii), designate one of the
- 8277 voters to write the argument.
- 8278 (d) Any argument prepared under this Subsection (4) shall be submitted to the [
- 8279 ~~lieutenant governor~~] director before 5 p.m. no later than seven days after the day on
- 8280 which the presiding officer grants permission to submit the argument.
- 8281 (e) The [~~lieutenant governor~~] director may not accept a ballot argument submitted under
- 8282 this section unless the ballot argument lists:
- 8283 (i) the name and address of the individual submitting the argument, if the argument is
- 8284 submitted by an individual voter; or
- 8285 (ii) the name and address of the organization and the names and addresses of at least
- 8286 two of the organization's principal officers, if the argument is submitted on behalf
- 8287 of an organization.
- 8288 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the
- 8289 arguments after they are submitted to the [~~lieutenant governor~~] director.
- 8290 (g) Except as provided in Subsection (4)(h), the [~~lieutenant governor~~] director may not
- 8291 alter the arguments in any way.
- 8292 (h) The [~~lieutenant governor~~] director and the authors of an argument may jointly modify

- 8293 an argument after it is submitted if:
- 8294 (i) they jointly agree that changes to the argument must be made to:
- 8295 (A) correct spelling or grammatical errors; or
- 8296 (B) properly characterize the position of a state entity, if the argument
- 8297 mischaracterizes the position of a state entity; and
- 8298 (ii) the argument has not yet been submitted for typesetting.
- 8299 (i) If, after the [~~lieutenant governor~~] director determines that an argument described in
- 8300 this section mischaracterizes the position of a state entity, the [~~lieutenant governor~~]
- 8301 director and the authors of the argument cannot jointly agree on a change to the
- 8302 argument, the [~~lieutenant governor~~] director:
- 8303 (i) shall publish the argument with the mischaracterization; and
- 8304 (ii) may, immediately following the argument, publish a brief description of the
- 8305 position of the state entity.
- 8306 Section 142. Section **20A-7-706** is amended to read:
- 8307 **20A-7-706 . Copies of arguments to be sent to opposing authors -- Rebuttal**
- 8308 **arguments.**
- 8309 (1) When the [~~lieutenant governor~~] director has received the arguments for and against a
- 8310 measure to be submitted to the voters, the [~~lieutenant governor~~] director shall
- 8311 immediately send copies of the arguments in favor of the measure to the authors of the
- 8312 arguments against and copies of the arguments against to the authors of the arguments in
- 8313 favor.
- 8314 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words, not
- 8315 counting the information described in Subsection 20A-7-705(4)(e).
- 8316 (3)(a) The rebuttal arguments shall be filed with the [~~lieutenant governor~~] director:
- 8317 (i) for constitutional amendments and referendum petitions, before 5 p.m. no later
- 8318 than 120 days before the date of the election; and
- 8319 (ii) for initiatives, before 5 p.m. no later than July 30.
- 8320 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
- 8321 rebuttal arguments after they are submitted to the [~~lieutenant governor~~] director.
- 8322 (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] director may not
- 8323 alter the arguments in any way.
- 8324 (d) The [~~lieutenant governor~~] director and the authors of a rebuttal argument may jointly
- 8325 modify a rebuttal argument after it is submitted if:
- 8326 (i) they jointly agree that changes to the rebuttal argument must be made to correct

- 8327 spelling or grammatical errors; and
- 8328 (ii) the rebuttal argument has not yet been submitted for typesetting.
- 8329 (4) The [~~lieutenant governor~~] director shall ensure that:
- 8330 (a) rebuttal arguments are printed in the same manner as the direct arguments; and
- 8331 (b) each rebuttal argument follows immediately after the direct argument which it seeks
- 8332 to rebut.
- 8333 Section 143. Section **20A-7-801** is amended to read:
- 8334 **20A-7-801 . Statewide Electronic Voter Information Website Program -- Duties**
- 8335 **of the director -- Content -- Duties of local election officials -- Deadlines -- Frequently**
- 8336 **asked voter questions -- Other elections.**
- 8337 (1) There is established the Statewide Electronic Voter Information Website Program
- 8338 administered by the [~~lieutenant governor~~] director in cooperation with the county clerks
- 8339 for general elections and municipal authorities for municipal elections.
- 8340 (2) In accordance with this section, and as resources become available, the [~~lieutenant~~
- 8341 ~~governor~~] director, in cooperation with county clerks, shall develop, establish, and
- 8342 maintain a state-provided Internet website designed to help inform the voters of the state
- 8343 of:
- 8344 (a) the offices and candidates up for election;
- 8345 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
- 8346 of ballot propositions submitted to the voters; and
- 8347 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5,
- 8348 accessible only by the voter.
- 8349 (3) Except as provided under Subsection (6), the website shall include:
- 8350 (a) all information currently provided in the Utah voter information pamphlet under
- 8351 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
- 8352 analyzed, and submitted by the Judicial Performance Evaluation Commission
- 8353 describing the judicial selection and retention process;
- 8354 (b) on the homepage of the website, a link to the Judicial Performance Evaluation
- 8355 Commission's website, judges.utah.gov;
- 8356 (c) a link to the retention recommendation made by the Judicial Performance Evaluation
- 8357 Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance
- 8358 Evaluation, for each judicial appointee to a court that is subject to a retention
- 8359 election, in accordance with Section 20A-12-201, for the upcoming general election;
- 8360 (d) all information submitted by election officers under Subsection (4) on local office

- 8361 races, local office candidates, and local ballot propositions;
- 8362 (e) a list that contains the name of a political subdivision that operates an election day
8363 voting center under Section 20A-3a-703 and the location of the election day voting
8364 center;
- 8365 (f) other information determined appropriate by the [~~lieutenant governor~~] director that is
8366 currently being provided by law, rule, or ordinance in relation to candidates and
8367 ballot questions;
- 8368 (g) any differences in voting method, time, or location designated by the [~~lieutenant~~
8369 ~~governor~~] director under Subsection 20A-1-308(2); and
- 8370 (h) an online ballot tracking system by which a voter can view the status of the voter's
8371 trackable ballot, in accordance with Section 20A-3a-401.5, including:
- 8372 (i) when a ballot has been mailed to the voter;
- 8373 (ii) when an election official has received the voter's ballot; and
- 8374 (iii) when the voter's ballot has been counted.
- 8375 (4)(a) An election official shall submit the following information for each ballot under
8376 the election official's direct responsibility under this title:
- 8377 (i) a list of all candidates for each office;
- 8378 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later
8379 than 45 days before the primary election or before 5 p.m. no later than 60 days
8380 before the general election:
- 8381 (A) a statement of qualifications, not exceeding 200 words in length, for each
8382 candidate;
- 8383 (B) the following current biographical information if desired by the candidate,
8384 current:
- 8385 (I) age;
- 8386 (II) occupation;
- 8387 (III) city of residence;
- 8388 (IV) years of residence in current city; and
- 8389 (V) email address; and
- 8390 (C) a single web address where voters may access more information about the
8391 candidate and the candidate's views; and
- 8392 (iii) factual information pertaining to all ballot propositions submitted to the voters,
8393 including:
- 8394 (A) a copy of the number and ballot title of each ballot proposition;

- 8395 (B) the final vote cast for each ballot proposition, if any, by a legislative body if
8396 the vote was required to place the ballot proposition on the ballot;
- 8397 (C) a complete copy of the text of each ballot proposition, with all new language
8398 underlined and all deleted language placed within brackets; and
- 8399 (D) other factual information determined helpful by the election official.
- 8400 (b) The information under Subsection (4)(a) shall be submitted to the [~~lieutenant~~
8401 ~~governor~~] director no later than one business day after the deadline under Subsection
8402 (4)(a) for each general election year and each municipal election year.
- 8403 (c) The [~~lieutenant governor~~] director shall:
- 8404 (i) review the information submitted under this section, to determine compliance
8405 under this section, prior to placing it on the website;
- 8406 (ii) refuse to post information submitted under this section on the website if it is not
8407 in compliance with the provisions of this section; and
- 8408 (iii) organize, format, and arrange the information submitted under this section for
8409 the website.
- 8410 (d) The [~~lieutenant governor~~] director may refuse to include information the [~~lieutenant~~
8411 ~~governor~~] director determines is not in keeping with:
- 8412 (i) Utah voter needs;
- 8413 (ii) public decency; or
- 8414 (iii) the purposes, organization, or uniformity of the website.
- 8415 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection
8416 (5).
- 8417 (5)(a) A person whose information is refused under Subsection (4), and who is
8418 aggrieved by the determination, may appeal by submitting a written notice of appeal
8419 to the [~~lieutenant governor~~] director before 5 p.m. within 10 business days after the
8420 date of the determination. A notice of appeal submitted under this Subsection (5)(a)
8421 shall contain:
- 8422 (i) a listing of each objection to the [~~lieutenant governor's~~] director's determination;
8423 and
- 8424 (ii) the basis for each objection.
- 8425 (b) The [~~lieutenant governor~~] director shall review the notice of appeal and shall issue a
8426 written response within 10 business days after the day on which the notice of appeal
8427 is submitted.
- 8428 (c) An appeal of the response of the [~~lieutenant governor~~] director shall be made to the

- 8429 district court, which shall review the matter de novo.
- 8430 (6)(a) The [~~lieutenant governor~~] director shall ensure that each voter will be able to
- 8431 conveniently enter the voter's address information on the website to retrieve
- 8432 information on which offices, candidates, and ballot propositions will be on the
- 8433 voter's ballot at the next general election or municipal election.
- 8434 (b) The information on the website will anticipate and answer frequent voter questions
- 8435 including the following:
- 8436 (i) what offices are up in the current year for which the voter may cast a vote;
- 8437 (ii) who is running for what office and who is the incumbent, if any;
- 8438 (iii) what address each candidate may be reached at and how the candidate may be
- 8439 contacted;
- 8440 (iv) for partisan races only, what, if any, is each candidate's party affiliation;
- 8441 (v) what qualifications have been submitted by each candidate;
- 8442 (vi) where additional information on each candidate may be obtained;
- 8443 (vii) what ballot propositions will be on the ballot; and
- 8444 (viii) what judges are up for retention election.
- 8445 (7) The [~~lieutenant governor~~] director shall ensure that each voter may conveniently enter
- 8446 the voter's name, date of birth, and address information on the website to retrieve
- 8447 information on the status of the voter's ballot if the voter's ballot is trackable under
- 8448 Section 20A-3a-401.5.
- 8449 (8) As resources are made available and in cooperation with the county clerks, the [
- 8450 ~~lieutenant governor~~] director may expand the electronic voter information website
- 8451 program to include the same information as provided under this section for special
- 8452 elections and primary elections.
- 8453 Section 144. Section **20A-8-103** is amended to read:
- 8454 **20A-8-103 . Petition procedures -- Criminal penalty -- Removal of signature.**
- 8455 (1) As used in this section, the proposed name or emblem of a registered political party is
- 8456 "distinguishable" if a reasonable person of average intelligence will be able to perceive a
- 8457 difference between the proposed name or emblem and any name or emblem currently
- 8458 being used by another registered political party.
- 8459 (2) To become a registered political party, an organization of registered voters that is not a
- 8460 continuing political party shall:
- 8461 (a) circulate a petition seeking registered political party status beginning no earlier than
- 8462 the date of the statewide canvass held after the last regular general election and

- 8463 ending before 5 p.m. no later than November 30 of the year before the year in which
 8464 the next regular general election will be held;
- 8465 (b) file a petition with the [~~Lieutenant governor~~] director that is signed, with a holographic
 8466 signature, by at least 2,000 registered voters before 5 p.m. no later than November 30
 8467 of the year in which a regular general election will be held; and
- 8468 (c) file, with the petition described in Subsection (2)(b), a document certifying:
 8469 (i) the identity of one or more registered political parties whose members may vote
 8470 for the organization's candidates;
- 8471 (ii) whether unaffiliated voters may vote for the organization's candidates; and
 8472 (iii) whether, for the next election, the organization intends to nominate the
 8473 organization's candidates in accordance with the provisions of Section 20A-9-406.
- 8474 (3) The petition shall:
- 8475 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;
- 8476 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
 8477 blank for the purpose of binding;
- 8478 (c) contain the name of the political party and the words "Political Party Registration
 8479 Petition" printed directly below the horizontal line;
- 8480 (d) contain the word "Warning" printed directly under the words described in Subsection
 8481 (3)(c);
- 8482 (e) contain, to the right of the word "Warning," the following statement printed in not less than
 8483 eight-point, single leaded type:
 8484 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
 8485 petition signature sheet with any name other than the individual's own name or more than once
 8486 for the same party or if the individual is not registered to vote in this state and does not intend
 8487 to become registered to vote in this state before the petition is submitted to the [~~Lieutenant~~
 8488 ~~governor~~] director of the Elections Office.";
- 8489 (f) contain the following statement directly under the statement described in Subsection (3)(e):
 8490 "POLITICAL PARTY REGISTRATION PETITION To the [~~Honorable _____,~~
 8491 ~~Lieutenant Governor~~] director of the Elections Office:
 8492 We, the undersigned citizens of Utah, seek registered political party status for ____
 8493 (name);
 8494 Each signer says:
 8495 I have personally signed this petition with a holographic signature;
 8496 I am registered to vote in Utah or will register to vote in Utah before the petition is

- 8497 submitted to the [~~lieutenant governor~~] director of the Elections Office;
- 8498 I am or desire to become a member of the political party; and
- 8499 My street address is written correctly after my name.";
- 8500 (g) be vertically divided into columns as follows:
- 8501 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
- 8502 headed with "For Office Use Only," and be subdivided with a light vertical line
- 8503 down the middle;
- 8504 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
- 8505 Name (must be legible to be counted)";
- 8506 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
- 8507 Registered Voter";
- 8508 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
- 8509 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
- 8510 Code"; and
- 8511 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
- 8512 information is not required, but it may be used to verify your identity with voter
- 8513 registration records. If you choose not to provide it, your signature may not be
- 8514 certified as a valid signature if you change your address before petition signatures
- 8515 are certified or if the information you provide does not match your voter
- 8516 registration records.";
- 8517 (h) have a final page bound to one or more signature sheets that are bound together that
- 8518 contains the following printed statement:
- 8519 "Verification
- 8520 State of Utah, County of ____
- 8521 I, _____, of _____, hereby state that:
- 8522 I am a Utah resident and am at least 18 years old;
- 8523 All the names that appear on the signature sheets bound to this page were signed by
- 8524 individuals who professed to be the individuals whose names appear on the signature sheets,
- 8525 and each individual signed the individual's name on the signature sheets in my presence;
- 8526 I believe that each individual has printed and signed the individual's name and written
- 8527 the individual's street address correctly, and that each individual is registered to vote in Utah or
- 8528 will register to vote in Utah before the petition is submitted to the [~~lieutenant governor~~] director
- 8529 of the Elections Office.
- 8530
-

- 8531 (Signature) (Residence Address) (Date)"; and
8532 (i) be bound to a cover sheet that:
8533 (i) identifies the political party's name, which may not exceed four words, and the
8534 emblem of the party;
8535 (ii) states the process that the organization will follow to organize and adopt a
8536 constitution and bylaws; and
8537 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
8538 the organization.
- 8539 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in
8540 whose presence each signature sheet is signed:
8541 (a) is at least 18 years old;
8542 (b) meets the residency requirements of Section 20A-2-105; and
8543 (c) verifies each signature sheet by completing the verification bound to one or more
8544 signature sheets that are bound together.
- 8545 (5) An individual may not sign the verification if the individual signed a signature sheet
8546 bound to the verification.
- 8547 (6) The ~~[lieutenant governor]~~ director shall:
8548 (a) use the procedures described in Section 20A-1-1002 to determine whether a signer is
8549 a registered voter;
8550 (b) review the proposed name and emblem to determine if they are "distinguishable"
8551 from the names and emblems of other registered political parties; and
8552 (c) certify the ~~[lieutenant governor's]~~ director's findings to the filing officer described in
8553 Subsection (3)(i)(iii) within 30 days of the filing of the petition.
- 8554 (7)(a) If the ~~[lieutenant governor]~~ director determines that the petition meets the
8555 requirements of this section, and that the proposed name and emblem are
8556 distinguishable, the ~~[lieutenant governor]~~ director shall authorize the filing officer
8557 described in Subsection (3)(i)(iii) to organize the prospective political party.
8558 (b) If the ~~[lieutenant governor]~~ director finds that the name, emblem, or both are not
8559 distinguishable from the names and emblems of other registered political parties, the [
8560 ~~lieutenant governor]~~ director shall notify the filing officer that the filing officer has
8561 seven days to submit a new name or emblem to the ~~[lieutenant governor]~~ director.
- 8562 (8) A registered political party may not change its name or emblem during the regular
8563 general election cycle.
- 8564 (9)(a) It is unlawful for an individual to:

- 8565 (i) knowingly sign a political party registration petition:
- 8566 (A) with any name other than the individual's own name;
- 8567 (B) more than once for the same political party; or
- 8568 (C) if the individual is not registered to vote in this state and does not intend to
- 8569 become registered to vote in this state before the petition is submitted to the [
- 8570 ~~lieutenant-governor~~ director; or
- 8571 (ii) sign the verification of a political party registration petition signature sheet if the
- 8572 individual:
- 8573 (A) does not meet the residency requirements of Section 20A-2-105;
- 8574 (B) has not witnessed the signing by those individuals whose names appear on the
- 8575 political party registration petition signature sheet; or
- 8576 (C) knows that an individual whose signature appears on the political party
- 8577 registration petition signature sheet is not registered to vote in this state and
- 8578 does not intend to become registered to vote in this state.
- 8579 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.
- 8580 (10)(a) A voter who signs a petition under this section may have the voter's signature
- 8581 removed from the petition by, no later than three business days after the day on
- 8582 which the petition is filed with the [~~lieutenant-governor~~ director], submitting to the [
- 8583 ~~lieutenant-governor~~ director a statement requesting that the voter's signature be
- 8584 removed.
- 8585 (b) A statement described in Subsection (10)(a) shall comply with the requirements
- 8586 described in Subsection 20A-1-1003(2).
- 8587 (c) The [~~lieutenant-governor~~ director] shall use the procedures described in Subsection
- 8588 20A-1-1003(3) to determine whether to remove an individual's signature from a
- 8589 petition after receiving a timely, valid statement requesting removal of the signature.
- 8590 Section 145. Section **20A-8-106** is amended to read:
- 8591 **20A-8-106 . Organization as a political party -- Certification procedures.**
- 8592 (1) Before 5 p.m. no later than March 1 of the regular general election year, the prospective
- 8593 political party's officers or governing board shall file the names of the party officers or
- 8594 governing board with the [~~lieutenant-governor~~ director].
- 8595 (2) After reviewing the information and determining that all proper procedures have been
- 8596 completed, the [~~lieutenant-governor~~ director] shall:
- 8597 (a) issue a certificate naming the organization as a registered political party in Utah and
- 8598 designating its official name; and

8599 (b) inform each county clerk that the organization is a registered political party in Utah.

8600 (3) All election officers and state officials shall consider the organization to be and shall
8601 treat the organization as a registered political party.

8602 (4) The newly registered political party shall comply with all the provisions of Utah law
8603 governing political parties.

8604 (5)(a) If the newly registered political party does not hold a national party convention,
8605 the governing board of the political party may designate the names of the party's
8606 candidates for the offices of President and Vice President of the United States and the
8607 names of the party's presidential electors to the [~~lieutenant governor~~] director before 5
8608 p.m. no later than August 15.

8609 (b) If the party chooses to designate names, the governing board shall certify those
8610 names.

8611 Section 146. Section **20A-8-401** is amended to read:

8612 **20A-8-401 . Registered political parties -- Bylaws -- Report name of midterm**
8613 **vacancy candidate.**

8614 (1)(a) Each new or unregistered state political party that seeks to become a registered
8615 political party under the authority of this chapter shall file a copy of the party's
8616 proposed constitution and bylaws at the time the party files the party's registration
8617 information.

8618 (b) Each registered state political party shall file revised copies of the party's constitution
8619 or bylaws with the [~~lieutenant governor~~] director before 5 p.m. within 15 days after
8620 the day on which the constitution or bylaws are adopted or amended.

8621 (2) Each state political party, each new political party seeking registration, and each
8622 unregistered political party seeking registration shall ensure that the party's constitution
8623 or bylaws contain:

8624 (a) provisions establishing party organization, structure, membership, and governance
8625 that include:

8626 (i) a description of the position, selection process, qualifications, duties, and terms of
8627 each party officer and committees defined by constitution and bylaws;

8628 (ii) a provision requiring a designated party officer to serve as liaison with:

8629 (A) the [~~lieutenant governor~~] director on all matters relating to the political party's
8630 relationship with the state; and

8631 (B) each county legislative body on matters relating to the political party's
8632 relationship with a county;

- 8633 (iii) a description of the requirements for participation in party processes;
8634 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
8635 conventions, or other conclaves; and
8636 (v) a mechanism for making the names of delegates, candidates, and elected party
8637 officers available to the public shortly after they are selected;
- 8638 (b) a procedure for selecting party officers that allows active participation by party
8639 members;
- 8640 (c) a procedure for selecting party candidates at the federal, state, and county levels that
8641 allows active participation by party members;
- 8642 (d)(i) a procedure for selecting electors who are pledged to cast their votes in the
8643 electoral college for the party's candidates for president and vice president of the
8644 United States; and
8645 (ii) a procedure for filling vacancies in the office of presidential elector because of
8646 death, refusal to act, failure to attend, ineligibility, or any other cause;
- 8647 (e) a procedure for filling vacancies in the office of representative or senator or a county
8648 office, as described in Section 20A-1-508, because of death, resignation, or
8649 ineligibility;
- 8650 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 8651 (g) a procedure for replacing party candidates who die, acquire a disability that prevents
8652 the candidate from continuing the candidacy, or are disqualified before a primary or
8653 regular general election;
- 8654 (h) provisions governing the deposit and expenditure of party funds, and governing the
8655 accounting for, reporting, and audit of party financial transactions;
- 8656 (i) provisions governing access to party records;
- 8657 (j) a procedure for amending the constitution or bylaws that allows active participation
8658 by party members or their representatives;
- 8659 (k) a process for resolving grievances against the political party; and
- 8660 (l) if desired by the political party, a process for consulting with, and obtaining the
8661 opinion of, the political party's Utah Senate and Utah House of Representatives
8662 members about:
- 8663 (i) the performance of the two United States Senators from Utah, including
8664 specifically:
8665 (A) their views and actions regarding the defense of state's rights and federalism;
8666 and

- 8667 (B) their performance in representing Utah's interests;
- 8668 (ii) the members' opinion about, or rating of, and support or opposition to the policy
- 8669 positions of any candidates for United States Senate from Utah, including
- 8670 incumbents, including specifically:
- 8671 (A) their views and actions regarding the defense of state's rights and federalism;
- 8672 and
- 8673 (B) their performance in representing Utah's interests; and
- 8674 (iii) the members' collective or individual endorsement or rating of a particular
- 8675 candidate for United States Senate from Utah.

8676 (3) If, in accordance with a political party's constitution or bylaws, a person files a

8677 declaration or otherwise notifies the party of the person's candidacy as a legislative

8678 office candidate or state office candidate, as defined in Section 20A-11-101, to be

8679 appointed and fill a midterm vacancy in the office of representative or senator in the

8680 Legislature, as described in Section 20A-1-503, or in a state office as described in

8681 Section 20A-1-504, the party shall forward a copy of that declaration or notification to

8682 the [~~lieutenant governor~~] director before 5 p.m. no later than the day following the day on

8683 which the party receives the declaration or notification.

8684 Section 147. Section **20A-8-402** is amended to read:

8685 **20A-8-402 . Political party officers -- Submission of names of officers to the**

8686 **director.**

8687 (1) Each state political party shall:

8688 (a) designate a party officer to act as liaison with:

8689 (i) the [~~lieutenant governor's~~] office; and

8690 (ii) each county legislative body; and

8691 (b) before 5 p.m. no later than seven days after the day on which the party makes a

8692 change in the party liaison, submit the name of the new liaison to the [~~lieutenant~~

8693 ~~governor~~] director.

8694 (2) Each state political party and each county political party shall:

8695 (a) submit the name, address, and phone number of each officer to the [~~lieutenant~~

8696 ~~governor~~] director within seven days after the officers are selected; and

8697 (b) before 5 p.m. no later than seven days after the day on which the party makes a

8698 change in party officers, submit the name, address, and phone number of each new

8699 officer to the [~~lieutenant governor~~] director.

8700 Section 148. Section **20A-8-402.5** is amended to read:

8701 **20A-8-402.5 . Notification of political convention dates.**

8702 (1) Before 5 p.m. no later than the first Monday of October of each odd-numbered year, a
8703 registered political party shall notify the [~~lieutenant governor~~] director of the dates of
8704 each political convention that will be held by the registered political party the following
8705 year.

8706 (2) If, after providing the notice described in Subsection (1), a registered political party
8707 changes the date of a political convention, the registered political party shall notify the [
8708 ~~lieutenant governor~~] director of the change before 5 p.m. no later than one business day
8709 after the day on which the registered political party makes the change.

8710 Section 149. Section **20A-8-403** is amended to read:

8711 **20A-8-403 . Political parties -- Certification.**

8712 When this title requires that a registered political party certify information to the [
8713 ~~lieutenant governor~~] director, the registered political party has met that requirement if the
8714 information is signed by the registered political party's designated liaison or the registered
8715 political party's chair.

8716 Section 150. Section **20A-9-101** is amended to read:

8717 **20A-9-101 . Definitions.**

8718 As used in this chapter:

8719 (1)(a) "Candidates for elective office" means persons who file a declaration of candidacy
8720 under Section 20A-9-202 to run in a regular general election for a federal office,
8721 constitutional office, multicounty office, or county office.

8722 (b) "Candidates for elective office" does not mean candidates for:

8723 (i) justice or judge of court of record or not of record;

8724 (ii) presidential elector;

8725 (iii) any political party offices; and

8726 (iv) municipal or special district offices.

8727 (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney
8728 general, state auditor, and state treasurer.

8729 (3) "Continuing political party" means the same as that term is defined in Section
8730 20A-8-101.

8731 (4)(a) "County office" means an elective office where the officeholder is selected by
8732 voters entirely within one county.

8733 (b) "County office" does not mean:

8734 (i) the office of justice or judge of any court of record or not of record;

- 8735 (ii) the office of presidential elector;
- 8736 (iii) any political party offices;
- 8737 (iv) any municipal or special district offices; and
- 8738 (v) the office of United States Senator and United States Representative.
- 8739 (5) "Electronic candidate qualification process" means:
- 8740 (a) as it relates to a registered political party that is not a qualified political party, the
- 8741 process for gathering signatures electronically to seek the nomination of a registered
- 8742 political party, described in:
- 8743 (i) Section 20A-9-403;
- 8744 (ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and
- 8745 (iii) Section 20A-21-201; and
- 8746 (b) as it relates to a qualified political party, the process, for gathering signatures
- 8747 electronically to seek the nomination of a registered political party, described in:
- 8748 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
- 8749 (ii) Section 20A-9-408; and
- 8750 (iii) Section 20A-21-201.
- 8751 (6) "Federal office" means an elective office for United States Senator and United States
- 8752 Representative.
- 8753 (7) "Filing officer" means:
- 8754 (a) the [~~lieutenant governor~~] director, for:
- 8755 (i) the office of United States Senator and United States Representative; and
- 8756 (ii) all constitutional offices;
- 8757 (b) for the office of a state senator, state representative, or the state school board, the [~~lieutenant governor~~] director or the applicable clerk described in Subsection (7)(c) or
- 8758 (d);
- 8759 (c) the county clerk, for county offices and local school district offices;
- 8760 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 8761 (e) the city or town clerk, for municipal offices; or
- 8762 (f) the special district clerk, for special district offices.
- 8763 (8) "Local government office" includes county offices, municipal offices, and special
- 8764 district offices and other elective offices selected by the voters from a political division
- 8765 entirely within one county.
- 8766 (9) "Manual candidate qualification process" means the process for gathering signatures to
- 8767 seek the nomination of a registered political party, using paper signature packets that a
- 8768

- 8769 signer physically signs.
- 8770 (10)(a) "Multicounty office" means an elective office where the officeholder is selected
8771 by the voters from more than one county.
- 8772 (b) "Multicounty office" does not mean:
- 8773 (i) a county office;
- 8774 (ii) a federal office;
- 8775 (iii) the office of justice or judge of any court of record or not of record;
- 8776 (iv) the office of presidential elector;
- 8777 (v) any political party offices; or
- 8778 (vi) any municipal or special district offices.
- 8779 (11) "Municipal office" means an elective office in a municipality.
- 8780 (12)(a) "Political division" means a geographic unit from which an officeholder is
8781 elected and that an officeholder represents.
- 8782 (b) "Political division" includes a county, a city, a town, a special district, a school
8783 district, a legislative district, and a county prosecution district.
- 8784 (13) "Qualified political party" means a registered political party that:
- 8785 (a)(i) permits a delegate for the registered political party to vote on a candidate
8786 nomination in the registered political party's convention remotely; or
- 8787 (ii) provides a procedure for designating an alternate delegate if a delegate is not
8788 present at the registered political party's convention;
- 8789 (b) does not hold the registered political party's convention before the fourth Saturday in
8790 March of an even-numbered year;
- 8791 (c) permits a member of the registered political party to seek the registered political
8792 party's nomination for any elective office by the member choosing to seek the
8793 nomination by either or both of the following methods:
- 8794 (i) seeking the nomination through the registered political party's convention process,
8795 in accordance with the provisions of Section 20A-9-407; or
- 8796 (ii) seeking the nomination by collecting signatures, in accordance with the
8797 provisions of Section 20A-9-408; and
- 8798 (d)(i) if the registered political party is a continuing political party, no later than 5
8799 p.m. on the first Monday of October of an odd-numbered year, certifies to the [
8800 ~~lieutenant governor~~] director that, for the election in the following year, the
8801 registered political party intends to nominate the registered political party's
8802 candidates in accordance with the provisions of Section 20A-9-406; or

8803 (ii) if the registered political party is not a continuing political party, certifies at the
 8804 time that the registered political party files the petition described in Section
 8805 20A-8-103 that, for the next election, the registered political party intends to
 8806 nominate the registered political party's candidates in accordance with the
 8807 provisions of Section 20A-9-406.

8808 (14) "Signature," as it relates to a petition for a candidate to seek the nomination of a
 8809 registered political party, means:

8810 (a) when using the manual candidate qualification process, a holographic signature
 8811 collected physically on a nomination petition described in Subsection 20A-9-405(3);

8812 or

8813 (b) when using the electronic candidate qualification process:

8814 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

8815 (ii) a holographic signature collected electronically under Subsection 20A-21-201
 8816 (6)(c)(ii)(B).

8817 (15) "Special district office" means an elected office in a special district.

8818 Section 151. Section **20A-9-201** is amended to read:

8819 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**
 8820 **of more than one political party prohibited with exceptions -- General filing and form**
 8821 **requirements -- Affidavit of impecuniosity.**

8822 (1) Before filing a declaration of candidacy for election to any office, an individual shall:

8823 (a) be a United States citizen;

8824 (b) meet the legal requirements of that office; and

8825 (c) if seeking a registered political party's nomination as a candidate for elective office,
 8826 state:

8827 (i) the registered political party of which the individual is a member; or

8828 (ii) that the individual is not a member of a registered political party.

8829 (2)(a) Except as provided in Subsection (2)(b), an individual may not:

8830 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
 8831 Utah during any election year;

8832 (ii) appear on the ballot as the candidate of more than one political party; or

8833 (iii) file a declaration of candidacy for a registered political party of which the
 8834 individual is not a member, except to the extent that the registered political party
 8835 permits otherwise in the registered political party's bylaws.

8836 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,

- 8837 president or vice president of the United States and another office, if the
8838 individual resigns the individual's candidacy for the other office after the
8839 individual is officially nominated for president or vice president of the United
8840 States.
- 8841 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
8842 than one justice court judge office.
- 8843 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
8844 the individual filed a declaration of candidacy for another office in the same
8845 election year if the individual withdraws as a candidate for the other office in
8846 accordance with Subsection 20A-9-202(6) before filing the declaration of
8847 candidacy for lieutenant governor.
- 8848 (3)(a) Except for a candidate for president or vice president of the United States, before
8849 the filing officer may accept any declaration of candidacy, the filing officer shall:
- 8850 (i) read to the individual the constitutional and statutory qualification requirements
8851 for the office that the individual is seeking;
- 8852 (ii) require the individual to state whether the individual meets the requirements
8853 described in Subsection (3)(a)(i);
- 8854 (iii) if the declaration of candidacy is for a county office, inform the individual that
8855 an individual who holds a county elected office may not, at the same time, hold a
8856 municipal elected office; and
- 8857 (iv) if the declaration of candidacy is for a legislative office, inform the individual
8858 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
8859 public office of profit or trust, under authority of the United States or Utah, from
8860 being a member of the Legislature.
- 8861 (b) Before accepting a declaration of candidacy for the office of county attorney, the
8862 county clerk shall ensure that the individual filing that declaration of candidacy is:
- 8863 (i) a United States citizen;
- 8864 (ii) an attorney licensed to practice law in the state who is an active member in good
8865 standing of the Utah State Bar;
- 8866 (iii) a registered voter in the county in which the individual is seeking office; and
- 8867 (iv) a current resident of the county in which the individual is seeking office and
8868 either has been a resident of that county for at least one year before the date of the
8869 election or was appointed and is currently serving as county attorney and became
8870 a resident of the county within 30 days after appointment to the office.

- 8871 (c) Before accepting a declaration of candidacy for the office of district attorney, the
8872 county clerk shall ensure that, as of the date of the election, the individual filing that
8873 declaration of candidacy is:
- 8874 (i) a United States citizen;
 - 8875 (ii) an attorney licensed to practice law in the state who is an active member in good
8876 standing of the Utah State Bar;
 - 8877 (iii) a registered voter in the prosecution district in which the individual is seeking
8878 office; and
 - 8879 (iv) a current resident of the prosecution district in which the individual is seeking
8880 office and either will have been a resident of that prosecution district for at least
8881 one year before the date of the election or was appointed and is currently serving
8882 as district attorney and became a resident of the prosecution district within 30
8883 days after receiving appointment to the office.
- 8884 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
8885 county clerk shall ensure that the individual filing the declaration:
- 8886 (i) is a United States citizen;
 - 8887 (ii) is a registered voter in the county in which the individual seeks office;
 - 8888 (iii)(A) has successfully met the standards and training requirements established
8889 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
8890 Training and Certification Act; or
8891 (B) has met the waiver requirements in Section 53-6-206;
 - 8892 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
8893 53-13-103; and
 - 8894 (v) before the date of the election, will have been a resident of the county in which
8895 the individual seeks office for at least one year.
- 8896 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
8897 governor, state auditor, state treasurer, attorney general, state legislator, or State
8898 Board of Education member, the filing officer shall ensure that the individual filing
8899 the declaration of candidacy also makes the conflict of interest disclosure described
8900 in Section 20A-11-1603.
- 8901 (4) If an individual who files a declaration of candidacy does not meet the qualification
8902 requirements for the office the individual is seeking, the filing officer may not accept the
8903 individual's declaration of candidacy.
- 8904 (5) If an individual who files a declaration of candidacy meets the requirements described

- 8905 in Subsection (3), the filing officer shall:
- 8906 (a) inform the individual that:
- 8907 (i) the individual's name will appear on the ballot as the individual's name is written
- 8908 on the individual's declaration of candidacy;
- 8909 (ii) the individual may be required to comply with state or local campaign finance
- 8910 disclosure laws; and
- 8911 (iii) the individual is required to file a financial statement before the individual's
- 8912 political convention under:
- 8913 (A) Section 20A-11-204 for a candidate for constitutional office;
- 8914 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 8915 (C) local campaign finance disclosure laws, if applicable;
- 8916 (b) except for a presidential candidate, provide the individual with a copy of the current
- 8917 campaign financial disclosure laws for the office the individual is seeking and inform
- 8918 the individual that failure to comply will result in disqualification as a candidate and
- 8919 removal of the individual's name from the ballot;
- 8920 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the
- 8921 Statewide Electronic Voter Information Website Program and inform the
- 8922 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 8923 (ii) inform the individual that the individual must provide the filing officer with an
- 8924 email address that the individual actively monitors:
- 8925 (A) to receive a communication from a filing officer or an election officer; and
- 8926 (B) if the individual wishes to display a candidate profile on the Statewide
- 8927 Electronic Voter Information Website, to submit to the website the
- 8928 biographical and other information described in Subsection 20A-7-801
- 8929 (4)(a)(ii);
- 8930 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
- 8931 not a record under Title 63G, Chapter 2, Government Records Access and
- 8932 Management Act; and
- 8933 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 8934 (d) provide the candidate with a copy of the pledge of fair campaign practices described
- 8935 under Section 20A-9-206 and inform the candidate that:
- 8936 (i) signing the pledge is voluntary; and
- 8937 (ii) signed pledges shall be filed with the filing officer;
- 8938 (e) accept the individual's declaration of candidacy; and

8939 (f) if the individual has filed for a partisan office, provide a certified copy of the
 8940 declaration of candidacy to the chair of the county or state political party of which the
 8941 individual is a member.

8942 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 8943 shall:

8944 (a) accept the candidate's pledge; and

8945 (b) if the candidate has filed for a partisan office, provide a certified copy of the
 8946 candidate's pledge to the chair of the county or state political party of which the
 8947 candidate is a member.

8948 (7)(a) Except for a candidate for president or vice president of the United States, the
 8949 form of the declaration of candidacy shall:

8950 (i) be substantially as follows:

8951 "State of Utah, County of ____

8952 I, _____, declare my candidacy for the office of _____, seeking the
 8953 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet
 8954 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at
 8955 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 8956 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
 8957 I will be out of the state of Utah during the entire candidate filing period; I will file all
 8958 campaign financial disclosure reports as required by law; and I understand that failure to do so
 8959 will result in my disqualification as a candidate for this office and removal of my name from
 8960 the ballot. The mailing address that I designate for receiving official election notices is
 8961 _____.

8962 _____

8963 Subscribed and sworn before me this _____(month\day\year).

8964 Notary Public (or other officer qualified to administer oath)."; and

8965 (ii) require the candidate to state, in the sworn statement described in Subsection

8966 (7)(a)(i):

8967 (A) the registered political party of which the candidate is a member; or

8968 (B) that the candidate is not a member of a registered political party.

8969 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
 8970 candidacy may not sign the form described in Subsection (7)(a) or Section
 8971 20A-9-408.5.

8972 (8)(a) Except for a candidate for president or vice president of the United States, the fee

- 8973 for filing a declaration of candidacy is:
- 8974 (i) \$50 for candidates for the local school district board; and
- 8975 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
- 8976 person holding the office for all other federal, state, and county offices.
- 8977 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any
- 8978 candidate:
- 8979 (i) who is disqualified; or
- 8980 (ii) who the filing officer determines has filed improperly.
- 8981 (c)(i) The county clerk shall immediately pay to the county treasurer all fees received
- 8982 from candidates.
- 8983 (ii) The [~~lieutenant governor~~] director shall:
- 8984 (A) apportion to and pay to the county treasurers of the various counties all fees
- 8985 received for filing of nomination certificates or acceptances; and
- 8986 (B) ensure that each county receives that proportion of the total amount paid to the [
- 8987 ~~lieutenant governor~~] director from the congressional district that the total vote
- 8988 of that county for all candidates for representative in Congress bears to the total
- 8989 vote of all counties within the congressional district for all candidates for
- 8990 representative in Congress.
- 8991 (d)(i) A person who is unable to pay the filing fee may file a declaration of candidacy
- 8992 without payment of the filing fee upon a prima facie showing of impecuniosity as
- 8993 evidenced by an affidavit of impecuniosity filed with the filing officer and, if
- 8994 requested by the filing officer, a financial statement filed at the time the affidavit
- 8995 is submitted.
- 8996 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 8997 (iii)(A) False statements made on an affidavit of impecuniosity or a financial
- 8998 statement filed under this section shall be subject to the criminal penalties
- 8999 provided under Sections 76-8-503 and 76-8-504 and any other applicable
- 9000 criminal provision.
- 9001 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
- 9002 considered an offense under this title for the purposes of assessing the penalties
- 9003 provided in Subsection 20A-1-609(2).
- 9004 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially
- 9005 the following form:
- 9006 "Affidavit of Impecuniosity

9007 Individual Name
 9008 _____Address_____

9009 Phone Number _____

9010 I, _____(name), do solemnly [swear] [affirm], under penalty of
 9011 law for false statements, that, owing to my poverty, I am unable to pay the filing fee required
 9012 by law.

9013 Date _____

9014 Signature_____ Affiant

9015 Subscribed and sworn to before me on _____ (month\day\year)

9016 _____

9017 (signature)

9018 Name and Title of Officer Authorized to Administer Oath _____".

9019 (v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a
 9020 statement printed in substantially the following form, which may be included on the affidavit
 9021 of impecuniosity:

9022 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
 9023 candidate who is found guilty of filing a false statement, in addition to being subject to
 9024 criminal penalties, will be removed from the ballot."

9025 (vi) The filing officer may request that a person who makes a claim of impecuniosity
 9026 under this Subsection (8)(d) file a financial statement on a form prepared by the
 9027 election official.

9028 (9) An individual who fails to file a declaration of candidacy or certificate of nomination
 9029 within the time provided in this chapter is ineligible for nomination to office.

9030 (10) A declaration of candidacy filed under this section may not be amended or modified
 9031 after the final date established for filing a declaration of candidacy.

9032 Section 152. Section **20A-9-202** is amended to read:

9033 **20A-9-202 . Declarations of candidacy for regular general elections.**

9034 (1)(a) An individual seeking to become a candidate for an elective office that is to be
 9035 filled at the next regular general election shall:

- 9036 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person
- 9037 with the filing officer on or after January 1 of the regular general election year,
- 9038 and, if applicable, before the individual circulates nomination petitions under
- 9039 Section 20A-9-405; and
- 9040 (ii) pay the filing fee.

- 9041 (b) Unless expressly provided otherwise in this title, for a registered political party that
9042 is not a qualified political party, the deadline for filing a declaration of candidacy for
9043 an elective office that is to be filled at the next regular general election is 5 p.m. on
9044 the first Monday after the fourth Saturday in April.
- 9045 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
9046 a declaration of candidacy with the filing officer if:
- 9047 (i) the individual is located outside of the state during the entire filing period;
9048 (ii) the designated agent appears in person before the filing officer;
9049 (iii) the individual communicates with the filing officer using an electronic device
9050 that allows the individual and filing officer to see and hear each other; and
9051 (iv) the individual provides the filing officer with an email address to which the filing
9052 officer may send the individual the copies described in Subsection 20A-9-201(5).
- 9053 (d) Each county clerk who receives a declaration of candidacy from a candidate for
9054 multicounty office shall transmit the filing fee and a copy of the candidate's
9055 declaration of candidacy to the [~~lieutenant governor~~] director within one business day
9056 after the candidate files the declaration of candidacy.
- 9057 (e) Each day during the filing period, each county clerk shall notify the [~~lieutenant~~
9058 ~~governor~~] director electronically or by telephone of candidates who have filed a
9059 declaration of candidacy with the county clerk.
- 9060 (f) Each individual seeking the office of lieutenant governor, the office of district
9061 attorney, or the office of president or vice president of the United States shall comply
9062 with the specific declaration of candidacy requirements established by this section.
- 9063 (2)(a) Each individual intending to become a candidate for the office of district attorney
9064 within a multicounty prosecution district that is to be filled at the next regular general
9065 election shall:
- 9066 (i) file a declaration of candidacy with the clerk designated in the interlocal
9067 agreement creating the prosecution district on or after January 1 of the regular
9068 general election year, and before the individual circulates nomination petitions
9069 under Section 20A-9-405; and
9070 (ii) pay the filing fee.
- 9071 (b) The designated clerk shall provide to the county clerk of each county in the
9072 prosecution district a certified copy of each declaration of candidacy filed for the
9073 office of district attorney.
- 9074 (3)(a) Before the deadline described in Subsection (1)(b), each lieutenant governor

- 9075 candidate shall:
- 9076 (i) file a declaration of candidacy with the [~~lieutenant governor~~] director;
- 9077 (ii) pay the filing fee; and
- 9078 (iii) submit a letter from a candidate for governor who has received certification for
- 9079 the primary-election ballot under Section 20A-9-403 that names the lieutenant
- 9080 governor candidate as a joint-ticket running mate.
- 9081 (b)(i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 9082 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file
- 9083 to replace the disqualified candidate.
- 9084 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 9085 (a) certify the names of the political party's candidates for president and vice president of
- 9086 the United States to the [~~lieutenant governor~~] director; or
- 9087 (b) provide written authorization for the [~~lieutenant governor~~] director to accept the
- 9088 certification of candidates for president and vice president of the United States from
- 9089 the national office of the registered political party.
- 9090 (5)(a) A declaration of candidacy filed under this section is valid unless a written
- 9091 objection is filed with the clerk or [~~lieutenant governor~~] the director before 5 p.m. on
- 9092 the last business day that is at least 10 days before the deadline described in
- 9093 Subsection 20A-9-409(4)(c).
- 9094 (b) If an objection is made, the clerk or [~~lieutenant governor~~] the director shall:
- 9095 (i) mail or personally deliver notice of the objection to the affected candidate
- 9096 immediately; and
- 9097 (ii) decide any objection within 48 hours after it is filed.
- 9098 (c) If the clerk or [~~lieutenant governor~~] the director sustains the objection, the candidate
- 9099 may cure the problem by amending the declaration or petition before 5 p.m. within
- 9100 three days after the day on which the objection is sustained or by filing a new
- 9101 declaration before 5 p.m. within three days after the day on which the objection is
- 9102 sustained.
- 9103 (d)(i) The clerk's or [~~lieutenant governor's~~] the director's decision upon objections to
- 9104 form is final.
- 9105 (ii) The clerk's or [~~lieutenant governor's~~] the director's decision upon substantive
- 9106 matters is reviewable by a district court if prompt application is made to the court.
- 9107 (iii) The decision of the district court is final unless the Supreme Court, in the
- 9108 exercise of its discretion, agrees to review the lower court decision.

9109 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing
9110 a written affidavit with the clerk.

9111 (7)(a) Except for a candidate who is certified by a registered political party under
9112 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later
9113 than August 31 of a general election year, each individual running as a candidate for
9114 vice president of the United States shall:

9115 (i) file a declaration of candidacy, in person or via a designated agent, on a form
9116 developed by the [~~lieutenant-governor~~] director, that:

9117 (A) contains the individual's name, address, and telephone number;

9118 (B) states that the individual meets the qualifications for the office of vice
9119 president of the United States;

9120 (C) names the presidential candidate, who has qualified for the general election
9121 ballot, with which the individual is running as a joint-ticket running mate;

9122 (D) states that the individual agrees to be the running mate of the presidential
9123 candidate described in Subsection (7)(a)(i)(C); and

9124 (E) contains any other necessary information identified by the [~~lieutenant-governor~~]
9125 director;

9126 (ii) pay the filing fee; and

9127 (iii) submit a letter from the presidential candidate described in Subsection
9128 (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice
9129 presidential candidate.

9130 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
9131 candidacy.

9132 (c) A vice presidential candidate who fails to meet the requirements described in this
9133 Subsection (7) may not appear on the general election ballot.

9134 (8) An individual filing a declaration of candidacy for president or vice president of the
9135 United States shall pay a filing fee of \$500.

9136 Section 153. Section **20A-9-202.5** is amended to read:

9137 **20A-9-202.5 . Declaration of candidacy -- Presidential primary election.**

9138 (1) As used in this section:

9139 (a) "Presidential candidate" means a person seeking nomination for President of the
9140 United States from a Utah registered political party.

9141 (b) "Utah registered political party" means a political party that has complied with the
9142 requirements of Chapter 8, Political Party Formation and Procedures, to become a

9143 political party officially recognized by the state.

9144 (2) Each presidential candidate, or the candidate's designated agent, shall file a declaration
9145 of candidacy with the [~~lieutenant governor~~] director as provided in Section 20A-9-803,
9146 for participation in the presidential primary election.

9147 Section 154. Section **20A-9-203** is amended to read:

9148 **20A-9-203 . Declarations of candidacy -- Municipal general elections --**
9149 **Nomination petition -- Removal of signature.**

9150 (1) An individual may become a candidate for any municipal office if:

9151 (a) the individual is a registered voter; and

9152 (b)(i) the individual has resided within the municipality in which the individual seeks
9153 to hold elective office for the 12 consecutive months immediately before the date
9154 of the election; or

9155 (ii) the territory in which the individual resides was annexed into the municipality,
9156 the individual has resided within the annexed territory or the municipality the 12
9157 consecutive months immediately before the date of the election.

9158 (2)(a) For purposes of determining whether an individual meets the residency
9159 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than
9160 12 months before the election, the municipality is considered to have been
9161 incorporated 12 months before the date of the election.

9162 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
9163 council position shall, if elected from a district, be a resident of the council district
9164 from which the candidate is elected.

9165 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
9166 individual, an individual convicted of a felony, or an individual convicted of treason
9167 or a crime against the elective franchise may not hold office in this state until the
9168 right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

9169 (3)(a) An individual seeking to become a candidate for a municipal office shall,
9170 regardless of the nomination method by which the individual is seeking to become a
9171 candidate:

9172 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
9173 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
9174 declaration of candidacy, in person with the city recorder or town clerk, during the
9175 office hours described in Section 10-3-301 and not later than the close of those
9176 office hours, between June 1 and June 7 of any odd-numbered year; and

- 9177 (ii) pay the filing fee, if one is required by municipal ordinance.
- 9178 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
9179 declaration of candidacy with the city recorder or town clerk if:
- 9180 (i) the individual is located outside of the state during the entire filing period;
- 9181 (ii) the designated agent appears in person before the city recorder or town clerk;
- 9182 (iii) the individual communicates with the city recorder or town clerk using an
9183 electronic device that allows the individual and city recorder or town clerk to see
9184 and hear each other; and
- 9185 (iv) the individual provides the city recorder or town clerk with an email address to
9186 which the city recorder or town clerk may send the individual the copies described
9187 in Subsection (4).
- 9188 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 9189 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
9190 Project, filing a nomination petition with the city recorder or town clerk during the
9191 office hours described in Section 10-3-301 and not later than the close of those
9192 office hours, between June 1 and June 7 of any odd-numbered year that includes
9193 signatures in support of the nomination petition of the lesser of at least:
- 9194 (A) 25 registered voters who reside in the municipality; or
- 9195 (B) 20% of the registered voters who reside in the municipality; and
- 9196 (ii) paying the filing fee, if one is required by municipal ordinance.
- 9197 (4)(a) Before the filing officer may accept any declaration of candidacy or nomination
9198 petition, the filing officer shall:
- 9199 (i) read to the prospective candidate or individual filing the petition the constitutional
9200 and statutory qualification requirements for the office that the candidate is seeking;
- 9201 (ii) require the candidate or individual filing the petition to state whether the
9202 candidate meets the requirements described in Subsection (4)(a)(i); and
- 9203 (iii) inform the candidate or the individual filing the petition that an individual who
9204 holds a municipal elected office may not, at the same time, hold a county elected
9205 office.
- 9206 (b) If the prospective candidate does not meet the qualification requirements for the
9207 office, the filing officer may not accept the declaration of candidacy or nomination
9208 petition.
- 9209 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
9210 filing officer shall:

- 9211 (i) inform the candidate that the candidate's name will appear on the ballot as it is
 9212 written on the declaration of candidacy;
- 9213 (ii) provide the candidate with a copy of the current campaign financial disclosure
 9214 laws for the office the candidate is seeking and inform the candidate that failure to
 9215 comply will result in disqualification as a candidate and removal of the candidate's
 9216 name from the ballot;
- 9217 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
 9218 Electronic Voter Information Website Program and inform the candidate of the
 9219 submission deadline under Subsection 20A-7-801(4)(a);
- 9220 (iv) inform the candidate that the candidate must provide the filing officer with an
 9221 email address that the candidate actively monitors:
- 9222 (A) to receive a communication from a filing officer or an election officer; and
 9223 (B) if the candidate wishes to display a candidate profile on the Statewide
 9224 Electronic Voter Information Website, to submit to the website the
 9225 biographical and other information described in Subsection 20A-7-801
 9226 (4)(a)(ii);
- 9227 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
 9228 not a record under Title 63G, Chapter 2, Government Records Access and
 9229 Management Act;
- 9230 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 9231 (vii) provide the candidate with a copy of the pledge of fair campaign practices
 9232 described under Section 20A-9-206 and inform the candidate that:
- 9233 (A) signing the pledge is voluntary; and
 9234 (B) signed pledges shall be filed with the filing officer; and
- 9235 (viii) accept the declaration of candidacy or nomination petition.
- 9236 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 9237 shall:
- 9238 (i) accept the candidate's pledge; and
 9239 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
 9240 candidate's pledge to the chair of the county or state political party of which the
 9241 candidate is a member.
- 9242 (5)(a) The declaration of candidacy shall be in substantially the following form:
- 9243 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
 9244 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number

9245 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____
 9246 (stating the term). I will meet the legal qualifications required of candidates for this office. If
 9247 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
 9248 candidate filing period. I will file all campaign financial disclosure reports as required by law
 9249 and I understand that failure to do so will result in my disqualification as a candidate for this
 9250 office and removal of my name from the ballot. I request that my name be printed upon the
 9251 applicable official ballots. (Signed) _____

9252 Subscribed and sworn to (or affirmed) before me by ____ on this
 9253 _____(month\day\year).

9254 (Signed) _____ (Clerk or other officer qualified to administer oath)."

9255 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
 9256 not sign the form described in Subsection (5)(a).

9257 (c)(i) A nomination petition shall be in substantially the following form:

9258 "NOMINATION PETITION

9259 The undersigned residents of (name of municipality), being registered voters, nominate
 9260 (name of nominee) for the office of (name of office) for the (length of term of office)."

9261 (ii) The remainder of the petition shall contain lines and columns for the signatures of
 9262 individuals signing the petition and each individual's address and phone number.

9263 (6) If the declaration of candidacy or nomination petition fails to state whether the
 9264 nomination is for the two-year or four-year term, the clerk shall consider the nomination
 9265 to be for the four-year term.

9266 (7)(a)(i) The clerk shall verify with the county clerk that all candidates are registered
 9267 voters.

9268 (b) With the assistance of the county clerk, and using the procedures described in
 9269 Section 20A-1-1002, the municipal clerk shall determine whether the required
 9270 number of signatures of registered voters appears on a nomination petition.

9271 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk
 9272 shall:

9273 (a) publicize a list of the names of the candidates as they will appear on the ballot by
 9274 publishing the list for the municipality, as a class A notice under Section 63G-30-102,
 9275 for seven days; and

9276 (b) notify the [~~lieutenant governor~~] director of the names of the candidates as they will
 9277 appear on the ballot.

9278 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of

9279 candidacy or nomination petition filed under this section after the candidate filing period
9280 ends.

9281 (10)(a) A declaration of candidacy or nomination petition that an individual files under
9282 this section is valid unless a person files a written objection with the clerk before 5
9283 p.m. within 10 days after the last day for filing.

9284 (b) If a person files an objection, the clerk shall:

9285 (i) mail or personally deliver notice of the objection to the affected candidate
9286 immediately; and

9287 (ii) decide any objection within 48 hours after the objection is filed.

9288 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days
9289 after the day on which the clerk sustains the objection, correct the problem for which
9290 the objection is sustained by amending the candidate's declaration of candidacy or
9291 nomination petition, or by filing a new declaration of candidacy.

9292 (d)(i) The clerk's decision upon objections to form is final.

9293 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
9294 prompt application is made to the district court.

9295 (iii) The decision of the district court is final unless the Supreme Court, in the
9296 exercise of its discretion, agrees to review the lower court decision.

9297 (11) A candidate who qualifies for the ballot under this section may withdraw as a
9298 candidate by filing a written affidavit with the municipal clerk.

9299 (12)(a) A voter who signs a nomination petition under this section may have the voter's
9300 signature removed from the petition by, no later than three business days after the day
9301 on which the petition is filed with the city recorder or municipal clerk, submitting to
9302 the municipal clerk a statement requesting that the voter's signature be removed.

9303 (b) A statement described in Subsection (12)(a) shall comply with the requirements
9304 described in Subsection 20A-1-1003(2).

9305 (c) With the assistance of the county clerk and using the procedures described in
9306 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
9307 individual's signature from a petition after receiving a timely, valid statement
9308 requesting removal of the signature.

9309 Section 155. Section **20A-9-402** is amended to read:

9310 **20A-9-402 . General requirements for all primary elections.**

9311 (1) Except as provided in Subsection (2), the [~~lieutenant governor~~] director, county clerks,
9312 and election judges shall follow the procedures and requirements of this title in

9313 administering primary elections.

9314 (2) If there is any conflict between any provision of this part and any other sections in [~~Title~~
9315 ~~20A, Election Code~~] this title, this part takes precedence.

9316 Section 156. Section **20A-9-403** is amended to read:

9317 **20A-9-403 . Regular primary elections.**

9318 (1)(a) Candidates for elective office that are to be filled at the next regular general
9319 election shall be nominated in a regular primary election by direct vote of the people
9320 in the manner prescribed in this section. The regular primary election is held on the
9321 date specified in Section 20A-1-201.5. Nothing in this section shall affect a
9322 candidate's ability to qualify for a regular general election's ballot as an unaffiliated
9323 candidate under Section 20A-9-501 or to participate in a regular general election as a
9324 write-in candidate under Section 20A-9-601.

9325 (b) Each registered political party that chooses to have the names of the registered
9326 political party's candidates for elective office featured with party affiliation on the
9327 ballot at a regular general election shall comply with the requirements of this section
9328 and shall nominate the registered political party's candidates for elective office in the
9329 manner described in this section.

9330 (c) A filing officer may not permit an official ballot at a regular general election to be
9331 produced or used if the ballot denotes affiliation between a registered political party
9332 or any other political group and a candidate for elective office who is not nominated
9333 in the manner prescribed in this section or in Subsection 20A-9-202(4).

9334 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
9335 even-numbered year in which a regular general election will be held.

9336 (2)(a) Each registered political party, in a statement filed with the [~~lieutenant governor~~]
9337 director, shall:

9338 (i) either declare the registered political party's intent to participate in the next regular
9339 primary election or declare that the registered political party chooses not to have
9340 the names of the registered political party's candidates for elective office featured
9341 on the ballot at the next regular general election; and

9342 (ii) if the registered political party participates in the upcoming regular primary
9343 election, identify one or more registered political parties whose members may
9344 vote for the registered political party's candidates and whether individuals
9345 identified as unaffiliated with a political party may vote for the registered political
9346 party's candidates.

- 9347 (b)(i) A registered political party that is a continuing political party shall file the
9348 statement described in Subsection (2)(a) with the [~~lieutenant governor~~] director no
9349 later than 5 p.m. on November 30 of each odd-numbered year.
- 9350 (ii) An organization that is seeking to become a registered political party under
9351 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
9352 time that the registered political party files the petition described in Section
9353 20A-8-103.
- 9354 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration
9355 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
9356 on the regular primary ballot of the registered political party listed on the declaration
9357 of candidacy only if the individual is certified by the appropriate filing officer as
9358 having submitted a nomination petition that was:
- 9359 (i) circulated and completed in accordance with Section 20A-9-405; and
9360 (ii) signed by at least 2% of the registered political party's members who reside in the
9361 political division of the office that the individual seeks.
- 9362 (b)(i) A candidate for elective office shall submit signatures for a nomination petition
9363 to the appropriate filing officer for verification and certification no later than 5
9364 p.m. on the final day in March.
- 9365 (ii) A candidate may supplement the candidate's submissions at any time on or before
9366 the filing deadline.
- 9367 (c)(i) The [~~lieutenant governor~~] director shall determine for each elective office the
9368 total number of signatures that must be submitted under Subsection (3)(a)(ii) or
9369 20A-9-408(8) by counting the aggregate number of individuals residing in each
9370 elective office's political division who have designated a particular registered
9371 political party on the individuals' voter registration forms on or before November
9372 15 of each odd-numbered year.
- 9373 (ii) The [~~lieutenant governor~~] director shall publish the determination for each elective
9374 office no later than November 30 of each odd-numbered year.
- 9375 (d) The filing officer shall:
- 9376 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
9377 nomination petitions in a transparent and orderly manner, no later than 14 days
9378 after the day on which a candidate submits the signatures to the filing officer;
- 9379 (ii) for all qualifying candidates for elective office who submit nomination petitions
9380 to the filing officer, issue certifications referenced in Subsection (3)(a) no later

- 9381 than the deadline described in Subsection 20A-9-202(1)(b);
- 9382 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 9383 (iv) consider an individual who signs a nomination petition a member of a registered
- 9384 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
- 9385 that registered political party as the individual's party membership on the
- 9386 individual's voter registration form; and
- 9387 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
- 9388 the county clerk as applicable, use the procedures described in Section 20A-1-1002
- 9389 to verify submitted nomination petition signatures, or use statistical sampling
- 9390 procedures to verify submitted nomination petition signatures in accordance with
- 9391 rules made under Subsection (3)(f).
- 9392 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
- 9393 governor may appear on the regular primary ballot of a registered political party
- 9394 without submitting nomination petitions if the candidate files a declaration of
- 9395 candidacy and complies with Subsection 20A-9-202(3).
- 9396 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 9397 director of elections, within the [~~Office of the Lieutenant Governor~~] office, may make
- 9398 rules that:
- 9399 (i) provide for the use of statistical sampling procedures that:
- 9400 (A) filing officers are required to use to verify signatures under Subsection (3)(d);
- 9401 and
- 9402 (B) reflect a bona fide effort to determine the validity of a candidate's entire
- 9403 submission, using widely recognized statistical sampling techniques; and
- 9404 (ii) provide for the transparent, orderly, and timely submission, verification, and
- 9405 certification of nomination petition signatures.
- 9406 (g) The county clerk shall:
- 9407 (i) review the declarations of candidacy filed by candidates for local boards of
- 9408 education to determine if more than two candidates have filed for the same seat;
- 9409 (ii) place the names of all candidates who have filed a declaration of candidacy for a
- 9410 local board of education seat on the nonpartisan section of the ballot if more than
- 9411 two candidates have filed for the same seat; and
- 9412 (iii) determine the order of the local board of education candidates' names on the
- 9413 ballot in accordance with Section 20A-6-305.
- 9414 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the [~~lieutenant~~

9415 ~~governor]~~ director shall provide to the county clerks:

9416 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
9417 county, and county offices who have received certifications under Subsection (3),
9418 along with instructions on how those names shall appear on the primary election
9419 ballot in accordance with Section 20A-6-305; and

9420 (ii) a list of unopposed candidates for elective office who have been nominated by a
9421 registered political party under Subsection (5)(c) and instruct the county clerks to
9422 exclude the unopposed candidates from the primary election ballot.

9423 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
9424 joint-ticket running mates shall appear jointly on the primary election ballot.

9425 (c) After the county clerk receives the certified list from the [~~lieutenant governor]~~ director
9426 under Subsection (4)(a), the county clerk shall post or publish a primary election notice in
9427 substantially the following form:

9428 "Notice is given that a primary election will be held Tuesday, June _____,
9429 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
9430 local school board positions listed on the primary ballot. The polling place for voting precinct
9431 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
9432 Attest: county clerk."

9433 (5)(a) A candidate who, at the regular primary election, receives the highest number of
9434 votes cast for the office sought by the candidate is:

9435 (i) nominated for that office by the candidate's registered political party; or

9436 (ii) for a nonpartisan local school board position, nominated for that office.

9437 (b) If two or more candidates are to be elected to the office at the regular general
9438 election, those party candidates equal in number to positions to be filled who receive
9439 the highest number of votes at the regular primary election are the nominees of the
9440 candidates' party for those positions.

9441 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

9442 (A) no individual other than the candidate receives a certification under
9443 Subsection (3) for the regular primary election ballot of the candidate's
9444 registered political party for a particular elective office; or

9445 (B) for an office where more than one individual is to be elected or nominated, the
9446 number of candidates who receive certification under Subsection (3) for the
9447 regular primary election of the candidate's registered political party does not
9448 exceed the total number of candidates to be elected or nominated for that office.

- 9449 (ii) A candidate who is unopposed for an elective office in the regular primary
 9450 election of a registered political party is nominated by the party for that office
 9451 without appearing on the primary election ballot.
- 9452 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary
 9453 election provided for by this section, and all expenses necessarily incurred in the
 9454 preparation for or the conduct of that primary election shall be paid out of the treasury of
 9455 the county or state, in the same manner as for the regular general elections.
- 9456 (7) An individual may not file a declaration of candidacy for a registered political party of
 9457 which the individual is not a member, except to the extent that the registered political
 9458 party permits otherwise under the registered political party's bylaws.
- 9459 Section 157. Section **20A-9-405** is amended to read:
- 9460 **20A-9-405 . Nomination petitions for regular primary elections.**
- 9461 (1) This section applies to the form and circulation of nomination petitions for regular
 9462 primary elections described in Subsection 20A-9-403(3)(a).
- 9463 (2) A candidate for elective office, and the agents of the candidate, may not circulate
 9464 nomination petitions until the candidate has submitted a declaration of candidacy in
 9465 accordance with Subsection 20A-9-202(1).
- 9466 (3) For the manual candidate qualification process, the nomination petitions shall be in
 9467 substantially the following form:
- 9468 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;
- 9469 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the space
 9470 above that line blank for purposes of binding;
- 9471 (c) the petition shall be headed by a caption stating the purpose of the petition and the
 9472 name of the proposed candidate;
- 9473 (d) the petition shall feature the word "Warning" followed by the following statement in
 9474 no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone
 9475 to knowingly sign a nomination petition with any name other than the person's own
 9476 name, or more than once for the same candidate, or if the person is not registered to
 9477 vote in this state.";
- 9478 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively
 9479 numbered one through 10;
- 9480 (f) the signature portion of the petition shall be divided into columns headed by the
 9481 following titles:
- 9482 (i) Registered Voter's Printed Name;

- 9483 (ii) Signature of Registered Voter;
- 9484 (iii) Party Affiliation of Registered Voter;
- 9485 (iv) Birth Date or Age (Optional);
- 9486 (v) Street Address, City, Zip Code; and
- 9487 (vi) Date of Signature; and
- 9488 (g) a photograph of the candidate may appear on the nomination petition.
- 9489 (4) For the electronic candidate qualification process, the [~~lieutenant governor~~] director shall
- 9490 design an electronic form, using progressive screens, that includes:
- 9491 (a) the following warning:
- 9492 "Warning: It is a class A misdemeanor for anyone to knowingly sign a nomination
- 9493 petition with any name other than the person's own name, or more than once for the same
- 9494 candidate, or if the person is not registered to vote in this state."; and
- 9495 (b) the following information for each individual who signs the petition:
- 9496 (i) name;
- 9497 (ii) party affiliation;
- 9498 (iii) date of birth or age, (optional);
- 9499 (iv) street address, city, zip code;
- 9500 (v) date of signature;
- 9501 (vi) other information required under Section 20A-21-201; and
- 9502 (vii) other information required by the [~~lieutenant governor~~] director.
- 9503 (5) For the manual candidate qualification process, if one or more nomination petitions are
- 9504 bound together, a page shall be bound to the nomination petition(s) that features the following
- 9505 printed verification statement to be signed and dated by the petition circulator:
- 9506 "Verification
- 9507 State of Utah, County of ____
- 9508 I, ____, of ____, hereby state that:
- 9509 I am a Utah resident and am at least 18 years old;
- 9510 All the names that appear on the signature sheets bound to this page were, to the best of
- 9511 my knowledge, signed by the persons who professed to be the persons whose names appear on
- 9512 the signature sheets, and each of them signed the person's name on the signature sheets in my
- 9513 presence;
- 9514 I believe that each has printed and signed the person's name and written the person's
- 9515 street address correctly, and that each signer is registered to vote in Utah."
- 9516 (6) The [~~lieutenant governor~~] director shall prepare and make public model nomination

- 9517 petition forms and associated instructions.
- 9518 (7) A nomination petition circulator must be at least 18 years old and a resident of the state,
9519 but may affiliate with any political party.
- 9520 (8) It is unlawful for any person to:
- 9521 (a) knowingly sign the nomination petition described in this section or Section
9522 20A-9-408:
- 9523 (i) with any name other than the person's own name;
9524 (ii) more than once for the same candidate; or
9525 (iii) if the person is not registered to vote in this state;
- 9526 (b) sign the verification of a signature for a nomination petition if the person:
- 9527 (i) does not meet the residency requirements of Section 20A-2-105;
9528 (ii) has not witnessed the signing by those persons whose names appear on the
9529 nomination petition; or
9530 (iii) knows that a person whose signature appears on the nomination petition is not
9531 registered to vote in this state;
- 9532 (c) pay compensation to any person to sign a nomination petition; or
9533 (d) pay compensation to any person to circulate a nomination petition, if the
9534 compensation is based directly on the number of signatures submitted to a filing
9535 officer rather than on the number of signatures verified or on some other basis.
- 9536 (9) Any person violating Subsection (8) is guilty of a class A misdemeanor.
- 9537 (10) Withdrawal of petition signatures is prohibited.
- 9538 Section 158. Section **20A-9-406** is amended to read:
- 9539 **20A-9-406 . Qualified political party -- Requirements and exemptions.**
- 9540 The following provisions apply to a qualified political party:
- 9541 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of October of
9542 each odd-numbered year, certify to the [~~lieutenant governor~~] director the identity of one
9543 or more registered political parties whose members may vote for the qualified political
9544 party's candidates and whether unaffiliated voters may vote for the qualified political
9545 party's candidates;
- 9546 (2) the following provisions do not apply to a nomination for the qualified political party:
- 9547 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);
9548 (b) Subsection 20A-9-403(5)(c); and
9549 (c) Section 20A-9-405;
- 9550 (3) an individual may only seek the nomination of the qualified political party by using a

- 9551 method described in Section 20A-9-407, Section 20A-9-408, or both;
- 9552 (4) the qualified political party shall comply with the provisions of Sections 20A-9-407,
9553 20A-9-408, and 20A-9-409;
- 9554 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer shall
9555 ensure that a ballot described in Section 20A-6-301 includes each individual nominated
9556 by a qualified political party:
- 9557 (a) under the qualified political party's name[-], if any; or
- 9558 (b) under the title of the qualified registered political party as designated by the qualified
9559 political party in the certification described in Subsection (1), or, if none is
9560 designated, then under some suitable title;
- 9561 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
9562 ballots in regular general elections, that each candidate who is nominated by the
9563 qualified political party is listed by party;
- 9564 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that the
9565 party designation of each candidate who is nominated by the qualified political party is
9566 displayed adjacent to the candidate's name on a mechanical ballot;
- 9567 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an
9568 individual who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408
9569 to run in a regular general election for a federal office, constitutional office, multicounty
9570 office, or county office;
- 9571 (9) an individual who is nominated by, or seeking the nomination of, the qualified political
9572 party is not required to comply with Subsection 20A-9-201(1)(c);
- 9573 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to
9574 have each of the qualified political party's candidates for elective office appear on the
9575 primary ballot of the qualified political party with an indication that each candidate is a
9576 candidate for the qualified political party;
- 9577 (11) notwithstanding Subsection 20A-9-403(4)(a), the [~~lieutenant governor~~] director shall
9578 include on the list provided by the [~~lieutenant governor~~] director to the county clerks:
- 9579 (a) the names of all candidates of the qualified political party for federal, constitutional,
9580 multicounty, and county offices; and
- 9581 (b) the names of unopposed candidates for elective office who have been nominated by
9582 the qualified political party and instruct the county clerks to exclude such candidates
9583 from the primary-election ballot;
- 9584 (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an

9585 elective office in the regular primary election of the qualified political party is
9586 nominated by the party for that office without appearing on the primary ballot; and
9587 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
9588 20A-9-405, the qualified political party is entitled to have the names of its candidates for
9589 elective office featured with party affiliation on the ballot at a regular general election.

9590 Section 159. Section **20A-9-407** is amended to read:

9591 **20A-9-407 . Convention process to seek the nomination of a qualified political**
9592 **party.**

9593 (1) This section describes the requirements for a member of a qualified political party who
9594 is seeking the nomination of a qualified political party for an elective office through the
9595 qualified political party's convention process.

9596 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy
9597 for a member of a qualified political party who is nominated by, or who is seeking the
9598 nomination of, the qualified political party under this section shall be substantially as
9599 described in Section 20A-9-408.5.

9600 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
9601 20A-9-202(4), a member of a qualified political party who, under this section, is seeking
9602 the nomination of the qualified political party for an elective office that is to be filled at
9603 the next general election, shall:

9604 (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in
9605 person with the filing officer during the declaration of candidacy filing period
9606 described in Section 20A-9-201.5; and

9607 (b) pay the filing fee.

9608 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party
9609 who, under this section, is seeking the nomination of the qualified political party for the
9610 office of district attorney within a multicounty prosecution district that is to be filled at
9611 the next general election shall:

9612 (a) file a declaration of candidacy with the county clerk designated in the interlocal
9613 agreement creating the prosecution district during the declaration of candidacy filing
9614 period described in Section 20A-9-201.5; and

9615 (b) pay the filing fee.

9616 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who
9617 files as the joint-ticket running mate of an individual who is nominated by a qualified
9618 political party, under this section, for the office of governor shall, during the declaration

- 9619 of candidacy filing period described in Section 20A-9-201.5, file a declaration of
 9620 candidacy and submit a letter from the candidate for governor that names the lieutenant
 9621 governor candidate as a joint-ticket running mate.
- 9622 (6)(a) A qualified political party that nominates a candidate under this section shall
 9623 certify the name of the candidate to the [~~lieutenant governor~~] director before the
 9624 deadline described in Subsection 20A-9-202(1)(b).
- 9625 (b) The [~~lieutenant governor~~] director shall include, in the primary ballot certification or,
 9626 for a race where a primary is not held because the candidate is unopposed, in the
 9627 general election ballot certification, the name of each candidate nominated by a
 9628 qualified political party under this section.
- 9629 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is
 9630 nominated by a qualified political party under this section, designate the qualified
 9631 political party that nominated the candidate.
- 9632 Section 160. Section **20A-9-408** is amended to read:
- 9633 **20A-9-408 . Signature-gathering process to seek the nomination of a qualified**
 9634 **political party -- Removal of signature.**
- 9635 (1) This section describes the requirements for a member of a qualified political party who
 9636 is seeking the nomination of the qualified political party for an elective office through
 9637 the signature-gathering process described in this section.
- 9638 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy
 9639 for a member of a qualified political party who is nominated by, or who is seeking the
 9640 nomination of, the qualified political party under this section shall be substantially as
 9641 described in Section 20A-9-408.5.
- 9642 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
 9643 20A-9-202(4), a member of a qualified political party who, under this section, is seeking
 9644 the nomination of the qualified political party for an elective office that is to be filled at
 9645 the next general election shall:
- 9646 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
 9647 and before gathering signatures under this section, file with the filing officer on a
 9648 form approved by the [~~lieutenant governor~~] director a notice of intent to gather
 9649 signatures for candidacy that includes:
- 9650 (i) the name of the member who will attempt to become a candidate for a registered
 9651 political party under this section;
- 9652 (ii) the name of the registered political party for which the member is seeking

- 9653 nomination;
- 9654 (iii) the office for which the member is seeking to become a candidate;
- 9655 (iv) the address and telephone number of the member; and
- 9656 (v) other information required by the [~~lieutenant governor~~] director;
- 9657 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
- 9658 person, with the filing officer during the declaration of candidacy filing period
- 9659 described in Section 20A-9-201.5; and
- 9660 (c) pay the filing fee.
- 9661 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party
- 9662 who, under this section, is seeking the nomination of the qualified political party for the
- 9663 office of district attorney within a multicounty prosecution district that is to be filled at
- 9664 the next general election shall:
- 9665 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
- 9666 and before gathering signatures under this section, file with the filing officer on a
- 9667 form approved by the [~~lieutenant governor~~] director a notice of intent to gather
- 9668 signatures for candidacy that includes:
- 9669 (i) the name of the member who will attempt to become a candidate for a registered
- 9670 political party under this section;
- 9671 (ii) the name of the registered political party for which the member is seeking
- 9672 nomination;
- 9673 (iii) the office for which the member is seeking to become a candidate;
- 9674 (iv) the address and telephone number of the member; and
- 9675 (v) other information required by the [~~lieutenant governor~~] director;
- 9676 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
- 9677 person, with the filing officer during the declaration of candidacy filing period
- 9678 described in Section 20A-9-201.5; and
- 9679 (c) pay the filing fee.
- 9680 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who
- 9681 files as the joint-ticket running mate of an individual who is nominated by a qualified
- 9682 political party, under this section, for the office of governor shall, during the declaration
- 9683 of candidacy filing period described in Section 20A-9-201.5, file a declaration of
- 9684 candidacy and submit a letter from the candidate for governor that names the lieutenant
- 9685 governor candidate as a joint-ticket running mate.
- 9686 (6) The [~~lieutenant governor~~] director shall ensure that the certification described in

- 9687 Subsection 20A-9-701(1) also includes the name of each candidate nominated by a
9688 qualified political party under this section.
- 9689 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is
9690 nominated by a qualified political party under this section, designate the qualified
9691 political party that nominated the candidate.
- 9692 (8) A member of a qualified political party may seek the nomination of the qualified
9693 political party for an elective office by:
- 9694 (a) complying with the requirements described in this section; and
- 9695 (b) collecting signatures, on a form approved by the [~~lieutenant governor~~] director that
9696 complies with Subsection 20A-9-405(3), during the period beginning on the day on
9697 which the member files a notice of intent to gather signatures and ending at 5 p.m. 14
9698 days before the day on which the qualified political party's convention for the office
9699 is held, in the following amounts:
- 9700 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
9701 permitted by the qualified political party to vote for the qualified political party's
9702 candidates in a primary election;
- 9703 (ii) for a congressional district race, 7,000 signatures of registered voters who are
9704 residents of the congressional district and are permitted by the qualified political
9705 party to vote for the qualified political party's candidates in a primary election;
- 9706 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
9707 residents of the state Senate district and are permitted by the qualified political
9708 party to vote for the qualified political party's candidates in a primary election;
- 9709 (iv) for a state House district race, 1,000 signatures of registered voters who are
9710 residents of the state House district and are permitted by the qualified political
9711 party to vote for the qualified political party's candidates in a primary election;
- 9712 (v) for a State Board of Education race, the lesser of:
- 9713 (A) 2,000 signatures of registered voters who are residents of the State Board of
9714 Education district and are permitted by the qualified political party to vote for
9715 the qualified political party's candidates in a primary election; or
- 9716 (B) 3% of the registered voters of the qualified political party who are residents of
9717 the applicable State Board of Education district; and
- 9718 (vi) for a county office race, signatures of 3% of the registered voters who are
9719 residents of the area permitted to vote for the county office and are permitted by
9720 the qualified political party to vote for the qualified political party's candidates in

- 9721 a primary election.
- 9722 (9)(a) This Subsection (9) applies only to the manual candidate qualification process.
- 9723 (b) In order for a member of the qualified political party to qualify as a candidate for the
- 9724 qualified political party's nomination for an elective office under this section, using
- 9725 the manual candidate qualification process, the member shall:
- 9726 (i) collect the signatures on a form approved by the [~~lieutenant governor~~] director,
- 9727 using the same circulation and verification requirements described in Sections
- 9728 20A-7-105 and 20A-7-204; and
- 9729 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days
- 9730 before the day on which the qualified political party holds the party's convention
- 9731 to select candidates, for the elective office, for the qualified political party's
- 9732 nomination.
- 9733 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
- 9734 election officer shall, no later than the earlier of 14 days after the day on which the
- 9735 election officer receives the signatures, or one day before the day on which the
- 9736 qualified political party holds the convention to select a nominee for the elective
- 9737 office to which the signature packets relate:
- 9738 (i) check the name of each individual who completes the verification for a signature
- 9739 packet to determine whether each individual is a resident of Utah and is at least 18
- 9740 years old;
- 9741 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a
- 9742 Utah resident or who is not at least 18 years old to the attorney general and the
- 9743 county attorney;
- 9744 (iii) with the assistance of the county clerk as applicable, determine whether each
- 9745 signer is a registered voter who is qualified to sign the petition, using the same
- 9746 method, described in Section 20A-1-1002, used to verify a signature on a petition;
- 9747 and
- 9748 (iv) certify whether each name is that of a registered voter who is qualified to sign the
- 9749 signature packet.
- 9750 (d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b)
- 9751 may have the voter's signature removed from the form by, no later than three
- 9752 business days after the day on which the member submits the signature form to the
- 9753 election officer, submitting to the election officer a statement requesting that the
- 9754 voter's signature be removed.

- 9755 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements
9756 described in Subsection 20A-1-1003(2).
- 9757 (iii) With the assistance of the county clerk as applicable, the election officer shall
9758 use the procedures described in Subsection 20A-1-1003(3) to determine whether
9759 to remove an individual's signature after receiving a timely, valid statement
9760 requesting removal of the signature.
- 9761 (10)(a) This Subsection (10) applies only to the electronic candidate qualification
9762 process.
- 9763 (b) In order for a member of the qualified political party to qualify as a candidate for the
9764 qualified political party's nomination for an elective office under this section, the
9765 member shall, before 5 p.m. no later than 14 days before the day on which the
9766 qualified political party holds the party's convention to select candidates, for the
9767 elective office, for the qualified political party's nomination, collect signatures
9768 electronically:
- 9769 (i) in accordance with Section 20A-21-201; and
9770 (ii) using progressive screens, in a format approved by the [~~lieutenant governor~~
9771 director, that complies with Subsection 20A-9-405(4).
- 9772 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
9773 election officer shall, no later than the earlier of 14 days after the day on which the
9774 election officer receives the signatures, or one day before the day on which the
9775 qualified political party holds the convention to select a nominee for the elective
9776 office to which the signature packets relate:
- 9777 (i) check the name of each individual who completes the verification for a signature
9778 to determine whether each individual is a resident of Utah and is at least 18 years
9779 old; and
9780 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not
9781 a Utah resident or who is not at least 18 years old to the attorney general and the
9782 county attorney.
- 9783 (11)(a) An individual may not gather signatures under this section until after the
9784 individual files a notice of intent to gather signatures for candidacy described in this
9785 section.
- 9786 (b) An individual who files a notice of intent to gather signatures for candidacy,
9787 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the
9788 individual files the notice of intent to gather signatures for candidacy:

- 9789 (i) required to comply with the reporting requirements that a candidate for office is
 9790 required to comply with; and
- 9791 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
 9792 apply to a candidate for office in relation to the reporting requirements described
 9793 in Subsection (11)(b)(i).
- 9794 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or
 9795 Subsections (8) and (10)(b), the election officer shall, no later than one day before the
 9796 day on which the qualified political party holds the convention to select a nominee
 9797 for the elective office to which the signature packets relate, notify the qualified
 9798 political party and the ~~[lieutenant governor]~~ director of the name of each member of
 9799 the qualified political party who qualifies as a nominee of the qualified political
 9800 party, under this section, for the elective office to which the convention relates.
- 9801 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this
 9802 section, the ~~[lieutenant governor]~~ director shall post the notice of intent to gather
 9803 signatures for candidacy on the ~~[lieutenant governor's]~~ office's website in the same
 9804 location that the ~~[lieutenant governor]~~ director posts a declaration of candidacy.

9805 Section 161. Section **20A-9-409** is amended to read:

9806 **20A-9-409 . Primary election provisions relating to qualified political party.**

- 9807 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.
- 9808 (2)(a) A qualified political party that nominates one or more candidates for an elective
 9809 office under Section 20A-9-407 and does not have a candidate qualify as a candidate
 9810 for that office under Section 20A-9-408, may, but is not required to, participate in the
 9811 primary election for that office.
- 9812 (b) A qualified political party that has only one candidate qualify as a candidate for an
 9813 elective office under Section 20A-9-408 and does not nominate a candidate for that
 9814 office under Section 20A-9-407, may, but is not required to, participate in the
 9815 primary election for that office.
- 9816 (c) A qualified political party that nominates one or more candidates for an elective
 9817 office under Section 20A-9-407 and has one or more candidates qualify as a
 9818 candidate for that office under Section 20A-9-408 shall participate in the primary
 9819 election for that office.
- 9820 (d) A qualified political party that has two or more candidates qualify as candidates for
 9821 an elective office under Section 20A-9-408 and does not nominate a candidate for
 9822 that office under Section 20A-9-407 shall participate in the primary election for that

9823 office.

9824 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201
9825 or 17-52a-202, a qualified political party shall participate in the primary election for a
9826 county commission office if:

9827 (a) there is more than one:

9828 (i) open position as defined in Section 17-52a-201; or

9829 (ii) midterm vacancy as defined in Section 17-52a-201; and

9830 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
9831 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds
9832 the number of respective open positions or midterm vacancies.

9833 (4)(a) As used in this Subsection (4), a candidate is "unopposed" if:

9834 (i) no individual other than the candidate receives a certification, from the appropriate
9835 filing officer, for the regular primary election ballot of the candidate's registered
9836 political party for a particular elective office; or

9837 (ii) for an office where more than one individual is to be elected or nominated, the
9838 number of candidates who receive certification, from the appropriate filing officer,
9839 for the regular primary election of the candidate's registered political party does
9840 not exceed the total number of candidates to be elected or nominated for that
9841 office.

9842 (b) Before the deadline described in Subsection (4)(c), the [~~lieutenant governor~~] director
9843 shall:

9844 (i) provide to the county clerks:

9845 (A) a list of the names of all candidates for federal, constitutional, multi-county,
9846 single county, and county offices who have received certifications from the
9847 appropriate filing officer, along with instructions on how those names shall
9848 appear on the primary election ballot in accordance with Section 20A-6-305;
9849 and

9850 (B) a list of unopposed candidates for elective office who have been nominated by
9851 a registered political party; and

9852 (ii) instruct the county clerks to exclude unopposed candidates from the primary
9853 election ballot.

9854 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
9855 the fourth Saturday in April.

9856 Section 162. Section **20A-9-410** is amended to read:

9857 **20A-9-410 . Rulemaking authority.**

9858 The [~~director of elections, within the Office of the Lieutenant Governor,~~] office shall
 9859 make rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative
 9860 Rulemaking Act, relating to procedures for complying with, and verifying compliance with,
 9861 the candidate nominating process described in this part.

9862 Section 163. Section **20A-9-601** is amended to read:

9863 **20A-9-601 . Qualifying as a write-in candidate.**

9864 (1)(a) Except as provided in Subsection (1)(b), an individual who wishes to become a
 9865 valid write-in candidate shall file a declaration of candidacy in person, or through a
 9866 designated agent for a candidate for president or vice president of the United States,
 9867 with the appropriate filing officer before 5 p.m. no later than 65 days before the date
 9868 of the regular general election or the municipal general election in which the
 9869 individual intends to be a write-in candidate.

9870 (b)(i) The provisions of this Subsection (1)(b) do not apply to an individual who files
 9871 a declaration of candidacy for president of the United States.

9872 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
 9873 declaration of candidacy with the appropriate filing officer if:

9874 (A) the individual is located outside of the state during the entire filing period;

9875 (B) the designated agent appears in person before the filing officer; and

9876 (C) the individual communicates with the filing officer using an electronic device
 9877 that allows the individual and filing officer to see and hear each other.

9878 (2)(a) The form of the declaration of candidacy for a write-in candidate for all offices, except
 9879 president or vice president of the United States, is substantially as follows:

9880 "State of Utah, County of ____

9881 I, _____, declare my intention of becoming a candidate for the office of ____
 9882 for the ____ district (if applicable). I do solemnly swear that: I will meet the qualifications to
 9883 hold the office, both legally and constitutionally, if selected; I reside at _____ in the
 9884 City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate
 9885 any law governing campaigns and elections; if filing via a designated agent, I will be out of the
 9886 state of Utah during the entire candidate filing period; I will file all campaign financial
 9887 disclosure reports as required by law; and I understand that failure to do so will result in my
 9888 disqualification as a candidate for this office and rejection of any votes cast for me. The
 9889 mailing address that I designate for receiving official election notices is
 9890 _____.

- 9891 _____
- 9892 Subscribed and sworn before me this _____(month\day\year).
- 9893 Notary Public (or other officer qualified to administer oath)."
- 9894 (b) The form of the declaration of candidacy for a write-in candidate for president of the
- 9895 United States is substantially as follows:
- 9896 "State of Utah, County of _____
- 9897 I, _____, declare my intention of becoming a candidate for the office of the
- 9898 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
- 9899 the office, both legally and constitutionally, if selected; I reside at _____ in the City
- 9900 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
- 9901 any law governing campaigns and elections. The mailing address that I designate for receiving
- 9902 official election notices is _____. I designate _____ as
- 9903 my vice presidential candidate.
- 9904 _____
- 9905 Subscribed and sworn before me this _____(month\day\year).
- 9906 Notary Public (or other officer qualified to administer oath.)"
- 9907 (c) A declaration of candidacy for a write-in candidate for vice president of the United
- 9908 States shall be in substantially the same form as a declaration of candidacy described
- 9909 in Subsection 20A-9-202(7).
- 9910 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
- 9911 Subsection (2)(a) or (b).
- 9912 (3)(a) The filing officer shall:
- 9913 (i) read to the candidate the constitutional and statutory requirements for the office;
- 9914 (ii) ask the candidate whether the candidate meets the requirements; and
- 9915 (iii) if the declaration of candidacy is for a legislative office, inform the individual
- 9916 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
- 9917 public office of profit or trust, under authority of the United States or Utah, from
- 9918 being a member of the Legislature.
- 9919 (b) If the candidate cannot meet the requirements of office, the filing officer may not
- 9920 accept the write-in candidate's declaration of candidacy.
- 9921 (4)(a) Except as provided in Subsection (4)(b), a write-in candidate is subject to
- 9922 Subsection 20A-9-201(8).
- 9923 (b) A write-in candidate for president of the United States is subject to Subsection
- 9924 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

9925 (5) By November 1 of each regular general election year, the [~~lieutenant governor~~] director
 9926 shall certify to each county clerk the names of all write-in candidates who filed their
 9927 declaration of candidacy with the [~~lieutenant governor~~] director.

9928 Section 164. Section **20A-9-701** is amended to read:

9929 **20A-9-701 . Certification of party candidates to county clerks -- Display on ballot.**

9930 (1) No later than August 31 of each regular general election year, the [~~lieutenant governor~~]
 9931 director shall certify to each county clerk, for offices to be voted upon at the regular
 9932 general election in that county clerk's county:

9933 (a) the names of each candidate nominated under Subsection 20A-9-202(4) or
 9934 Subsection 20A-9-403(5); and

9935 (b) the names of the candidates for president and vice president that are certified by the
 9936 registered political party as the party's nominees.

9937 (2) The names shall be certified by the [~~lieutenant governor~~] director and shall be displayed
 9938 on the ballot as they are provided on the candidate's declaration of candidacy. No other
 9939 names may appear on the ballot as affiliated with, endorsed by, or nominated by any
 9940 other registered political party, political party, or other political group.

9941 Section 165. Section **20A-9-802** is amended to read:

9942 **20A-9-802 . Presidential primary election established -- Other ballot items**
 9943 **prohibited.**

9944 (1)(a) There is established a presidential primary election held on the first Tuesday in
 9945 March in the year in which a presidential election will be held.

9946 (b) Except as otherwise specifically provided in this chapter, county clerks shall
 9947 administer the presidential primary election according to the provisions of this title,
 9948 including:

9949 (i) Chapter 1, General Provisions;

9950 (ii) Chapter 2, Voter Registration;

9951 (iii) Chapter 3a, Voting;

9952 (iv) Chapter 4, Election Returns and Election Contests;

9953 (v) Chapter 5, Election Administration; and

9954 (vi) Chapter 6, Ballot Form.

9955 (c)(i) The county clerks shall ensure that the ballot voted by the voters at the
 9956 presidential primary election contains only the names of candidates for [~~President~~]
 9957 president of the United States who have qualified as provided in this part.

9958 (ii) The county clerks may not present any other items to the voters to be voted upon

9959 at this election.

9960 (2) Registered political parties, and candidates for [~~President~~] president of the United States
9961 who are affiliated with a registered political party, may participate in the presidential
9962 primary election established by this part.

9963 (3) As a condition for using the state's election system, each registered political party
9964 wishing to participate in the presidential primary election held under this section shall:

9965 (a) declare the political party's intent to participate in the presidential primary election;

9966 (b) identify one or more registered political parties whose members may vote for the
9967 registered political party's candidates and whether individuals identified as
9968 unaffiliated with a political party may vote for the registered political party's
9969 candidates; and

9970 (c) certify that information to the [~~lieutenant governor~~] director no later than 5 p.m. on
9971 August 10 of the year before the year in which the presidential primary election will
9972 be held.

9973 Section 166. Section **20A-9-803** is amended to read:

9974 **20A-9-803 . Declaration of candidacy -- Filing fee -- Form.**

9975 (1) Candidates for president of the United States who are affiliated with a registered
9976 political party that has elected to participate in the presidential primary election and who
9977 wish to participate in the primary election shall:

9978 (a) file a declaration of candidacy, in person or via a designated agent, with the [~~lieutenant governor~~]
9979 director between August 15 of the year before the primary
9980 election will be held and 5 p.m. on December 1 of the year before the primary
9981 election will be held;

9982 (b) identify the registered political party whose nomination the candidate is seeking;

9983 (c) provide a letter from the registered political party certifying that the candidate may
9984 participate as a candidate for that party in that party's presidential primary election;
9985 and

9986 (d) pay the filing fee of \$500.

9987 (2) The [~~lieutenant governor~~] director shall develop a declaration of candidacy form for
9988 presidential candidates participating in the primary.

9989 (3) An agent designated to file a declaration of candidacy may not sign the form described
9990 in Subsection (2).

9991 Section 167. Section **20A-9-805** is amended to read:

9992 **20A-9-805 . Closed primary -- Determining party affiliation -- Changing party**

9993 **affiliation.**

9994 (1) If a registered political party has restricted voting for its presidential candidates as
 9995 authorized by Subsection 20A-9-802(3)(b), the [~~lieutenant governor~~] director shall direct
 9996 the county clerks and other election officials to allow only those voters meeting the
 9997 registered political party's criteria to vote for that party's presidential candidates.

9998 (2)(a) For each individual who registers to vote, the county clerk shall:

9999 (i) record the party affiliation designated by the individual on the voter registration
 10000 form as the individual's party affiliation; or

10001 (ii) if no political party affiliation is designated by the individual on the voter
 10002 registration form, record the individual's party affiliation as "unaffiliated."

10003 (b) Any registered voter may designate or change the voter's political party affiliation by
 10004 complying with the procedures and requirements of Section 20A-2-107 or Section
 10005 20A-9-808.

10006 Section 168. Section **20A-9-806** is amended to read:

10007 **20A-9-806 . Ballots.**

10008 (1) The [~~lieutenant governor~~] director, together with county clerks, suppliers of election
 10009 materials, and representatives of registered political parties, shall:

10010 (a) develop manual ballots, mechanical ballots, return envelopes and provisional ballot
 10011 envelopes to be used in a presidential primary election;

10012 (b) ensure that the ballots, return envelopes, and provisional ballot envelopes comply
 10013 generally with the requirements of Chapter 6, Part 1, General Requirements for All
 10014 Ballots; and

10015 (c) provide voting booths, election records and supplies, and ballot boxes for each voting
 10016 precinct as required by Section 20A-5-403.

10017 (2)(a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part 1,
 10018 General Requirements for All Ballots, and Section 20A-5-403, the [~~lieutenant~~
 10019 ~~governor~~] director, together with county clerks, suppliers of election materials, and
 10020 representatives of registered political parties shall ensure that the ballots, return
 10021 envelopes, provisional ballot envelopes, voting booths, election records and supplies,
 10022 and ballot boxes:

10023 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

10024 (ii) simplify the task of poll workers, particularly in determining a voter's party
 10025 affiliation;

10026 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

- 10027 (iv) protect against fraud.
- 10028 (b) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~]
- 10029 director, county clerks, suppliers of election materials, and representatives of
- 10030 registered political parties shall:
- 10031 (i) mark ballots as being for a particular registered political party; and
- 10032 (ii) instruct persons counting the ballots to count only those votes for candidates from
- 10033 the registered political party whose ballot the voter received.
- 10034 (c) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~]
- 10035 director, county clerks, suppliers of election materials, and representatives of
- 10036 registered political parties may:
- 10037 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use
- 10038 different colored ballots for each registered political party;
- 10039 (ii) place ballots for each registered political party in different voting booths and
- 10040 direct voters to the particular voting booth for the political party whose ballot they
- 10041 are voting; or
- 10042 (iii) consider other means of accomplishing the objectives described in Subsection
- 10043 (2)(a).
- 10044 Section 169. Section **20A-9-809** is amended to read:
- 10045 **20A-9-809 . Counting votes -- Canvass -- Certification of results to parties.**
- 10046 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and
- 10047 retained, returns canvassed, and recounts and election contests conducted as provided in
- 10048 Chapter 4, Election Returns and Election Contests.
- 10049 (2) After the canvass is complete and the report is prepared, the [~~lieutenant governor~~]
- 10050 director shall transmit a copy of the report to each registered political party that
- 10051 participated in the presidential primary election.
- 10052 Section 170. Section **20A-11-101** is amended to read:
- 10053 **20A-11-101 . Definitions.**
- 10054 As used in this chapter:
- 10055 (1)(a) "Address" means the number and street where an individual resides or where a
- 10056 reporting entity has its principal office.
- 10057 (b) "Address" does not include a post office box.
- 10058 (2) "Agent of a reporting entity" means:
- 10059 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
- 10060 (b) a person employed by a reporting entity in the reporting entity's capacity as a

- 10061 reporting entity;
- 10062 (c) the personal campaign committee of a candidate or officeholder;
- 10063 (d) a member of the personal campaign committee of a candidate or officeholder in the
- 10064 member's capacity as a member of the personal campaign committee of the candidate
- 10065 or officeholder; or
- 10066 (e) a political consultant of a reporting entity.
- 10067 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 10068 amendments, and any other ballot propositions submitted to the voters that are
- 10069 authorized by the Utah Code Annotated 1953.
- 10070 (4) "Candidate" means any person who:
- 10071 (a) files a declaration of candidacy for a public office; or
- 10072 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 10073 receive contributions or make expenditures to bring about the person's nomination or
- 10074 election to a public office.
- 10075 (5) "Chief election officer" means:
- 10076 (a) the [~~lieutenant governor~~] director for state office candidates, legislative office
- 10077 candidates, officeholders, political parties, political action committees, corporations,
- 10078 political issues committees, state school board candidates, judges, and labor
- 10079 organizations, as defined in Section 20A-11-1501; and
- 10080 (b) the county clerk for local school board candidates.
- 10081 (6)(a) "Contribution" means any of the following when done for political purposes:
- 10082 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 10083 value given to the filing entity;
- 10084 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 10085 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 10086 money or anything of value to the filing entity;
- 10087 (iii) any transfer of funds from another reporting entity to the filing entity;
- 10088 (iv) compensation paid by any person or reporting entity other than the filing entity
- 10089 for personal services provided without charge to the filing entity;
- 10090 (v) remuneration from:
- 10091 (A) any organization or its directly affiliated organization that has a registered
- 10092 lobbyist; or
- 10093 (B) any agency or subdivision of the state, including school districts;
- 10094 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

- 10095 (vii) in-kind contributions.
- 10096 (b) "Contribution" does not include:
- 10097 (i) services provided by individuals volunteering a portion or all of their time on
- 10098 behalf of the filing entity if the services are provided without compensation by the
- 10099 filing entity or any other person;
- 10100 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 10101 business;
- 10102 (iii) goods or services provided for the benefit of a political entity at less than fair
- 10103 market value that are not authorized by or coordinated with the political entity; or
- 10104 (iv) data or information described in Subsection (24)(b).
- 10105 (7) "Coordinated with" means that goods or services provided for the benefit of a political
- 10106 entity are provided:
- 10107 (a) with the political entity's prior knowledge, if the political entity does not object;
- 10108 (b) by agreement with the political entity;
- 10109 (c) in coordination with the political entity; or
- 10110 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 10111 (8)(a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 10112 organization that is registered as a corporation or is authorized to do business in a
- 10113 state and makes any expenditure from corporate funds for:
- 10114 (i) the purpose of expressly advocating for political purposes; or
- 10115 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
- 10116 proposition.
- 10117 (b) "Corporation" does not mean:
- 10118 (i) a business organization's political action committee or political issues committee;
- 10119 or
- 10120 (ii) a business entity organized as a partnership or a sole proprietorship.
- 10121 (9) "County political party" means, for each registered political party, all of the persons
- 10122 within a single county who, under definitions established by the political party, are
- 10123 members of the registered political party.
- 10124 (10) "County political party officer" means a person whose name is required to be
- 10125 submitted by a county political party to the [~~lieutenant governor~~] director in accordance
- 10126 with Section 20A-8-402.
- 10127 (11) "Detailed listing" means:
- 10128 (a) for each contribution or public service assistance:

- 10129 (i) the name and address of the individual or source making the contribution or public
 10130 service assistance, except to the extent that the name or address of the individual
 10131 or source is unknown;
- 10132 (ii) the amount or value of the contribution or public service assistance; and
 10133 (iii) the date the contribution or public service assistance was made; and
- 10134 (b) for each expenditure:
- 10135 (i) the amount of the expenditure;
 10136 (ii) the goods or services acquired by the expenditure; and
 10137 (iii) the date the expenditure was made.
- 10138 (12)(a) "Donor" means a person that gives money, including a fee, due, or assessment
 10139 for membership in the corporation, to a corporation without receiving full and
 10140 adequate consideration for the money.
- 10141 (b) "Donor" does not include a person that signs a statement that the corporation may not
 10142 use the money for an expenditure or political issues expenditure.
- 10143 (13) "Election" means each:
- 10144 (a) regular general election;
 10145 (b) regular primary election; and
 10146 (c) special election at which candidates are eliminated and selected.
- 10147 (14) "Electioneering communication" means a communication that:
- 10148 (a) has at least a value of \$10,000;
 10149 (b) clearly identifies a candidate or judge; and
 10150 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
 10151 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the
 10152 clearly identified candidate's or judge's election date.
- 10153 (15)(a) "Expenditure" means any of the following made by a reporting entity or an agent
 10154 of a reporting entity on behalf of the reporting entity:
- 10155 (i) any disbursement from contributions, receipts, or from the separate bank account
 10156 required by this chapter;
 10157 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
 10158 or anything of value made for political purposes;
 10159 (iii) an express, legally enforceable contract, promise, or agreement to make any
 10160 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
 10161 or anything of value for political purposes;
 10162 (iv) compensation paid by a filing entity for personal services rendered by a person

- 10163 without charge to a reporting entity;
- 10164 (v) a transfer of funds between the filing entity and a candidate's personal campaign
10165 committee;
- 10166 (vi) goods or services provided by the filing entity to or for the benefit of another
10167 reporting entity for political purposes at less than fair market value; or
- 10168 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 10169 (b) "Expenditure" does not include:
- 10170 (i) services provided without compensation by individuals volunteering a portion or
10171 all of their time on behalf of a reporting entity;
- 10172 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
10173 business; or
- 10174 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
10175 candidates for office or officeholders in states other than Utah.
- 10176 (16) "Federal office" means the office of president of the United States, United States
10177 Senator, or United States Representative.
- 10178 (17) "Filing entity" means the reporting entity that is required to file a financial statement
10179 required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 10180 (18) "Financial statement" includes any summary report, interim report, verified financial
10181 statement, or other statement disclosing contributions, expenditures, receipts, donations,
10182 or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention
10183 Elections.
- 10184 (19) "Governing board" means the individual or group of individuals that determine the
10185 candidates and committees that will receive expenditures from a political action
10186 committee, political party, or corporation.
- 10187 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
10188 Incorporation, by which a geographical area becomes legally recognized as a city or
10189 town.
- 10190 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 10191 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 10192 (23) "Individual" means a natural person.
- 10193 (24)(a) "In-kind contribution" means anything of value, other than money, that is
10194 accepted by or coordinated with a filing entity.
- 10195 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
10196 information, demographic data, voting trend data, or other information that:

- 10197 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
10198 (ii) is offered at no cost to a candidate or officeholder.
- 10199 (25) "Interim report" means a report identifying the contributions received and expenditures
10200 made since the last report.
- 10201 (26) "Legislative office" means the office of state senator, state representative, speaker of
10202 the House of Representatives, president of the Senate, and the leader, whip, and assistant
10203 whip of any party caucus in either house of the Legislature.
- 10204 (27) "Legislative office candidate" means a person who:
- 10205 (a) files a declaration of candidacy for the office of state senator or state representative;
10206 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
10207 speaker of the House of Representatives, president of the Senate, or the leader, whip,
10208 and assistant whip of any party caucus in either house of the Legislature; or
- 10209 (c) receives contributions, makes expenditures, or gives consent for any other person to
10210 receive contributions or make expenditures to bring about the person's nomination,
10211 election, or appointment to a legislative office.
- 10212 (28) "Loan" means any of the following provided by a person that benefits a filing entity if
10213 the person expects repayment or reimbursement:
- 10214 (a) an expenditure made using any form of payment;
10215 (b) money or funds received by the filing entity;
10216 (c) the provision of a good or service with an agreement or understanding that payment
10217 or reimbursement will be delayed; or
10218 (d) use of any line of credit.
- 10219 (29) "Major political party" means either of the two registered political parties that have the
10220 greatest number of members elected to the two houses of the Legislature.
- 10221 (30) "Officeholder" means a person who holds a public office.
- 10222 (31) "Party committee" means any committee organized by or authorized by the governing
10223 board of a registered political party.
- 10224 (32) "Person" means both natural and legal persons, including individuals, business
10225 organizations, personal campaign committees, party committees, political action
10226 committees, political issues committees, and labor organizations, as defined in Section
10227 20A-11-1501.
- 10228 (33) "Personal campaign committee" means the committee appointed by a candidate to act
10229 for the candidate as provided in this chapter.
- 10230 (34) "Personal use expenditure" has the same meaning as provided under Section

- 10231 20A-11-104.
- 10232 (35)(a) "Political action committee" means an entity, or any group of individuals or
10233 entities within or outside this state, a major purpose of which is to:
- 10234 (i) solicit or receive contributions from any other person, group, or entity for political
10235 purposes; or
- 10236 (ii) make expenditures to expressly advocate for any person to refrain from voting or
10237 to vote for or against any candidate or person seeking election to a municipal or
10238 county office.
- 10239 (b) "Political action committee" includes groups affiliated with a registered political
10240 party but not authorized or organized by the governing board of the registered
10241 political party that receive contributions or makes expenditures for political purposes.
- 10242 (c) "Political action committee" does not mean:
- 10243 (i) a party committee;
- 10244 (ii) any entity that provides goods or services to a candidate or committee in the
10245 regular course of its business at the same price that would be provided to the
10246 general public;
- 10247 (iii) an individual;
- 10248 (iv) individuals who are related and who make contributions from a joint checking
10249 account;
- 10250 (v) a corporation, except a corporation a major purpose of which is to act as a
10251 political action committee; or
- 10252 (vi) a personal campaign committee.
- 10253 (36)(a) "Political consultant" means a person who is paid by a reporting entity, or paid
10254 by another person on behalf of and with the knowledge of the reporting entity, to
10255 provide political advice to the reporting entity.
- 10256 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where
10257 the person:
- 10258 (i) has already been paid, with money or other consideration;
- 10259 (ii) expects to be paid in the future, with money or other consideration; or
- 10260 (iii) understands that the person may, in the discretion of the reporting entity or
10261 another person on behalf of and with the knowledge of the reporting entity, be
10262 paid in the future, with money or other consideration.
- 10263 (37) "Political convention" means a county or state political convention held by a registered
10264 political party to select candidates.

- 10265 (38) "Political entity" means a candidate, a political party, a political action committee, or a
 10266 political issues committee.
- 10267 (39)(a) "Political issues committee" means an entity, or any group of individuals or
 10268 entities within or outside this state, a major purpose of which is to:
- 10269 (i) solicit or receive donations from any other person, group, or entity to assist in
 10270 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off
 10271 the ballot, or to advocate that a voter refrain from voting or vote for or vote
 10272 against any ballot proposition;
 - 10273 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
 10274 ballot proposition or incorporation petition or refrain from voting, vote for, or vote
 10275 against any proposed ballot proposition or an incorporation in an incorporation
 10276 election; or
 - 10277 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
 10278 ballot or to assist in keeping a ballot proposition off the ballot.
- 10279 (b) "Political issues committee" does not mean:
- 10280 (i) a registered political party or a party committee;
 - 10281 (ii) any entity that provides goods or services to an individual or committee in the
 10282 regular course of its business at the same price that would be provided to the
 10283 general public;
 - 10284 (iii) an individual;
 - 10285 (iv) individuals who are related and who make contributions from a joint checking
 10286 account;
 - 10287 (v) a corporation, except a corporation a major purpose of which is to act as a
 10288 political issues committee; or
 - 10289 (vi) a group of individuals who:
 - 10290 (A) associate together for the purpose of challenging or supporting a single ballot
 10291 proposition, ordinance, or other governmental action by a county, city, town,
 10292 special district, special service district, or other local political subdivision of
 10293 the state;
 - 10294 (B) have a common liberty, property, or financial interest that is directly impacted
 10295 by the ballot proposition, ordinance, or other governmental action;
 - 10296 (C) do not associate together, for the purpose described in Subsection
 10297 (39)(b)(vi)(A), via a legal entity;
 - 10298 (D) do not receive funds for challenging or supporting the ballot proposition,

10299 ordinance, or other governmental action from a person other than an individual
 10300 in the group; and

10301 (E) do not expend a total of more than \$5,000 for the purpose described in
 10302 Subsection (39)(b)(vi)(A).

10303 (40)(a) "Political issues contribution" means any of the following:

10304 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money
 10305 or anything of value given to a political issues committee;

10306 (ii) an express, legally enforceable contract, promise, or agreement to make a
 10307 political issues donation to influence the approval or defeat of any ballot
 10308 proposition;

10309 (iii) any transfer of funds received by a political issues committee from a reporting
 10310 entity;

10311 (iv) compensation paid by another reporting entity for personal services rendered
 10312 without charge to a political issues committee; and

10313 (v) goods or services provided to or for the benefit of a political issues committee at
 10314 less than fair market value.

10315 (b) "Political issues contribution" does not include:

10316 (i) services provided without compensation by individuals volunteering a portion or
 10317 all of their time on behalf of a political issues committee; or

10318 (ii) money lent to a political issues committee by a financial institution in the
 10319 ordinary course of business.

10320 (41)(a) "Political issues expenditure" means any of the following when made by a
 10321 political issues committee or on behalf of a political issues committee by an agent of
 10322 the reporting entity:

10323 (i) any payment from political issues contributions made for the purpose of
 10324 influencing the approval or the defeat of:

10325 (A) a ballot proposition; or

10326 (B) an incorporation petition or incorporation election;

10327 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made
 10328 for the express purpose of influencing the approval or the defeat of:

10329 (A) a ballot proposition; or

10330 (B) an incorporation petition or incorporation election;

10331 (iii) an express, legally enforceable contract, promise, or agreement to make any
 10332 political issues expenditure;

- 10333 (iv) compensation paid by a reporting entity for personal services rendered by a
 10334 person without charge to a political issues committee; or
- 10335 (v) goods or services provided to or for the benefit of another reporting entity at less
 10336 than fair market value.
- 10337 (b) "Political issues expenditure" does not include:
- 10338 (i) services provided without compensation by individuals volunteering a portion or
 10339 all of their time on behalf of a political issues committee; or
- 10340 (ii) money lent to a political issues committee by a financial institution in the
 10341 ordinary course of business.
- 10342 (42) "Political purposes" means an act done with the intent or in a way to influence or tend
 10343 to influence, directly or indirectly, any person to refrain from voting or to vote for or
 10344 against any:
- 10345 (a) candidate or a person seeking a municipal or county office at any caucus, political
 10346 convention, or election; or
- 10347 (b) judge standing for retention at any election.
- 10348 (43)(a) "Poll" means the survey of a person regarding the person's opinion or knowledge
 10349 of an individual who has filed a declaration of candidacy for public office, or of a
 10350 ballot proposition that has legally qualified for placement on the ballot, which is
 10351 conducted in person or by telephone, facsimile, Internet, postal mail, or email.
- 10352 (b) "Poll" does not include:
- 10353 (i) a ballot; or
- 10354 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 10355 (A) the focus group consists of more than three, and less than thirteen, individuals;
 10356 and
- 10357 (B) all individuals in the focus group are present during the interview.
- 10358 (44) "Primary election" means any regular primary election held under the election laws.
- 10359 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
 10360 sharing a common occupation, interest, or association that contribute to a political action
 10361 committee or political issues committee and whose names can be obtained by contacting
 10362 the political action committee or political issues committee upon whose financial
 10363 statement the individuals are listed.
- 10364 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state
 10365 treasurer, attorney general, state school board member, state senator, state representative,
 10366 speaker of the House of Representatives, president of the Senate, and the leader, whip,

- 10367 and assistant whip of any party caucus in either house of the Legislature.
- 10368 (47)(a) "Public service assistance" means the following when given or provided to an
10369 officeholder to defray the costs of functioning in a public office or aid the
10370 officeholder to communicate with the officeholder's constituents:
- 10371 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
10372 of money or anything of value to an officeholder; or
 - 10373 (ii) goods or services provided at less than fair market value to or for the benefit of
10374 the officeholder.
- 10375 (b) "Public service assistance" does not include:
- 10376 (i) anything provided by the state;
 - 10377 (ii) services provided without compensation by individuals volunteering a portion or
10378 all of their time on behalf of an officeholder;
 - 10379 (iii) money lent to an officeholder by a financial institution in the ordinary course of
10380 business;
 - 10381 (iv) news coverage or any publication by the news media; or
 - 10382 (v) any article, story, or other coverage as part of any regular publication of any
10383 organization unless substantially all the publication is devoted to information
10384 about the officeholder.
- 10385 (48) "Receipts" means contributions and public service assistance.
- 10386 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist
10387 Disclosure and Regulation Act.
- 10388 (50) "Registered political action committee" means any political action committee that is
10389 required by this chapter to file a statement of organization with the [~~Office of the~~
10390 ~~Lieutenant Governor~~] office.
- 10391 (51) "Registered political issues committee" means any political issues committee that is
10392 required by this chapter to file a statement of organization with the [~~Office of the~~
10393 ~~Lieutenant Governor~~] office.
- 10394 (52) "Registered political party" means an organization of voters that:
- 10395 (a) participated in the last regular general election and polled a total vote equal to 2% or
10396 more of the total votes cast for all candidates for the United States House of
10397 Representatives for any of its candidates for any office; or
 - 10398 (b) has complied with the petition and organizing procedures of Chapter 8, Political
10399 Party Formation and Procedures.
- 10400 (53)(a) "Remuneration" means a payment:

- 10401 (i) made to a legislator for the period the Legislature is in session; and
- 10402 (ii) that is approximately equivalent to an amount a legislator would have earned
- 10403 during the period the Legislature is in session in the legislator's ordinary course of
- 10404 business.
- 10405 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 10406 (i) the legislator's primary employer in the ordinary course of business; or
- 10407 (ii) a person or entity in the ordinary course of business:
- 10408 (A) because of the legislator's ownership interest in the entity; or
- 10409 (B) for services rendered by the legislator on behalf of the person or entity.
- 10410 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a
- 10411 judge, a judge's personal campaign committee, an officeholder, a party committee, a
- 10412 political action committee, a political issues committee, a corporation, or a labor
- 10413 organization, as defined in Section 20A-11-1501.
- 10414 (55) "School board office" means the office of state school board.
- 10415 (56)(a) "Source" means the person or entity that is the legal owner of the tangible or
- 10416 intangible asset that comprises the contribution.
- 10417 (b) "Source" means, for political action committees and corporations, the political action
- 10418 committee and the corporation as entities, not the contributors to the political action
- 10419 committee or the owners or shareholders of the corporation.
- 10420 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
- 10421 state auditor, and state treasurer.
- 10422 (58) "State office candidate" means a person who:
- 10423 (a) files a declaration of candidacy for a state office; or
- 10424 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 10425 receive contributions or make expenditures to bring about the person's nomination,
- 10426 election, or appointment to a state office.
- 10427 (59) "Summary report" means the year end report containing the summary of a reporting
- 10428 entity's contributions and expenditures.
- 10429 (60) "Supervisory board" means the individual or group of individuals that allocate
- 10430 expenditures from a political issues committee.
- 10431 Section 171. Section **20A-11-101.3** is amended to read:
- 10432 **20A-11-101.3 . Detailed listing and report requirements -- Rulemaking authority.**
- 10433 (1) As used in this section:
- 10434 (a) "Advertising" includes:

- 10435 (i) website development and maintenance;
- 10436 (ii) social media;
- 10437 (iii) television, newspaper, or radio; or
- 10438 (iv) a convention booth.
- 10439 (b) "Association expense" means a membership fee for:
- 10440 (i) a political association; or
- 10441 (ii) an association related to an activity of a candidate or an officeholder.
- 10442 (c) "Campaign Expense" includes:
- 10443 (i) district mapping;
- 10444 (ii) voter data;
- 10445 (iii) a phone bank;
- 10446 (iv) fund-raising expenses;
- 10447 (v) campaign assistance or consulting;
- 10448 (vi) campaign technology;
- 10449 (vii) campaign management;
- 10450 (viii) campaign interns; or
- 10451 (ix) food, and related expenses, purchased:
- 10452 (A) for a campaign event; or
- 10453 (B) for consumption by a candidate or campaign staff while conducting work
- 10454 relating to a campaign.
- 10455 (d) "Donations" includes giving to a charitable organization.
- 10456 (e) "Loans" includes repaying loans.
- 10457 (f) "Office expense" includes:
- 10458 (i) an email server;
- 10459 (ii) phones;
- 10460 (iii) phone service;
- 10461 (iv) computers;
- 10462 (v) printers;
- 10463 (vi) furniture;
- 10464 (vii) tools and hardware; or
- 10465 (viii) food, and related expenses, purchased for consumption during an officeholder
- 10466 activity.
- 10467 (g) "Political support" includes contributions made to other candidates or political action
- 10468 committees.

- 10469 (h) "Supplies" includes:
- 10470 (i) signs;
- 10471 (ii) sign holders;
- 10472 (iii) parade supplies;
- 10473 (iv) t-shirts;
- 10474 (v) other campaign goods;
- 10475 (vi) repair or replacement of clothing that is damaged while the candidate or
- 10476 officeholder is engaged in an activity of a candidate or an officeholder;
- 10477 (vii) printed materials; or
- 10478 (viii) postage.
- 10479 (i) "Travel expenses" includes:
- 10480 (i) political conference registration;
- 10481 (ii) airfare;
- 10482 (iii) hotels;
- 10483 (iv) food, and related expenses, purchased for consumption during travel;
- 10484 (v) vehicle mileage reimbursement; or
- 10485 (vi) incidental expenses while traveling.
- 10486 (2) As it relates to an expenditure, a detailed listing includes identifying the expenditure as
- 10487 falling within one of the following categories:
- 10488 (a) advertising;
- 10489 (b) association expense;
- 10490 (c) campaign expense;
- 10491 (d) constituent services;
- 10492 (e) donations;
- 10493 (f) loans;
- 10494 (g) office;
- 10495 (h) political support;
- 10496 (i) return of a contribution;
- 10497 (j) signature gathering;
- 10498 (k) supplies;
- 10499 (l) travel expenses; or
- 10500 (m) other expenditures that do not fall within a category described in Subsections (2)(a)
- 10501 through (l), followed by a description of the expenditure.
- 10502 (3) The [~~director of elections, within the Lieutenant Governor's Office,~~] office may make

10503 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in
 10504 relation to the form, type, and level of detail required in a detailed listing or a financial
 10505 disclosure form.

10506 Section 172. Section **20A-11-103** is amended to read:

10507 **20A-11-103 . Notice of pending interim and summary reports -- Form of**
 10508 **submission -- Public availability -- Notice of reporting and filing requirements.**

10509 (1)(a) Except as provided under Subsection (1)(b), 10 days before an interim report or
 10510 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention
 10511 Elections, the chief election officer shall inform the filing entity by electronic mail
 10512 unless postal mail is requested:

10513 (i) that the financial statement is due;

10514 (ii) of the date that the financial statement is due; and

10515 (iii) of the penalty for failing to file the financial statement.

10516 (b) The chief election officer is not required to provide notice:

10517 (i) to a candidate or political party of the financial statement that is due before the
 10518 candidate's or political party's political convention;

10519 (ii) of a financial statement due in connection with a public hearing for an initiative
 10520 under the requirements of Section 20A-7-204.1; or

10521 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

10522 (2) A filing entity shall electronically file a financial statement via electronic mail or the
 10523 Internet according to specifications established by the chief election officer.

10524 (3)(a) A financial statement is considered timely filed if the financial statement is
 10525 received by the chief election officer's office before midnight, Mountain Time, at the
 10526 end of the day on which the financial statement is due.

10527 (b) For a county clerk's office that is not open until midnight at the end of the day on
 10528 which a financial statement is due, the county clerk shall permit a candidate to file
 10529 the financial statement via email or another electronic means designated by the
 10530 county clerk.

10531 (c) A chief election officer may extend the time in which a filing entity is required to file
 10532 a financial statement if a filing entity notifies the chief election officer of the
 10533 existence of an extenuating circumstance that is outside the control of the filing entity.

10534 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
 10535 and Management Act, the [~~lieutenant governor~~] director shall:

10536 (a) make each campaign finance statement filed by a candidate available for public

- 10537 inspection and copying no later than one business day after the statement is filed; and
- 10538 (b) post on a website established by the [~~lieutenant governor~~] director:
- 10539 (i) an electronic copy or the contents of each summary report or interim report filed
- 10540 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention
- 10541 Elections, no later than three business days after the date on which the summary
- 10542 report or interim report is electronically filed; or
- 10543 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,
- 10544 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or
- 10545 county website that hosts the campaign finance statement, no later than seven
- 10546 business days after the date on which the [~~lieutenant governor~~] director receives
- 10547 the link from:
- 10548 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208
- 10549 (10)(b)(ii); or
- 10550 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).
- 10551 (5) Between January 1 and January 15 of each year, the chief election officer shall provide
- 10552 notice, by postal mail or email, to each filing entity for which the chief election officer
- 10553 has a physical or email address, of the reporting and filing requirements described in this
- 10554 chapter.
- 10555 Section 173. Section **20A-11-104** is amended to read:
- 10556 **20A-11-104 . Personal use expenditure -- Authorized and prohibited uses of**
- 10557 **campaign funds -- Enforcement -- Penalties.**
- 10558 (1)(a) As used in this chapter, "personal use expenditure" means an expenditure that:
- 10559 (i)(A) is not excluded from the definition of personal use expenditure by
- 10560 Subsection (2); and
- 10561 (B) primarily furthers a personal interest of a candidate or officeholder or a
- 10562 candidate's or officeholder's family, which interest is not connected with the
- 10563 performance of an activity as a candidate or an activity or duty of an
- 10564 officeholder; or
- 10565 (ii) would likely cause the candidate or officeholder to recognize the expenditure as
- 10566 taxable income under federal or state law.
- 10567 (b) "Personal use expenditure" includes:
- 10568 (i) a mortgage, rent, utility, or vehicle payment;
- 10569 (ii) a household food item or supply;
- 10570 (iii) a clothing expense, except:

- 10571 (A) clothing bearing the candidate's name or campaign slogan or logo that is used
 10572 in the candidate's campaign;
- 10573 (B) clothing bearing the logo or name of a jurisdiction, district, government
 10574 organization, government entity, caucus, or political party that the officeholder
 10575 represents or of which the officeholder is a member; or
- 10576 (C) repair or replacement of clothing that is damaged while the candidate or
 10577 officeholder is engaged in an activity of a candidate or officeholder;
- 10578 (iv) an admission to a sporting, artistic, or recreational event or other form of
 10579 entertainment;
- 10580 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 10581 (vi) a salary payment made to:
- 10582 (A) a candidate or officeholder; or
- 10583 (B) a person who has not provided a bona fide service to a candidate or
 10584 officeholder;
- 10585 (vii) a vacation;
- 10586 (viii) a vehicle expense;
- 10587 (ix) a meal expense;
- 10588 (x) a travel expense;
- 10589 (xi) a payment of an administrative, civil, or criminal penalty;
- 10590 (xii) a satisfaction of a personal debt;
- 10591 (xiii) a personal service, including the service of an attorney, accountant, physician,
 10592 or other professional person;
- 10593 (xiv) a membership fee for a professional or service organization; and
- 10594 (xv) a payment in excess of the fair market value of the item or service purchased.
- 10595 (2) As used in this chapter, "personal use expenditure" does not include an expenditure
 10596 made:
- 10597 (a) for a political purpose;
- 10598 (b) for candidacy for public office;
- 10599 (c) to fulfill a duty or activity of an officeholder;
- 10600 (d) for a donation to a registered political party;
- 10601 (e) for a contribution to another candidate's campaign account, including sponsorship of
 10602 or attendance at an event, the primary purpose of which is to solicit a contribution for
 10603 another candidate's campaign account;
- 10604 (f) to return all or a portion of a contribution to a contributor;

- 10605 (g) for the following items, if made in connection with the candidacy for public office or
10606 an activity or duty of an officeholder:
- 10607 (i)(A) a mileage allowance at the rate established by the Division of Finance under
10608 Section 63A-3-107; or
10609 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 10610 (ii) a food expense, including food or beverages:
10611 (A) served at a campaign event;
10612 (B) served at a charitable event;
10613 (C) consumed, or provided to others, by a candidate while the candidate is
10614 engaged in campaigning;
10615 (D) consumed, or provided to others, by an officeholder while the officeholder is
10616 acting in the capacity of an officeholder; or
10617 (E) provided as a gift to an individual who works on a candidate's campaign or
10618 who assists an officeholder in the officeholder's capacity as an officeholder;
- 10619 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to
10620 the candidate's campaign, including airfare, car rental, other transportation, hotel,
10621 or other expenses incidental to the travel;
- 10622 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of
10623 the travel by the individual is to assist the candidate with the candidate's
10624 campaign, including an expense described in Subsection (2)(g)(iii);
- 10625 (v) a travel expense of an officeholder, if the primary purpose of the travel is related
10626 to an activity or duty of the officeholder, including an expense described in
10627 Subsection (2)(g)(iii);
- 10628 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose
10629 of the travel by the individual is to assist the officeholder in an activity or duty of
10630 an officeholder, including an expense described in Subsection (2)(g)(iii);
- 10631 (vii) a payment for a service provided by an attorney or accountant;
- 10632 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 10633 (ix) a gift;
- 10634 (x) a payment for the following items in connection with an office space:
10635 (A) rent;
10636 (B) utilities;
10637 (C) a supply; or
10638 (D) furnishing;

- 10639 (xi) a booth at a meeting or event;
- 10640 (xii) educational material; or
- 10641 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty
- 10642 of an officeholder;
- 10643 (h) to purchase or mail informational material, a survey, or a greeting card;
- 10644 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
- 10645 admission to or sponsorship of an event, the primary purpose of which is charitable
- 10646 solicitation, as defined in Section 13-22-2;
- 10647 (j) to repay a loan a candidate makes from the candidate's personal account to the
- 10648 candidate's campaign account;
- 10649 (k) to pay membership dues to a national organization whose primary purpose is to
- 10650 address general public policy;
- 10651 (l) for admission to or sponsorship of an event, the primary purpose of which is to
- 10652 promote the social, educational, or economic well-being of the state or the candidate's
- 10653 or officeholder's community;
- 10654 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
- 10655 or conference described in this Subsection (2), including related travel expenses and
- 10656 other expenses, if attendance by the guest is for a primary purpose described in
- 10657 Subsection (2)(g)(iv) or (vi); or
- 10658 (n) to pay childcare expenses of:
- 10659 (i) a candidate while the candidate is engaging in campaign activity; or
- 10660 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.
- 10661 (3)(a) The [~~lieutenant governor~~] director shall enforce this chapter prohibiting a personal
- 10662 use expenditure by:
- 10663 (i) evaluating a financial statement to identify a personal use expenditure; and
- 10664 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,
- 10665 Chapter 4, Administrative Procedures Act, if the [~~lieutenant governor~~] director has
- 10666 probable cause to believe a candidate or officeholder has made a personal use
- 10667 expenditure.
- 10668 (b) Following the proceeding, the [~~lieutenant governor~~] director may issue a signed order
- 10669 requiring a candidate or officeholder who has made a personal use expenditure to:
- 10670 (i) remit an administrative penalty of an amount equal to 50% of the personal use
- 10671 expenditure to the [~~lieutenant governor~~] director; and
- 10672 (ii) deposit the amount of the personal use expenditure in the campaign account from

10673 which the personal use expenditure was disbursed.

10674 (c) The [~~lieutenant governor~~] director shall deposit money received under Subsection
10675 (3)(b)(i) [~~in~~] into the General Fund.

10676 Section 174. Section **20A-11-105** is amended to read:

10677 **20A-11-105 . Deadline for payment of fine.**

10678 A person against whom the [~~lieutenant governor~~] director imposes a fine under this
10679 chapter shall pay the fine before 5 p.m. within 30 days after the day on which the [~~lieutenant~~
10680 ~~governor~~] director imposes the fine.

10681 Section 175. Section **20A-11-201** is amended to read:

10682 **20A-11-201 . State office -- Separate bank account for campaign funds -- No**
10683 **personal use -- State office candidate reporting deadline -- Report other accounts --**
10684 **Anonymous contributions.**

10685 (1)(a) Each state office candidate or the candidate's personal campaign committee shall
10686 deposit each contribution received in one or more separate campaign accounts in a
10687 financial institution.

10688 (b) A state office candidate or a candidate's personal campaign committee may not use
10689 money deposited in a campaign account for:

10690 (i) a personal use expenditure; or

10691 (ii) an expenditure prohibited by law.

10692 (c) Each state officeholder or the state officeholder's personal campaign committee shall
10693 deposit each contribution and public service assistance received in one or more
10694 separate campaign accounts in a financial institution.

10695 (d) A state officeholder or a state officeholder's personal campaign committee may not
10696 use money deposited in a campaign account for:

10697 (i) a personal use expenditure; or

10698 (ii) an expenditure prohibited by law.

10699 (2)(a) A state office candidate or the candidate's personal campaign committee may not
10700 deposit or mingle any contributions received into a personal or business account.

10701 (b) A state officeholder or the state officeholder's personal campaign committee may not
10702 deposit or mingle any contributions or public service assistance received into a
10703 personal or business account.

10704 (3) If a person who is no longer a state office candidate chooses not to expend the money
10705 remaining in a campaign account, the person shall continue to file the year-end summary
10706 report required by Section 20A-11-203 until the statement of dissolution and final

10707 summary report required by Section 20A-11-205 are filed with the [~~lieutenant governor~~]
10708 director.

10709 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
10710 no longer a state office candidate may not expend or transfer the money in a
10711 campaign account in a manner that would cause the former state office candidate to
10712 recognize the money as taxable income under federal tax law.

10713 (b) A person who is no longer a state office candidate may transfer the money in a
10714 campaign account in a manner that would cause the former state office candidate to
10715 recognize the money as taxable income under federal tax law if the transfer is made
10716 to a campaign account for federal office.

10717 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
10718 in Subsection 20A-11-204(1)(b).

10719 (b) Each state office candidate shall report to the [~~lieutenant governor~~] director each
10720 contribution received by the state office candidate:

10721 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which
10722 the contribution is received; or

10723 (ii) within seven business days after the day on which the contribution is received, if:

10724 (A) the state office candidate is contested in a convention and the contribution is
10725 received within 30 days before the day on which the convention is held;

10726 (B) the state office candidate is contested in a primary election and the
10727 contribution is received within 30 days before the day on which the primary
10728 election is held; or

10729 (C) the state office candidate is contested in a general election and the
10730 contribution is received within 30 days before the day on which the general
10731 election is held.

10732 (c) Except as provided in Subsection (5)(d), for each contribution that a state office
10733 candidate fails to report within the time period described in Subsection (5)(b), the [~~lieutenant governor~~]
10734 director shall impose a fine against the state office candidate in
10735 an amount equal to:

10736 (i) 10% of the amount of the contribution, if the state office candidate reports the
10737 contribution within 60 days after the day on which the time period described in
10738 Subsection (5)(b) ends; or

10739 (ii) 20% of the amount of the contribution, if the state office candidate fails to report
10740 the contribution within 60 days after the day on which the time period described in

- 10741 Subsection (5)(b) ends.
- 10742 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection (5)(c)
- 10743 and issue a warning to the state office candidate if:
- 10744 (i) the contribution that the state office candidate fails to report is paid by the state
- 10745 office candidate from the state office candidate's personal funds;
- 10746 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation
- 10747 to a contribution paid by the state office candidate from the state office candidate's
- 10748 personal funds; and
- 10749 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the
- 10750 contribution is due to the state office candidate not understanding that the
- 10751 reporting requirement includes a contribution paid by a state office candidate from
- 10752 the state office candidate's personal funds.
- 10753 (e) The [~~lieutenant governor~~] director shall:
- 10754 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 10755 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports
- 10756 relating to each state office candidate are available for public access:
- 10757 (A) each fine imposed by the [~~lieutenant governor~~] director against the state office
- 10758 candidate;
- 10759 (B) the amount of the fine;
- 10760 (C) the amount of the contribution to which the fine relates; and
- 10761 (D) the date of the contribution.
- 10762 (6)(a) As used in this Subsection (6), "account" means an account in a financial
- 10763 institution:
- 10764 (i) that is not described in Subsection (1)(a); and
- 10765 (ii) into which or from which a person who, as a candidate for an office, other than
- 10766 the state office for which the person files a declaration of candidacy or federal
- 10767 office, or as a holder of an office, other than a state office for which the person
- 10768 files a declaration of candidacy or federal office, deposits a contribution or makes
- 10769 an expenditure.
- 10770 (b) A state office candidate shall include on any financial statement filed in accordance
- 10771 with this part:
- 10772 (i) a contribution deposited in an account:
- 10773 (A) since the last campaign finance statement was filed; or
- 10774 (B) that has not been reported under a statute or ordinance that governs the

- 10775 account; or
- 10776 (ii) an expenditure made from an account:
- 10777 (A) since the last campaign finance statement was filed; or
- 10778 (B) that has not been reported under a statute or ordinance that governs the
- 10779 account.
- 10780 (7) Within 31 days after receiving a contribution that is cash or a negotiable instrument,
- 10781 exceeds \$50, and is from an unknown source, a state office candidate shall disburse the
- 10782 amount of the contribution to an organization that is exempt from federal income
- 10783 taxation under Section 501(c)(3), Internal Revenue Code.
- 10784 Section 176. Section **20A-11-202** is amended to read:
- 10785 **20A-11-202 . State office candidate -- Personal campaign committee required --**
- 10786 **Candidate as a political action committee officer.**
- 10787 (1)(a)(i) Each state office candidate shall select no more than one personal campaign
- 10788 committee, consisting of one or more persons, to receive contributions, make
- 10789 expenditures, and file reports connected with the candidate's campaign.
- 10790 (ii) A state office candidate may serve as the candidate's own campaign committee.
- 10791 (iii) A state office candidate may be designated by a political action committee as an
- 10792 officer who has primary decision-making authority as described in Section
- 10793 20A-11-601.
- 10794 (b) Except for expenses made by a registered political party to benefit a party's
- 10795 candidates generally, a state office candidate or other person acting in concert with or
- 10796 with the knowledge of the state office candidate may not receive any contributions or
- 10797 make any expenditures on behalf of a state office candidate other than through:
- 10798 (i) a personal campaign committee established under this section; and
- 10799 (ii) a political action committee established under Part 6, Political Action Committee
- 10800 Registration and Financial Reporting Requirements.
- 10801 (2)(a) The state office candidate shall file a written statement signed by the candidate or
- 10802 authorized member of the candidate's personal campaign committee with the [
- 10803 ~~lieutenant-governor~~] director that:
- 10804 (i) informs the [lieutenant-governor] director that the state office candidate's personal
- 10805 campaign committee has been selected; and
- 10806 (ii) provides the name and address of each member and the secretary of the
- 10807 committee.
- 10808 (b) A state office candidate or the candidate's personal campaign committee may not

10809 make any expenditures on behalf of the candidate until the statement has been filed.

10810 (c) A state office candidate may revoke the selection of any member of the campaign
10811 committee by:

10812 (i) revoking that individual's appointment or election in writing;

10813 (ii) personally serving the written revocation on the member whose selection is
10814 revoked; and

10815 (iii) filing a copy of the written revocation with the [~~lieutenant governor~~] director.

10816 (d)(i) The state office candidate may select a replacement to fill any vacancy on the
10817 campaign committee.

10818 (ii) The state office candidate shall file that replacement's name and address with the [
10819 ~~lieutenant governor~~] director.

10820 (3) A member of a state office candidate's personal campaign committee may not make an
10821 expenditure of more than \$1,000 unless the state office candidate or the secretary of the
10822 personal campaign committee authorizes the expenditure in writing.

10823 (4) A state office candidate or the candidate's personal campaign committee may not make
10824 any expenditures prohibited by law.

10825 Section 177. Section **20A-11-204** is amended to read:

10826 **20A-11-204 . State office candidate and state officeholder -- Financial reporting**
10827 **requirements -- Interim reports.**

10828 (1) As used in this section:

10829 (a) "Campaign account" means a separate campaign account required under Subsection
10830 20A-11-201(1)(a) or (c).

10831 (b) "Received" means:

10832 (i) for a cash contribution, that the cash is given to a state office candidate or a
10833 member of the state office candidate's personal campaign committee;

10834 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
10835 instrument or check is negotiated;

10836 (iii) for a direct deposit made into a campaign account by a person not associated
10837 with the campaign, the earlier of:

10838 (A) the day on which the state office candidate or a member of the state office
10839 candidate's personal campaign committee becomes aware of the deposit and
10840 the source of the deposit;

10841 (B) the day on which the state office candidate or a member of the state office
10842 candidate's personal campaign committee receives notice of the deposit and the

- 10843 source of the deposit by mail, email, text, or similar means; or
- 10844 (C) 31 days after the day on which the direct deposit occurs; or
- 10845 (iv) for any other type of contribution, that any portion of the contribution's benefit
- 10846 inures to the state office candidate.
- 10847 (2) Except as provided in Subsection (3), each state office candidate shall file an interim
- 10848 report at the following times in any year in which the candidate has filed a declaration of
- 10849 candidacy for a public office:
- 10850 (a)(i) seven days before the candidate's political convention; or
- 10851 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 10852 (b) seven days before the regular primary election date;
- 10853 (c) September 30; and
- 10854 (d) seven days before the regular general election date.
- 10855 (3) If a state office candidate is a state office candidate seeking appointment for a midterm
- 10856 vacancy, the state office candidate:
- 10857 (a) shall file an interim report:
- 10858 (i)(A) no later than seven days before the day on which the political party of the
- 10859 party for which the state office candidate seeks nomination meets to declare a
- 10860 nominee for the governor to appoint in accordance with Section 20A-1-504;
- 10861 and
- 10862 (B) two days before the day on which the political party of the party for which the
- 10863 state office candidate seeks nomination meets to declare a nominee for the
- 10864 governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i); or
- 10865 (ii) if a state office candidate decides to seek the appointment with less than seven
- 10866 days before the party meets, or the political party schedules the meeting to declare
- 10867 a nominee less than seven days before the day of the meeting, no later than 5 p.m.
- 10868 on the last day of business before the day on which the party meets; and
- 10869 (b) is not required to file an interim report at the times described in Subsection (1).
- 10870 (4) Each interim report shall include the following information:
- 10871 (a) the net balance of the last summary report, if any;
- 10872 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 10873 reports, if any, during the calendar year in which the interim report is due;
- 10874 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 10875 reports, if any, filed during the calendar year in which the interim report is due;
- 10876 (d) a detailed listing of:

- 10877 (i) for a state office candidate, each contribution received since the last summary
 10878 report that has not been reported in detail on a prior interim report; or
 10879 (ii) for a state officeholder, each contribution and public service assistance received
 10880 since the last summary report that has not been reported in detail on a prior
 10881 interim report;
- 10882 (e) for each nonmonetary contribution:
- 10883 (i) the fair market value of the contribution with that information provided by the
 10884 contributor; and
 10885 (ii) a specific description of the contribution;
- 10886 (f) a detailed listing of each expenditure made since the last summary report that has not
 10887 been reported in detail on a prior interim report;
- 10888 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10889 (h) a net balance for the year consisting of the net balance from the last summary report,
 10890 if any, plus all receipts since the last summary report minus all expenditures since the
 10891 last summary report;
- 10892 (i) a summary page in the form required by the [~~lieutenant governor~~] director that
 10893 identifies:
- 10894 (i) beginning balance;
- 10895 (ii) total contributions and public service assistance received during the period since
 10896 the last statement;
- 10897 (iii) total contributions and public service assistance received to date;
- 10898 (iv) total expenditures during the period since the last statement; and
 10899 (v) total expenditures to date; and
- 10900 (j) the name of a political action committee for which the state office candidate or state
 10901 officeholder is designated as an officer who has primary decision-making authority
 10902 under Section 20A-11-601.

10903 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
 10904 of five days before the required filing date of the report.

10905 (b) Any negotiable instrument or check received by a state office candidate or state
 10906 officeholder more than five days before the required filing date of a report required
 10907 by this section shall be included in the interim report.

10908 Section 178. Section **20A-11-205** is amended to read:

10909 **20A-11-205 . State office candidate -- Financial reporting requirements --**

10910 **Termination of duty to report.**

- 10911 (1) Each state office candidate and the candidate's personal campaign committee is active
 10912 and subject to interim reporting requirements until:
 10913 (a) the candidate withdraws or is eliminated in a convention or primary; or
 10914 (b) if seeking appointment as a midterm vacancy state office candidate:
 10915 (i) the political party liaison fails to forward the person's name to the governor; or
 10916 (ii) the governor fails to appoint the person to fill the vacancy.
- 10917 (2) Each state office candidate and the candidate's personal campaign committee is active
 10918 and subject to year-end summary reporting requirements until the candidate has filed a
 10919 statement of dissolution with the [~~lieutenant governor~~] director stating that:
 10920 (a) the state office candidate or the personal campaign committee is no longer receiving
 10921 contributions and is no longer making expenditures;
 10922 (b) the ending balance on the last summary report filed is zero and the balance in the
 10923 separate bank account required in Section 20A-11-201 is zero; and
 10924 (c) a final summary report in the form required by Section 20A-11-203 showing a zero
 10925 balance is attached to the statement of dissolution.
- 10926 (3) A statement of dissolution and a final summary report may be filed at any time.
- 10927 (4) Each state office candidate and the candidate's personal campaign committee shall
 10928 continue to file the year-end summary report required by Section 20A-11-203 until the
 10929 statement of dissolution and final summary report required by this section are filed with
 10930 the [~~lieutenant governor~~] director.

10931 Section 179. Section **20A-11-206** is amended to read:

10932 **20A-11-206 . State office candidate -- Failure to file reports -- Penalties.**

- 10933 (1) A state office candidate who fails to file a financial statement before the deadline is
 10934 subject to a fine imposed in accordance with Section 20A-11-1005.
- 10935 (2) If a state office candidate fails to file an interim report described in Subsections
 10936 20A-11-204(2)(b) through (d), the [~~lieutenant governor~~] director may send an electronic
 10937 notice to the state office candidate and the political party of which the state office
 10938 candidate is a member, if any, that states:
 10939 (a) that the state office candidate failed to timely file the report; and
 10940 (b) that, if the state office candidate fails to file the report within 24 hours after the
 10941 deadline for filing the report, the state office candidate will be disqualified and the
 10942 political party will not be permitted to replace the candidate.
- 10943 (3)(a) The [~~lieutenant governor~~] director shall disqualify a state office candidate and
 10944 inform the county clerk and other appropriate election officials that the state office

- 10945 candidate is disqualified if the state office candidate fails to file an interim report
 10946 described in Subsections 20A-11-204(2)(b) through (d) within 24 hours after the
 10947 deadline for filing the report.
- 10948 (b) The political party of a state office candidate who is disqualified under Subsection
 10949 (3)(a) may not replace the state office candidate.
- 10950 (4) If a state office candidate is disqualified under Subsection (3)(a), the election officer
 10951 shall:
- 10952 (a) notify every opposing candidate for the state office that the state office candidate is
 10953 disqualified;
- 10954 (b) send an email notification to each voter who is eligible to vote in the state office race
 10955 for whom the [~~lieutenant governor~~] office has an email address informing the voter
 10956 that the state office candidate is disqualified and that votes cast for the state office
 10957 candidate will not be counted;
- 10958 (c) post notice of the disqualification on the [~~lieutenant governor's~~] office's website; and
 10959 (d) if practicable, remove the state office candidate's name from the ballot.
- 10960 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
 10961 a mailed ballot, including a military or overseas ballot, by including with the ballot a
 10962 written notice directing the voter to the [~~lieutenant governor's~~] office's website to inform
 10963 the voter whether a candidate on the ballot is disqualified.
- 10964 (6) A state office candidate is not disqualified if:
- 10965 (a) the state office candidate timely files the reports described in Subsections
 10966 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for
 10967 filing the reports;
- 10968 (b) the reports are completed, detailing accurately and completely the information
 10969 required by this part except for inadvertent omissions or insignificant errors or
 10970 inaccuracies; and
- 10971 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
 10972 an amended report or the next scheduled report.
- 10973 (7)(a) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant~~
 10974 ~~governor~~] director shall review each filed summary report to ensure that:
- 10975 (i) each state office candidate that is required to file a summary report has filed one;
 10976 and
- 10977 (ii) each summary report contains the information required by this part.
- 10978 (b) If it appears that any state office candidate has failed to file the summary report

10979 required by law, if it appears that a filed summary report does not conform to the law,
 10980 or if the [~~lieutenant governor~~] director has received a written complaint alleging a
 10981 violation of the law or the falsity of any summary report, the [~~lieutenant governor~~]
 10982 director shall, within five days of discovery of a violation or receipt of a written
 10983 complaint, notify the state office candidate of the violation or written complaint and
 10984 direct the state office candidate to file a summary report correcting the problem.

10985 (c)(i) It is unlawful for a state office candidate to fail to file or amend a summary
 10986 report within seven days after receiving notice from the [~~lieutenant governor~~]
 10987 director described in this Subsection (7).

10988 (ii) Each state office candidate who violates Subsection[-] (7)(c)(i) is guilty of a class
 10989 B misdemeanor.

10990 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection
 10991 (7)(c)(i) to the attorney general.

10992 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the [
 10993 ~~lieutenant governor~~] director shall impose a civil fine of \$100 against a state office
 10994 candidate who violates Subsection (7)(c)(i).

10995 Section 180. Section **20A-11-301** is amended to read:

10996 **20A-11-301 . Legislative office -- Campaign finance requirements -- Candidate as**
 10997 **a political action committee officer -- No personal use -- Contribution reporting deadline**
 10998 **-- Report other accounts -- Anonymous contributions.**

10999 (1)(a)(i) Each legislative office candidate shall deposit each contribution received in
 11000 one or more separate accounts in a financial institution that are dedicated only to
 11001 that purpose.

11002 (ii) A legislative office candidate may:

11003 (A) receive a contribution from a political action committee registered under
 11004 Section 20A-11-601; and

11005 (B) be designated by a political action committee as an officer who has primary
 11006 decision-making authority as described in Section 20A-11-601.

11007 (b) A legislative office candidate or the candidate's personal campaign committee may
 11008 not use money deposited in an account described in Subsection (1)(a)(i) for:

11009 (i) a personal use expenditure; or

11010 (ii) an expenditure prohibited by law.

11011 (c)(i) Each legislative officeholder shall deposit each contribution and public service
 11012 assistance received in one or more separate accounts in a financial institution that

- 11013 are dedicated only to that purpose.
- 11014 (ii) A legislative officeholder may:
- 11015 (A) receive a contribution or public service assistance from a political action
- 11016 committee registered under Section 20A-11-601; and
- 11017 (B) be designated by a political action committee as an officer who has primary
- 11018 decision-making authority as described in Section 20A-11-601.
- 11019 (d) A legislative officeholder or the legislative officeholder's personal campaign
- 11020 committee may not use money deposited in an account described in Subsection
- 11021 (1)(c)(i) for:
- 11022 (i) a personal use expenditure; or
- 11023 (ii) an expenditure prohibited by law.
- 11024 (2)(a) A legislative office candidate may not deposit or mingle any contributions
- 11025 received into a personal or business account.
- 11026 (b) A legislative officeholder may not deposit or mingle any contributions or public
- 11027 service assistance received into a personal or business account.
- 11028 (3) If a person who is no longer a legislative candidate chooses not to expend the money
- 11029 remaining in a campaign account, the person shall continue to file the year-end summary
- 11030 report required by Section 20A-11-302 until the statement of dissolution and final
- 11031 summary report required by Section 20A-11-304 are filed with the [~~lieutenant governor~~
- 11032 director].
- 11033 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
- 11034 no longer a legislative office candidate may not expend or transfer the money in a
- 11035 campaign account in a manner that would cause the former legislative office
- 11036 candidate to recognize the money as taxable income under federal tax law.
- 11037 (b) A person who is no longer a legislative office candidate may transfer the money in a
- 11038 campaign account in a manner that would cause the former legislative office
- 11039 candidate to recognize the money as taxable income under federal tax law if the
- 11040 transfer is made to a campaign account for federal office.
- 11041 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
- 11042 in Subsection 20A-11-303(1)(b).
- 11043 (b) Each legislative office candidate shall report to the [~~lieutenant governor~~] director each
- 11044 contribution received by the legislative office candidate:
- 11045 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which
- 11046 the contribution is received; or

- 11047 (ii) within seven business days after the day on which the contribution is received, if:
- 11048 (A) the legislative office candidate is contested in a convention and the
- 11049 contribution is received within 30 days before the day on which the convention
- 11050 is held;
- 11051 (B) the legislative office candidate is contested in a primary election and the
- 11052 contribution is received within 30 days before the day on which the primary
- 11053 election is held; or
- 11054 (C) the legislative office candidate is contested in a general election and the
- 11055 contribution is received within 30 days before the day on which the general
- 11056 election is held.
- 11057 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative office
- 11058 candidate fails to report within the time period described in Subsection (5)(b), the [~~lieutenant governor~~]
- 11059 director shall impose a fine against the legislative office
- 11060 candidate in an amount equal to:
- 11061 (i) 10% of the amount of the contribution, if the legislative office candidate reports
- 11062 the contribution within 60 days after the day on which the time period described in
- 11063 Subsection (5)(b) ends; or
- 11064 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to
- 11065 report the contribution within 60 days after the day on which the time period
- 11066 described in Subsection (5)(b) ends.
- 11067 (d) The [~~lieutenant governor~~]
- 11068 director may waive the fine described in Subsection (5)(c)
- 11069 and issue a warning to the legislative office candidate if:
- 11070 (i) the contribution that the legislative office candidate fails to report is paid by the
- 11071 legislative office candidate from the legislative office candidate's personal funds;
- 11072 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in
- 11073 relation to a contribution paid by the legislative office candidate from the
- 11074 legislative office candidate's personal funds; and
- 11075 (iii) the [~~lieutenant governor~~]
- 11076 director determines that the failure to timely report the
- 11077 contribution is due to the legislative office candidate not understanding that the
- 11078 reporting requirement includes a contribution paid by a legislative office candidate
- 11079 from the legislative office candidate's personal funds.
- 11080 (e) The [~~lieutenant governor~~]
- 11081 director shall:
- 11082 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 11083 (ii) report on the [~~lieutenant governor's~~]
- 11084 office's website, in the location where reports

11081 relating to each legislative office candidate are available for public access:
 11082 (A) each fine imposed by the [~~lieutenant governor~~] director against the legislative
 11083 office candidate;
 11084 (B) the amount of the fine;
 11085 (C) the amount of the contribution to which the fine relates; and
 11086 (D) the date of the contribution.

11087 (6) Within 31 days after receiving a contribution that is cash or a negotiable instrument,
 11088 exceeds \$50, and is from an unknown source, a legislative office candidate shall
 11089 disburse the amount of the contribution to an organization that is exempt from federal
 11090 income taxation under Section 501(c)(3), Internal Revenue Code.

11091 (7)(a) As used in this Subsection (7), "account" means an account in a financial
 11092 institution:

11093 (i) that is not described in Subsection (1)(a)(i); and
 11094 (ii) into which or from which a person who, as a candidate for an office, other than a
 11095 legislative office for which the person files a declaration of candidacy or federal
 11096 office, or as a holder of an office, other than a legislative office for which the
 11097 person files a declaration of candidacy or federal office, deposits a contribution or
 11098 makes an expenditure.

11099 (b) A legislative office candidate shall include on any financial statement filed in
 11100 accordance with this part:

11101 (i) a contribution deposited in an account:
 11102 (A) since the last campaign finance statement was filed; or
 11103 (B) that has not been reported under a statute or ordinance that governs the
 11104 account; or
 11105 (ii) an expenditure made from an account:
 11106 (A) since the last campaign finance statement was filed; or
 11107 (B) that has not been reported under a statute or ordinance that governs the
 11108 account.

11109 Section 181. Section **20A-11-303** is amended to read:

11110 **20A-11-303 . Legislative office candidate and legislative officeholder -- Financial**
 11111 **reporting requirements -- Interim reports.**

11112 (1) As used in this section:

11113 (a) "Campaign account" means a separate campaign account required under Subsection
 11114 20A-11-301(1)(a)(i) or (c)(i).

- 11115 (b) "Received" means:
- 11116 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
- 11117 member of the legislative office candidate's personal campaign committee;
- 11118 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 11119 instrument or check is negotiated;
- 11120 (iii) for a direct deposit made into a campaign account by a person not associated
- 11121 with the campaign, the earlier of:
- 11122 (A) the day on which the legislative office candidate or a member of the
- 11123 legislative office candidate's personal campaign committee becomes aware of
- 11124 the deposit and the source of the deposit;
- 11125 (B) the day on which the legislative office candidate or a member of the
- 11126 legislative office candidate's personal campaign committee receives notice of
- 11127 the deposit and the source of the deposit by mail, email, text, or similar means;
- 11128 or
- 11129 (C) 31 days after the day on which the direct deposit occurs; or
- 11130 (iv) for any other type of contribution, that any portion of the contribution's benefit
- 11131 inures to the legislative office candidate.
- 11132 (2) Except as provided in Subsection (3), each legislative office candidate shall file an
- 11133 interim report at the following times in any year in which the candidate has filed a
- 11134 declaration of candidacy for a public office:
- 11135 (a)(i) seven days before the candidate's political convention; or
- 11136 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 11137 (b) seven days before the regular primary election date;
- 11138 (c) September 30; and
- 11139 (d) seven days before the regular general election date.
- 11140 (3) If a legislative office candidate is a legislative office candidate seeking appointment for
- 11141 a midterm vacancy, the legislative office candidate:
- 11142 (a) shall file an interim report:
- 11143 (i)(A) seven days before the day on which the political party of the party for
- 11144 which the legislative office candidate seeks nomination meets to declare a
- 11145 nominee for the governor to appoint in accordance with Section 20A-1-503;
- 11146 and
- 11147 (B) two days before the day on which the political party of the party for which the
- 11148 legislative office candidate seeks nomination meets to declare a nominee for

- 11149 the governor to appoint in accordance with Section 20A-1-503; or
- 11150 (ii) if the legislative office candidate decides to seek the appointment with less than
- 11151 seven days before the party meets, or the political party schedules the meeting to
- 11152 declare a nominee less than seven days before the day of the meeting, two days
- 11153 before the day on which the party meets; and
- 11154 (b) is not required to file an interim report at the times described in Subsection (2)(a).
- 11155 (4) Each interim report shall include the following information:
- 11156 (a) the net balance of the last summary report, if any;
- 11157 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 11158 reports, if any, during the calendar year in which the interim report is due;
- 11159 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 11160 reports, if any, filed during the calendar year in which the interim report is due;
- 11161 (d) a detailed listing of:
- 11162 (i) for a legislative office candidate, each contribution received since the last
- 11163 summary report that has not been reported in detail on a prior interim report; or
- 11164 (ii) for a legislative officeholder, each contribution and public service assistance
- 11165 received since the last summary report that has not been reported in detail on a
- 11166 prior interim report;
- 11167 (e) for each nonmonetary contribution:
- 11168 (i) the fair market value of the contribution with that information provided by the
- 11169 contributor; and
- 11170 (ii) a specific description of the contribution;
- 11171 (f) a detailed listing of each expenditure made since the last summary report that has not
- 11172 been reported in detail on a prior interim report;
- 11173 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11174 (h) a net balance for the year consisting of the net balance from the last summary report,
- 11175 if any, plus all receipts since the last summary report minus all expenditures since the
- 11176 last summary report;
- 11177 (i) a summary page in the form required by the [~~lieutenant governor~~] director that
- 11178 identifies:
- 11179 (i) beginning balance;
- 11180 (ii) total contributions and public service assistance received during the period since
- 11181 the last statement;
- 11182 (iii) total contributions and public service assistance received to date;

- 11183 (iv) total expenditures during the period since the last statement; and
 11184 (v) total expenditures to date; and
 11185 (j) the name of a political action committee for which the legislative office candidate or
 11186 legislative officeholder is designated as an officer who has primary decision-making
 11187 authority under Section 20A-11-601.

11188 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
 11189 of five days before the required filing date of the report.

11190 (b) Any negotiable instrument or check received by a legislative office candidate or
 11191 legislative officeholder more than five days before the required filing date of a report
 11192 required by this section shall be included in the interim report.

11193 Section 182. Section **20A-11-304** is amended to read:

11194 **20A-11-304 . Legislative office candidate -- Financial reporting requirements --**
 11195 **Termination of duty to report.**

11196 (1) Each legislative office candidate is subject to interim reporting requirements until:

- 11197 (a) the candidate withdraws or is eliminated in a convention or primary; or
 11198 (b) if seeking appointment as a midterm vacancy legislative office candidate:
 11199 (i) the political party liaison fails to forward the person's name to the governor; or
 11200 (ii) the governor fails to appoint the person to fill the vacancy.

11201 (2) Each legislative office candidate is subject to year-end summary reporting requirements
 11202 until the candidate has filed a statement of dissolution with the [~~lieutenant governor~~]
 11203 director stating that:

- 11204 (a) the legislative office candidate is no longer receiving contributions and is no longer
 11205 making expenditures;
 11206 (b) the ending balance on the last summary report filed is zero and the balance in the
 11207 separate bank account required in Section 20A-11-301 is zero; and
 11208 (c) a final summary report in the form required by Section 20A-11-302 showing a zero
 11209 balance is attached to the statement of dissolution.

11210 (3) A statement of dissolution and a final summary report may be filed at any time.

11211 (4) Each legislative office candidate shall continue to file the year-end summary report
 11212 required by Section 20A-11-302 until the statement of dissolution and final summary
 11213 report required by this section are filed with the [~~lieutenant governor~~] director.

11214 Section 183. Section **20A-11-305** is amended to read:

11215 **20A-11-305 . Legislative office candidate -- Failure to file report -- Penalties.**

11216 (1) A legislative office candidate who fails to file a financial statement before the deadline

- 11217 is subject to a fine imposed in accordance with Section 20A-11-1005.
- 11218 (2) If a legislative office candidate fails to file an interim report described in Subsections
11219 20A-11-303(2)(b) through (d), the [~~lieutenant governor~~] director may send an electronic
11220 notice to the legislative office candidate and the political party of which the legislative
11221 office candidate is a member, if any, that states:
- 11222 (a) that the legislative office candidate failed to timely file the report; and
11223 (b) that, if the legislative office candidate fails to file the report within 24 hours after the
11224 deadline for filing the report, the legislative office candidate will be disqualified and
11225 the political party will not be permitted to replace the candidate.
- 11226 (3)(a) The [~~lieutenant governor~~] director shall disqualify a legislative office candidate
11227 and inform the county clerk and other appropriate election officials that the
11228 legislative office candidate is disqualified if the legislative office candidate fails to
11229 file an interim report described in Subsections 20A-11-303(2)(b) through (d) within
11230 24 hours after the deadline for filing the report.
- 11231 (b) The political party of a legislative office candidate who is disqualified under
11232 Subsection (3)(a) may not replace the legislative office candidate.
- 11233 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the election
11234 officer shall:
- 11235 (a) notify every opposing candidate for the legislative office that the legislative office
11236 candidate is disqualified;
- 11237 (b) send an email notification to each voter who is eligible to vote in the legislative
11238 office race for whom the election officer has an email address informing the voter
11239 that the legislative office candidate is disqualified and that votes cast for the
11240 legislative office candidate will not be counted;
- 11241 (c) post notice of the disqualification on the election officer's website; and
11242 (d) if practicable, remove the legislative office candidate's name from the ballot.
- 11243 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
11244 a mailed ballot, including a military or overseas ballot, by including with the ballot a
11245 written notice directing the voter to the election officer's website to inform the voter
11246 whether a candidate on the ballot is disqualified.
- 11247 (6) A legislative office candidate is not disqualified if:
- 11248 (a) the legislative office candidate files the reports described in Subsections 20A-11-303
11249 (2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the
11250 reports;

- 11251 (b) the reports are completed, detailing accurately and completely the information
11252 required by this part except for inadvertent omissions or insignificant errors or
11253 inaccuracies; and
- 11254 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
11255 an amended report or the next scheduled report.
- 11256 (7)(a) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant~~
11257 ~~governor~~] director shall review each filed summary report to ensure that:
- 11258 (i) each legislative office candidate that is required to file a summary report has filed
11259 one; and
- 11260 (ii) each summary report contains the information required by this part.
- 11261 (b) If it appears that any legislative office candidate has failed to file the summary report
11262 required by law, if it appears that a filed summary report does not conform to the law,
11263 or if the [~~lieutenant-governor~~] director has received a written complaint alleging a
11264 violation of the law or the falsity of any summary report, the [~~lieutenant-governor~~]
11265 director shall, within five days of discovery of a violation or receipt of a written
11266 complaint, notify the legislative office candidate of the violation or written complaint
11267 and direct the legislative office candidate to file a summary report correcting the
11268 problem.
- 11269 (c)(i) It is unlawful for a legislative office candidate to fail to file or amend a
11270 summary report within seven days after receiving notice from the [~~lieutenant~~
11271 ~~governor~~] director described in this Subsection (7).
- 11272 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a
11273 class B misdemeanor.
- 11274 (iii) The [~~lieutenant-governor~~] director shall report all violations of Subsection
11275 (7)(c)(i) to the attorney general.
- 11276 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the [
11277 ~~lieutenant-governor~~] director shall impose a civil fine of \$100 against a legislative
11278 office candidate who violates Subsection (7)(c)(i).
- 11279 Section 184. Section **20A-11-402** is amended to read:
- 11280 **20A-11-402 . Officeholder financial reporting requirements -- Statement of**
11281 **dissolution.**
- 11282 (1) An officeholder or former officeholder is active and subject to reporting requirements
11283 until the officeholder or former officeholder has filed a statement of dissolution with the [
11284 ~~lieutenant-governor~~] director stating that:

- 11285 (a) the officeholder or former officeholder is no longer receiving contributions or public
11286 service assistance and is no longer making expenditures;
- 11287 (b) the ending balance on the last summary report filed is zero and the balance in the
11288 separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301
11289 is zero; and
- 11290 (c) a final summary report in the form required by Section 20A-11-401 showing a zero
11291 balance is attached to the statement of dissolution.
- 11292 (2) A statement of dissolution and a final summary report may be filed at any time.
- 11293 (3)(a) Each officeholder shall report to the [~~lieutenant governor~~] director each
11294 contribution or public service assistance received by the state officeholder within 31
11295 days after the day on which the officeholder receives the contribution or public
11296 service assistance.
- 11297 (b) For each contribution or public service assistance that an officeholder fails to report
11298 within the time period described in Subsection (3)(a), the [~~lieutenant governor~~]
11299 director shall impose a fine against the officeholder in an amount equal to:
- 11300 (i) 10% of the amount of the contribution or public service assistance if the
11301 officeholder reports the contribution or public service assistance within 60 days
11302 after the day on which the time period described in Subsection (3)(a) ends; or
- 11303 (ii) 20% of the amount of the contribution or public service assistance if the
11304 officeholder fails to report the contribution or public service assistance within 60
11305 days after the day on which the time period described in Subsection (3)(a) ends.
- 11306 (c) Each officeholder or former officeholder shall continue to file the year-end summary
11307 report required by Section 20A-11-401 until the statement of dissolution and final
11308 summary report required by this section are filed with the [~~lieutenant governor~~]
11309 director.
- 11310 (4) An officeholder or former officeholder may not use a contribution or public service
11311 assistance deposited in an account in accordance with this chapter for:
- 11312 (a) a personal use expenditure; or
11313 (b) an expenditure prohibited by law.
- 11314 (5)(a) Except as provided in Subsection (5)(b), a former officeholder may not expend or
11315 transfer the money in a campaign account in a manner that would cause the former
11316 officeholder to recognize the money as taxable income under federal tax law.
- 11317 (b) A former officeholder may transfer the money in a campaign account in a manner
11318 that would cause the former officeholder to recognize the money as taxable income

11319 under federal tax law if the transfer is made to a campaign account for federal office.

11320 Section 185. Section **20A-11-403** is amended to read:

11321 **20A-11-403 . Failure to file -- Penalties.**

11322 (1) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant~~
11323 ~~governor~~] director shall review each filed summary report to ensure that:

11324 (a) each officeholder that is required to file a summary report has filed one; and

11325 (b) each summary report contains the information required by this part.

11326 (2) If it appears that any officeholder has failed to file the summary report required by law,
11327 if it appears that a filed summary report does not conform to the law, or if the [~~lieutenant~~
11328 ~~governor~~] director has received a written complaint alleging a violation of the law or the
11329 falsity of any summary report, the [~~lieutenant~~ ~~governor~~] director shall, if the [~~lieutenant~~
11330 ~~governor~~] director determines that a violation has occurred:

11331 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

11332 (b) within five days of discovery of a violation or receipt of a written complaint, notify
11333 the officeholder of the violation or written complaint and direct the officeholder to
11334 file a summary report correcting the problem.

11335 (3)(a) It is unlawful for any officeholder to fail to file or amend a summary report within
11336 seven days after receiving notice from the [~~lieutenant~~ ~~governor~~] director under this
11337 section.

11338 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.

11339 (c) The [~~lieutenant~~ ~~governor~~] director shall report all violations of Subsection (3)(a) to
11340 the attorney general.

11341 (d) In addition to the criminal penalty described in Subsection (3)(b), the [~~lieutenant~~
11342 ~~governor~~] director shall impose a civil fine of \$100 against an officeholder who
11343 violates Subsection (3)(a).

11344 Section 186. Section **20A-11-507** is amended to read:

11345 **20A-11-507 . Political party financial reporting requirements -- Interim reports.**

11346 (1) The party committee of each registered political party shall file an interim report at the
11347 following times in any year in which there is a regular general election:

11348 (a) seven days before the registered political party's political convention;

11349 (b) seven days before the regular primary election date;

11350 (c) September 30; and

11351 (d) seven days before the general election date.

11352 (2) Each interim report shall include the following information:

- 11353 (a) the net balance of the last financial statement, if any;
- 11354 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 11355 reports, if any, during the calendar year in which the interim report is due;
- 11356 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 11357 reports, if any, filed during the calendar year in which the interim report is due;
- 11358 (d) a detailed listing of each contribution received since the last summary report that has
- 11359 not been reported in detail on a prior interim report;
- 11360 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 11361 (f) a detailed listing of each expenditure made since the last summary report that has not
- 11362 been reported in detail on a prior interim report;
- 11363 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11364 (h) a net balance for the year consisting of the net balance from the last summary report,
- 11365 if any, plus all receipts since the last summary report minus all expenditures since the
- 11366 last summary report; and
- 11367 (i) a summary page in the form required by the [~~lieutenant governor~~] director that
- 11368 identifies:
- 11369 (i) beginning balance;
- 11370 (ii) total contributions during the period since the last statement;
- 11371 (iii) total contributions to date;
- 11372 (iv) total expenditures during the period since the last statement; and
- 11373 (v) total expenditures to date.

- 11374 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 11375 reported without separate detailed listings.
- 11376 (b) Two or more contributions from the same source that have an aggregate total of
- 11377 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 11378 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
- 11379 five days before the required filing date of the report.

11380 Section 187. Section **20A-11-508** is amended to read:

11381 **20A-11-508 . Political party reporting requirements -- Criminal penalties -- Fines.**

- 11382 (1)(a) Each registered political party that fails to file a financial statement by the
- 11383 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- 11384 (b) Each registered political party that fails to file an interim report described in
- 11385 Subsections 20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.
- 11386 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (1)(b) to

- 11387 the attorney general.
- 11388 (2) Within 60 days after a deadline for the filing of a summary report required by this part,
 11389 the ~~[lieutenant governor]~~ director shall review each filed report to ensure that:
- 11390 (a) each political party that is required to file a report has filed one; and
 11391 (b) each report contains the information required by this part.
- 11392 (3) If it appears that any political party has failed to file a report required by law, if it
 11393 appears that a filed report does not conform to the law, or if the ~~[lieutenant governor]~~
 11394 director has received a written complaint alleging a violation of the law or the falsity of
 11395 any report, the ~~[lieutenant governor]~~ director shall, within five days of discovery of a
 11396 violation or receipt of a written complaint, notify the political party of the violation or
 11397 written complaint and direct the political party to file a summary report correcting the
 11398 problem.
- 11399 (4)(a) It is unlawful for any political party to fail to file or amend a summary report
 11400 within seven days after receiving notice from the ~~[lieutenant governor]~~ director under
 11401 this section.
- 11402 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
 11403 misdemeanor.
- 11404 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (4)(a) to
 11405 the attorney general.
- 11406 (d) In addition to the criminal penalty described in Subsection (4)(b), the ~~[lieutenant~~
 11407 ~~governor]~~ director shall impose a civil fine of \$1,000 against a political party that
 11408 violates Subsection (4)(a).
- 11409 Section 188. Section **20A-11-511** is amended to read:
- 11410 **20A-11-511 . County political party financial reporting requirements -- Interim**
 11411 **reports.**
- 11412 (1)(a) A county political party officer of a county political party that has received
 11413 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750,
 11414 during a calendar year shall file an interim report at the following times in any year in
 11415 which there is a regular general election:
- 11416 (i) seven days before the county political party's convention;
 11417 (ii) seven days before the regular primary election date;
 11418 (iii) September 30; and
 11419 (iv) seven days before the general election date.
- 11420 (b) A county political party officer need not file an interim report if it received no

- 11421 contributions or made no expenditures during the reporting period.
- 11422 (2) Each interim report shall include the following information:
- 11423 (a) the net balance of the last financial statement, if any;
- 11424 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 11425 reports, if any, during the calendar year in which the interim report is due;
- 11426 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 11427 reports, if any, filed during the calendar year in which the interim report is due;
- 11428 (d) a detailed listing of each contribution received since the last summary report that has
- 11429 not been reported in detail on a prior interim report;
- 11430 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 11431 (f) a detailed listing of each expenditure made since the last summary report that has not
- 11432 been reported in detail on a prior interim report;
- 11433 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11434 (h) a net balance for the year consisting of the net balance from the last summary report,
- 11435 if any, plus all receipts since the last summary report minus all expenditures since the
- 11436 last summary report; and
- 11437 (i) a summary page in the form required by the [~~lieutenant governor~~] director that
- 11438 identifies:
- 11439 (i) beginning balance;
- 11440 (ii) total contributions during the period since the last statement;
- 11441 (iii) total contributions to date;
- 11442 (iv) total expenditures during the period since the last statement; and
- 11443 (v) total expenditures to date.
- 11444 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 11445 reported without separate detailed listings.
- 11446 (b) Two or more contributions from the same source that have an aggregate total of
- 11447 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 11448 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
- 11449 five days before the required filing date of the report.
- 11450 Section 189. Section **20A-11-512** is amended to read:
- 11451 **20A-11-512 . County political party -- Criminal penalties -- Fines.**
- 11452 (1) A county political party that fails to file an interim report described in Subsections
- 11453 20A-11-511(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance
- 11454 with Section 20A-11-1005, which the chief election officer shall deposit [~~in~~] into the

11455 General Fund.

11456 (2) Within 60 days after a deadline for the filing of the January 10 statement required by
11457 Section 20A-11-510, the [~~lieutenant governor~~] director shall review each filed statement
11458 to ensure that:

11459 (a) a county political party officer who is required to file a statement has filed one; and

11460 (b) each statement contains the information required by Section 20A-11-510.

11461 (3) If it appears that any county political party officer has failed to file a financial statement
11462 before the deadline, if it appears that a filed financial statement does not conform to the
11463 law, or if the [~~lieutenant governor~~] director has received a written complaint alleging a
11464 violation of the law or the falsity of any financial statement, the [~~lieutenant governor~~]
11465 director shall, within five days after the day on which the [~~lieutenant governor~~] director
11466 discovers the violation or receives the written complaint, notify the county political
11467 party officer of the violation or written complaint and direct the county political party
11468 officer to file a financial statement correcting the problem.

11469 (4)(a) A county political party that fails to file or amend a financial statement within
11470 seven days after the day on which the county political party receives notice from the [~~lieutenant governor~~]
11471 director under this section is subject to a fine of the lesser of:

11472 (i) 10% of the total contributions received, and the total expenditures made, by the
11473 county political party during the reporting period for the financial statement that
11474 the county political party failed to file or amend; or

11475 (ii) \$1,000.

11476 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
11477 the General Fund.

11478 Section 190. Section **20A-11-513** is amended to read:

11479 **20A-11-513 . Termination of duty to report.**

11480 (1) A registered political party or county political party is subject to year-end summary
11481 reporting requirements until the registered political party or county political party has
11482 filed a statement of dissolution with the [~~lieutenant governor~~] director stating that:

11483 (a) the political party is no longer receiving contributions and is no longer making
11484 expenditures;

11485 (b) the ending balance on the last summary report filed is zero; and

11486 (c) a final summary report in the form required by this part showing a zero balance is
11487 filed with the statement of dissolution.

11488 (2) A statement of dissolution and a final summary report may be filed at any time.

11489 (3) A registered political party or county political party shall continue to file the year-end
 11490 summary report required by this part until the statement of dissolution and final
 11491 summary report required by this section are filed with the [~~lieutenant governor~~] director.

11492 Section 191. Section **20A-11-601** is amended to read:

11493 **20A-11-601 . Political action committees -- Registration -- Name or acronym used**
 11494 **by political action committee -- Criminal penalty for providing false information or**
 11495 **accepting unlawful contribution.**

11496 (1)(a) A political action committee shall file an initial statement of organization with the [
 11497 ~~lieutenant governor's~~]office no later than 5 p.m. seven days after the day on which
 11498 the political action committee:

11499 (i) receives contributions totaling at least \$750; or

11500 (ii) distributes expenditures for political purposes totaling at least \$750.

11501 (b) Unless the political action committee has filed a notice of dissolution under
 11502 Subsection (7), after filing an initial statement of organization, a political action
 11503 committee shall file an updated statement of organization with the[~~lieutenant~~
 11504 ~~governor's~~] office each year after the year in which the political action committee
 11505 files an initial statement of organization:

11506 (i) before 5 p.m. on January 10; or

11507 (ii) electronically, before midnight on January 10.

11508 (c) After filing an initial statement of organization, a political action committee shall,
 11509 before January 10 each year after the year in which the political action committee
 11510 files an initial statement of organization, file an updated statement of organization
 11511 with the[~~lieutenant governor's~~] office.

11512 (2) A statement of organization described in Subsection (1) shall include:

11513 (a) the full name of the political action committee, a second name, if any, and an
 11514 acronym, if any;

11515 (b) the address and phone number of the political action committee;

11516 (c) the name, address, telephone number, title, and occupation of:

11517 (i) the two officers described in Subsection (5) and the treasurer of the political action
 11518 committee;

11519 (ii) all other officers, advisory members, and governing board members of the
 11520 political action committee; and

11521 (iii) each individual or entity represented by, or affiliated with, the political action
 11522 committee; and

- 11523 (d) other relevant information requested by the [~~lieutenant governor~~] director.
- 11524 (3)(a) A political action committee may not use a name or acronym:
- 11525 (i) other than a name or acronym disclosed in the political action committee's latest
- 11526 statement of organization;
- 11527 (ii) that is the same, or deceptively similar to, the name or acronym of another
- 11528 political action committee; or
- 11529 (iii) that is likely to mislead a potential donor regarding the individuals or entities
- 11530 represented by, or affiliated with, the political action committee.
- 11531 (b) Within seven days after the day on which a political action committee files an initial
- 11532 statement of organization, the [~~lieutenant governor's~~] office shall:
- 11533 (i) review the statement and determine whether a name or acronym used by the
- 11534 political action committee violates Subsection (3)(a)(ii) or (iii); and
- 11535 (ii) if the [~~lieutenant governor's~~] office determines that a name or acronym used by
- 11536 the political action committee violates Subsection (3)(a)(ii) or (iii), order, in
- 11537 writing, that the political action committee:
- 11538 (A) immediately cease and desist use of the name or acronym; and
- 11539 (B) within seven days after the day of the order, file an updated statement of
- 11540 organization with a name and acronym that does not violate Subsection
- 11541 (3)(a)(ii) or (iii).
- 11542 (c) If a political action committee uses a name or acronym that is the same, or
- 11543 deceptively similar to, the name or acronym of another political action committee,
- 11544 the [~~lieutenant governor~~] director shall determine which political action committee
- 11545 has been using the name the longest and shall order, in writing, any other political
- 11546 action committee using the same, or a deceptively similar, name or acronym to:
- 11547 (i) immediately cease and desist use of the name or acronym; and
- 11548 (ii) within seven days after the day of the order, file an updated statement of
- 11549 organization with a name and acronym that does not violate Subsection (3)(a)(ii)
- 11550 or (iii).
- 11551 (d) If a political action committee uses a name or acronym other than a name or acronym
- 11552 disclosed in the political action committee's latest statement of organization:
- 11553 (i) the [~~lieutenant governor~~] director shall order, in writing, that the political action
- 11554 committee cease and desist use of the name or acronym; and
- 11555 (ii) the political action committee shall immediately comply with the order described
- 11556 in Subsection (3)(d)(i).

- 11557 (4)(a) The [~~lieutenant governor~~] director may, in addition to any other penalty provided
11558 by law, impose a \$100 fine against a political action committee, or against an
11559 individual who forms a political action committee, that:
- 11560 (i) fails to timely file a complete and accurate statement of organization or
11561 subsequent statement of organization; or
 - 11562 (ii) fails to comply with an order described in Subsection (3).
- 11563 (b) If the [~~lieutenant governor~~] director imposes a fine described in Subsection (4)(a)(i):
- 11564 (i) the person against whom the fine is imposed shall, within seven days after the day
11565 on which the [~~lieutenant governor~~] director imposes the fine:
 - 11566 (A) pay the fine; and
 - 11567 (B) file a complete and accurate statement, or subsequent statement, of
11568 organization, as applicable; and
 - 11569 (ii) the [~~lieutenant governor~~] director shall provide written notice to the person against
11570 whom the fine is imposed:
 - 11571 (A) of the requirements described in Subsection (4)(b)(i); and
 - 11572 (B) that failure to timely comply with the requirement described in Subsection
11573 (4)(b)(i)(B) is a class B misdemeanor.
- 11574 (c) The attorney general, or a political action committee that is harmed by the action of a
11575 political action committee in violation of this section, may bring an action for an
11576 injunction against the violating political action committee, or an officer of the
11577 violating political action committee, to enforce the provisions of this section.
- 11578 (d) A political action committee may bring an action for damages against another
11579 political action committee that uses a name or acronym that is the same, or
11580 deceptively similar to, the name or acronym of the political action committee
11581 bringing the action.
- 11582 (5)(a) Each political action committee shall designate two officers who have primary
11583 decision-making authority for the political action committee.
- 11584 (b) An individual may not exercise primary decision-making authority for a political
11585 action committee if the individual is not designated under Subsection (5)(a).
- 11586 (6) A political action committee shall deposit each contribution received in one or more
11587 separate accounts in a financial institution that are dedicated only to that purpose.
- 11588 (7)(a) A registered political action committee that intends to permanently cease
11589 operations shall file a notice of dissolution with the [~~lieutenant governor's~~] office.
- 11590 (b) A notice of dissolution filed by a political action committee does not exempt the

11591 political action committee from complying with the financial reporting requirements
11592 described in this chapter in relation to all contributions received, and all expenditures
11593 made, before, at, or after dissolution.

11594 (c) A political action committee shall, before filing a notice of dissolution, dispose of
11595 any money remaining in an account described in Subsection (6) by:

11596 (i) returning the money to the donors;

11597 (ii) donating the money to the campaign account of a candidate or officeholder;

11598 (iii) donating the money to another political action committee;

11599 (iv) donating the money to a political party;

11600 (v) donating the money to an organization that is exempt from federal income
11601 taxation under Section 501(c)(3), Internal Revenue Code; or

11602 (vi) making another lawful expenditure of the money for a political purpose.

11603 (d) A political action committee shall report all money donated or expended in a
11604 financial report to the [~~lieutenant governor~~] director, in accordance with the financial
11605 reporting requirements described in this chapter.

11606 (8)(a) Unless the political action committee has filed a notice of dissolution under
11607 Subsection (7), a political action committee shall file, with the [~~lieutenant governor's~~]
11608 office, notice of any change of an officer described in Subsection (5)(a).

11609 (b) A political action committee may not accept a contribution from a political issues
11610 committee, but may donate money to a political issues committee.

11611 (c) A political action committee shall:

11612 (i) file a notice of a change of a primary officer described in Subsection (5)(a) before
11613 5 p.m. within 10 days after the day on which the change occurs; and

11614 (ii) include in the notice of change the name and title of the officer being replaced,
11615 and the name, address, occupation, and title of the new officer.

11616 (9)(a) A person is guilty of providing false information in relation to a political action
11617 committee if the person intentionally or knowingly gives false or misleading material
11618 information in a statement of organization or the notice of change of primary officer.

11619 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting
11620 an unlawful contribution if the political action committee knowingly or recklessly
11621 accepts a contribution from a corporation that:

11622 (i) was organized less than 90 days before the date of the general election; and

11623 (ii) at the time the political action committee accepts the contribution, has failed to
11624 file a statement of organization with the [~~lieutenant governor's~~] office as required

11625 by Section 20A-11-704.

11626 (c) A violation of this Subsection (9) is a third degree felony.

11627 Section 192. Section **20A-11-602** is amended to read:

11628 **20A-11-602 . Political action committees -- Financial reporting.**

11629 (1)(a) Each registered political action committee that has received contributions totaling
11630 at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year
11631 shall file a verified financial statement with the~~[Lieutenant governor's]~~ office:

11632 (i) on January 10, reporting contributions and expenditures as of December 31 of the
11633 previous year;

11634 (ii) seven days before the state political convention of each major political party;

11635 (iii) seven days before the county political convention of a political party, if the
11636 political action committee makes an expenditure on or before the day described in
11637 Subsection (1)(b)(ii) in relation to a candidate that the party may nominate at the
11638 convention;

11639 (iv) seven days before the regular primary election date;

11640 (v) on September 30; and

11641 (vi) seven days before:

11642 (A) the municipal general election; and

11643 (B) the regular general election.

11644 (b) The registered political action committee shall report:

11645 (i) a detailed listing of all contributions received and expenditures made since the last
11646 statement; and

11647 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
11648 contributions and expenditures as of five days before the required filing date of
11649 the financial statement.

11650 (c) The registered political action committee need not file a statement under this section
11651 if it received no contributions and made no expenditures during the reporting period.

11652 (2)(a) The verified financial statement shall include:

11653 (i) the name and address of any individual who makes a contribution to the reporting
11654 political action committee, if known, and the amount of the contribution;

11655 (ii) the identification of any publicly identified class of individuals that makes a
11656 contribution to the reporting political action committee, if known, and the amount
11657 of the contribution;

11658 (iii) the name and address of any political action committee, group, or entity, if

- 11659 known, that makes a contribution to the reporting political action committee, and
11660 the amount of the contribution;
- 11661 (iv) for each nonmonetary contribution, the fair market value of the contribution;
11662 (v) the name and address of each reporting entity that received an expenditure from
11663 the reporting political action committee, and the amount of each expenditure;
- 11664 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
11665 (vii) the total amount of contributions received and expenditures disbursed by the
11666 reporting political action committee;
- 11667 (viii) a statement by the political action committee's treasurer or chief financial
11668 officer certifying that, to the best of the person's knowledge, the financial report is
11669 accurate; and
- 11670 (ix) a summary page in the form required by the [~~lieutenant governor~~] director that
11671 identifies:
- 11672 (A) beginning balance;
11673 (B) total contributions during the period since the last statement;
11674 (C) total contributions to date;
11675 (D) total expenditures during the period since the last statement; and
11676 (E) total expenditures to date.
- 11677 (b)(i) Contributions received by a political action committee that have a value of \$50
11678 or less need not be reported individually, but shall be listed on the report as an
11679 aggregate total.
- 11680 (ii) Two or more contributions from the same source that have an aggregate total of
11681 more than \$50 may not be reported in the aggregate, but shall be reported
11682 separately.
- 11683 (c) A political action committee is not required to report an independent expenditure
11684 under Part 17, Independent Expenditures, if, in the financial statement described in
11685 this section, the political action committee:
- 11686 (i) includes the independent expenditure;
11687 (ii) identifies the independent expenditure as an independent expenditure; and
11688 (iii) provides the information, described in Section 20A-11-1704, in relation to the
11689 independent expenditure.
- 11690 (3) A group or entity may not divide or separate into units, sections, or smaller groups for
11691 the purpose of avoiding the financial reporting requirements of this chapter, and
11692 substance shall prevail over form in determining the scope or size of a political action

11693 committee.

11694 (4)(a) As used in this Subsection (4), "received" means:

11695 (i) for a cash contribution, that the cash is given to a political action committee;

11696 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
11697 instrument or check is negotiated; and

11698 (iii) for any other type of contribution, that any portion of the contribution's benefit
11699 inures to the political action committee.

11700 (b) A political action committee shall report each contribution to the [~~lieutenant governor~~]
11701 director within 31 days after the contribution is received.

11702 (5) A political action committee may not expend a contribution for political purposes if the
11703 contribution:

11704 (a) is cash or a negotiable instrument;

11705 (b) exceeds \$50; and

11706 (c) is from an unknown source.

11707 (6) Within 31 days after receiving a contribution that is cash or a negotiable instrument,
11708 exceeds \$50, and is from an unknown source, a political action committee shall disburse
11709 the amount of the contribution to:

11710 (a) the treasurer of the state or a political subdivision for deposit into the state's or
11711 political subdivision's general fund; or

11712 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
11713 Internal Revenue Code.

11714 Section 193. Section **20A-11-603** is amended to read:

11715 **20A-11-603 . Criminal penalties -- Fines.**

11716 (1)(a) As used in this Subsection (1), "completed" means that:

11717 (i) the financial statement accurately and completely details the information required
11718 by this part except for inadvertent omissions or insignificant errors or
11719 inaccuracies; and

11720 (ii) the political action committee corrects the omissions, errors, or inaccuracies
11721 described in Subsection [~~(1)(a)~~] (1)(a)(i) in an amended report or the next
11722 scheduled report.

11723 (b) Each political action committee that fails to file a completed financial statement
11724 before the deadline is subject to a fine imposed in accordance with Section
11725 20A-11-1005.

11726 (c) Each political action committee that fails to file a completed financial statement

- 11727 described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B
11728 misdemeanor.
- 11729 (d) The [~~lieutenant governor~~] director shall report all violations of Subsection (1)(c) to
11730 the attorney general.
- 11731 (2) Within 60 days after a deadline for the filing of the January 10 statement required by
11732 this part, the [~~lieutenant governor~~] director shall review each filed statement to ensure
11733 that:
- 11734 (a) each political action committee that is required to file a statement has filed one; and
11735 (b) each statement contains the information required by this part.
- 11736 (3) If it appears that any political action committee has failed to file the January 10
11737 statement, if it appears that a filed statement does not conform to the law, or if the [
11738 ~~lieutenant governor~~] director has received a written complaint alleging a violation of the
11739 law or the falsity of any statement, the [~~lieutenant governor~~] director shall, within five
11740 days after the day on which the [~~lieutenant governor~~] director discovers the violation or
11741 receives the written complaint, notify the political action committee of the violation or
11742 written complaint and direct the political action committee to file a statement correcting
11743 the problem.
- 11744 (4)(a) It is unlawful for any political action committee to fail to file or amend a
11745 statement within seven days after the day on which the political action committee
11746 receives notice from the [~~lieutenant governor~~] director under this section.
- 11747 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B
11748 misdemeanor.
- 11749 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (4)(a) to
11750 the attorney general.
- 11751 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~
11752 ~~governor~~] director shall impose a civil fine of \$1,000 against a political action
11753 committee that violates Subsection (4)(a).
- 11754 (5)(a) It is unlawful for a person to fail to file a complete and accurate statement of
11755 organization, or a complete and accurate subsequent statement of organization,
11756 within seven days after the day on which the person receives the notice described in
11757 Subsection 20A-11-601(4)(b)(ii).
- 11758 (b) A violation of Subsection (5)(a) is a class B misdemeanor.
- 11759 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (5)(a) to
11760 the attorney general.

11761 Section 194. Section **20A-11-701.5** is amended to read:

11762 **20A-11-701.5 . Campaign financial reporting by corporations -- Filing**
 11763 **requirements -- Statement contents.**

11764 (1)(a) Each corporation that has made expenditures for political purposes that total at
 11765 least \$750 during a calendar year shall file a verified financial statement with the[
 11766 lieutenant-governor's] office:

11767 (i) on January 10, reporting expenditures as of December 31 of the previous year;

11768 (ii) seven days before the state political convention for each major political party;

11769 (iii) seven days before the regular primary election date;

11770 (iv) on September 30; and

11771 (v) seven days before the regular general election date.

11772 (b) The corporation shall report:

11773 (i) a detailed listing of all expenditures made since the last financial statement;

11774 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
 11775 expenditures as of five days before the required filing date of the financial
 11776 statement; and

11777 (iii) whether the [-]corporation, including an officer of the [-]corporation, director of
 11778 the [-]corporation, or person with at least 10% ownership in the [-]corporation:

11779 (A) has bid since the last financial statement on a contract, as defined in Section
 11780 63G-6a-103, in excess of \$100,000;

11781 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess
 11782 of \$100,000; or

11783 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of
 11784 \$100,000.

11785 (c) The corporation need not file a financial statement under this section if the
 11786 corporation made no expenditures during the reporting period.

11787 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
 11788 reporting entity that the reporting entity is required to include in a financial statement
 11789 described in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section
 11790 10-3-208, or Section 17-16-6.5.

11791 (2) The financial statement shall include:

11792 (a) the name and address of each reporting entity that received an expenditure from the
 11793 corporation, and the amount of each expenditure;

11794 (b) the total amount of expenditures disbursed by the corporation; and

11795 (c) a statement by the corporation's treasurer or chief financial officer certifying the
11796 accuracy of the financial statement.

11797 Section 195. Section **20A-11-702** is amended to read:

11798 **20A-11-702 . Campaign financial reporting of political issues expenditures by**
11799 **corporations -- Financial reporting.**

11800 (1)(a) Each corporation that has made political issues expenditures on current or
11801 proposed ballot issues that total at least \$750 during a calendar year shall file a
11802 verified financial statement with the [~~lieutenant governor's~~] office:

11803 (i) on January 10, reporting expenditures as of December 31 of the previous year;

11804 (ii) seven days before the state political convention of each major political party;

11805 (iii) seven days before the regular primary election date;

11806 (iv) on September 30; and

11807 (v) seven days before the regular general election date.

11808 (b) The corporation shall report:

11809 (i) a detailed listing of all expenditures made since the last financial statement; and

11810 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v),
11811 expenditures as of five days before the required filing date of the financial
11812 statement.

11813 (c) The corporation need not file a statement under this section if it made no
11814 expenditures during the reporting period.

11815 (2) That statement shall include:

11816 (a) the name and address of each individual, entity, or group of individuals or entities
11817 that received a political issues expenditure of more than \$50 from the corporation,
11818 and the amount of each political issues expenditure;

11819 (b) the total amount of political issues expenditures disbursed by the corporation; and

11820 (c) a statement by the corporation's treasurer or chief financial officer certifying the
11821 accuracy of the verified financial statement.

11822 Section 196. Section **20A-11-703** is amended to read:

11823 **20A-11-703 . Criminal penalties -- Fines.**

11824 (1) Within 60 days after a deadline for the filing of any statement required by this part, the [
11825 ~~lieutenant governor~~] director shall review each filed statement to ensure that:

11826 (a) each corporation that is required to file a statement has filed one; and

11827 (b) each statement contains the information required by this part.

11828 (2) If it appears that any corporation has failed to file any statement, if it appears that a filed

11829 statement does not conform to the law, or if the [~~lieutenant governor~~] director has
 11830 received a written complaint alleging a violation of the law or the falsity of any
 11831 statement, the [~~lieutenant governor~~] director shall:
 11832 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and
 11833 (b) within five days of discovery of a violation or receipt of a written complaint, notify
 11834 the corporation of the violation or written complaint and direct the corporation to file
 11835 a statement correcting the problem.

11836 (3)(a) It is unlawful for any corporation to fail to file or amend a statement within seven
 11837 days after receiving notice from the [~~lieutenant governor~~] director under this section.

11838 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

11839 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (3)(a) to
 11840 the attorney general.

11841 (d) In addition to the criminal penalty described in Subsection (3)(b), the [~~lieutenant~~
 11842 ~~governor~~] director shall impose a civil fine of \$1,000 against a corporation that
 11843 violates Subsection (3)(a).

11844 Section 197. Section **20A-11-704** is amended to read:

11845 **20A-11-704 . Statement of organization required for certain new corporations.**

11846 (1) A corporation that is incorporated, organized, or otherwise created less than 90 days
 11847 before the date of a general election shall file a statement of organization with the [~~lieutenant governor's~~]
 11848 office before making a contribution to a political action committee
 11849 or a political issues committee in association with the election.

11850 (2) The statement of organization shall include:

11851 (a) the name and street address of the corporation;

11852 (b) the name, street address, phone number, occupation, and title of one or more
 11853 individuals that have primary decision-making authority for the corporation;

11854 (c) the name, street address, phone number, occupation, and title of the corporation's
 11855 chief financial officer;

11856 (d) the name, street address, occupation, and title of all other officers or managers of the
 11857 corporation; and

11858 (e) the name, street address, and occupation of each member of the corporation's
 11859 governing and advisory boards, if any.

11860 (3)(a) A corporation shall file with the [~~lieutenant governor's~~] office a notice of intent to
 11861 cease making contributions, if the corporation:

11862 (i) has made a contribution described in Subsection (1); and

11863 (ii) intends to permanently cease making contributions described in Subsection (1).

11864 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from
11865 complying with the financial reporting requirements described in this chapter.

11866 Section 198. Section **20A-11-801** is amended to read:

11867 **20A-11-801 . Political issues committees -- Registration -- Criminal penalty for**
11868 **providing false information or accepting unlawful contribution.**

11869 (1)(a) Unless the political issues committee has filed a notice of dissolution under
11870 Subsection (4), each political issues committee shall file a statement of organization
11871 with the ~~lieutenant governor's~~ office:

11872 (i) before 5 p.m. on January 10 of each year; or

11873 (ii) electronically, before midnight on January 10 of each year.

11874 (b) If a political issues committee is organized after the filing deadline described in
11875 Subsection (1)(a), the political issues committee shall file an initial statement of
11876 organization no later than seven days after the day on which the political issues
11877 committee:

11878 (i) receives political issues contributions totaling at least \$750; or

11879 (ii) distributes political issues expenditures totaling at least \$750.

11880 (c) Each political issues committee shall deposit each contribution received into one or
11881 more separate accounts in a financial institution that are dedicated only to that
11882 purpose.

11883 (2)(a) Each political issues committee shall designate two officers that have primary
11884 decision-making authority for the political issues committee.

11885 (b) An individual may not exercise primary decision-making authority for a political
11886 issues committee if the individual is not designated under Subsection (2)(a).

11887 (3) The statement of organization shall include:

11888 (a) the name and address of the political issues committee;

11889 (b) the name, address, phone number, occupation, and title of the two primary officers
11890 designated under Subsection (2);

11891 (c) the name, address, occupation, and title of all other officers of the political issues
11892 committee;

11893 (d) the name and address of the organization, individual, corporation, association, unit of
11894 government, or union that the political issues committee represents, if any;

11895 (e) the name and address of all affiliated or connected organizations and their
11896 relationships to the political issues committee;

- 11897 (f) the name, residential address, business address, occupation, and phone number of the
11898 committee's treasurer or chief financial officer;
- 11899 (g) the name, address, and occupation of each member of the supervisory and advisory
11900 boards, if any; and
- 11901 (h) the ballot proposition whose outcome they wish to affect, and whether they support
11902 or oppose it.
- 11903 (4)(a) A registered political issues committee that intends to permanently cease
11904 operations during a calendar year shall:
- 11905 (i) dispose of all remaining funds by returning the funds to donors or donating the
11906 funds to an organization that is exempt from federal income taxation under
11907 Section 501(c)(3), Internal Revenue Code; and
- 11908 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the[
11909 ~~lieutenant governor's~~] office.
- 11910 (b) A political issues committee may not donate money to a political action committee,
11911 but may accept a contribution from a political action committee.
- 11912 (c) Any notice of dissolution filed by a political issues committee does not exempt that
11913 political issues committee from complying with the financial reporting requirements
11914 of this chapter in relation to all contributions received, and all expenditures made,
11915 before, at, or after dissolution.
- 11916 (d) A political issues committee shall report all money donated or expended under
11917 Subsection (4)(a) in a financial report to the [~~lieutenant governor~~] director, in
11918 accordance with the financial reporting requirements described in this chapter.
- 11919 (5)(a) Unless the political issues committee has filed a notice of dissolution under
11920 Subsection (4), a political issues committee shall file, with the[~~lieutenant governor's~~]
11921 office, notice of any change of an officer described in Subsection (2).
- 11922 (b) A political issues committee shall:
- 11923 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before
11924 5 p.m. within 10 days after the day on which the change occurs; and
- 11925 (ii) include in the notice of change the name and title of the officer being replaced
11926 and the name, address, occupation, and title of the new officer.
- 11927 (6)(a) A person is guilty of providing false information in relation to a political issues
11928 committee if the person intentionally or knowingly gives false or misleading material
11929 information in the statement of organization or the notice of change of primary
11930 officer.

- 11931 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
 11932 an unlawful contribution if the political issues committee knowingly or recklessly
 11933 accepts a contribution from a corporation that:
- 11934 (i) was organized less than 90 days before the date of the general election; and
 11935 (ii) at the time the political issues committee accepts the contribution, has failed to
 11936 file a statement of organization with the [~~lieutenant governor's~~] office as required
 11937 by Section 20A-11-704.
- 11938 (c) A violation of this Subsection (6) is a third degree felony.
- 11939 (7)(a) As used in this Subsection (7), "received" means:
- 11940 (i) for a cash contribution, that the cash is given to a political issues committee;
 11941 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 11942 instrument or check is negotiated; and
 11943 (iii) for any other type of contribution, that any portion of the contribution's benefit
 11944 inures to the political issues committee.
- 11945 (b) Each political issues committee shall report to the [~~lieutenant governor~~] director each
 11946 contribution received by the political issues committee within seven business days
 11947 after the day on which the contribution is received if the contribution is received
 11948 within 30 days before the last day on which the sponsors of the initiative or
 11949 referendum described in Subsection 20A-11-801(3)(h) may submit signatures to
 11950 qualify the initiative or referendum for the ballot.
- 11951 (c) For each contribution that a political issues committee fails to report within the
 11952 period described in Subsection (7)(b), the [~~lieutenant governor~~] director shall impose
 11953 a fine against the political issues committee in an amount equal to:
- 11954 (i) 10% of the amount of the contribution, if the political issues committee reports the
 11955 contribution within 60 days after the last day on which the political issues
 11956 committee should have reported the contribution under Subsection (7)(b); or
 11957 (ii) 20% of the amount of the contribution, if the political issues committee fails to
 11958 report the contribution within 60 days after the last day on which the political
 11959 issues committee should have reported the contribution under Subsection (7)(b).
- 11960 (d) The [~~lieutenant governor~~] director shall:
- 11961 (i) deposit money received under Subsection (7)(c) into the General Fund; and
 11962 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports
 11963 relating to each political issues committee are available for public access:
 11964 (A) each fine imposed by the [~~lieutenant governor~~] director against the political

- 11965 issues committee;
- 11966 (B) the amount of the fine;
- 11967 (C) the amount of the contribution to which the fine relates; and
- 11968 (D) the date of the contribution.

11969 Section 199. Section **20A-11-802** is amended to read:

11970 **20A-11-802 . Political issues committees -- Financial reporting.**

- 11971 (1)(a) Each registered political issues committee that has received political issues
- 11972 contributions totaling at least \$750, or disbursed political issues expenditures totaling
- 11973 at least \$750, during a calendar year, shall file a verified financial statement with the[
- 11974 ~~Heutenant governor's~~] office:
- 11975 (i) on January 10, reporting contributions and expenditures as of December 31 of the
- 11976 previous year;
- 11977 (ii) seven days before the state political convention of each major political party;
- 11978 (iii) seven days before the regular primary election date;
- 11979 (iv) seven days before the date of an incorporation election, if the political issues
- 11980 committee has received or expended funds to affect an incorporation;
- 11981 (v) at least three days before the first public hearing held as required by Section
- 11982 20A-7-204.1;
- 11983 (vi) if the political issues committee has received or expended funds in relation to an
- 11984 initiative or referendum, five days before the deadline for the initiative or
- 11985 referendum sponsors to submit:
- 11986 (A) the verified and certified initiative packets under Section 20A-7-105; or
- 11987 (B) the signed and verified referendum packets under Section 20A-7-105;
- 11988 (vii) on September 30; and
- 11989 (viii) seven days before:
- 11990 (A) the municipal general election; and
- 11991 (B) the regular general election.
- 11992 (b) The political issues committee shall report:
- 11993 (i) a detailed listing of all contributions received and expenditures made since the last
- 11994 statement; and
- 11995 (ii) all contributions and expenditures as of five days before the required filing date
- 11996 of the financial statement, except for a financial statement filed on January 10.
- 11997 (c) The political issues committee need not file a statement under this section if it
- 11998 received no contributions and made no expenditures during the reporting period.

- 11999 (2)(a) That statement shall include:
- 12000 (i) the name and address, if known, of any individual who makes a political issues
- 12001 contribution to the reporting political issues committee, and the amount of the
- 12002 political issues contribution;
- 12003 (ii) the identification of any publicly identified class of individuals that makes a
- 12004 political issues contribution to the reporting political issues committee, and the
- 12005 amount of the political issues contribution;
- 12006 (iii) the name and address, if known, of any political issues committee, group, or
- 12007 entity that makes a political issues contribution to the reporting political issues
- 12008 committee, and the amount of the political issues contribution;
- 12009 (iv) the name and address of each reporting entity that makes a political issues
- 12010 contribution to the reporting political issues committee, and the amount of the
- 12011 political issues contribution;
- 12012 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 12013 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
- 12014 entity, or group of individuals or entities that received a political issues
- 12015 expenditure of more than \$50 from the reporting political issues committee, and
- 12016 the amount of each political issues expenditure;
- 12017 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 12018 (viii) the total amount of political issues contributions received and political issues
- 12019 expenditures disbursed by the reporting political issues committee;
- 12020 (ix) a statement by the political issues committee's treasurer or chief financial officer
- 12021 certifying that, to the best of the person's knowledge, the financial statement is
- 12022 accurate; and
- 12023 (x) a summary page in the form required by the [~~Heutenant governor~~] director that
- 12024 identifies:
- 12025 (A) beginning balance;
- 12026 (B) total contributions during the period since the last statement;
- 12027 (C) total contributions to date;
- 12028 (D) total expenditures during the period since the last statement; and
- 12029 (E) total expenditures to date.
- 12030 (b)(i) Political issues contributions received by a political issues committee that have
- 12031 a value of \$50 or less need not be reported individually, but shall be listed on the
- 12032 report as an aggregate total.

- 12033 (ii) Two or more political issues contributions from the same source that have an
 12034 aggregate total of more than \$50 may not be reported in the aggregate, but shall be
 12035 reported separately.
- 12036 (c) When reporting political issue expenditures made to circulators of initiative petitions,
 12037 the political issues committee:
- 12038 (i) need only report the amount paid to each initiative petition circulator; and
 12039 (ii) need not report the name or address of the circulator.
- 12040 (3)(a) As used in this Subsection (3), "received" means:
- 12041 (i) for a cash contribution, that the cash is given to a political issues committee;
 12042 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 12043 instrument or check is negotiated; and
 12044 (iii) for any other type of contribution, that any portion of the contribution's benefit
 12045 inures to the political issues committee.
- 12046 (b) A political issues committee shall report each contribution to the [~~lieutenant governor~~]
 12047 director within 31 days after the contribution is received.
- 12048 (4) A political issues committee may not expend a contribution for a political issues
 12049 expenditure if the contribution:
- 12050 (a) is cash or a negotiable instrument;
 12051 (b) exceeds \$50; and
 12052 (c) is from an unknown source.
- 12053 (5) Within 31 days after receiving a contribution that is cash or a negotiable instrument,
 12054 exceeds \$50, and is from an unknown source, a political issues committee shall disburse
 12055 the amount of the contribution to:
- 12056 (a) the treasurer of the state or a political subdivision for deposit into the state's or
 12057 political subdivision's general fund; or
 12058 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
 12059 Internal Revenue Code.
- 12060 Section 200. Section **20A-11-803** is amended to read:
- 12061 **20A-11-803 . Criminal penalties -- Fines.**
- 12062 (1)(a) As used in this Subsection (1), "completed" means that:
- 12063 (i) the financial statement accurately and completely details the information required
 12064 by this part except for inadvertent omissions or insignificant errors or
 12065 inaccuracies; and
 12066 (ii) the political issues committee corrects the omissions, errors, or inaccuracies

- 12067 described in Subsection [~~(1)(a)~~] (1)(a)(i) in an amended report or the next
 12068 scheduled report.
- 12069 (b) Each political issues committee that fails to file a completed financial statement
 12070 before the deadline is subject to a fine imposed in accordance with Section
 12071 20A-11-1005.
- 12072 (c) Each political issues committee that fails to file a completed financial statement
 12073 described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B
 12074 misdemeanor.
- 12075 (d) The [~~lieutenant governor~~] director shall report all violations of Subsection (1)(c) to
 12076 the attorney general.
- 12077 (2) Within 60 days after a deadline for the filing of the January 10 statement, the [~~lieutenant~~
 12078 ~~governor~~] director shall review each filed statement to ensure that:
- 12079 (a) each political issues committee that is required to file a statement has filed one; and
 12080 (b) each statement contains the information required by this part.
- 12081 (3) If it appears that any political issues committee has failed to file the January 10
 12082 statement, if it appears that a filed statement does not conform to the law, or if the [~~lieutenant~~
 12083 ~~governor~~] director has received a written complaint alleging a violation of the
 12084 law or the falsity of any statement, the [~~lieutenant governor~~] director shall, within five
 12085 days after the day on which the [~~lieutenant governor~~] director discovers the violation or
 12086 receives the written complaint, notify the political issues committee of the violation or
 12087 written complaint and direct the political issues committee to file a statement correcting
 12088 the problem.
- 12089 (4)(a) It is unlawful for any political issues committee to fail to file or amend a statement
 12090 within seven days after the day on which the political issues committee receives
 12091 notice from the [~~lieutenant governor~~] director under this section.
- 12092 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B
 12093 misdemeanor.
- 12094 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (4)(a) to
 12095 the attorney general.
- 12096 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~
 12097 ~~governor~~] director shall impose a civil fine of \$1,000 against a political issues
 12098 committee that violates Subsection (4)(a).
- 12099 Section 201. Section **20A-11-901** is amended to read:
 12100 **20A-11-901 . Political advertisements -- Requirement that ads designate**

12101 **responsibility and authorization -- Report to director -- Unauthorized use of**
 12102 **endorsements.**

12103 (1)~~(a)~~ Whenever any person makes an expenditure for the purpose of financing an
 12104 advertisement expressly advocating for the election or defeat of a clearly identified
 12105 candidate, or solicits any contribution through any broadcasting station, newspaper,
 12106 magazine, outdoor advertising facility, direct mailing, or any other type of general
 12107 public political advertising, the advertisement:

12108 ~~(i)~~ (a) if paid for and authorized by a candidate or the candidate's campaign committee,
 12109 shall clearly state that the advertisement has been paid for by the candidate or the
 12110 campaign committee;

12111 ~~(ii)~~ (b) if paid for by another person but authorized by a candidate or the candidate's
 12112 campaign committee, shall clearly state who paid for the advertisement and that the
 12113 candidate or the campaign committee authorized the advertisement; or

12114 ~~(iii)~~ (c) if not authorized by a candidate or a candidate's campaign committee, shall
 12115 clearly state the name of the person who paid for the advertisement and state that the
 12116 advertisement is not authorized by any candidate or candidate's committee.

12117 (2)(a) A person that makes an expenditure for the purpose of financing an advertisement
 12118 related to a ballot proposition shall ensure that the advertisement complies with
 12119 Subsection (2)(b) if the advertisement expressly advocates:

- 12120 (i) for placing a ballot proposition on the ballot;
- 12121 (ii) for keeping a ballot proposition off the ballot;
- 12122 (iii) that a voter refrain from voting on a ballot proposition; or
- 12123 (iv) that a voter vote for or against a ballot proposition.

12124 (b) An advertisement described in Subsection (2)(a) shall:

- 12125 (i) if paid for by a political issues committee, clearly state that the advertisement was
 12126 paid for by the political issues committee;
- 12127 (ii) if paid for by another person but authorized by a political issues committee,
 12128 clearly state who paid for the advertisement and that the political issues committee
 12129 authorized the advertisement; or
- 12130 (iii) if not authorized by a political issues committee, clearly state the name of the
 12131 person who paid for the advertisement and state that the advertisement is not
 12132 authorized by any political issues committee.

12133 (3) The requirements of Subsections (1) and (2) do not apply to:

- 12134 (a) lawn signs with dimensions of four by eight feet or smaller;

- 12135 (b) bumper stickers;
- 12136 (c) campaign pins, buttons, and pens; or
- 12137 (d) similar small items upon which the disclaimer cannot be conveniently printed.
- 12138 (4)(a) A person who is not a reporting entity and pays for an electioneering
- 12139 communication shall file a report with the [~~lieutenant governor~~] director within 24
- 12140 hours of making the payment or entering into a contract to make the payment.
- 12141 (b) The report shall include:
- 12142 (i) the name and address of the person described in Subsection (4)(a);
- 12143 (ii) the name and address of each person contributing at least \$100 to the person
- 12144 described in Subsection (4)(a) for the purpose of disseminating the electioneering
- 12145 communication;
- 12146 (iii) the amount spent on the electioneering communication;
- 12147 (iv) the name of the identified referenced candidate; and
- 12148 (v) the medium used to disseminate the electioneering communication.
- 12149 (5) A person may not, in order to promote the success of any candidate for nomination or
- 12150 election to any public office, or in connection with any question submitted to the voters,
- 12151 include or cause to be included the name of any person as endorser or supporter in any
- 12152 political advertisement, circular, poster, or publication without the express consent of
- 12153 that person.
- 12154 (6)(a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any
- 12155 newspaper or other periodical to induce the owner, editor, publisher, or agent to
- 12156 advocate or oppose editorially any candidate for nomination or election.
- 12157 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
- 12158 advocate or oppose editorially any candidate for nomination or election.
- 12159 Section 202. Section **20A-11-905** is amended to read:
- 12160 **20A-11-905 . Election polls -- Disclosure required.**
- 12161 (1) A person who conducts a poll shall disclose to the person being surveyed who paid for
- 12162 the poll before or at the conclusion of the poll.
- 12163 (2) The [~~lieutenant governor~~] director shall:
- 12164 (a) impose a \$100 fine on a person who fails to make the disclosure required under
- 12165 Subsection (1); and
- 12166 (b) deposit the fine described in Subsection (2)(a) [~~in~~] into the General Fund.
- 12167 (3) A person does not violate Subsection (1) if the person is prevented from making the
- 12168 disclosure at the conclusion of the poll, because the person being surveyed terminates

12169 the survey before the survey is completed.

12170 Section 203. Section **20A-11-1004** is amended to read:

12171 **Part 10. Administration of Campaign Finance Laws - Responsibilities of Office**

12172 **20A-11-1004 . Summary of financial reports of political action committees and**
 12173 **corporations.**

12174 (1) The[~~lieutenant governor's~~] office shall prepare a summary of each financial report
 12175 submitted by each corporation, political action committee, and political issues
 12176 committee.

12177 (2) Each summary shall include the following information:

12178 (a) for each candidate:

12179 (i) the name of each political action committee and corporation that made
 12180 expenditures to the candidate; and

12181 (ii) the aggregate total of expenditures made by each political action committee and
 12182 corporation to the candidate;

12183 (b) for each political action committee:

12184 (i) the name of each individual or organization listed on the financial report that made
 12185 contributions to the political action committee and the aggregate total of
 12186 contributions made by each individual or organization listed on the financial
 12187 report to the political action committee; and

12188 (ii) the name of each candidate, personal campaign committee, and political action
 12189 committee that received expenditures from a political action committee and the
 12190 aggregate total of expenditures made to each candidate, personal campaign
 12191 committee, and political action committee;

12192 (c) for each corporation:

12193 (i) the name of each candidate, personal campaign committee, and political action
 12194 committee that received expenditures from the corporation, and the aggregate total
 12195 of expenditures made by the corporation to each candidate, personal campaign
 12196 committee, and political action committee; and

12197 (ii) the name of each individual, entity, or group of individuals or entities that
 12198 received disbursements from the corporation, and the aggregate total of
 12199 disbursements made by the corporation to each individual, entity, or group of
 12200 individuals or entities; and

12201 (d) for each political issues committee:

12202 (i) the name of each individual or organization listed on the financial report that made

12203 political issues contributions to the political issues committee and the aggregate
 12204 total of political issues contributions made by each individual or organization
 12205 listed on the financial report to the political issues committee; and
 12206 (ii) the name of each individual, entity, or group of individuals or entities that
 12207 received political issues expenditures from a political issues committee and the
 12208 aggregate total of political issues expenditures made to each individual, entity, or
 12209 group of individuals or entities.

12210 Section 204. Section **20A-11-1202** is amended to read:

12211 **20A-11-1202 . Definitions.**

12212 As used in this part:

12213 (1) "Applicable election officer" means:

12214 (a) a county clerk, if the email relates only to a local election; or

12215 (b) the [~~lieutenant governor~~] director, if the email relates to an election other than a local
 12216 election.

12217 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial
 12218 retention questions, opinion questions, bond approvals, or other questions submitted to
 12219 the voters for their approval or rejection.

12220 (3) "Campaign contribution" means any of the following when done for a political purpose
 12221 or to advocate for or against a ballot proposition:

12222 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
 12223 given to a filing entity;

12224 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
 12225 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or
 12226 anything of value to a filing entity;

12227 (c) any transfer of funds from another reporting entity to a filing entity;

12228 (d) compensation paid by any person or reporting entity other than the filing entity for
 12229 personal services provided without charge to the filing entity;

12230 (e) remuneration from:

12231 (i) any organization or the organization's directly affiliated organization that has a
 12232 registered lobbyist; or

12233 (ii) any agency or subdivision of the state, including a school district; or

12234 (f) an in-kind contribution.

12235 (4)(a) "Commercial interlocal cooperation agency" means an interlocal cooperation
 12236 agency that receives its revenues from conduct of its commercial operations.

- 12237 (b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation
 12238 agency that receives some or all of its revenues from:
- 12239 (i) government appropriations;
- 12240 (ii) taxes;
- 12241 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 12242 (iv) interest earned on public funds or other returns on investment of public funds.
- 12243 (5) "Expenditure" means:
- 12244 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or
 12245 anything of value;
- 12246 (b) an express, legally enforceable contract, promise, or agreement to make any
 12247 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or
 12248 anything of value;
- 12249 (c) a transfer of funds between a public entity and a candidate's personal campaign
 12250 committee;
- 12251 (d) a transfer of funds between a public entity and a political issues committee; or
- 12252 (e) goods or services provided to or for the benefit of a candidate, a candidate's personal
 12253 campaign committee, or a political issues committee for political purposes at less
 12254 than fair market value.
- 12255 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.
- 12256 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation agency
 12257 that receives some or all of its revenues from:
- 12258 (a) government appropriations;
- 12259 (b) taxes;
- 12260 (c) government fees imposed for regulatory or revenue raising purposes; or
- 12261 (d) interest earned on public funds or other returns on investment of public funds.
- 12262 (8) "Influence" means to campaign or advocate for or against a ballot proposition.
- 12263 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement under
 12264 the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 12265 (10) "Political purposes" means an act done with the intent or in a way to influence or
 12266 intend to influence, directly or indirectly, any person to refrain from voting or to vote for
 12267 or against any:
- 12268 (a) candidate for public office at any caucus, political convention, primary, or election; or
- 12269 (b) judge standing for retention at any election.
- 12270 (11) "Proposed initiative" means an initiative proposed in an application filed under Section

- 12271 20A-7-202 or 20A-7-502.
- 12272 (12) "Proposed referendum" means a referendum proposed in an application filed under
12273 Section 20A-7-302 or 20A-7-602.
- 12274 (13)(a) "Public entity" includes the state, each state agency, each county, municipality,
12275 school district, special district, governmental interlocal cooperation agency, and each
12276 administrative subunit of each of them.
- 12277 (b) "Public entity" does not include a commercial interlocal cooperation agency.
- 12278 (c) "Public entity" includes local health departments created under Title 26A, Local
12279 Health Authorities.
- 12280 (14)(a) "Public funds" means any money received by a public entity from
12281 appropriations, taxes, fees, interest, or other returns on investment.
- 12282 (b) "Public funds" does not include money donated to a public entity by a person or
12283 entity.
- 12284 (15)(a) "Public official" means an elected or appointed member of government with
12285 authority to make or determine public policy.
- 12286 (b) "Public official" includes the person or group that:
- 12287 (i) has supervisory authority over the personnel and affairs of a public entity; and
12288 (ii) approves the expenditure of funds for the public entity.
- 12289 (16) "Reporting entity" means the same as that term is defined in Section 20A-11-101.
- 12290 (17)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
12291 Government Entities - Special Districts.
- 12292 (b) "Special district" includes a special service district under Title 17D, Chapter 1,
12293 Special Service District Act.
- 12294 (18)(a) "State agency" means each department, commission, board, council, agency,
12295 institution, officer, corporation, fund, division, office, committee, authority,
12296 laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- 12297 (b) "State agency" includes the legislative branch, the Utah Board of Higher Education,
12298 each institution of higher education board of trustees, and each higher education
12299 institution.
- 12300 Section 205. Section **20A-11-1205** is amended to read:
- 12301 **20A-11-1205 . Use of public email for a political purpose.**
- 12302 (1) Except as provided in Subsection (5), a person may not send an email using the email of
12303 a public entity:
- 12304 (a) for a political purpose;

- 12305 (b) to advocate for or against a proposed initiative, initiative, proposed referendum,
12306 referendum, a proposed bond, a bond, or any ballot proposition; or
12307 (c) to solicit a campaign contribution.
- 12308 (2)(a) The [~~lieutenant governor~~] director shall, after giving the person and the
12309 complainant notice and an opportunity to be heard, impose a civil fine against a
12310 person who violates Subsection (1) as follows:
- 12311 (i) up to \$250 for a first violation; and
12312 (ii) except as provided in Subsection (3), for each subsequent violation committed
12313 after the [~~lieutenant governor~~] director imposes a fine against the person for a first
12314 violation, \$1,000 multiplied by the number of violations committed by the person.
- 12315 (b) A person may, within 30 days after the day on which the [~~lieutenant governor~~]
12316 director imposes a fine against the person under this Subsection (2), appeal the fine to
12317 a district court.
- 12318 (3) The [~~lieutenant governor~~] director shall consider a violation of this section as a first
12319 violation if the violation is committed more than seven years after the day on which the
12320 person last committed a violation of this section.
- 12321 (4) For purposes of this section, one violation means one act of sending an email, regardless
12322 of the number of recipients of the email.
- 12323 (5) A person does not violate this section if:
- 12324 (a) the [~~lieutenant governor~~] director finds that the email described in Subsection (1) was
12325 inadvertently sent by the person using the email of a public entity;
12326 (b) the person is directly providing information solely to another person or a group of
12327 people in response to a question asked by the other person or group of people;
12328 (c) the information the person emails is an argument or rebuttal argument prepared
12329 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing
12330 argument and rebuttal argument that:
- 12331 (i) relates to the same proposed initiative, initiative, proposed referendum, or
12332 referendum; and
12333 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
12334 (d) the person is engaging in:
- 12335 (i) an internal communication solely within the public entity;
12336 (ii) a communication solely with another public entity;
12337 (iii) a communication solely with legal counsel;
12338 (iv) a communication solely with the sponsors of an initiative or referendum;

12339 (v) a communication solely with a land developer for a project permitted by a local
 12340 land use law that is challenged by a proposed referendum or a referendum; or
 12341 (vi) a communication solely with a person involved in a business transaction directly
 12342 relating to a project described in Subsection (5)(d)(v).

12343 (6) A violation of this section does not invalidate an otherwise valid election.

12344 (7) An email sent in violation of Subsection (1), as determined by the records officer,
 12345 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of
 12346 Title 63G, Chapter 2, Government Records Access and Management Act,
 12347 notwithstanding any applicability of Subsection 63G-2-103(25)(b)(i).

12348 Section 206. Section **20A-11-1301** is amended to read:

12349 **20A-11-1301 . School board office -- Campaign finance requirements --**

12350 **Candidate as a political action committee officer -- No personal use -- Contribution**
 12351 **reporting deadline -- Report other accounts -- Anonymous contributions.**

12352 (1)(a)(i) Each school board office candidate shall deposit each contribution received
 12353 in one or more separate accounts in a financial institution that are dedicated only
 12354 to that purpose.

12355 (ii) A school board office candidate may:

12356 (A) receive a contribution from a political action committee registered under
 12357 Section 20A-11-601; and

12358 (B) be designated by a political action committee as an officer who has primary
 12359 decision-making authority as described in Section 20A-11-601.

12360 (b) A school board office candidate may not use money deposited in an account
 12361 described in Subsection (1)(a)(i) for:

12362 (i) a personal use expenditure; or

12363 (ii) an expenditure prohibited by law.

12364 (c)(i) Each school board officeholder shall deposit each contribution and public
 12365 service assistance received in one or more separate accounts in a financial
 12366 institution that are dedicated only to that purpose.

12367 (ii) A school board officeholder may:

12368 (A) receive a contribution or public service assistance from a political action
 12369 committee registered under Section 20A-11-601; and

12370 (B) be designated by a political action committee as an officer who has primary
 12371 decision-making authority as described in Section 20A-11-601.

12372 (d) A school board officeholder may not use money deposited in an account described in

- 12373 Subsection (1)(a)(i) or (1)(c)(i) for:
- 12374 (i) a personal use expenditure; or
- 12375 (ii) an expenditure prohibited by law.
- 12376 (2)(a) A school board office candidate may not deposit or mingle any contributions
- 12377 received into a personal or business account.
- 12378 (b) A school board officeholder may not deposit or mingle any contributions or public
- 12379 service assistance received into a personal or business account.
- 12380 (3) A school board office candidate or school board officeholder may not make any
- 12381 political expenditures prohibited by law.
- 12382 (4) If a person who is no longer a school board office candidate chooses not to expend the
- 12383 money remaining in a campaign account, the person shall continue to file the year-end
- 12384 summary report required by Section 20A-11-1302 until the statement of dissolution and
- 12385 final summary report required by Section 20A-11-1304 are filed with the [~~lieutenant~~
- 12386 ~~governor~~] director.
- 12387 (5)(a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is
- 12388 no longer a school board office candidate may not expend or transfer the money in a
- 12389 campaign account in a manner that would cause the former school board office
- 12390 candidate to recognize the money as taxable income under federal tax law.
- 12391 (b) A person who is no longer a school board office candidate may transfer the money in
- 12392 a campaign account in a manner that would cause the former school board office
- 12393 candidate to recognize the money as taxable income under federal tax law if the
- 12394 transfer is made to a campaign account for federal office.
- 12395 (6)(a) As used in this Subsection (6), "received" means the same as that term is defined
- 12396 in Subsection 20A-11-1303(1)(a).
- 12397 (b) Except as provided in Subsection (6)(d), each school board office candidate shall
- 12398 report to the chief election officer each contribution received by the school board
- 12399 office candidate:
- 12400 (i) except as provided in Subsection (6)(b)(ii), within 31 days after the day on which
- 12401 the contribution is received; or
- 12402 (ii) within seven business days after the day on which the contribution is received, if:
- 12403 (A) the school board office candidate is contested in a convention and the
- 12404 contribution is received within 30 days before the day on which the convention
- 12405 is held;
- 12406 (B) the school board office candidate is contested in a primary election and the

- 12407 contribution is received within 30 days before the day on which the primary
12408 election is held; or
- 12409 (C) the school board office candidate is contested in a general election and the
12410 contribution is received within 30 days before the day on which the general
12411 election is held.
- 12412 (c) For each contribution that a school board office candidate fails to report within the
12413 time period described in Subsection (6)(b), the chief election officer shall impose a
12414 fine against the school board office candidate in an amount equal to:
- 12415 (i) 10% of the amount of the contribution, if the school board office candidate reports
12416 the contribution within 60 days after the day on which the time period described in
12417 Subsection (6)(b) ends; or
- 12418 (ii) 20% of the amount of the contribution, if the school board office candidate fails
12419 to report the contribution within 60 days after the day on which the time period
12420 described in Subsection (6)(b) ends.
- 12421 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection (6)(c)
12422 and issue a warning to the school board office candidate if:
- 12423 (i) the contribution that the school board office candidate fails to report is paid by the
12424 school board office candidate from the school board office candidate's personal
12425 funds;
- 12426 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
12427 relation to a contribution paid by the school board office candidate from the
12428 school board office candidate's personal funds; and
- 12429 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the
12430 contribution is due to the school board office candidate not understanding that the
12431 reporting requirement includes a contribution paid by a school board office
12432 candidate from the school board office candidate's personal funds.
- 12433 (e) The chief election officer shall:
- 12434 (i) deposit money received under Subsection (6)(c) into the General Fund; and
- 12435 (ii) report on the chief election officer's website, in the location where reports relating
12436 to each school board office candidate are available for public access:
- 12437 (A) each fine imposed by the chief election officer against the school board office
12438 candidate;
- 12439 (B) the amount of the fine;
- 12440 (C) the amount of the contribution to which the fine relates; and

- 12441 (D) the date of the contribution.
- 12442 (7) Within 31 days after receiving a contribution that is cash or a negotiable instrument,
 12443 exceeds \$50, and is from an unknown source, a school board office candidate shall
 12444 disburse the contribution to an organization that is exempt from federal income taxation
 12445 under Section 501(c)(3), Internal Revenue Code.
- 12446 (8)(a) As used in this Subsection (8), "account" means an account in a financial
 12447 institution:
- 12448 (i) that is not described in Subsection (1)(a)(i); and
 12449 (ii) into which or from which a person who, as a candidate for an office, other than a
 12450 school board office for which the person files a declaration of candidacy or federal
 12451 office, or as a holder of an office, other than a school board office for which the
 12452 person files a declaration of candidacy or federal office, deposits a contribution or
 12453 makes an expenditure.
- 12454 (b) A school board office candidate shall include on any financial statement filed in
 12455 accordance with this part:
- 12456 (i) a contribution deposited in an account:
- 12457 (A) since the last campaign finance statement was filed; or
 12458 (B) that has not been reported under a statute or ordinance that governs the
 12459 account; or
- 12460 (ii) an expenditure made from an account:
- 12461 (A) since the last campaign finance statement was filed; or
 12462 (B) that has not been reported under a statute or ordinance that governs the
 12463 account.
- 12464 Section 207. Section **20A-11-1303** is amended to read:
- 12465 **20A-11-1303 . School board office candidate and school board officeholder --**
 12466 **Financial reporting requirements -- Interim reports.**
- 12467 (1)(a) As used in this section, "received" means:
- 12468 (i) for a cash contribution, that the cash is given to a school board office candidate or
 12469 a member of the school board office candidate's personal campaign committee;
 12470 (ii) for a contribution that is a check or other negotiable instrument, that the check or
 12471 other negotiable instrument is negotiated;
 12472 (iii) for a direct deposit made into a campaign account by a person not associated
 12473 with the campaign, the earlier of:
 12474 (A) the day on which the school board office candidate or a member of the school

- 12475 board office candidate's personal campaign committee becomes aware of the
12476 deposit and the source of the deposit;
- 12477 (B) the day on which the school board office candidate or a member of the school
12478 board office candidate's personal campaign committee receives notice of the
12479 deposit and the source of the deposit by mail, email, text, or similar means; or
- 12480 (C) 31 days after the day on which the direct deposit occurs; or
- 12481 (iv) for any other type of contribution, that any portion of the contribution's benefit
12482 inures to the school board office candidate.
- 12483 (b) As used in this Subsection (1), "campaign account" means a separate campaign
12484 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).
- 12485 (c) Each school board office candidate shall file an interim report at the following times
12486 in any year in which the candidate has filed a declaration of candidacy for a public
12487 office:
- 12488 (i) May 15;
- 12489 (ii) seven days before the regular primary election date;
- 12490 (iii) September 30; and
- 12491 (iv) seven days before the regular general election date.
- 12492 (2) Each interim report shall include the following information:
- 12493 (a) the net balance of the last summary report, if any;
- 12494 (b) a single figure equal to the total amount of receipts reported on all prior interim
12495 reports, if any, during the calendar year in which the interim report is due;
- 12496 (c) a single figure equal to the total amount of expenditures reported on all prior interim
12497 reports, if any, filed during the calendar year in which the interim report is due;
- 12498 (d) a detailed listing of:
- 12499 (i) for a school board office candidate, each contribution received since the last
12500 summary report that has not been reported in detail on a prior interim report; or
- 12501 (ii) for a school board officeholder, each contribution and public service assistance
12502 received since the last summary report that has not been reported in detail on a
12503 prior interim report;
- 12504 (e) for each nonmonetary contribution:
- 12505 (i) the fair market value of the contribution with that information provided by the
12506 contributor; and
- 12507 (ii) a specific description of the contribution;
- 12508 (f) a detailed listing of each expenditure made since the last summary report that has not

- 12509 been reported in detail on a prior interim report;
- 12510 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 12511 (h) a net balance for the year consisting of the net balance from the last summary report,
- 12512 if any, plus all receipts since the last summary report minus all expenditures since the
- 12513 last summary report;
- 12514 (i) a summary page in the form required by the [~~lieutenant governor~~] director that
- 12515 identifies:
- 12516 (i) beginning balance;
- 12517 (ii) total contributions during the period since the last statement;
- 12518 (iii) total contributions to date;
- 12519 (iv) total expenditures during the period since the last statement; and
- 12520 (v) total expenditures to date; and
- 12521 (j) the name of a political action committee for which the school board office candidate
- 12522 or school board officeholder is designated as an officer who has primary
- 12523 decision-making authority under Section 20A-11-601.
- 12524 (3)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 12525 of five days before the required filing date of the report.
- 12526 (b) Any negotiable instrument or check received by a school board office candidate or
- 12527 school board officeholder more than five days before the required filing date of a
- 12528 report required by this section shall be included in the interim report.
- 12529 Section 208. Section **20A-11-1304** is amended to read:
- 12530 **20A-11-1304 . School board office candidate -- Financial reporting requirements**
- 12531 **-- Termination of duty to report.**
- 12532 (1) Each school board candidate is subject to interim reporting requirements until the
- 12533 candidate withdraws or is eliminated in a primary.
- 12534 (2) Each school board office candidate is subject to year-end summary reporting
- 12535 requirements until the candidate has filed a statement of dissolution with the [~~lieutenant~~
- 12536 ~~governor~~] director stating that:
- 12537 (a) the school board office candidate is no longer receiving contributions and is no
- 12538 longer making expenditures;
- 12539 (b) the ending balance on the last summary report filed is zero and the balance in the
- 12540 separate bank account required in Section 20A-11-1301 is zero; and
- 12541 (c) a final summary report in the form required by Section 20A-11-1302 showing a zero
- 12542 balance is attached to the statement of dissolution.

- 12543 (3) A statement of dissolution and a final summary report may be filed at any time.
 12544 (4) Each school board office candidate shall continue to file the year-end summary report
 12545 required by Section 20A-11-1302 until the statement of dissolution and final summary
 12546 report required by this section are filed.

12547 Section 209. Section **20A-11-1305** is amended to read:

12548 **20A-11-1305 . School board office candidate -- Failure to file statement --**

12549 **Penalties.**

- 12550 (1) A school board office candidate who fails to file a financial statement by the deadline is
 12551 subject to a fine imposed in accordance with Section 20A-11-1005.
- 12552 (2) If a school board office candidate fails to file an interim report described in Subsections
 12553 20A-11-1303(1)(c)(i) through (iv), the [~~lieutenant governor~~] director may send an
 12554 electronic notice to the school board office candidate and the political party of which the
 12555 school board office candidate is a member, if any, that states:
- 12556 (a) that the school board office candidate failed to timely file the report; and
 12557 (b) that, if the school board office candidate fails to file the report within 24 hours after
 12558 the deadline for filing the report, the school board office candidate will be
 12559 disqualified and the political party will not be permitted to replace the candidate.
- 12560 (3)(a) The [~~lieutenant governor~~] director shall disqualify a school board office candidate
 12561 and inform the county clerk and other appropriate election officials that the school
 12562 board office candidate is disqualified if the school board office candidate fails to file
 12563 an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within
 12564 24 hours after the deadline for filing the report.
- 12565 (b) The political party of a school board office candidate who is disqualified under
 12566 Subsection (3)(a) may not replace the school board office candidate.
- 12567 (4) If a school board office candidate is disqualified under Subsection (3)(a), the election
 12568 officer shall:
- 12569 (a) notify every opposing candidate for the school board office that the school board
 12570 office candidate is disqualified;
 12571 (b) send an email notification to each voter who is eligible to vote in the school board
 12572 office race for whom the election officer has an email address informing the voter
 12573 that the school board office candidate is disqualified and that votes cast for the school
 12574 board office candidate will not be counted;
 12575 (c) post notice of the disqualification on the election officer's website; and
 12576 (d) if practicable, remove the school board office candidate's name from the ballot.

- 12577 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
12578 a mailed ballot, including a military or overseas ballot, by including with the ballot a
12579 written notice directing the voter to the election officer's website to inform the voter
12580 whether a candidate on the ballot is disqualified.
- 12581 (6) A school board office candidate is not disqualified if:
- 12582 (a) the school board office candidate files the reports described in Subsections
12583 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable
12584 deadlines for filing the reports;
- 12585 (b) the reports are completed, detailing accurately and completely the information
12586 required by this part except for inadvertent omissions or insignificant errors or
12587 inaccuracies; and
- 12588 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
12589 an amended report or the next scheduled report.
- 12590 (7)(a) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant~~
12591 ~~governor~~] director shall review each filed summary report to ensure that:
- 12592 (i) each school board office candidate who is required to file a summary report has
12593 filed the report; and
- 12594 (ii) each summary report contains the information required by this part.
- 12595 (b) If it appears that a school board office candidate has failed to file the summary report
12596 required by law, if it appears that a filed summary report does not conform to the law,
12597 or if the [~~lieutenant governor~~] director has received a written complaint alleging a
12598 violation of the law or the falsity of any summary report, the [~~lieutenant governor~~]
12599 director shall, within five days of discovery of a violation or receipt of a written
12600 complaint, notify the school board office candidate of the violation or written
12601 complaint and direct the school board office candidate to file a summary report
12602 correcting the problem.
- 12603 (c)(i) It is unlawful for a school board office candidate to fail to file or amend a
12604 summary report within seven days after receiving the notice described in
12605 Subsection (7)(b) from the [~~lieutenant governor~~] director.
- 12606 (ii) Each school board office candidate who violates Subsection (7)(c)(i) is guilty of
12607 a class B misdemeanor.
- 12608 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection
12609 (7)(c)(i) to the attorney general.
- 12610 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the [

12611 ~~lieutenant governor~~] director shall impose a civil fine of \$100 against a school
 12612 board office candidate who violates Subsection (7)(c)(i).

12613 Section 210. Section **20A-11-1502** is amended to read:

12614 **20A-11-1502 . Campaign financial reporting of expenditures -- Filing**
 12615 **requirements -- Statement contents.**

12616 (1)(a) Each labor organization that has made expenditures for political purposes or
 12617 political issues expenditures on current or proposed ballot issues that total at least
 12618 \$750 during a calendar year shall file a verified financial statement with the [
 12619 ~~lieutenant governor's~~] office:

- 12620 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 12621 (ii) seven days before the regular primary election date;
- 12622 (iii) on September 30; and
- 12623 (iv) seven days before the regular general election date.

12624 (b) The labor organization shall report:

- 12625 (i) a detailed listing of all expenditures made since the last statement; and
- 12626 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
 12627 expenditures as of five days before the required filing date of the financial
 12628 statement.

12629 (c) The labor organization is not required to file a financial statement under this section
 12630 if the labor organization:

- 12631 (i) made no expenditures during the reporting period; or
- 12632 (ii) reports the labor organization's expenditures during the reporting period under
 12633 another part of this chapter.

12634 (2) The financial statement shall include:

- 12635 (a) the name and address of each reporting entity that received an expenditure or
 12636 political issues expenditure of more than \$50 from the labor organization, and the
 12637 amount of each expenditure or political issues expenditure;
- 12638 (b) the total amount of expenditures disbursed by the labor organization; and
- 12639 (c) a statement by the labor organization's treasurer or chief financial officer certifying
 12640 the accuracy of the financial statement.

12641 Section 211. Section **20A-11-1503** is amended to read:

12642 **20A-11-1503 . Criminal penalties -- Fines.**

12643 (1) Within 60 days after a deadline for the filing of a financial statement required by this
 12644 part, the [~~lieutenant governor~~] director shall review each filed financial statement to

- 12645 ensure that:
- 12646 (a) each labor organization that is required to file a financial statement has filed one; and
- 12647 (b) each financial statement contains the information required by this part.
- 12648 (2) If it appears that any labor organization has failed to file a financial statement, if it
- 12649 appears that a filed financial statement does not conform to the law, or if the [~~lieutenant~~
- 12650 ~~governor~~] director has received a written complaint alleging a violation of the law or the
- 12651 falsity of a financial statement, the [~~lieutenant-governor~~] director shall:
- 12652 (a) impose a fine against the labor organization in accordance with Section 20A-11-1005;
- 12653 and
- 12654 (b) within five days of discovery of a violation or receipt of a written complaint, notify
- 12655 the labor organization of the violation or written complaint and direct the labor
- 12656 organization to file a financial statement correcting the problem.
- 12657 (3)(a) It is unlawful for any labor organization to fail to file or amend a financial
- 12658 statement within seven days after receiving notice from the [~~lieutenant-governor~~]
- 12659 director under this section.
- 12660 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
- 12661 misdemeanor.
- 12662 (c) The [~~lieutenant-governor~~] director shall report all violations of Subsection (3)(a) to
- 12663 the attorney general.
- 12664 (d) In addition to the criminal penalty described in Subsection (3)(b), the [~~lieutenant~~
- 12665 ~~governor~~] director shall impose a civil fine of \$1,000 against a labor organization that
- 12666 violates Subsection (3)(a).

12667 Section 212. Section **20A-11-1602** is amended to read:

12668 **20A-11-1602 . Definitions.**

12669 As used in this part:

- 12670 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the
- 12671 officeholder reasonably believes may cause direct financial benefit or detriment to the
- 12672 officeholder, a member of the officeholder's immediate family, or an individual or entity
- 12673 that the officeholder is required to disclose under the provisions of this section, if that
- 12674 benefit or detriment is distinguishable from the effects of that action on the public or on
- 12675 the officeholder's profession, occupation, or association generally.
- 12676 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information
- 12677 required under Section 20A-11-1604.
- 12678 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited

12679 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization,
12680 a joint venture, a governmental entity, an unincorporated organization, or any other legal
12681 entity, regardless of whether it is established primarily for the purpose of gain or
12682 economic profit.

12683 (4) "Local official" means:

12684 (a) an elected officer of:

12685 (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and
12686 Employees' Ethics Act; or

12687 (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure
12688 Act;

12689 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and
12690 Employees' Ethics Act; or

12691 (c) another individual:

12692 (i) who is not a regulated officeholder; and

12693 (ii) who is required to annually make a conflict of interest disclosure in accordance
12694 with Subsection 20A-11-1604(6).

12695 (5) "Filing officer" means:

12696 (a) the [~~lieutenant governor~~] director, for the office of a state constitutional officer or
12697 State Board of Education member; or

12698 (b) the [~~lieutenant governor~~] director or the county clerk in the county of the candidate's
12699 residence, for a state legislative office.

12700 (6) "Immediate family" means the regulated officeholder's spouse, a child living in the
12701 regulated officeholder's immediate household, or an individual claimed as a dependent
12702 for state or federal income tax purposes by the regulated officeholder.

12703 (7) "Income" means earnings, compensation, or any other payment made to an individual
12704 for gain, regardless of source, whether denominated as wages, salary, commission, pay,
12705 bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
12706 reimbursement, dividends, or otherwise.

12707 (8)(a) "Owner or officer" means an individual who owns an ownership interest in an
12708 entity or holds a position where the person has authority to manage, direct, control, or
12709 make decisions for:

12710 (i) the entity or a portion of the entity; or

12711 (ii) an employee, agent, or independent contractor of the entity.

12712 (b) "Owner or officer" includes:

- 12713 (i) a member of a board of directors or other governing body of an entity; or
 12714 (ii) a partner in any type of partnership.
- 12715 (9) "Preceding year" means the year immediately preceding the day on which the regulated
 12716 officeholder makes a conflict of interest disclosure.
- 12717 (10) "Regulated officeholder" means an individual who is required to make a conflict of
 12718 interest disclosure under the provisions of this part.
- 12719 (11) "State constitutional officer" means the governor, the lieutenant governor, the state
 12720 auditor, the state treasurer, or the attorney general.
- 12721 (12) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure
 12722 Website described in Section 20A-11-1602.5.
- 12723 Section 213. Section **20A-11-1602.5** is amended to read:
- 12724 **20A-11-1602.5 . Candidate and Officeholder Conflict of Interest Disclosure**
 12725 **Website.**
- 12726 (1) The [~~lieutenant governor~~] director shall, in cooperation with the county clerks, establish
 12727 and administer a Candidate and Officeholder Conflict of Interest Disclosure Website.
- 12728 (2) The website shall:
- 12729 (a) permit a candidate or officeholder to securely access the website for the purpose of:
 12730 (i) complying with the conflict of interest disclosure requirements described in this
 12731 part; and
 12732 (ii) editing conflict of interest disclosures;
- 12733 (b) contain a record of all conflict of interest disclosures and edits made by the candidate
 12734 or officeholder for at least the preceding four years;
- 12735 (c) permit any person to view a conflict of interest disclosure made by a candidate or
 12736 officeholder; and
- 12737 (d) contain a link to the conflict of interest disclosure made by a local official.
- 12738 Section 214. Section **20A-11-1603** is amended to read:
- 12739 **20A-11-1603 . Conflict of interest disclosure -- Required when filing for**
 12740 **candidacy -- Public availability.**
- 12741 (1)(a) Except as provided in Subsection (1)(c), candidates seeking the following offices
 12742 shall make a complete conflict of interest disclosure on the website at the time of
 12743 filing a declaration of candidacy:
- 12744 (i) state constitutional officer;
 12745 (ii) state legislator; or
 12746 (iii) State Board of Education member.

- 12747 (b) A candidate who fails to comply with Subsection (1)(a) shall make a complete
12748 conflict of interest disclosure on the website no later than 5:00 p.m. on January 10.
- 12749 (c) A candidate is not required to comply with Subsection (1)(a) if the candidate:
12750 (i) currently holds the office for which the candidate is seeking reelection;
12751 (ii) already, that same year, filed the conflict of interest disclosure for the office
12752 described in Subsection (1)(c)(i), in accordance Section 20A-11-1604; and
12753 (iii) at the time the candidate files the declaration of candidacy, indicates, in writing,
12754 that the conflict of interest disclosure described in Subsection (1)(c)(ii) is updated
12755 and accurate as of the date of filing the declaration of candidacy.
- 12756 (2) Except as provided in Subsection (1)(c), a filing officer:
12757 (a) shall provide electronic notice to a candidate who fails to comply with Subsection
12758 (1)(a) that the candidate must make a complete conflict of interest disclosure on the
12759 website no later than the deadline described in Subsection (1)(b); and
12760 (b) may not accept a declaration of candidacy for an office listed in Subsection (1)(a)
12761 until the candidate makes a complete conflict of interest disclosure on the website.
- 12762 (3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the same
12763 requirements and shall be in the same format as the conflict of interest disclosure
12764 described in Section 20A-11-1604.
- 12765 (4) The ~~lieutenant governor~~ director shall make the complete conflict of interest disclosure
12766 made by each candidate available for public inspection on the website.
- 12767 Section 215. Section **20A-11-1604** is amended to read:
12768 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**
12769 **reporting requirements.**
- 12770 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
12771 any other official act of office in which a state constitutional officer has actual
12772 knowledge that the state constitutional officer has a conflict of interest that is not
12773 stated in the conflict of interest disclosure, the state constitutional officer shall
12774 publicly declare that the state constitutional officer may have a conflict of interest
12775 and what that conflict of interest is.
- 12776 (b) Before or during any vote on legislation or any legislative matter in which a
12777 legislator has actual knowledge that the legislator has a conflict of interest that is not
12778 stated in the conflict of interest disclosure, the legislator shall orally declare to the
12779 committee or body before which the matter is pending that the legislator may have a
12780 conflict of interest and what that conflict is.

- 12781 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
12782 which a member of the State Board of Education has actual knowledge that the
12783 member has a conflict of interest that is not stated in the conflict of interest
12784 disclosure, the member shall orally declare to the board that the member may have a
12785 conflict of interest and what that conflict of interest is.
- 12786 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
12787 be noted:
- 12788 (a) on the official record of the action taken, for a state constitutional officer;
12789 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
12790 applicable, for a legislator; or
12791 (c) in the minutes of the meeting or on the official record of the action taken, for a
12792 member of the State Board of Education.
- 12793 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
12794 website:
- 12795 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
12796 (ii) if the state constitutional officer takes office after January 10, within 10 days after
12797 the day on which the state constitutional officer takes office; and
12798 (b) each time the state constitutional officer changes employment.
- 12799 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 12800 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
12801 (ii) if the legislator takes office after January 10, within 10 days after the day on
12802 which the legislator takes office; and
12803 (b) each time the legislator changes employment.
- 12804 (5) A member of the State Board of Education shall make a complete conflict of interest
12805 disclosure on the website:
- 12806 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
12807 (ii) if the member takes office after January 10, within 10 days after the day on which
12808 the member takes office; and
12809 (b) each time the member changes employment.
- 12810 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 12811 (a) the regulated officeholder's name;
12812 (b) the name and address of each of the regulated officeholder's current employers and
12813 each of the regulated officeholder's employers during the preceding year;
12814 (c) for each employer described in Subsection (6)(b), a brief description of the

- 12815 employment, including the regulated officeholder's occupation and, as applicable, job
12816 title;
- 12817 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
12818 owner or officer during the preceding year:
- 12819 (i) the name of the entity;
- 12820 (ii) a brief description of the type of business or activity conducted by the entity; and
12821 (iii) the regulated officeholder's position in the entity;
- 12822 (e) in accordance with Subsection (7), for each individual from whom, or entity from
12823 which, the regulated officeholder has received \$5,000 or more in income during the
12824 preceding year:
- 12825 (i) the name of the individual or entity; and
12826 (ii) a brief description of the type of business or activity conducted by the individual
12827 or entity;
- 12828 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a
12829 fair market value of \$5,000 or more as of the date of the disclosure form or during the
12830 preceding year, but excluding funds that are managed by a third party, including
12831 blind trusts, managed investment accounts, and mutual funds:
- 12832 (i) the name of the entity; and
12833 (ii) a brief description of the type of business or activity conducted by the entity;
- 12834 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
12835 officeholder currently serves, or served in the preceding year, in a paid leadership
12836 capacity or in a paid or unpaid position on a board of directors:
- 12837 (i) the name of the entity or organization;
12838 (ii) a brief description of the type of business or activity conducted by the entity; and
12839 (iii) the type of position held by the regulated officeholder;
- 12840 (h) at the option of the regulated officeholder, a description of any real property in which
12841 the regulated officeholder holds an ownership or other financial interest that the
12842 regulated officeholder believes may constitute a conflict of interest, including a
12843 description of the type of interest held by the regulated officeholder in the property;
- 12844 (i) the name of the regulated officeholder's spouse and any other adult residing in the
12845 regulated officeholder's household who is not related by blood or marriage, as
12846 applicable;
- 12847 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
12848 is required to provide under Subsection (6)(b);

- 12849 (k) a brief description of the employment and occupation of each adult who:
- 12850 (i) resides in the regulated officeholder's household; and
- 12851 (ii) is not related to the regulated officeholder by blood or marriage;
- 12852 (l) at the option of the regulated officeholder, a description of any other matter or
- 12853 interest that the regulated officeholder believes may constitute a conflict of interest;
- 12854 (m) the date the form was completed;
- 12855 (n) a statement that the regulated officeholder believes that the form is true and accurate
- 12856 to the best of the regulated officeholder's knowledge; and
- 12857 (o) the signature of the regulated officeholder.
- 12858 (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who
- 12859 provides goods or services to multiple customers or clients as part of a business or a
- 12860 licensed profession is only required to provide the information described in Subsection
- 12861 (6)(e) in relation to the entity or practice through which the regulated officeholder
- 12862 provides the goods or services and is not required to provide the information described
- 12863 in Subsection (6)(e) in relation to the regulated officeholder's individual customers or
- 12864 clients.
- 12865 (8) The disclosure requirements described in this section do not prohibit a regulated
- 12866 officeholder from voting or acting on any matter.
- 12867 (9) A regulated officeholder may amend a conflict of interest disclosure described in this
- 12868 part at any time.
- 12869 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a
- 12870 class B misdemeanor.
- 12871 (11)(a) A regulated officeholder who intentionally or knowingly violates a provision of
- 12872 this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 12873 (b) In addition to the criminal penalty described in Subsection (11)(a), the [~~lieutenant~~
- 12874 ~~governor~~] director shall impose a civil penalty of \$100 against a regulated
- 12875 officeholder who violates a provision of this section, other than Subsection (1).
- 12876 Section 216. Section **20A-11-1605** is amended to read:
- 12877 **20A-11-1605 . Failure to file -- Penalties.**
- 12878 (1) Within 60 days after the day on which a regulated officeholder is required to file a
- 12879 conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the [~~lieutenant-governor~~
- 12880 ~~]~~ director shall review each filed conflict of interest disclosure to
- 12881 ensure that:
- 12882 (a) each regulated officeholder who is required to file a conflict of interest disclosure has

- 12883 filed one; and
- 12884 (b) each conflict of interest disclosure contains the information required under Section
12885 20A-11-1604.
- 12886 (2) The [~~lieutenant governor~~] director shall take the action described in Subsection (3) if:
- 12887 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;
- 12888 (b) a filed conflict of interest disclosure does not comply with the requirements of
12889 Section 20A-11-1604; or
- 12890 (c) the [~~lieutenant governor~~] director receives a written complaint alleging a violation of
12891 Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the
12892 complaint and giving the regulated officeholder notice and an opportunity to be
12893 heard, the [~~lieutenant governor~~] director determines that a violation occurred.
- 12894 (3) If a circumstance described in Subsection (2) occurs, the [~~lieutenant governor~~] director
12895 shall, within five days after the day on which the [~~lieutenant governor~~] director
12896 determines that a violation occurred, notify the regulated officeholder of the violation
12897 and direct the regulated officeholder to file an amended report correcting the problem.
- 12898 (4)(a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
12899 interest disclosure within seven days after the day on which the regulated
12900 officeholder receives the notice described in Subsection (3).
- 12901 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
12902 misdemeanor.
- 12903 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (4)(a) to
12904 the attorney general.
- 12905 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~
12906 ~~governor~~] director shall impose a civil fine of \$100 against a regulated officeholder
12907 who violates Subsection (4)(a).
- 12908 (5) The [~~lieutenant governor~~] director shall deposit a fine collected under this part into the
12909 General Fund as a dedicated credit to pay for the costs of administering the provisions of
12910 this part.
- 12911 Section 217. Section **20A-11-1606** is amended to read:
- 12912 **20A-11-1606 . Link to conflict of interest disclosure on Legislature's website.**
- 12913 The Legislature's website shall include, for each legislative officeholder, a link to the
12914 conflict of interest disclosure on the website maintained by the [~~lieutenant governor~~] director in
12915 relation to that legislative officeholder.
- 12916 Section 218. Section **20A-12-201** is amended to read:

- 12917 **20A-12-201 . Judicial appointees -- Retention elections.**
- 12918 (1)(a) Each judicial appointee to a court is subject to an unopposed retention election at
- 12919 the first general election held more than three years after the judge or justice was
- 12920 appointed.
- 12921 (b) After the first retention election:
- 12922 (i) each Supreme Court justice shall be on the regular general election ballot for an
- 12923 unopposed retention election every tenth year; and
- 12924 (ii) each judge of other courts shall be on the regular general election ballot for an
- 12925 unopposed retention election every sixth year.
- 12926 (2)(a) Each justice or judge of a court of record who wishes to retain office shall, in the
- 12927 year the justice or judge is subject to a retention election:
- 12928 (i) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with the
- 12929 county clerk in the candidate's county of residence, within the period beginning on
- 12930 July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
- 12931 (ii) pay a filing fee of \$50.
- 12932 (b)(i) Each justice court judge who wishes to retain office shall, in the year the justice
- 12933 court judge is subject to a retention election:
- 12934 (A) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with
- 12935 the county clerk in the candidate's county of residence, within the period
- 12936 beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular
- 12937 general election; and
- 12938 (B) pay a filing fee of \$25 for each judicial office.
- 12939 (ii) If a justice court judge is appointed or elected to more than one judicial office, the
- 12940 declaration of candidacy shall identify all of the courts included in the same
- 12941 general election.
- 12942 (iii) If a justice court judge is appointed or elected to more than one judicial office,
- 12943 filing a declaration of candidacy in one county in which one of those courts is
- 12944 located is valid for the courts in any other county.
- 12945 (3)(a) The [~~lieutenant governor~~] director shall, no later than August 31 of each regular
- 12946 general election year:
- 12947 (i) transmit a certified list containing the names of the justices of the Supreme Court,
- 12948 judges of the Court of Appeals, and judges of the Business and Chancery Court
- 12949 declaring their candidacy to the county clerk of each county; and
- 12950 (ii) transmit a certified list containing the names of judges of other courts declaring

- 12951 their candidacy to the county clerk of each county in the geographic division in
12952 which the judge filing the declaration holds office.
- 12953 (b) Each county clerk shall place the names of justices and judges standing for retention
12954 election in the nonpartisan section of the ballot.
- 12955 (4)(a) At the general election, the ballots shall contain:
- 12956 (i) at the beginning of the judicial retention section of the ballot, the following statement:
12957 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's
12958 recommendations for each judge"; and
- 12959 (ii) as to each justice or judge of any court to be voted on in the county, the following question:
12960 "Shall _____ (name of justice or judge) be retained in the
12961 office of _____? (name of office, such as "Justice of the Supreme
12962 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery
12963 Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the
12964 Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county)
12965 County or (name of municipality)")
- 12966 Yes ()
12967 No ()."
- 12968 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102,
12969 the ballot question for the judge shall include the name of that court.
- 12970 (5)(a) If the justice or judge receives more yes votes than no votes, the justice or judge is
12971 retained for the term of office provided by law.
- 12972 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
12973 judge is not retained, and a vacancy exists in the office on the first Monday in
12974 January after the regular general election.
- 12975 (6) A justice or judge not retained is ineligible for appointment to the office for which the
12976 justice or judge was defeated until after the expiration of that term of office.
- 12977 (7)(a) If a justice court judge is standing for retention for one or more judicial offices in
12978 a county in which the judge is a county justice court judge or a municipal justice
12979 court judge in a town or municipality of the fourth or fifth class, as described in
12980 Section 10-2-301, or any combination thereof, the election officer shall place the
12981 judge's name on the county ballot only once for all judicial offices for which the
12982 judge seeks to be retained.
- 12983 (b) If a justice court judge is standing for retention for one or more judicial offices in a
12984 municipality of the first, second, or third class, as described in Section 10-2-301, the

12985 election officer shall place the judge's name only on the municipal ballot for the
 12986 voters of the municipality that the judge serves.

12987 Section 219. Section **20A-12-302** is amended to read:

12988 **20A-12-302 . Campaign committee required.**

12989 (1)(a) When permitted to do so by the Code of Judicial Conduct promulgated by the
 12990 Utah Supreme Court, and if the judge chooses to solicit contributions or make
 12991 expenditures to promote [his] the judge's retention, the judge may establish no more
 12992 than one retention election personal campaign committee, consisting of one or more
 12993 persons, to receive contributions, make expenditures, and shall file reports connected
 12994 with the judge's retention election campaign.

12995 (b) A judge or person acting in concert with or with the knowledge of the judge may not
 12996 receive any contributions or make any expenditures other than through the personal
 12997 campaign committee established under this section.

12998 (2)(a) The judge shall file with the [~~lieutenant governor~~] director a signed written
 12999 statement containing the name and address of each member and the secretary of the
 13000 judge's personal campaign committee.

13001 (b) The judge may change the membership of the personal campaign committee at any
 13002 time by filing with the [~~lieutenant governor~~] director a signed statement containing the
 13003 name and address of any additional members and identifying any members that have
 13004 been removed from the committee.

13005 (c) The judge or the judge's personal campaign committee may not make any
 13006 expenditures on behalf of the judge until the statement has been filed.

13007 (3)(a) The judge's personal campaign committee may not make an expenditure of more
 13008 than \$1,000 unless the judge or the secretary of the personal campaign committee
 13009 authorizes the expenditure in writing.

13010 (b) A judge or the judge's personal campaign committee may not make any expenditures
 13011 prohibited by law.

13012 (4) A judge's personal campaign committee is dissolved on the date that the summary report
 13013 required by Section 20A-12-304 is filed.

13014 Section 220. Section **20A-12-303** is amended to read:

13015 **20A-12-303 . Separate account for campaign funds -- Reporting contributions.**

13016 (1) The judge or the judge's personal campaign committee shall deposit each contribution in
 13017 one or more separate personal campaign accounts in a financial institution.

13018 (2) The judge or the judge's personal campaign committee may not deposit or mingle any

- 13019 contributions received into a personal or business account.
- 13020 (3)(a) As used in this Subsection (3) and Section 20A-12-305, "received" means:
- 13021 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
- 13022 campaign committee;
- 13023 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 13024 instrument or check is negotiated; and
- 13025 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 13026 inures to the judge.
- 13027 (b) The judge or the judge's personal campaign committee shall report to the [~~lieutenant~~
- 13028 ~~governor~~] director each contribution received by the judge, within 31 days after the
- 13029 day on which the contribution is received.
- 13030 (c) For each contribution that a judge fails to report within the time period described in
- 13031 Subsection (3)(b), the [~~lieutenant governor~~] director shall impose a fine against the
- 13032 judge in an amount equal to:
- 13033 (i) 10% of the amount of the contribution if the judge reports the contribution within
- 13034 60 days after the day on which the time period described in Subsection (3)(b)
- 13035 ends; or
- 13036 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
- 13037 within 60 days after the day on which the time period described in Subsection
- 13038 (3)(b) ends.
- 13039 (d) The [~~lieutenant governor~~] director shall:
- 13040 (i) deposit money received under Subsection (3)(c) into the General Fund; and
- 13041 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports
- 13042 relating to each judge are available for public access:
- 13043 (A) each fine imposed by the [~~lieutenant governor~~] director against the judge;
- 13044 (B) the amount of the fine;
- 13045 (C) the amount of the contribution to which the fine relates; and
- 13046 (D) the date of the contribution.
- 13047 (4) Within 31 days after receiving a contribution that is cash or a negotiable instrument,
- 13048 exceeds \$50, and is from an unknown source, a judge or the judge's personal campaign
- 13049 committee shall disburse the amount of the contribution to an organization that is
- 13050 exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- 13051 Section 221. Section **20A-12-304** is amended to read:
- 13052 **20A-12-304 . Judicial retention election candidates -- Financial reporting**

13053 **requirements -- Year-end summary report.**

13054 (1) The judge's personal campaign committee shall file a summary report with the [
13055 ~~lieutenant-governor~~] director by January 10 of the year after the regular general election
13056 year.

13057 (2)(a) Each summary report shall include the following information as of December 31
13058 of the last regular general election year:

13059 (i) a single figure equal to the total amount of contributions reported on the interim
13060 report;

13061 (ii) a single figure equal to the total amount of expenditures reported on the interim
13062 report;

13063 (iii) a detailed listing of each contribution received since the last summary report that
13064 has not been reported in detail on the interim report;

13065 (iv) for each nonmonetary contribution, the fair market value of the contribution;

13066 (v) a detailed listing of each expenditure made since the last summary report that has
13067 not been reported in detail on the interim report;

13068 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

13069 (vii) the net balance for the year, consisting of all contributions minus all
13070 expenditures.

13071 (b)(i) For all single contributions of \$50 or less, an aggregate figure may be reported
13072 without a separate detailed listing.

13073 (ii) Two or more contributions from the same source for a total of more than \$50 may
13074 not be reported in the aggregate, but shall be reported in the detailed listing.

13075 (c) A check or negotiable instrument received by a judge or the judge's personal
13076 campaign committee on or before December 31 of the previous year shall be reported
13077 in the summary report.

13078 (3) The judge shall certify in the summary report that, to the best of the judge's knowledge,
13079 all contributions and all expenditures have been reported as of December 31 of the last
13080 regular general election year and that there are no financial obligations outstanding
13081 except as set forth in the report.

13082 Section 222. Section **20A-12-305** is amended to read:

13083 **20A-12-305 . Judicial retention election candidates -- Financial reporting**
13084 **requirements -- Interim report.**

13085 (1) The judge's personal campaign committee shall file an interim report with the [
13086 ~~lieutenant-governor~~] director on the date seven days before the regular general election

- 13087 date.
- 13088 (2) Each interim report shall include the following information:
- 13089 (a) a detailed listing of each contribution received since the last financial statement;
- 13090 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 13091 (c) a detailed listing of each expenditure made since the last summary report;
- 13092 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 13093 (e) a net balance for the year consisting of all contributions since the last summary
- 13094 report minus all expenditures since the last summary report.
- 13095 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 13096 reported without separate detailed listings.
- 13097 (b) Two or more contributions from the same source that have an aggregate total of
- 13098 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 13099 (4) In preparing each interim report, all contributions and expenditures shall be reported as
- 13100 of five days before the required filing date of the report.
- 13101 (5) A negotiable instrument or check received by a judge or the judge's personal campaign
- 13102 committee more than five days before the required filing date of a report required by this
- 13103 section shall be included in the interim report.

13104 Section 223. Section **20A-12-306** is amended to read:

13105 **20A-12-306 . Judges -- Failure to file reports -- Penalties.**

- 13106 (1)(a) If a judge's personal campaign committee fails to file the interim report due before
- 13107 the regular general election, the [~~lieutenant governor~~] director shall, after making a
- 13108 reasonable attempt to discover if the report was timely filed:
- 13109 (i) inform the county clerk and other appropriate election officials who:
- 13110 (A)(I) shall, if practicable, remove the name of the judge from the ballots
- 13111 before the ballots are delivered to voters; or
- 13112 (II) shall, if removing the judge's name from the ballot is not practicable,
- 13113 inform the voters by any practicable method that the judge has been
- 13114 disqualified and that votes cast for the judge will not be counted; and
- 13115 (B) may not count any votes for that judge; and
- 13116 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.
- 13117 (b) Any judge who fails to file timely a financial statement required by this part is
- 13118 disqualified.
- 13119 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the [
- 13120 ~~lieutenant governor~~] director may not impose a fine if:

- 13121 (i) the candidate timely files the reports required by this section in accordance with
 13122 Section 20A-11-103;
- 13123 (ii) the reports are completed, detailing accurately and completely the information
 13124 required by this part except for inadvertent omissions or insignificant errors or
 13125 inaccuracies; and
- 13126 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
 13127 corrected in an amended report or in the next scheduled report.
- 13128 (2)(a) Within 30 days after a deadline for the filing of a summary report, the [~~lieutenant~~
 13129 ~~governor~~] director shall review each filed summary report to ensure that:
- 13130 (i) each judge that is required to file a summary report has filed one; and
 13131 (ii) each summary report contains the information required by this part.
- 13132 (b) If it appears that any judge has failed to file the summary report required by law, if it
 13133 appears that a filed summary report does not conform to the law, or if the [~~lieutenant~~
 13134 ~~governor~~] director has received a written complaint alleging a violation of the law or
 13135 the falsity of any summary report, the [~~lieutenant governor~~] director shall, within five
 13136 days of discovery of a violation or receipt of a written complaint, notify the judge of
 13137 the violation or written complaint and direct the judge to file a summary report
 13138 correcting the problem.
- 13139 (c)(i) It is unlawful for any judge to fail to file or amend a summary report within 14
 13140 days after receiving notice from the [~~lieutenant governor~~] director under this
 13141 section.
- 13142 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
 13143 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection
 13144 (2)(c)(i) to the attorney general.
- 13145 Section 224. Section **20A-13-102** is amended to read:
- 13146 **20A-13-102 . Congressional districts -- Filing -- Legal boundaries.**
- 13147 (1)(a) The Legislature shall file a copy of the Congressional block equivalency file
 13148 enacted by the Legislature and the resulting Congressional shapefile with the [
 13149 ~~lieutenant governor's~~]office.
- 13150 (b) The legal boundaries of Utah's Congressional districts are contained in the
 13151 Congressional shapefile on file with the [~~lieutenant governor's~~]office.
- 13152 (2)(a) The [~~lieutenant governor~~] director shall:
- 13153 (i) verify the Congressional block equivalency file that the Legislature files under
 13154 Subsection (1) using block equivalency file security code

- 13155 "4cb8a686520fdb1c2385e0a9812ff403" and the corresponding Congressional
13156 shapefile;
- 13157 (ii) generate maps of each Congressional district from the Congressional shapefile;
13158 and
- 13159 (iii) ensure that the district maps are available for viewing on the [~~lieutenant~~
13160 ~~governor's~~] office's website.
- 13161 (b) If there is any inconsistency between the district maps and the Congressional
13162 shapefile resulting from the Congressional block equivalency file, the Congressional
13163 shapefile is controlling.
- 13164 Section 225. Section **20A-13-102.2** is amended to read:
- 13165 **20A-13-102.2 . County clerk, Utah Geospatial Resource Center, and director**
13166 **responsibilities -- Maps and voting precinct boundaries.**
- 13167 (1) As used in this section, "redistricting boundary data" means the Congressional shapefile
13168 in the possession of the [~~lieutenant governor's~~]office.
- 13169 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
13170 county from the [~~lieutenant governor's~~]office.
- 13171 (3)(a) A county clerk may create one or more county maps that identify the boundaries
13172 of Utah's Congressional districts as generated from the redistricting boundary data.
- 13173 (b) Before publishing or distributing any map or data created by the county clerk that
13174 identifies the boundaries of Utah's Congressional districts within the county, the
13175 county clerk shall submit the county map and data to the [~~lieutenant governor~~] director
13176 and to the Utah Geospatial Resource Center for review.
- 13177 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah
13178 Geospatial Resource Center shall:
- 13179 (i) review the county map and data to evaluate if the county map and data accurately
13180 reflect the boundaries of Utah's Congressional districts established by the
13181 Legislature in the redistricting boundary data;
- 13182 (ii) determine whether the county map and data are correct or incorrect; and
- 13183 (iii) communicate those findings to the [~~lieutenant governor~~] director.
- 13184 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the county
13185 map and data are correct or notify the county clerk that the county map and data are
13186 incorrect.
- 13187 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the
13188 county map and data submitted are incorrect, the county clerk shall:

- 13189 (i) make the corrections necessary to conform the county map and data to the
 13190 redistricting boundary data; and
- 13191 (ii) resubmit the corrected county map and data to the [~~lieutenant governor~~] director
 13192 and to the Utah Geospatial Resource Center for a new review under this
 13193 Subsection (3).
- 13194 (4)(a) Subject to the requirements of this Subsection (4), each county clerk shall
 13195 establish voting precincts and polling places within each Utah Congressional district
 13196 according to the procedures and requirements of Section 20A-5-303.
- 13197 (b) Within five working days after approval of voting precincts and polling places by the
 13198 county legislative body as required by Section 20A-5-303, each county clerk shall
 13199 submit a voting precinct map identifying the boundaries of each voting precinct
 13200 within the county to the [~~lieutenant governor~~] director and to the Utah Geospatial
 13201 Resource Center for review.
- 13202 (c) Within 30 days after receipt of a map from a county clerk, the Utah Geospatial
 13203 Resource Center shall:
- 13204 (i) review the voting precinct map to evaluate if the voting precinct map accurately
 13205 reflects the boundaries of Utah's Congressional districts established by the
 13206 Legislature in the redistricting boundary data;
- 13207 (ii) determine whether the voting precinct map is correct or incorrect; and
- 13208 (iii) communicate those findings to the [~~lieutenant governor~~] director.
- 13209 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the voting
 13210 precinct map is correct or notify the county clerk that the map is incorrect.
- 13211 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the
 13212 voting precinct map is incorrect, the county clerk shall:
- 13213 (i) make the corrections necessary to conform the voting precinct map to the
 13214 redistricting boundary data; and
- 13215 (ii) resubmit the corrected voting precinct map to the [~~lieutenant governor~~] director
 13216 and to the Utah Geospatial Resource Center for a new review under this
 13217 Subsection (4).

13218 Section 226. Section **20A-13-103** is amended to read:

13219 **20A-13-103 . Omissions from maps -- How resolved.**

- 13220 (1) If any area of the state is omitted from a Congressional district in the Congressional
 13221 shapefile in the possession of the [~~lieutenant governor's~~] office, the county clerk of the
 13222 affected county, upon discovery of the omission, shall attach the area to the appropriate

- 13223 Congressional district according to the requirements of Subsections (2) and (3).
 13224 (2) If the omitted area is surrounded by a single Congressional district, the county clerk
 13225 shall attach the area to that district.
 13226 (3) If the omitted area is contiguous to two or more Congressional districts, the county clerk
 13227 shall attach the area to the district that has the least population, as determined by the
 13228 Utah Population Committee.
 13229 (4) The county clerk shall certify in writing and file with the [~~lieutenant governor~~] director
 13230 any attachment made under this section.

13231 Section 227. Section **20A-13-104** is amended to read:

13232 **20A-13-104 . Uncertain boundaries -- How resolved.**

- 13233 (1) As used in this section, "affected party" means:
 13234 (a) a representative whose Congressional district boundary is uncertain because the
 13235 boundary in the Congressional shapefile used to establish the district boundary has
 13236 been removed, modified, or is unable to be identified or who is uncertain about
 13237 whether the representative or another individual resides in a particular Congressional
 13238 district;
 13239 (b) a candidate for Congressional representative whose Congressional district boundary
 13240 is uncertain because the boundary in the Congressional shapefile used to establish the
 13241 district boundary has been removed, modified, or is unable to be identified or who is
 13242 uncertain about whether the candidate or another individual resides in a particular
 13243 Congressional district; or
 13244 (c) an individual who is uncertain about which Congressional district contains the
 13245 individual's residence because the boundary in the Congressional shapefile used to
 13246 establish the district boundary has been removed, modified, or is unable to be
 13247 identified.
 13248 (2)(a) An affected party may file a written request petitioning the [~~lieutenant governor~~]
 13249 director to determine:
 13250 (i) the precise location of the Congressional district boundary;
 13251 (ii) the number of the Congressional district in which an individual resides; or
 13252 (iii) both Subsections (2)(a)(i) and (ii).
 13253 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant~~
 13254 ~~governor~~] director shall review:
 13255 (i) the Congressional block equivalency file and the resulting Congressional
 13256 shapefile; and

- 13257 (ii) any other relevant data such as aerial photographs, aerial maps, or other data
 13258 about the area.
- 13259 (c) Within five days of receipt of the request, the [~~lieutenant governor~~] director shall:
 13260 (i) complete the review described in Subsection (2)(b); and
 13261 (ii) make a determination.
- 13262 (d) When the [~~lieutenant governor~~] director determines the location of the Congressional
 13263 district boundary, the [~~lieutenant governor~~] director shall:
 13264 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
 13265 necessary; and
 13266 (ii) send a copy of the certification to:
 13267 (A) the affected party;
 13268 (B) the county clerk of the affected county; and
 13269 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 13270 (e) If the [~~lieutenant governor~~] director determines the number of the Congressional
 13271 district in which a particular individual resides, the [~~lieutenant governor~~] director shall
 13272 send a letter identifying that district by number to:
 13273 (i) the individual;
 13274 (ii) the affected party who filed the petition, if different than the individual whose
 13275 Congressional district number was identified; and
 13276 (iii) the county clerk of the affected county.
- 13277 Section 228. Section **20A-13-301** is amended to read:
 13278 **20A-13-301 . Presidential elections -- Effect of vote.**
- 13279 (1)(a) Each registered political party shall choose individuals to act as presidential
 13280 electors and to fill vacancies in the office of presidential electors for their party's
 13281 candidates for president and vice president of the United States according to the
 13282 procedures established in their bylaws.
- 13283 (b) Each registered political party shall certify to the [~~lieutenant governor~~] director the
 13284 names and addresses of the individuals selected by the political party as the party's
 13285 presidential electors before 5 p.m. no later than August 31.
- 13286 (c) An unaffiliated candidate or write-in candidate for the office of president of the
 13287 United States shall, no later than 5 p.m. ten days after the day on which the candidate
 13288 files a declaration of candidacy, certify to the [~~lieutenant governor~~] director the names
 13289 and addresses of each individual selected by the candidate as a presidential elector for
 13290 the candidate and each individual selected by the candidate to fill a vacancy in the

13291 office of presidential elector for the candidate.

13292 (2) The highest number of votes cast for candidates for president and vice president of the
13293 United States elects the presidential electors for:

13294 (a) except as provided in Subsection (2)(b), the political party of those candidates; or

13295 (b) if the candidates receiving the highest number of votes are unaffiliated candidates or
13296 write-in candidates, the presidential electors selected for those candidates under
13297 Subsection (1)(c).

13298 Section 229. Section **20A-13-302** is amended to read:

13299 **20A-13-302 . Certificate of election.**

13300 (1) The [~~lieutenant governor~~] director shall transmit certificates of election to each of the
13301 electors selected under Section 20A-13-301:

13302 (a) if the candidates for president and vice president of the United States who receive the
13303 highest number of votes in the state are unaffiliated candidates or write-in candidates,
13304 by the candidate for president; or

13305 (b) if the candidates for president and vice president of the United States who receive the
13306 highest number of votes in the state are the nominees of a registered political party,
13307 by the registered political party.

13308 (2) Presidential electors may not receive compensation for their services.

13309 Section 230. Section **20A-13-304** is amended to read:

13310 **20A-13-304 . Meeting to ballot -- Casting ballot for individual not nominated by**
13311 **elector's candidate or party.**

13312 (1) The electors shall meet at the office [~~of the lieutenant governor at the state capitol~~] at
13313 noon of the first Wednesday of the January after their election, or at noon of any other
13314 day designated by the Congress of the United States of America.

13315 (2) After convening, the electors shall perform their duties in conformity with the United
13316 States Constitution and laws.

13317 (3) Any elector who casts an electoral ballot for an individual not nominated by the
13318 individual, or by the party of which the elector is an elector, except in the cases of death
13319 or felony conviction of a candidate, is considered to have resigned from the office of
13320 elector, the elector's vote may not be recorded, and the remaining electors shall appoint
13321 another individual to fill the vacancy.

13322 Section 231. Section **20A-14-102** is amended to read:

13323 **20A-14-102 . State Board of Education districts -- Filing -- Legal boundaries.**

13324 (1)(a) The Legislature shall file a copy of the Board block equivalency file enacted by

- 13325 the Legislature and the resulting Board shapefile with the [~~lieutenant governor's~~]
 13326 office.
- 13327 (b) The legal boundaries of State Board of Education districts are contained in the Board
 13328 shapefile on file with the [~~lieutenant governor's~~]office.
- 13329 (2)(a) The [~~lieutenant governor~~] director shall:
- 13330 (i) verify the Board block equivalency file that the Legislature files under Subsection
 13331 (1) using block equivalency file security code
 13332 "3045e67dd19fd1085282c1d9a89a7873" and the resulting Board shapefile;
- 13333 (ii) generate maps of each State Board of Education district from the Board shapefile;
 13334 and
- 13335 (iii) ensure that the district maps are available for viewing on the [~~lieutenant~~
 13336 ~~governor's~~] office's website.
- 13337 (b) If there is any inconsistency between the district maps and the Board shapefile
 13338 resulting from the Board block equivalency file, the Board shapefile is controlling.
 13339 Section 232. Section **20A-14-102.1** is amended to read:
 13340 **20A-14-102.1 . Omissions from maps -- How resolved.**
- 13341 (1) If any area of the state is omitted from a State Board of Education district in the Board
 13342 shapefile in the possession of the [~~lieutenant governor's~~]office, the county clerk of the
 13343 affected county, upon discovery of the omission, shall attach the area to the appropriate
 13344 State Board of Education district according to the requirements of Subsections (2) and
 13345 (3).
- 13346 (2) If the omitted area is surrounded by a single State Board of Education district, the
 13347 county clerk shall attach the area to that district.
- 13348 (3) If the omitted area is contiguous to two or more State Board of Education districts, the
 13349 county clerk shall attach the area to the district that has the least population, as
 13350 determined by the Utah Population Committee.
- 13351 (4) The county clerk shall certify in writing and file with the [~~lieutenant governor~~] director
 13352 any attachment made under this section.
- 13353 Section 233. Section **20A-14-102.2** is amended to read:
 13354 **20A-14-102.2 . Uncertain boundaries -- How resolved.**
- 13355 (1) As used in this section:
- 13356 (a) "Affected party" means:
- 13357 (i) a state school board member whose State Board of Education district boundary is
 13358 uncertain because the feature used to establish the district boundary in the Board

- 13359 shapefile has been removed, modified, or is unable to be identified or who is
 13360 uncertain about whether the member or another individual resides in a particular
 13361 State Board of Education district;
- 13362 (ii) a candidate for state school board whose State Board of Education district
 13363 boundary is uncertain because the feature used to establish the district boundary in
 13364 the Board shapefile has been removed, modified, or is unable to be identified or
 13365 who is uncertain about whether the candidate or another individual resides in a
 13366 particular State Board of Education district; or
- 13367 (iii) an individual who is uncertain about which State Board of Education district
 13368 contains the individual's residence because the feature used to establish the district
 13369 boundary in the Board shapefile has been removed, modified, or is unable to be
 13370 identified.
- 13371 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
 13372 political subdivision boundary that is used to establish a State Board of Education
 13373 district boundary.
- 13374 (2)(a) An affected party may file a written request petitioning the [~~lieutenant-governor~~
 13375 director] to determine:
- 13376 (i) the precise location of the State Board of Education district boundary;
 13377 (ii) the number of the State Board of Education district in which an individual
 13378 resides; or
 13379 (iii) both Subsections (2)(a)(i) and (ii).
- 13380 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant~~
 13381 ~~governor~~] director shall review:
- 13382 (i) the Board block equivalency file and the resulting Board shapefile; and
 13383 (ii) any other relevant data such as aerial photographs, aerial maps, or other data
 13384 about the area.
- 13385 (c) Within five days of receipt of the request, the [~~lieutenant-governor~~] director shall:
- 13386 (i) complete the review described in Subsection (2)(b); and
 13387 (ii) make a determination.
- 13388 (d) If the [~~lieutenant-governor~~] director determines the precise location of the State Board
 13389 of Education district boundary, the [~~lieutenant-governor~~] director shall:
- 13390 (i) prepare a certification identifying the appropriate State Board of Education district
 13391 boundary and attaching a map, if necessary; and
 13392 (ii) send a copy of the certification to:

- 13393 (A) the affected party;
- 13394 (B) the county clerk of the affected county; and
- 13395 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 13396 (e) If the [~~lieutenant governor~~] director determines the number of the State Board of
- 13397 Education district in which a particular individual resides, the [~~lieutenant governor~~]
- 13398 director shall send a letter identifying that district by number to:
- 13399 (i) the individual;
- 13400 (ii) the affected party who filed the petition, if different than the individual whose
- 13401 State Board of Education district number was identified; and
- 13402 (iii) the county clerk of the affected county.
- 13403 Section 234. Section **20A-14-102.3** is amended to read:
- 13404 **20A-14-102.3 . County clerk, Utah Geospatial Resource Center, and director**
- 13405 **responsibilities -- Maps and voting precinct boundaries.**
- 13406 (1) As used in this section, "redistricting boundary data" means the Board shapefile in the
- 13407 possession of the [~~lieutenant governor's~~]office.
- 13408 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
- 13409 county from the [~~lieutenant governor's~~]office.
- 13410 (3)(a) A county clerk may create one or more county maps that identify the boundaries
- 13411 of State Board of Education districts as generated from the redistricting boundary
- 13412 data.
- 13413 (b) Before publishing or distributing any map or data created by the county clerk that
- 13414 identifies the boundaries of State Board of Education districts within the county, the
- 13415 clerk shall submit the county map and data to the [~~lieutenant governor~~] director and to
- 13416 the Utah Geospatial Resource Center for review.
- 13417 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah
- 13418 Geospatial Resource Center shall:
- 13419 (i) review the county map and data to evaluate if the county map and data accurately
- 13420 reflect the boundaries of State Board of Education districts established by the
- 13421 Legislature in the redistricting boundary data;
- 13422 (ii) determine whether the county map and data are correct or incorrect; and
- 13423 (iii) communicate those findings to the [~~lieutenant governor~~] director.
- 13424 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the county
- 13425 map and data are correct or inform the county clerk that the county map and data are
- 13426 incorrect.

- 13427 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the
 13428 county map and data submitted are incorrect, the county clerk shall:
- 13429 (i) make the corrections necessary to conform the county map and data to the
 13430 redistricting boundary data; and
- 13431 (ii) resubmit the corrected county map and data to the [~~lieutenant governor~~] director
 13432 for a new review under this Subsection (3).
- 13433 (4)(a) Subject to the requirements of this Subsection (4), each county clerk shall
 13434 establish voting precincts and polling places within each State Board of Education
 13435 district according to the procedures and requirements of Section 20A-5-303.
- 13436 (b) Within five working days after approval of voting precincts and polling places by the
 13437 county legislative body as required by Section 20A-5-303, each county clerk shall
 13438 submit a voting precinct map identifying the boundaries of each voting precinct
 13439 within the county to the [~~lieutenant governor~~] director and to the Utah Geospatial
 13440 Resource Center for review.
- 13441 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah
 13442 Geospatial Resource Center shall:
- 13443 (i) review the voting precinct map to evaluate if the voting precinct map accurately
 13444 reflects the boundaries of State Board of Education districts established by the
 13445 Legislature in the redistricting boundary data;
- 13446 (ii) determine whether the voting precinct map is correct or incorrect; and
- 13447 (iii) communicate those findings to the [~~lieutenant governor~~] director.
- 13448 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the voting
 13449 precinct map is correct or notify the county clerk that the voting precinct map is
 13450 incorrect.
- 13451 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the
 13452 voting precinct map is incorrect, the county clerk shall:
- 13453 (i) make the corrections necessary to conform the voting precinct map to the
 13454 redistricting boundary data; and
- 13455 (ii) resubmit the corrected voting precinct map to the [~~lieutenant governor~~] director
 13456 and to the Utah Geospatial Resource Center for a new review under this
 13457 Subsection (4).

13458 Section 235. Section **20A-14-103** is amended to read:

13459 **20A-14-103 . State Board of Education members -- Term -- Requirements.**

- 13460 (1) Unless otherwise provided by law and except as provided in Subsection (2):

- 13461 (a) voters in the following districts, as designated in the Senate block equivalency file,
13462 shall elect a State Board of Education member for a term of four years:
- 13463 (i) at the 2022 General Election, State Board of Education Districts 1, 2, 4, 5, 8, 11,
13464 and 14; and
- 13465 (ii) at the 2024 General Election, State Board of Education Districts 3, 6, 7, 9, 10, 12,
13466 13, and 15; and
- 13467 (b) a State Board of Education member representing a district described in Subsection
13468 (1)(a)(ii) on November 16, 2021, shall represent the realigned district, if the State
13469 Board of Education member resides in the realigned district, for a term of office that
13470 ends January 6, 2025.
- 13471 (2)(a) As used in this Subsection (2), "District 6" means District 6 as designated in the
13472 Senate block equivalency file.
- 13473 (b) If one of the incumbent State Board of Education members from District 6 files
13474 written notice with the [~~lieutenant governor~~] director by close of business on January
13475 3, 2022, that the member will not seek election to the State Board of Education from
13476 District 6:
- 13477 (i) the filing incumbent member may serve until January 2, 2023, in representation of
13478 the district to which the member was elected at the 2020 General Election; and
- 13479 (ii) the other incumbent member from District 6 shall serve out the term for which the
13480 member was elected, in representation of District 6, which is until January 6, 2025.
- 13481 (c) If neither or both incumbent State Board of Education members in District 6 file the
13482 written notice described in Subsection (2)(b):
- 13483 (i) the incumbent members may serve until January 2, 2023, in representation of the
13484 district to which the members were elected at the 2020 General Election;
- 13485 (ii) the [~~lieutenant governor~~] director shall designate District 6 as an office to be filled
13486 in the 2022 General Election in the notice of election required by Section
13487 20A-5-101;
- 13488 (iii) the State Board of Education member elected from District 6 at the 2022 General
13489 Election shall be elected to serve a term of office of two years; and
- 13490 (iv) the State Board of Education member elected from District 6 at the 2024 General
13491 Election shall be elected to serve a term of office of four years.
- 13492 (3)(a) A person seeking election to the State Board of Education shall have been a
13493 resident of the State Board of Education district in which the person is seeking
13494 election for at least one year as of the date of the election.

13495 (b) A person who has resided within the State Board of Education district, as the
13496 boundaries of the district exist on the date of the election, for one year immediately
13497 preceding the date of the election shall be considered to have met the requirements of
13498 this Subsection (3).

13499 (4) A State Board of Education member shall:

13500 (a) be and remain a registered voter in the State Board of Education district from which
13501 the member was elected or appointed; and

13502 (b) maintain the member's primary residence within the State Board of Education district
13503 from which the member was elected or appointed during the member's term of office.

13504 (5) A State Board of Education member may not, during the member's term of office, also
13505 serve as an employee of the State Board of Education.

13506 Section 236. Section **20A-15-103** is amended to read:

13507 **20A-15-103 . Delegates -- Candidacy -- Qualifications -- Nominating procedures**
13508 **-- Removal of petition signature.**

13509 (1) Candidates for the office of delegate to the ratification convention shall be citizens,
13510 residents of Utah, and at least 21 years old.

13511 (2) Persons wishing to be delegates to the ratification convention shall:

13512 (a) circulate a nominating petition meeting the requirements of this section; and

13513 (b) obtain the signature of at least 100 registered voters.

13514 (3)(a) A single nominating petition may nominate any number of candidates up to 21,
13515 the total number of delegates to be elected.

13516 (b) Nominating petitions may not contain anything identifying a candidate's party or
13517 political affiliation.

13518 (c) Each nominating petition shall contain a written statement signed by each nominee,
13519 indicating either that the candidate will:

13520 (i) vote for ratification of the proposed amendment; or

13521 (ii) vote against ratification of the proposed amendment.

13522 (d) A nominating petition containing the names of more than one nominee may not
13523 contain the name of any nominee whose stated position in the nominating petition is
13524 inconsistent with that of any other nominee listed in the petition.

13525 (4)(a) Candidates shall file their nominating petitions with the [~~lieutenant governor~~]
13526 director before 5 p.m. no later than 40 days before the proclaimed date of the election.

13527 (b) Within 10 days after the last day for filing the petitions, the [~~lieutenant governor~~]
13528 director shall:

- 13529 (i) use the procedures described in Section 20A-1-1002 to determine whether a signer
 13530 is a registered voter;
- 13531 (ii) declare nominated the 21 nominees in favor of ratification and the 21 nominees
 13532 against ratification whose nominating petitions have been signed by the largest
 13533 number of registered voters;
- 13534 (iii) decide any ties by lot drawn by the [~~lieutenant-governor~~] director; and
- 13535 (iv) certify the nominated candidates of each group to the county clerk of each county
 13536 within the state.
- 13537 (5)(a) A voter who signs a nomination petition under this section may have the voter's
 13538 signature removed from the petition by, no later than three business days after the last
 13539 day for filing the petitions, submitting to the [~~lieutenant-governor~~] director a statement
 13540 requesting that the voter's signature be removed.
- 13541 (b) A statement described in Subsection (5)(a) shall comply with the requirements
 13542 described in Subsection 20A-1-1003(2).
- 13543 (c) The [~~lieutenant-governor~~] director shall use the procedures described in Subsection
 13544 20A-1-1003(3) to determine whether to remove an individual's signature from a
 13545 petition after receiving a timely, valid statement requesting removal of the signature.
 13546 Section 237. Section **20A-15-201** is amended to read:
- 13547 **20A-15-201 . Convening -- Vacancies -- Election of officers -- Journal of**
 13548 **proceedings.**
- 13549 (1) The delegates to the convention shall convene at the state capitol at noon on the 28th
 13550 day after their election to pass upon the question of whether or not the proposed
 13551 amendment shall be ratified.
- 13552 (2)(a) If, at the time the convention convenes, there is a vacancy in the convention, the
 13553 delegates from the group from which the delegate creating the vacancy was elected
 13554 shall, by majority vote, appoint a person to fill the vacancy.
- 13555 (b) If the convention contains no other delegates from the group from which the delegate
 13556 creating the vacancy was elected, the governor shall appoint a person to fill the
 13557 vacancy.
- 13558 (3) The convention may:
- 13559 (a) elect a president, secretary, and other officers; and
- 13560 (b) adopt its own rules.
- 13561 (4) The convention shall:
- 13562 (a) keep a journal of its proceedings;

- 13563 (b) record in the journal the vote of each delegate on the question of ratification of the
 13564 proposed amendment; and
- 13565 (c) file the journal with the [~~lieutenant-governor~~] director after the convention adjourns.
- 13566 (5)(a) Delegates to the ratification convention shall:
- 13567 (i) serve without pay;
- 13568 (ii) receive a per diem of \$4 per day while the convention is in session; and
- 13569 (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily
 13570 traveled in going to and returning from the place of meeting by the most usual
 13571 route.
- 13572 (b) The [~~lieutenant-governor~~] director shall pay the per diem and mileage, together with
 13573 the necessary expenses of the convention for printing and stenographic services, from
 13574 the state treasury.

13575 Section 238. Section **20A-15-202** is amended to read:

13576 **20A-15-202 . Certificate of ratification.**

- 13577 (1) If the convention agrees, by vote of a majority of the total number of delegates, to ratify
 13578 the proposed amendment, the president and secretary of the convention shall:
- 13579 (a) prepare and sign a certificate to that effect; and
- 13580 (b) transmit it to the [~~lieutenant-governor~~] director.
- 13581 (2) Upon receipt of a ratification certificate, the [~~lieutenant-governor~~] director shall transmit
 13582 the certificate under the great seal of the state to the Secretary of State of the United
 13583 States.

13584 Section 239. Section **20A-16-201** is amended to read:

13585 **20A-16-201 . Duties of director.**

13586 The [~~lieutenant-governor~~] director shall:

- 13587 (1) implement this chapter and the state's responsibilities under the Uniformed and
 13588 Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 et seq.;
- 13589 (2) make available to covered voters information regarding voter registration procedures for
 13590 covered voters and procedures for casting military-overseas ballots;
- 13591 (3) establish an electronic transmission system through which a covered voter may apply
 13592 for and receive voter registration materials, military-overseas ballots, and other
 13593 information under this chapter;
- 13594 (4)(a) develop standardized absentee-voting materials, including privacy and
 13595 transmission envelopes and electronic equivalents of the envelopes, authentication
 13596 materials, and voting instructions, to be used with the military-overseas ballot of a

- 13597 voter authorized to vote in any jurisdiction in the state; and
- 13598 (b) to the extent reasonably possible, coordinate with other states on the development
- 13599 required by Subsection (4)(a); and
- 13600 (5) prescribe the form and content of a declaration:
- 13601 (a) for use by a covered voter to swear or affirm specific representations pertaining to
- 13602 the voter's identity, eligibility to vote, status as a covered voter, and timely and proper
- 13603 completion of an overseas-military ballot;
- 13604 (b) that is based on the declaration prescribed to accompany a federal write-in absentee
- 13605 ballot, as modified to be consistent with this chapter; and
- 13606 (c) that is a prominent part of all balloting materials for which the declaration is
- 13607 required, including an indication of the date of execution of the declaration.

13608 Section 240. Section **20A-16-202** is amended to read:

13609 **20A-16-202 . Report on ballots.**

- 13610 (1) No later than 60 days after each regular general election date, each county clerk shall
- 13611 submit a report to the [~~lieutenant governor~~] director indicating:
- 13612 (a) the number of ballots sent to covered voters; and
- 13613 (b) the number of ballots returned by covered voters that were counted.
- 13614 (2) No later than 90 days after each regular general election date, the [~~lieutenant governor~~]
- 13615 director shall submit a statewide report to the Election Assistance Commission that
- 13616 includes the information required by Subsection (1).

13617 Section 241. Section **20A-16-302** is amended to read:

13618 **20A-16-302 . Methods of registering to vote.**

- 13619 (1) To apply to register to vote, in addition to any other approved method, a covered voter
- 13620 may use a federal postcard application or the application's electronic equivalent.
- 13621 (2)(a) A covered voter may use the declaration accompanying a federal write-in absentee
- 13622 ballot to apply to register to vote simultaneously with the submission of the federal
- 13623 write-in absentee ballot, if the declaration is received before the day of the election.
- 13624 (b) If the declaration is received on or after the day of the election, the declaration shall
- 13625 be treated as an application to register to vote for subsequent elections.
- 13626 (3)(a) The [~~lieutenant governor~~] director shall ensure that the electronic transmission
- 13627 system described in Subsection 20A-16-201(3) is capable of accepting both a federal
- 13628 postcard application and any other approved electronic registration application sent to
- 13629 the appropriate election official.
- 13630 (b) The voter may use the electronic transmission system or any other approved method

13631 to register to vote.

13632 Section 242. Section **20A-16-401** is amended to read:

13633 **20A-16-401 . Methods of applying for military-overseas ballots.**

13634 (1) A covered voter who is registered to vote in the state may apply for a military-overseas
13635 ballot:

13636 (a) via the federal postcard application;

13637 (b) via the federal postcard application's electronic equivalent; or

13638 (c) by otherwise making a request in writing.

13639 (2) A covered voter who is not registered to vote in this state may use a federal postcard
13640 application or the federal postcard application's electronic equivalent to apply
13641 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas
13642 ballot.

13643 (3)(a) The [~~lieutenant-governor~~] director shall ensure that the electronic transmission
13644 system described in Subsection 20A-16-201(3) is capable of accepting the
13645 submission of both a federal postcard application and any other approved electronic
13646 military-overseas ballot application sent to the appropriate election official.

13647 (b) The voter may use the electronic transmission system or any other approved method
13648 to apply for a military-overseas ballot.

13649 (4) A covered voter may use the declaration accompanying a federal write-in absentee
13650 ballot as an application for a military-overseas ballot simultaneously with the
13651 submission of the federal write-in absentee ballot, if the declaration is received by the
13652 appropriate election official before the day of the election.

13653 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
13654 election official that the voter is a covered voter by:

13655 (a) the use of a federal postcard application or federal write-in absentee ballot;

13656 (b) the use of an overseas address on an approved voter registration application or ballot
13657 application; or

13658 (c) the inclusion on an approved voter registration application or ballot application of
13659 other information sufficient to identify the voter as a covered voter.

13660 (6) This chapter does not preclude a covered voter from voting via a manual ballot by mail.

13661 Section 243. Section **20A-16-410** is amended to read:

13662 **20A-16-410 . Confirmation of receipt of application and voted ballot.**

13663 The [~~lieutenant-governor~~] director, in coordination with an election officer, shall
13664 implement an electronic free-access system by which a covered voter may determine by

13665 telephone, electronic mail, or Internet:

13666 (1) whether the voter's federal postcard application or other registration or military-overseas
13667 ballot application has been received and accepted;

13668 (2) whether the voter's military-overseas ballot has been received; and

13669 (3) the current status of the ballot.

13670 Section 244. Section **20A-21-101** is amended to read:

13671 **20A-21-101 . Definitions.**

13672 As used in this chapter:

13673 (1) "Approved device" means a device described in Subsection 20A-21-201(4).

13674 (2) "Candidate qualification process" means the process, described in Section 20A-9-403 or
13675 20A-9-408, of gathering signatures to seek the nomination of a registered political party.

13676 (3) "Electronic candidate qualification process" means the same as that term is defined in
13677 Section 20A-9-101.

13678 (4) "Electronic initiative process" means the same as that term is defined in Section
13679 20A-7-101.

13680 (5) "Electronic referendum process" means the same as that term is defined in Section
13681 20A-7-101.

13682 (6) "Manual candidate qualification process" means the same as that term is defined in
13683 Section 20A-9-101.

13684 (7) "Petition" means:

13685 (a) as it relates to the electronic initiative process or the electronic referendum process,
13686 the electronic record that an individual signs to indicate the individual is in favor of
13687 placing the initiative or referendum on the ballot; or

13688 (b) as it relates to electronic candidate qualification process, the electronic record that an
13689 individual signs to indicate the individual is in favor of placing an individual's name
13690 on the ballot to run for a particular elective office.

13691 (8) "Signature" means:

13692 (a) as it relates to a signature gathered for an initiative or referendum, the same as that
13693 term is defined in Section 20A-7-101; or

13694 (b) as it relates to a signature gathered for the candidate qualification process, the same
13695 as that term is defined in Section 20A-9-101.

13696 (9) "Website" means:

13697 (a) as it relates to the electronic initiative process or the electronic referendum process,
13698 the website designated by the [~~lieutenant governor~~] director for collecting the

13699 signatures and other information relating to the electronic initiative process or the
 13700 electronic referendum process; or
 13701 (b) as it relates to the electronic candidate qualification process, a website designated by
 13702 the [~~Heutenant governor~~] director for collecting the signatures and other information
 13703 relating to the electronic candidate qualification process.

13704 Section 245. Section **20A-21-201** is amended to read:

13705 **20A-21-201 . Electronic signature gathering for an initiative, a referendum, or**
 13706 **candidate qualification.**

13707 (1)(a) After filing a petition for a statewide initiative or a statewide referendum, and
 13708 before gathering signatures, the sponsors shall, after consulting with the [~~Office of~~
 13709 ~~the Lieutenant Governor~~] office, sign a form provided by the [~~Office of the Lieutenant~~
 13710 ~~Governor~~] office indicating whether the sponsors will gather signatures manually or
 13711 electronically.

13712 (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
 13713 signatures electronically:

13714 (i) in relation to a statewide initiative, signatures for that initiative:

13715 (A) may only be gathered and submitted electronically, in accordance with this
 13716 section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

13717 (B) may not be gathered or submitted using the manual signature-gathering
 13718 process described in Sections 20A-7-105 and 20A-7-204; and

13719 (ii) in relation to a statewide referendum, signatures for that referendum:

13720 (A) may only be gathered and submitted electronically, in accordance with this
 13721 section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and

13722 (B) may not be gathered or submitted using the manual signature-gathering
 13723 process described in Sections 20A-7-105 and 20A-7-304.

13724 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
 13725 signatures manually:

13726 (i) in relation to a statewide initiative, signatures for that initiative:

13727 (A) may only be gathered and submitted using the manual signature-gathering
 13728 process described in Sections 20A-7-105 and 20A-7-204; and

13729 (B) may not be gathered or submitted electronically, as described in this section
 13730 and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

13731 (ii) in relation to a statewide referendum, signatures for that referendum:

13732 (A) may only be gathered and submitted using the manual signature-gathering

- 13733 process described in Sections 20A-7-105 and 20A-7-304; and
 13734 (B) may not be gathered or submitted electronically, as described in this section
 13735 and Sections 20A-7-313, 20A-7-314, and 20A-7-315.
- 13736 (2)(a) After filing a petition for a local initiative or a local referendum, and before
 13737 gathering signatures, the sponsors shall, after consulting with the local clerk's office,
 13738 sign a form provided by the local clerk's office indicating whether the sponsors will
 13739 gather signatures manually or electronically.
- 13740 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
 13741 signatures electronically:
- 13742 (i) in relation to a local initiative, signatures for that initiative:
- 13743 (A) may only be gathered and submitted electronically, in accordance with this
 13744 section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 13745 (B) may not be gathered or submitted using the manual signature-gathering
 13746 process described in Sections 20A-7-105 and 20A-7-504; and
- 13747 (ii) in relation to a local referendum, signatures for that referendum:
- 13748 (A) may only be gathered and submitted electronically, in accordance with this
 13749 section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and
- 13750 (B) may not be gathered or submitted using the manual signature-gathering
 13751 process described in Sections 20A-7-105 and 20A-7-604.
- 13752 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
 13753 signatures manually:
- 13754 (i) in relation to a local initiative, signatures for that initiative:
- 13755 (A) may only be gathered and submitted using the manual signature-gathering
 13756 process described in Sections 20A-7-105 and 20A-7-504; and
- 13757 (B) may not be gathered or submitted electronically, as described in this section
 13758 and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 13759 (ii) in relation to a local referendum, signatures for that referendum:
- 13760 (A) may only be gathered and submitted using the manual signature-gathering
 13761 process described in Sections 20A-7-105 and 20A-7-604; and
- 13762 (B) may not be gathered or submitted electronically, as described in this section
 13763 and Sections 20A-7-614, 20A-7-615, and 20A-7-616.
- 13764 (3)(a) After a candidate files a notice of intent to gather signatures to qualify for a ballot,
 13765 and before gathering signatures, the candidate shall, after consulting with the election
 13766 officer, sign a form provided by the election officer indicating whether the candidate

- 13767 will gather signatures manually or electronically.
- 13768 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
13769 signatures electronically, signatures for the candidate:
- 13770 (i) may only be gathered and submitted using the electronic candidate qualification
13771 process; and
- 13772 (ii) may not be gathered or submitted using the manual candidate qualification
13773 process.
- 13774 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
13775 signatures manually, signatures for the candidate:
- 13776 (i) may only be gathered and submitted using the manual candidate qualification
13777 process; and
- 13778 (ii) may not be gathered or submitted using the electronic candidate qualification
13779 process.
- 13780 (4) To gather a signature electronically, a signature-gatherer shall:
- 13781 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:
- 13782 (i) is approved by the ~~[lieutenant governor]~~ director;
- 13783 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any
13784 other information relating to an individual signing the petition in any location
13785 other than the location used by the website to store the information;
- 13786 (iii) does not, on the device, store a signature or any other information relating to an
13787 individual signing the petition except for the minimum time necessary to upload
13788 information to the website;
- 13789 (iv) does not contain any applications, software, or data other than those approved by
13790 the ~~[lieutenant governor]~~ director; and
- 13791 (v) complies with cyber-security and other security protocols required by the [
13792 ~~lieutenant governor]~~ director;
- 13793 (b) use the approved device to securely access a website designated by the [~~lieutenant~~
13794 ~~governor]~~ director, directly, or via an application designated by the [~~lieutenant~~
13795 ~~governor]~~ director; and
- 13796 (c) while connected to the website, present the approved device to an individual
13797 considering signing the petition and, while the signature-gatherer is in the physical
13798 presence of the individual:
- 13799 (i) wait for the individual to reach each screen presented to the individual on the
13800 approved device; and

- 13801 (ii) wait for the individual to advance to each subsequent screen by clicking on the
13802 acknowledgement at the bottom of the screen.
- 13803 (5) Each screen shown on an approved device as part of the signature-gathering process
13804 shall appear as a continuous electronic document that, if the entire document does not
13805 appear on the screen at once, requires the individual viewing the screen to, before
13806 advancing to the next screen, scroll through the document until the individual reaches
13807 the end of the document.
- 13808 (6) After advancing through each screen required for the petition, the signature process
13809 shall proceed as follows:
- 13810 (a) except as provided in Subsection (6)(b):
- 13811 (i) the individual desiring to sign the petition shall present the individual's driver
13812 license or state identification card to the signature-gatherer;
- 13813 (ii) the signature-gatherer shall verify that the individual pictured on the driver
13814 license or state identification card is the individual signing the petition;
- 13815 (iii) the signature-gatherer shall scan or enter the driver license number or state
13816 identification card number through the approved device; and
- 13817 (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the
13818 website shall determine whether the individual desiring to sign the petition is
13819 eligible to sign the petition;
- 13820 (b) if the individual desiring to sign the petition is unable to provide a driver license or
13821 state identification card to the signature gatherer:
- 13822 (i) the individual may present other valid voter identification;
- 13823 (ii) if the valid voter identification contains a picture of the individual, the
13824 signature-gatherer shall verify that the individual pictured is the individual signing
13825 the petition;
- 13826 (iii) if the valid voter identification does not contain a picture of the individual, the
13827 signature-gatherer shall, to the extent reasonably practicable, use the individual's
13828 address or other available means to determine whether the identification relates to
13829 the individual presenting the identification;
- 13830 (iv) the signature-gatherer shall scan an image of the valid voter identification and
13831 immediately upload the image to the website; and
- 13832 (v) the individual:
- 13833 (A) shall enter the individual's address; and
- 13834 (B) may, at the discretion of the individual, enter the individual's date of birth or

13835 age after the individual clicks on the screen acknowledging that they have read
13836 and understand the following statement, "Birth date or age information is not
13837 required, but may be used to verify your identity with voter registration
13838 records. If you choose not to provide it, your signature may not be verified as a
13839 valid signature if you change your address before your signature is verified or
13840 if the information you provide does not match your voter registration records."; ;
13841 and

13842 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:

13843 (i) except for a petition to qualify a candidate for the ballot, give the individual
13844 signing the petition the opportunity to enter the individual's email address after the
13845 individual reads the following statement, "If you provide your email address, you
13846 may receive an email with additional information relating to the petition you are
13847 signing."; and

13848 (ii)(A) if the website determines, under Subsection (6)(a)(iv), that the individual is
13849 eligible to sign the petition, permit the individual to enter the individual's name
13850 as the individual's electronic signature and, immediately after the
13851 signature-gatherer timely complies with Subsection (10), certify the signature; or
13852 (B) if the individual provides valid voter identification under Subsection (6)(b),
13853 permit the individual to enter the individual's name as the individual's
13854 electronic signature.

13855 (7) If an individual provides valid voter identification under Subsection (6)(b), the county
13856 clerk shall, within seven days after the day on which the individual submits the valid
13857 voter identification, certify the signature if:

13858 (a) the individual is eligible to sign the petition;
13859 (b) the identification provided matches the information on file; and
13860 (c) the signature-gatherer timely complies with Subsection (10).

13861 (8) For each signature submitted under this section, the website shall record:

13862 (a) the information identifying the individual who signs;
13863 (b) the date the signature was collected; and
13864 (c) the name of the signature-gatherer.

13865 (9) An individual who is a signature-gatherer may not sign a petition unless another
13866 individual acts as the signature-gatherer when the individual signs the petition.

13867 (10) Except for a petition for a candidate to seek the nomination of a registered political party,
13868 each individual who gathers a signature under this section shall, within one business day after

13869 the day on which the individual gathers a signature, electronically sign and submit the
13870 following statement to the website:

13871 "VERIFICATION OF SIGNATURE-GATHERER

13872 State of Utah, County of ____

13873 I, _____, of _____, hereby state, under penalty of perjury, that:

13874 I am at least 18 years old;

13875 All the signatures that I collected on [Date signatures were gathered] were signed by
13876 individuals who professed to be the individuals whose signatures I gathered, and each of the
13877 individuals signed the petition in my presence;

13878 I did not knowingly make a misrepresentation of fact concerning the law or proposed
13879 law to which the petition relates;

13880 I believe that each individual has signed the individual's name and written the
13881 individual's residence correctly, that each signer has read and understands the law to which the
13882 petition relates, and that each signer is registered to vote in Utah;

13883 Each signature correctly reflects the date on which the individual signed the petition; and

13884 I have not paid or given anything of value to any individual who signed this petition to
13885 encourage that individual to sign it."

13886 (11) Except for a petition for a candidate to seek the nomination of a registered political
13887 party:

13888 (a) the county clerk may not certify a signature that is not timely verified in accordance
13889 with Subsection (10); and

13890 (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely
13891 verified in accordance with Subsection (10), the county clerk shall:

13892 (i) revoke the certification;

13893 (ii) remove the signature from the posting described in Subsection 20A-7-217(4), [
13894 ~~20A-7-315(3)~~] 20A-7-315(4), 20A-7-516(4), or [~~20A-7-616(3)~~] 20A-7-616(4)]; and

13895 (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315
13896 (5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

13897 (12) For a petition for a candidate to seek the nomination of a registered political party, each
13898 individual who gathers a signature under this section shall, within one business day after the
13899 day on which the individual gathers a signature, electronically sign and submit the following
13900 statement to the [~~lieutenant governor~~] director in the manner specified by the [~~lieutenant~~
13901 ~~governor~~] director:

13902 "VERIFICATION OF SIGNATURE-GATHERER

13903 State of Utah, County of ____

13904 I, _____, of _____, hereby state that:

13905 I am at least 18 years old;

13906 All the signatures that I collected on [Date signatures were gathered] were signed by
13907 individuals who professed to be the individuals whose signatures I gathered, and each of the
13908 individuals signed the petition in my presence;

13909 I believe that each individual has signed the individual's name and written the
13910 individual's residence correctly and that each signer is registered to vote in Utah; and

13911 Each signature correctly reflects the date on which the individual signed the petition."

13912 (13) For a petition for a candidate to seek the nomination of a registered political party, the
13913 election officer may not certify a signature that is not timely verified in accordance with
13914 Subsection (12).

13915 Section 246. Section **36-11-102** is amended to read:

13916 **36-11-102 . Definitions.**

13917 As used in this chapter:

13918 (1) "Aggregate daily expenditures" means:

13919 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
13920 made within a calendar day by the lobbyist, principal, or government officer for the
13921 benefit of an individual public official;

13922 (b) for an expenditure made by a member of a lobbyist group, the total of all
13923 expenditures made within a calendar day by every member of the lobbyist group for
13924 the benefit of an individual public official; or

13925 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
13926 lobbyist within a calendar day for the benefit of an individual public official,
13927 regardless of whether the expenditures were attributed to different clients.

13928 (2) "Approved activity" means an event, a tour, or a meeting:

13929 (a)(i) to which a legislator or another nonexecutive branch public official is invited;

13930 and

13931 (ii) attendance at which is approved by:

13932 (A) the speaker of the House of Representatives, if the public official is a member
13933 of the House of Representatives or another nonexecutive branch public official;

13934 or

13935 (B) the president of the Senate, if the public official is a member of the Senate or
13936 another nonexecutive branch public official; or

- 13937 (b)(i) to which a public official who holds a position in the executive branch of state
13938 government is invited; and
- 13939 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 13940 (3) "Board of education" means:
- 13941 (a) a local school board described in Title 53G, Chapter 4, School Districts;
- 13942 (b) the State Board of Education;
- 13943 (c) the State Charter School Board created under Section 53G-5-201; or
- 13944 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- 13945 (4) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.
- 13946 (5)(a) "Compensation" means anything of economic value, however designated, that is
13947 paid, loaned, granted, given, donated, or transferred to an individual for the provision
13948 of services or ownership before any withholding required by federal or state law.
- 13949 (b) "Compensation" includes:
- 13950 (i) a salary or commission;
- 13951 (ii) a bonus;
- 13952 (iii) a benefit;
- 13953 (iv) a contribution to a retirement program or account;
- 13954 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
13955 Code, and subject to social security deductions, including a payment in excess of
13956 the maximum amount subject to deduction under social security law;
- 13957 (vi) an amount that the individual authorizes to be deducted or reduced for salary
13958 deferral or other benefits authorized by federal law; or
- 13959 (vii) income based on an individual's ownership interest.
- 13960 (6) "Compensation payor" means a person who pays compensation to a public official in
13961 the ordinary course of business:
- 13962 (a) because of the public official's ownership interest in the compensation payor; or
- 13963 (b) for services rendered by the public official on behalf of the compensation payor.
- 13964 (7) "Education action" means:
- 13965 (a) a resolution, policy, or other official action for consideration by a board of education;
- 13966 (b) a nomination or appointment by an education official or a board of education;
- 13967 (c) a vote on an administrative action taken by a vote of a board of education;
- 13968 (d) an adjudicative proceeding over which an education official has direct or indirect
13969 control;
- 13970 (e) a purchasing or contracting decision;

- 13971 (f) drafting or making a policy, resolution, or rule;
13972 (g) determining a rate or fee; or
13973 (h) making an adjudicative decision.
- 13974 (8) "Education official" means:
13975 (a) a member of a board of education;
13976 (b) an individual appointed to or employed in a position under a board of education, if
13977 that individual:
13978 (i) occupies a policymaking position or makes purchasing or contracting decisions;
13979 (ii) drafts resolutions or policies or drafts or makes rules;
13980 (iii) determines rates or fees;
13981 (iv) makes decisions relating to an education budget or the expenditure of public
13982 money; or
13983 (v) makes adjudicative decisions; or
13984 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 13985 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an
13986 individual participates in or is a spectator at, including a sporting event, an artistic event,
13987 a play, a movie, dancing, or singing.
- 13988 (10) "Executive action" means:
13989 (a) a nomination or appointment by the governor;
13990 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
13991 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
13992 (c) agency ratemaking proceedings; or
13993 (d) an adjudicative proceeding of a state agency.
- 13994 (11)(a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
13995 given to or for the benefit of a public official unless consideration of equal or greater
13996 value is received:
13997 (i) a purchase, payment, or distribution;
13998 (ii) a loan, gift, or advance;
13999 (iii) a deposit, subscription, or forbearance;
14000 (iv) services or goods;
14001 (v) money;
14002 (vi) real property;
14003 (vii) a ticket or admission to an event; or
14004 (viii) a contract, promise, or agreement, whether or not legally enforceable, to

- 14005 provide any item listed in Subsections (11)(a)(i) through (vii).
- 14006 (b) "Expenditure" does not mean:
- 14007 (i) a commercially reasonable loan made in the ordinary course of business;
- 14008 (ii) a campaign contribution:
- 14009 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
- 14010 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any
- 14011 applicable ordinance adopted under Subsection [~~10-3-208(6)~~] 10-3-208(8) or
- 14012 17-16-6.5(1); or
- 14013 (B) lawfully given to a person that is not required to report the contribution under
- 14014 a law or ordinance described in Subsection (11)(b)(ii)(A);
- 14015 (iii) printed informational material that is related to the performance of the recipient's
- 14016 official duties;
- 14017 (iv) a devise or inheritance;
- 14018 (v) any item listed in Subsection (11)(a) if:
- 14019 (A) given by a relative;
- 14020 (B) given by a compensation payor for a purpose solely unrelated to the public
- 14021 official's position as a public official;
- 14022 (C) the item is food or beverage with a value that does not exceed the food
- 14023 reimbursement rate, and the aggregate daily expenditures for food and
- 14024 beverage do not exceed the food reimbursement rate; or
- 14025 (D) the item is not food or beverage, has a value of less than \$10, and the
- 14026 aggregate daily expenditures do not exceed \$10;
- 14027 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
- 14028 following are invited:
- 14029 (A) all members of the Legislature;
- 14030 (B) all members of a standing or interim committee;
- 14031 (C) all members of an official legislative task force;
- 14032 (D) all members of a party caucus; or
- 14033 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D)
- 14034 who are attending a meeting of a national organization whose primary purpose
- 14035 is addressing general legislative policy;
- 14036 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 14037 official who is:
- 14038 (A) giving a speech at the event, tour, or meeting;

- 14039 (B) participating in a panel discussion at the event, tour, or meeting; or
14040 (C) presenting or receiving an award at the event, tour, or meeting;
14041 (viii) a plaque, commendation, or award that:
14042 (A) is presented in public; and
14043 (B) has the name of the individual receiving the plaque, commendation, or award
14044 inscribed, etched, printed, or otherwise permanently marked on the plaque,
14045 commendation, or award;
14046 (ix) a gift that:
14047 (A) is an item that is not consumable and not perishable;
14048 (B) a public official, other than a local official or an education official, accepts on
14049 behalf of the state;
14050 (C) the public official promptly remits to the state;
14051 (D) a property administrator does not reject under Section 63G-23-103;
14052 (E) does not constitute a direct benefit to the public official before or after the
14053 public official remits the gift to the state; and
14054 (F) after being remitted to the state, is not transferred, divided, distributed, or used
14055 to distribute a gift or benefit to one or more public officials in a manner that
14056 would otherwise qualify the gift as an expenditure if the gift were given
14057 directly to a public official;
14058 (x) any of the following with a cash value not exceeding \$30:
14059 (A) a publication; or
14060 (B) a commemorative item;
14061 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose
14062 of which is:
14063 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11,
14064 Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section
14065 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under
14066 Subsection [~~10-3-208(6)~~] 10-3-208(8) or 17-16-6.5(1);
14067 (B) to solicit a campaign contribution that a person is not required to report under
14068 a law or ordinance described in Subsection (11)(b)(xi)(A); or
14069 (C) charitable solicitation, as defined in Section 13-22-2;
14070 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
14071 activity;
14072 (xiii) sponsorship of an approved activity;

- 14073 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
 14074 or from an event, a tour, or a meeting:
- 14075 (A) that is sponsored by a governmental entity;
- 14076 (B) that is widely attended and related to a governmental duty of a public official;
- 14077 (C) for a local official, that is sponsored by an organization that represents only
 14078 local governments, including the Utah Association of Counties, the Utah
 14079 League of Cities and Towns, or the Utah Association of Special Districts; or
- 14080 (D) for an education official, that is sponsored by a public school, a charter
 14081 school, or an organization that represents only public schools or charter
 14082 schools, including the Utah Association of Public Charter Schools, the Utah
 14083 School Boards Association, or the Utah School Superintendents Association; or
- 14084 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
 14085 public official if that travel results in a financial savings to:
- 14086 (A) for a public official who is not a local official or an education official, the
 14087 state; or
- 14088 (B) for a public official who is a local official or an education official, the local
 14089 government or board of education to which the public official belongs.
- 14090 (12) "Food reimbursement rate" means the total amount set by the director of the Division
 14091 of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
 14092 employee of the executive branch, for an entire day.
- 14093 (13)(a) "Foreign agent" means an individual who engages in lobbying under contract
 14094 with a foreign government.
- 14095 (b) "Foreign agent" does not include an individual who is recognized by the United
 14096 States Department of State as a duly accredited diplomatic or consular officer of a
 14097 foreign government, including a duly accredited honorary consul.
- 14098 (14) "Foreign government" means a government other than the government of:
- 14099 (a) the United States;
- 14100 (b) a state within the United States;
- 14101 (c) a territory or possession of the United States; or
- 14102 (d) a political subdivision of the United States.
- 14103 (15)(a) "Government officer" means:
- 14104 (i) an individual elected to a position in state or local government, when acting in the
 14105 capacity of the state or local government position;
- 14106 (ii) an individual elected to a board of education, when acting in the capacity of a

- 14107 member of a board of education;
- 14108 (iii) an individual appointed to fill a vacancy in a position described in Subsection
14109 (15)(a)(i) or (ii), when acting in the capacity of the position; or
- 14110 (iv) an individual appointed to or employed in a full-time position by state
14111 government, local government, or a board of education, when acting in the
14112 capacity of the individual's appointment or employment.
- 14113 (b) "Government officer" does not mean a member of the legislative branch of state
14114 government.
- 14115 (16) "Immediate family" means:
- 14116 (a) a spouse;
- 14117 (b) a child residing in the household; or
- 14118 (c) an individual claimed as a dependent for tax purposes.
- 14119 (17) "Legislative action" means:
- 14120 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
14121 proposed in either house of the Legislature or its committees or requested by a
14122 legislator; and
- 14123 (b) the action of the governor in approving or vetoing legislation.
- 14124 (18) "Lobbying" means communicating with a public official for the purpose of influencing
14125 a legislative action, executive action, local action, or education action.
- 14126 (19)(a) "Lobbyist" means:
- 14127 (i) an individual who is employed by a principal; or
- 14128 (ii) an individual who contracts for economic consideration, other than
14129 reimbursement for reasonable travel expenses, with a principal to lobby a public
14130 official.
- 14131 (b) "Lobbyist" does not include:
- 14132 (i) a government officer;
- 14133 (ii) a member or employee of the legislative branch of state government;
- 14134 (iii) a person, including a principal, while appearing at, or providing written
14135 comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah
14136 Administrative Rulemaking Act, or Title 63G, Chapter 4, Administrative
14137 Procedures Act;
- 14138 (iv) a person participating on or appearing before an advisory or study task force,
14139 commission, board, or committee, constituted by the Legislature, a local
14140 government, a board of education, or any agency or department of state

- 14141 government, except legislative standing, appropriation, or interim committees;
- 14142 (v) a representative of a political party;
- 14143 (vi) an individual representing a bona fide church solely for the purpose of protecting
- 14144 the right to practice the religious doctrines of the church, unless the individual or
- 14145 church makes an expenditure that confers a benefit on a public official;
- 14146 (vii) a newspaper, television station or network, radio station or network, periodical
- 14147 of general circulation, or book publisher for the purpose of publishing news items,
- 14148 editorials, other comments, or paid advertisements that directly or indirectly urge
- 14149 legislative action, executive action, local action, or education action;
- 14150 (viii) an individual who appears on the individual's own behalf before a committee of
- 14151 the Legislature, an agency of the executive branch of state government, a board of
- 14152 education, the governing body of a local government, a committee of a local
- 14153 government, or a committee of a board of education, solely for the purpose of
- 14154 testifying in support of or in opposition to legislative action, executive action,
- 14155 local action, or education action; or
- 14156 (ix) an individual representing a business, entity, or industry, who:
- 14157 (A) interacts with a public official, in the public official's capacity as a public
- 14158 official, while accompanied by a registered lobbyist who is lobbying in relation
- 14159 to the subject of the interaction or while presenting at a legislative committee
- 14160 meeting at the same time that the registered lobbyist is attending another
- 14161 legislative committee meeting; and
- 14162 (B) does not make an expenditure for, or on behalf of, a public official in relation
- 14163 to the interaction or during the period of interaction.
- 14164 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any
- 14165 combination of lobbyists, principals, and government officers, who each contribute a
- 14166 portion of an expenditure made to benefit a public official or member of the public
- 14167 official's immediate family.
- 14168 (21) "Local action" means:
- 14169 (a) an ordinance or resolution for consideration by a local government;
- 14170 (b) a nomination or appointment by a local official or a local government;
- 14171 (c) a vote on an administrative action taken by a vote of a local government's legislative
- 14172 body;
- 14173 (d) an adjudicative proceeding over which a local official has direct or indirect control;
- 14174 (e) a purchasing or contracting decision;

- 14175 (f) drafting or making a policy, resolution, or rule;
- 14176 (g) determining a rate or fee; or
- 14177 (h) making an adjudicative decision.
- 14178 (22) "Local government" means:
- 14179 (a) a county, city, or town;
- 14180 (b) a special district governed by Title 17B, Limited Purpose Local Government Entities
- 14181 - Special Districts;
- 14182 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
- 14183 Act;
- 14184 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
- 14185 Government Entities - Community Reinvestment Agency Act;
- 14186 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 14187 (f) a redevelopment agency; or
- 14188 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
- 14189 13, Interlocal Cooperation Act.
- 14190 (23) "Local official" means:
- 14191 (a) an elected member of a local government;
- 14192 (b) an individual appointed to or employed in a position in a local government if that
- 14193 individual:
- 14194 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 14195 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 14196 (iii) determines rates or fees; or
- 14197 (iv) makes adjudicative decisions; or
- 14198 (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- 14199 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make
- 14200 a decision, including a conference, seminar, or summit.
- 14201 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who
- 14202 represents two or more clients and divides the aggregate daily expenditure made to
- 14203 benefit a public official or member of the public official's immediate family between
- 14204 two or more of those clients.
- 14205 (26) "Principal" means a person that employs an individual to perform lobbying, either as
- 14206 an employee or as an independent contractor.
- 14207 (27) "Public official" means:
- 14208 (a)(i) a member of the Legislature;

- 14209 (ii) an individual elected to a position in the executive branch of state government; or
 14210 (iii) an individual appointed to or employed in a position in the executive or
 14211 legislative branch of state government if that individual:
 14212 (A) occupies a policymaking position or makes purchasing or contracting
 14213 decisions;
 14214 (B) drafts legislation or makes rules;
 14215 (C) determines rates or fees; or
 14216 (D) makes adjudicative decisions;
 14217 (b) an immediate family member of a person described in Subsection (27)(a);
 14218 (c) a local official; or
 14219 (d) an education official.
- 14220 (28) "Public official type" means a notation to identify whether a public official is:
 14221 (a)(i) a member of the Legislature;
 14222 (ii) an individual elected to a position in the executive branch of state government;
 14223 (iii) an individual appointed to or employed in a position in the legislative branch of
 14224 state government who meets the definition of public official under Subsection
 14225 (27)(a)(iii);
 14226 (iv) an individual appointed to or employed in a position in the executive branch of
 14227 state government who meets the definition of public official under Subsection
 14228 (27)(a)(iii);
 14229 (v) a local official, including a description of the type of local government for which
 14230 the individual is a local official; or
 14231 (vi) an education official, including a description of the type of board of education for
 14232 which the individual is an education official; or
 14233 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or
 14234 (d).
- 14235 (29) "Quarterly reporting period" means the three-month period covered by each financial
 14236 report required under Subsection 36-11-201(2)(a).
- 14237 (30) "Related person" means a person, agent, or employee who knowingly and intentionally
 14238 assists a lobbyist, principal, or government officer in lobbying.
- 14239 (31) "Relative" means:
 14240 (a) a spouse;
 14241 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,
 14242 sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

- 14243 (c) a spouse of an individual described in Subsection (31)(b).
- 14244 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public
14245 official, and not primarily for entertainment, including:
- 14246 (a) viewing a facility;
- 14247 (b) viewing the sight of a natural disaster; or
- 14248 (c) assessing a circumstance in relation to which a public official may need to take
14249 action within the scope of the public official's duties.
- 14250 Section 247. Section **53-3-104** is amended to read:
- 14251 **53-3-104 . Division duties.**
- 14252 The division shall:
- 14253 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make
14254 rules:
- 14255 (a) for examining applicants for a license, as necessary for the safety and welfare of the
14256 traveling public;
- 14257 (b) for acceptable documentation of an applicant's identity, Social Security number,
14258 Utah resident status, Utah residence address, proof of legal presence, proof of
14259 citizenship in the United States, honorable or general discharge from the United
14260 States military, and other proof or documentation required under this chapter;
- 14261 (c) for acceptable documentation to verify that an individual is homeless as verified by
14262 the Department of Workforce Services, for purposes of residency, address
14263 verification, and obtaining a fee waiver;
- 14264 (d) regarding the restrictions to be imposed on an individual driving a motor vehicle
14265 with a temporary learner permit or learner permit;
- 14266 (e) for exemptions from licensing requirements as authorized in this chapter;
- 14267 (f) establishing procedures for the storage and maintenance of applicant information
14268 provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804; and
- 14269 (g) to provide educational information to each applicant for a license, which information
14270 shall be based on data provided by the Division of Air Quality, including:
- 14271 (i) ways drivers can improve air quality; and
- 14272 (ii) the harmful effects of vehicle emissions;
- 14273 (2) examine each applicant according to the class of license applied for;
- 14274 (3) license motor vehicle drivers;
- 14275 (4) file every application for a license received by the division and shall maintain indices
14276 containing:

- 14277 (a) all applications denied and the reason each was denied;
- 14278 (b) all applications granted; and
- 14279 (c) the name of every licensee whose license has been suspended, disqualified, or
- 14280 revoked by the division and the reasons for the action;
- 14281 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
- 14282 chapter;
- 14283 (6) file all accident reports and abstracts of court records of convictions received by the
- 14284 division under state law;
- 14285 (7) maintain a record of each licensee showing the licensee's convictions and the traffic
- 14286 accidents in which the licensee has been involved where a conviction has resulted;
- 14287 (8) consider the record of a licensee upon an application for renewal of a license and at
- 14288 other appropriate times;
- 14289 (9) search the license files, compile, and furnish a report on the driving record of any
- 14290 individual licensed in the state in accordance with Section 53-3-109;
- 14291 (10) develop and implement a record system as required by Section 41-6a-604;
- 14292 (11) in accordance with Section 53G-10-507, establish:
- 14293 (a) procedures and standards to certify teachers of driver education classes to administer
- 14294 knowledge and skills tests;
- 14295 (b) minimal standards for the tests; and
- 14296 (c) procedures to enable school districts to administer or process any tests for students to
- 14297 receive a class D operator's license;
- 14298 (12) in accordance with Section 53-3-510, establish:
- 14299 (a) procedures and standards to certify licensed instructors of commercial driver training
- 14300 school courses to administer the skills test;
- 14301 (b) minimal standards for the test; and
- 14302 (c) procedures to enable licensed commercial driver training schools to administer or
- 14303 process skills tests for students to receive a class D operator's license;
- 14304 (13) provide administrative support to the Driver License Medical Advisory Board created
- 14305 in Section 53-3-303;
- 14306 (14) upon request by the ~~[lieutenant governor]~~ director of the Elections Office, appointed
- 14307 under Subsection 20A-1-104.6(3)(a), provide the ~~[lieutenant governor]~~ director of the
- 14308 Elections Office with a digital copy of the driver license or identification card signature
- 14309 of an individual who is an applicant for voter registration under Section 20A-2-206;
- 14310 (15) in accordance with Section 53-3-407.1, establish:

14311 (a) procedures and standards to license a commercial driver license third party tester or
 14312 commercial driver license third party examiner to administer the commercial driver
 14313 license skills tests;

14314 (b) minimum standards for the commercial driver license skills test; and

14315 (c) procedures to enable a licensed commercial driver license third party tester or
 14316 commercial driver license third party examiner to administer a commercial driver
 14317 license skills test for an applicant to receive a commercial driver license; and

14318 (16) receive from the Department of Health and Human Services a result from a blood or
 14319 urine test of an individual arrested for driving under the influence and use the blood or
 14320 urine test result in an administrative hearing or agency review involving the individual
 14321 who is the subject of the blood or urine test as described in Section 53-3-111.

14322 Section 248. Section **63C-27-201** is amended to read:

14323 **63C-27-201 . Cybersecurity Commission created.**

14324 (1) There is created the Cybersecurity Commission.

14325 (2) The commission shall be composed of 24 members:

14326 (a) one member the governor designates to serve as the governor's designee;

14327 (b) the commissioner of the Department of Public Safety;

14328 (c) the [~~lieutenant governor~~] director of the Elections Office, or an election officer, as
 14329 that term is defined in Section 20A-1-102, [~~the lieutenant governor~~] whom the director
 14330 designates to serve as the [~~lieutenant governor's~~] director's designee;

14331 (d) the chief information officer of the Division of Technology Services;

14332 (e) the chief information security officer, as described in Section 63A-16-210;

14333 (f) the chairman of the Public Service Commission shall designate a representative with
 14334 professional experience in information technology or cybersecurity;

14335 (g) the executive director of the Utah Department of Transportation shall designate a
 14336 representative with professional experience in information technology or
 14337 cybersecurity;

14338 (h) the director of the Division of Finance shall designate a representative with
 14339 professional experience in information technology or cybersecurity;

14340 (i) the executive director of the Department of Health and Human Services shall
 14341 designate a representative with professional experience in information technology or
 14342 cybersecurity;

14343 (j) the director of the Division of Indian Affairs shall designate a representative with
 14344 professional experience in information technology or cybersecurity;

- 14345 (k) the Utah League of Cities and Towns shall designate a representative with
14346 professional experience in information technology or cybersecurity;
- 14347 (l) the Utah Association of Counties shall designate a representative with professional
14348 experience in information technology or cybersecurity;
- 14349 (m) the attorney general, or the attorney general's designee;
- 14350 (n) the commissioner of financial institutions, or the commissioner's designee;
- 14351 (o) the executive director of the Department of Environmental Quality shall designate a
14352 representative with professional experience in information technology or
14353 cybersecurity;
- 14354 (p) the executive director of the Department of Natural Resources shall designate a
14355 representative with professional experience in information technology or
14356 cybersecurity;
- 14357 (q) the highest ranking information technology official, or the official's designee, from
14358 each of:
- 14359 (i) the Judicial Council;
- 14360 (ii) the Utah Board of Higher Education;
- 14361 (iii) the State Board of Education; and
- 14362 (iv) the State Tax Commission;
- 14363 (r) the governor shall appoint:
- 14364 (i) one representative from the Utah National Guard; and
- 14365 (ii) one representative from the Governor's Office of Economic Opportunity;
- 14366 (s) the president of the Senate shall appoint one member of the Senate; and
- 14367 (t) the speaker of the House of Representatives shall appoint one member of the House
14368 of Representatives.
- 14369 (3)(a) The governor's designee shall serve as cochair of the commission.
- 14370 (b) The commissioner of the Department of Public Safety shall serve as cochair of the
14371 commission.
- 14372 (4)(a) The members described in Subsection (2) shall represent urban, rural, and
14373 suburban population areas.
- 14374 (b) No fewer than half of the members described in Subsection (2) shall have
14375 professional experience in cybersecurity or in information technology.
- 14376 (5) In addition to the membership described in Subsection (2), the commission shall seek
14377 information and advice from state and private entities with expertise in critical
14378 infrastructure.

- 14379 (6) As necessary to improve information and protect potential vulnerabilities, the
14380 commission shall seek information and advice from federal entities including:
14381 (a) the Cybersecurity and Infrastructure Security Agency;
14382 (b) the Federal Energy Regulatory Commission;
14383 (c) the Federal Bureau of Investigation; and
14384 (d) the United States Department of Transportation.
- 14385 (7)(a) Except as provided in Subsections (7)(b) and (c), a member is appointed for a
14386 term of four years.
14387 (b) A member shall serve until the member's successor is appointed and qualified.
14388 (c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the
14389 time of appointment or reappointment, adjust the length of terms to ensure that the
14390 terms of commission members are staggered so that approximately half of the
14391 commission members appointed under Subsection (2)(r) are appointed every two
14392 years.
- 14393 (8)(a) If a vacancy occurs in the membership of the commission, the member shall be
14394 replaced in the same manner in which the original appointment was made.
14395 (b) An individual may be appointed to more than one term.
14396 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
14397 appointed for the unexpired term.
- 14398 (9)(a) A majority of the members of the commission is a quorum.
14399 (b) The action of a majority of a quorum constitutes an action of the commission.
- 14400 (10) The commission shall meet at least two times a year.
- 14401 Section 249. Section **63E-1-102** is amended to read:
14402 **63E-1-102 . Definitions -- List of independent entities.**
14403 As used in this title:
14404 (1) "Authorizing statute" means the statute creating an entity as an independent entity.
14405 (2) "Committee" means the Retirement and Independent Entities Committee created by
14406 Section 63E-1-201.
14407 (3) "Independent corporation" means a corporation incorporated in accordance with
14408 Chapter 2, Independent Corporations Act.
14409 (4)(a) "Independent entity" means an entity having a public purpose relating to the state
14410 or its citizens that is individually created by the state or is given by the state the right
14411 to exist and conduct its affairs as an:
14412 (i) independent state agency; or

- 14413 (ii) independent corporation.
- 14414 (b) For purposes of this title, the independent entities are the:
- 14415 (i) Utah Beef Council, created by Section 4-21-103;
- 14416 (ii) Utah Dairy Commission created by Section 4-22-103;
- 14417 (iii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
- 14418 (iv) Utah Housing Corporation created by Section 63H-8-201;
- 14419 (v) Utah State Retirement Office created by Section 49-11-201;
- 14420 (vi) School and Institutional Trust Lands Administration created by Section
- 14421 53C-1-201;
- 14422 (vii) School and Institutional Trust Fund Office created by Section 53D-1-201;
- 14423 (viii) Utah Communications Authority created by Section 63H-7a-201;
- 14424 (ix) Utah Capital Investment Corporation created by Section 63N-6-301;
- 14425 (x) Military Installation Development Authority created by Section 63H-1-201; [~~and~~]
- 14426 (xi) Public Service Commission of Utah created by Section 54-1-1[-] ; and
- 14427 (xii) Elections Office, created by Section 20A-1-104.6.
- 14428 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 14429 (i) an institution within the state system of higher education;
- 14430 (ii) a city, county, or town;
- 14431 (iii) a local school district;
- 14432 (iv) a special district under Title 17B, Limited Purpose Local Government Entities -
- 14433 Special Districts; or
- 14434 (v) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 14435 (5) "Independent state agency" means an entity that is created by the state, but is
- 14436 independent of the governor's direct supervisory control.
- 14437 (6) "Money held in trust" means money maintained for the benefit of:
- 14438 (a) one or more private individuals, including public employees;
- 14439 (b) one or more public or private entities; or
- 14440 (c) the owners of a quasi-public corporation.
- 14441 (7) "Public corporation" means an artificial person, public in ownership, individually
- 14442 created by the state as a body politic and corporate for the administration of a public
- 14443 purpose relating to the state or its citizens.
- 14444 (8) "Quasi-public corporation" means an artificial person, private in ownership, individually
- 14445 created as a corporation by the state, which has accepted from the state the grant of a
- 14446 franchise or contract involving the performance of a public purpose relating to the state

14447 or its citizens.

14448 Section 250. Section **63E-1-103** is amended to read:

14449 **63E-1-103 . Registration as a limited purpose entity.**

14450 (1) [~~Each~~] Except as provided in Subsection (2):

14451 (a) each independent entity shall register and maintain the independent entity's
 14452 registration as a limited purpose entity, in accordance with Section 67-1a-15[-] ; and
 14453 [~~(2)~~] (b) [~~An~~] an independent entity that fails to comply with Subsection (1) or Section
 14454 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section
 14455 67-3-1.

14456 (2) This section does not apply to the Elections Office, created by Section 20A-1-104.6.

14457 Section 251. Section **63G-2-203** is amended to read:

14458 **63G-2-203 . Fees.**

14459 (1)(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to
 14460 cover the governmental entity's actual cost of providing a record.

14461 (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's
 14462 executive officer.

14463 (2)(a) When a governmental entity compiles a record in a form other than that normally
 14464 maintained by the governmental entity, the actual costs under this section may
 14465 include the following:

14466 (i) the cost of staff time for compiling, formatting, manipulating, packaging,
 14467 summarizing, or tailoring the record either into an organization or media to meet
 14468 the person's request;

14469 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for
 14470 complying with a request; and

14471 (iii) in the case of fees for a record that is the result of computer output other than
 14472 word processing, the actual incremental cost of providing the electronic services
 14473 and products together with a reasonable portion of the costs associated with
 14474 formatting or interfacing the information for particular users, and the
 14475 administrative costs as set forth in Subsections (2)(a)(i) and (ii).

14476 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest
 14477 paid employee who, in the discretion of the custodian of records, has the necessary
 14478 skill and training to perform the request.

14479 (3)(a) Fees shall be established as provided in this Subsection (3).

14480 (b) A governmental entity with fees established by the Legislature:

- 14481 (i) shall establish the fees defined in Subsection (2), or other actual costs associated
 14482 with this section through the budget process; and
- 14483 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature
 14484 establishes fees through the budget process.
- 14485 (c) Political subdivisions shall establish fees by ordinance or written formal policy
 14486 adopted by the governing body.
- 14487 (d) The judiciary shall establish fees by rules of the judicial council.
- 14488 (4) A governmental entity may fulfill a record request without charge and is encouraged to
 14489 do so if it determines that:
- 14490 (a) releasing the record primarily benefits the public rather than a person;
 14491 (b) the individual requesting the record is the subject of the record, or an individual
 14492 specified in Subsection 63G-2-202(1) or (2); or
 14493 (c) the requester's legal rights are directly implicated by the information in the record,
 14494 and the requester is impecunious.
- 14495 (5)(a) As used in this Subsection (5), "media representative":
- 14496 (i) means a person who requests a record to obtain information for a story or report
 14497 for publication or broadcast to the general public; and
 14498 (ii) does not include a person who requests a record to obtain information for a blog,
 14499 podcast, social media account, or other means of mass communication generally
 14500 available to a member of the public.
- 14501 (b) A governmental entity may not charge a fee for:
- 14502 (i) reviewing a record to determine whether it is subject to disclosure, except as
 14503 permitted by Subsection (2)(a)(ii);
 14504 (ii) inspecting a record; or
 14505 (iii) the first quarter hour of staff time spent in responding to a request under Section
 14506 63G-2-204.
- 14507 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from
 14508 charging a fee for the first quarter hour of staff time spent in responding to a request
 14509 under Section 63G-2-204 if the person who submits the request:
- 14510 (i) is not a Utah media representative; and
 14511 (ii) previously submitted a separate request within the 10-day period immediately
 14512 before the date of the request to which the governmental entity is responding.
- 14513 (6)(a) A person who believes that there has been an unreasonable denial of a fee waiver [
 14514 under Subsection (4)] may appeal the denial in the same manner as a person appeals

- 14515 when inspection of a public record is denied under Section 63G-2-205.
- 14516 (b) The adjudicative body hearing the appeal:
- 14517 (i) shall review the fee waiver de novo, but shall review and consider the
- 14518 governmental entity's denial of the fee waiver and any determination under
- 14519 Subsection (4); and
- 14520 (ii) has the same authority when a fee waiver or reduction is denied as it has when the
- 14521 inspection of a public record is denied.
- 14522 (7)(a) All fees received under this section by a governmental entity subject to Subsection
- 14523 (3)(b) shall be retained by the governmental entity as a dedicated credit.
- 14524 (b) Those funds shall be used to recover the actual cost and expenses incurred by the
- 14525 governmental entity in providing the requested record or record series.
- 14526 (8)(a) A governmental entity may require payment of past fees and future estimated fees
- 14527 before beginning to process a request if:
- 14528 (i) fees are expected to exceed \$50; or
- 14529 (ii) the requester has not paid fees from previous requests.
- 14530 (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- 14531 (9) This section does not alter, repeal, or reduce fees established by other statutes or
- 14532 legislative acts.
- 14533 (10)(a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be set
- 14534 as provided in this Subsection (10).
- 14535 (b) The ~~lieutenant governor~~ director of the Elections Office, appointed under
- 14536 Subsection 20A-1-104.6(3), shall:
- 14537 (i) after consultation with county clerks, establish uniform fees for voter registration
- 14538 and voter history records that meet the requirements of this section; and
- 14539 (ii) obtain legislative approval of those fees by following the procedures and
- 14540 requirements of Section 63J-1-504.
- 14541 Section 252. Section **63G-2-302** is amended to read:
- 14542 **63G-2-302 . Private records.**
- 14543 (1) The following records are private:
- 14544 (a) records concerning an individual's eligibility for unemployment insurance benefits,
- 14545 social services, welfare benefits, or the determination of benefit levels;
- 14546 (b) records containing data on individuals describing medical history, diagnosis,
- 14547 condition, treatment, evaluation, or similar medical data;
- 14548 (c) records of publicly funded libraries that when examined alone or with other records

- 14549 identify a patron;
- 14550 (d) records received by or generated by or for:
- 14551 (i) the Independent Legislative Ethics Commission, except for:
- 14552 (A) the commission's summary data report that is required under legislative rule;
- 14553 and
- 14554 (B) any other document that is classified as public under legislative rule; or
- 14555 (ii) a Senate or House Ethics Committee in relation to the review of ethics
- 14556 complaints, unless the record is classified as public under legislative rule;
- 14557 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
- 14558 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
- 14559 Review of Executive Branch Ethics Complaints;
- 14560 (f) records received or generated for a Senate confirmation committee concerning
- 14561 character, professional competence, or physical or mental health of an individual:
- 14562 (i) if, prior to the meeting, the chair of the committee determines release of the
- 14563 records:
- 14564 (A) reasonably could be expected to interfere with the investigation undertaken by
- 14565 the committee; or
- 14566 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 14567 impartial hearing; and
- 14568 (ii) after the meeting, if the meeting was closed to the public;
- 14569 (g) employment records concerning a current or former employee of, or applicant for
- 14570 employment with, a governmental entity that would disclose that individual's home
- 14571 address, home telephone number, social security number, insurance coverage, marital
- 14572 status, or payroll deductions;
- 14573 (h) records or parts of records under Section 63G-2-303 that a current or former
- 14574 employee identifies as private according to the requirements of that section;
- 14575 (i) that part of a record indicating a person's social security number or federal employer
- 14576 identification number if provided under Section 31A-23a-104, 31A-25-202,
- 14577 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 14578 (j) that part of a voter registration record identifying a voter's:
- 14579 (i) driver license or identification card number;
- 14580 (ii) social security number, or last four digits of the social security number;
- 14581 (iii) email address;
- 14582 (iv) date of birth; or

- 14583 (v) phone number;
- 14584 (k) a voter registration record that is classified as a private record by the [Lieutenant
14585 ~~governor~~] director of the Elections Office, appointed under Subsection 20A-1-104.6(3)
14586 or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
14587 20A-2-204(4)(b);
- 14588 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 14589 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
14590 verification submitted in support of the form;
- 14591 (n) a record that:
- 14592 (i) contains information about an individual;
- 14593 (ii) is voluntarily provided by the individual; and
- 14594 (iii) goes into an electronic database that:
- 14595 (A) is designated by and administered under the authority of the Chief Information
14596 Officer; and
- 14597 (B) acts as a repository of information about the individual that can be
14598 electronically retrieved and used to facilitate the individual's online interaction
14599 with a state agency;
- 14600 (o) information provided to the Commissioner of Insurance under:
- 14601 (i) Subsection 31A-23a-115(3)(a);
- 14602 (ii) Subsection 31A-23a-302(4); or
- 14603 (iii) Subsection 31A-26-210(4);
- 14604 (p) information obtained through a criminal background check under Title 11, Chapter
14605 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 14606 (q) information provided by an offender that is:
- 14607 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and
14608 Child Abuse Offender Registry; and
- 14609 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 14610 (r) a statement and any supporting documentation filed with the attorney general in
14611 accordance with Section 34-45-107, if the federal law or action supporting the filing
14612 involves homeland security;
- 14613 (s) electronic toll collection customer account information received or collected under
14614 Section 72-6-118 and customer information described in Section 17B-2a-815
14615 received or collected by a public transit district, including contact and payment
14616 information and customer travel data;

- 14617 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 14618 (u) a completed military-overseas ballot that is electronically transmitted under Title
- 14619 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 14620 (v) records received by or generated by or for the Political Subdivisions Ethics Review
- 14621 Commission established in Section 63A-15-201, except for:
- 14622 (i) the commission's summary data report that is required in Section 63A-15-202; and
- 14623 (ii) any other document that is classified as public in accordance with Title 63A,
- 14624 Chapter 15, Political Subdivisions Ethics Review Commission;
- 14625 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an
- 14626 incident or threat;
- 14627 (x) a criminal background check or credit history report conducted in accordance with
- 14628 Section 63A-3-201;
- 14629 (y) a record described in Subsection 53-5a-104(7);
- 14630 (z) on a record maintained by a county for the purpose of administering property taxes,
- 14631 an individual's:
- 14632 (i) email address;
- 14633 (ii) phone number; or
- 14634 (iii) personal financial information related to a person's payment method;
- 14635 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
- 14636 exemption, deferral, abatement, or relief under:
- 14637 (i) Title 59, Chapter 2, Part 11, Exemptions;
- 14638 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 14639 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 14640 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 14641 (bb) a record provided by the State Tax Commission in response to a request under
- 14642 Subsection 59-1-403(4)(y)(iii);
- 14643 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
- 14644 child welfare case, as described in Subsection 36-33-103(3);~~and~~
- 14645 (dd) a record relating to drug or alcohol testing of a state employee under Section
- 14646 63A-17-1004;
- 14647 (ee) a record relating to a request by a state elected official or state employee who has
- 14648 been threatened to the Division of Technology Services to remove personal
- 14649 identifying information from the open web under Section 63A-16-109; and
- 14650 (ff) a record including confidential information as that term is defined in Section

14651 67-27-105.

- 14652 (2) The following records are private if properly classified by a governmental entity:
- 14653 (a) records concerning a current or former employee of, or applicant for employment
14654 with a governmental entity, including performance evaluations and personal status
14655 information such as race, religion, or disabilities, but not including records that are
14656 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
14657 Subsection (1)(b);
- 14658 (b) records describing an individual's finances, except that the following are public:
- 14659 (i) records described in Subsection 63G-2-301(2);
- 14660 (ii) information provided to the governmental entity for the purpose of complying
14661 with a financial assurance requirement; or
- 14662 (iii) records that must be disclosed in accordance with another statute;
- 14663 (c) records of independent state agencies if the disclosure of those records would
14664 conflict with the fiduciary obligations of the agency;
- 14665 (d) other records containing data on individuals the disclosure of which constitutes a
14666 clearly unwarranted invasion of personal privacy;
- 14667 (e) records provided by the United States or by a government entity outside the state that
14668 are given with the requirement that the records be managed as private records, if the
14669 providing entity states in writing that the record would not be subject to public
14670 disclosure if retained by it;
- 14671 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
14672 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
14673 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
14674 vulnerable adult; and
- 14675 (g) audio and video recordings created by a body-worn camera, as defined in Section
14676 77-7a-103, that record sound or images inside a home or residence except for
14677 recordings that:
- 14678 (i) depict the commission of an alleged crime;
- 14679 (ii) record any encounter between a law enforcement officer and a person that results
14680 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 14681 (iii) record any encounter that is the subject of a complaint or a legal proceeding
14682 against a law enforcement officer or law enforcement agency;
- 14683 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408
14684 (1)(f); or

- 14685 (v) have been requested for reclassification as a public record by a subject or
 14686 authorized agent of a subject featured in the recording.
- 14687 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
 14688 statements, history, diagnosis, condition, treatment, and evaluation.
- 14689 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
 14690 doctors, or affiliated entities are not private records or controlled records under
 14691 Section 63G-2-304 when the records are sought:
- 14692 (i) in connection with any legal or administrative proceeding in which the patient's
 14693 physical, mental, or emotional condition is an element of any claim or defense; or
 14694 (ii) after a patient's death, in any legal or administrative proceeding in which any
 14695 party relies upon the condition as an element of the claim or defense.
- 14696 (c) Medical records are subject to production in a legal or administrative proceeding
 14697 according to state or federal statutes or rules of procedure and evidence as if the
 14698 medical records were in the possession of a nongovernmental medical care provider.
 14699 Section 253. Section **63G-2-305** is amended to read:
- 14700 **63G-2-305 . Protected records.**
- 14701 The following records are protected if properly classified by a governmental entity:
- 14702 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
 14703 provided the governmental entity with the information specified in Section 63G-2-309;
- 14704 (2) commercial information or nonindividual financial information obtained from a person
 14705 if:
- 14706 (a) disclosure of the information could reasonably be expected to result in unfair
 14707 competitive injury to the person submitting the information or would impair the
 14708 ability of the governmental entity to obtain necessary information in the future;
- 14709 (b) the person submitting the information has a greater interest in prohibiting access than
 14710 the public in obtaining access; and
- 14711 (c) the person submitting the information has provided the governmental entity with the
 14712 information specified in Section 63G-2-309;
- 14713 (3) commercial or financial information acquired or prepared by a governmental entity to
 14714 the extent that disclosure would lead to financial speculations in currencies, securities, or
 14715 commodities that will interfere with a planned transaction by the governmental entity or
 14716 cause substantial financial injury to the governmental entity or state economy;
- 14717 (4) records, the disclosure of which could cause commercial injury to, or confer a
 14718 competitive advantage upon a potential or actual competitor of, a commercial project

- 14719 entity as defined in Subsection 11-13-103(4);
- 14720 (5) test questions and answers to be used in future license, certification, registration,
14721 employment, or academic examinations;
- 14722 (6) records, the disclosure of which would impair governmental procurement proceedings
14723 or give an unfair advantage to any person proposing to enter into a contract or agreement
14724 with a governmental entity, except, subject to Subsections (1) and (2), that this
14725 Subsection (6) does not restrict the right of a person to have access to, after the contract
14726 or grant has been awarded and signed by all parties:
- 14727 (a) a bid, proposal, application, or other information submitted to or by a governmental
14728 entity in response to:
- 14729 (i) an invitation for bids;
- 14730 (ii) a request for proposals;
- 14731 (iii) a request for quotes;
- 14732 (iv) a grant; or
- 14733 (v) other similar document; or
- 14734 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 14735 (7) information submitted to or by a governmental entity in response to a request for
14736 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
14737 restrict the right of a person to have access to the information, after:
- 14738 (a) a contract directly relating to the subject of the request for information has been
14739 awarded and signed by all parties; or
- 14740 (b)(i) a final determination is made not to enter into a contract that relates to the
14741 subject of the request for information; and
- 14742 (ii) at least two years have passed after the day on which the request for information
14743 is issued;
- 14744 (8) records that would identify real property or the appraisal or estimated value of real or
14745 personal property, including intellectual property, under consideration for public
14746 acquisition before any rights to the property are acquired unless:
- 14747 (a) public interest in obtaining access to the information is greater than or equal to the
14748 governmental entity's need to acquire the property on the best terms possible;
- 14749 (b) the information has already been disclosed to persons not employed by or under a
14750 duty of confidentiality to the entity;
- 14751 (c) in the case of records that would identify property, potential sellers of the described
14752 property have already learned of the governmental entity's plans to acquire the

- 14753 property;
- 14754 (d) in the case of records that would identify the appraisal or estimated value of
14755 property, the potential sellers have already learned of the governmental entity's
14756 estimated value of the property; or
- 14757 (e) the property under consideration for public acquisition is a single family residence
14758 and the governmental entity seeking to acquire the property has initiated negotiations
14759 to acquire the property as required under Section 78B-6-505;
- 14760 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
14761 transaction of real or personal property including intellectual property, which, if
14762 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
14763 value of the subject property, unless:
- 14764 (a) the public interest in access is greater than or equal to the interests in restricting
14765 access, including the governmental entity's interest in maximizing the financial
14766 benefit of the transaction; or
- 14767 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
14768 the value of the subject property have already been disclosed to persons not
14769 employed by or under a duty of confidentiality to the entity;
- 14770 (10) records created or maintained for civil, criminal, or administrative enforcement
14771 purposes or audit purposes, or for discipline, licensing, certification, or registration
14772 purposes, if release of the records:
- 14773 (a) reasonably could be expected to interfere with investigations undertaken for
14774 enforcement, discipline, licensing, certification, or registration purposes;
- 14775 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
14776 proceedings;
- 14777 (c) would create a danger of depriving a person of a right to a fair trial or impartial
14778 hearing;
- 14779 (d) reasonably could be expected to disclose the identity of a source who is not generally
14780 known outside of government and, in the case of a record compiled in the course of
14781 an investigation, disclose information furnished by a source not generally known
14782 outside of government if disclosure would compromise the source; or
- 14783 (e) reasonably could be expected to disclose investigative or audit techniques,
14784 procedures, policies, or orders not generally known outside of government if
14785 disclosure would interfere with enforcement or audit efforts;
- 14786 (11) records the disclosure of which would jeopardize the life or safety of an individual;

- 14787 (12) records the disclosure of which would jeopardize the security of governmental
14788 property, governmental programs, or governmental recordkeeping systems from
14789 damage, theft, or other appropriation or use contrary to law or public policy;
- 14790 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
14791 facility, or records relating to incarceration, treatment, probation, or parole, that would
14792 interfere with the control and supervision of an offender's incarceration, treatment,
14793 probation, or parole;
- 14794 (14) records that, if disclosed, would reveal recommendations made to the Board of
14795 Pardons and Parole by an employee of or contractor for the Department of Corrections,
14796 the Board of Pardons and Parole, or the Department of Health and Human Services that
14797 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
14798 person within the board's jurisdiction;
- 14799 (15) records and audit workpapers that identify audit, collection, and operational procedures
14800 and methods used by the State Tax Commission, if disclosure would interfere with
14801 audits or collections;
- 14802 (16) records of a governmental audit agency relating to an ongoing or planned audit until
14803 the final audit is released;
- 14804 (17) records that are subject to the attorney client privilege;
- 14805 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
14806 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
14807 judicial, quasi-judicial, or administrative proceeding;
- 14808 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
14809 from a member of the Legislature; and
- 14810 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
14811 legislative action or policy may not be classified as protected under this section;
14812 and
- 14813 (b)(i) an internal communication that is part of the deliberative process in connection
14814 with the preparation of legislation between:
- 14815 (A) members of a legislative body;
- 14816 (B) a member of a legislative body and a member of the legislative body's staff; or
- 14817 (C) members of a legislative body's staff; and
- 14818 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
14819 legislative action or policy may not be classified as protected under this section;
- 14820 (20)(a) records in the custody or control of the Office of Legislative Research and

- 14821 General Counsel, that, if disclosed, would reveal a particular legislator's
14822 contemplated legislation or contemplated course of action before the legislator has
14823 elected to support the legislation or course of action, or made the legislation or course
14824 of action public; and
- 14825 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
14826 Office of Legislative Research and General Counsel is a public document unless a
14827 legislator asks that the records requesting the legislation be maintained as protected
14828 records until such time as the legislator elects to make the legislation or course of
14829 action public;
- 14830 (21) a research request from a legislator to a legislative staff member and research findings
14831 prepared in response to the request;
- 14832 (22) drafts, unless otherwise classified as public;
- 14833 (23) records concerning a governmental entity's strategy about:
- 14834 (a) collective bargaining; or
14835 (b) imminent or pending litigation;
- 14836 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
14837 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
14838 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 14839 (25) records, other than personnel evaluations, that contain a personal recommendation
14840 concerning an individual if disclosure would constitute a clearly unwarranted invasion
14841 of personal privacy, or disclosure is not in the public interest;
- 14842 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
14843 resources that if known would jeopardize the security of those resources or of valuable
14844 historic, scientific, educational, or cultural information;
- 14845 (27) records of independent state agencies if the disclosure of the records would conflict
14846 with the fiduciary obligations of the agency;
- 14847 (28) records of an institution within the state system of higher education defined in Section
14848 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
14849 retention decisions, and promotions, which could be properly discussed in a meeting
14850 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
14851 that records of the final decisions about tenure, appointments, retention, promotions, or
14852 those students admitted, may not be classified as protected under this section;
- 14853 (29) records of the governor's office, including budget recommendations, legislative
14854 proposals, and policy statements, that if disclosed would reveal the governor's

- 14855 contemplated policies or contemplated courses of action before the governor has
14856 implemented or rejected those policies or courses of action or made them public;
- 14857 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
14858 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
14859 recommendations in these areas;
- 14860 (31) records provided by the United States or by a government entity outside the state that
14861 are given to the governmental entity with a requirement that they be managed as
14862 protected records if the providing entity certifies that the record would not be subject to
14863 public disclosure if retained by it;
- 14864 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
14865 public body except as provided in Section 52-4-206;
- 14866 (33) records that would reveal the contents of settlement negotiations but not including final
14867 settlements or empirical data to the extent that they are not otherwise exempt from
14868 disclosure;
- 14869 (34) memoranda prepared by staff and used in the decision-making process by an
14870 administrative law judge, a member of the Board of Pardons and Parole, or a member of
14871 any other body charged by law with performing a quasi-judicial function;
- 14872 (35) records that would reveal negotiations regarding assistance or incentives offered by or
14873 requested from a governmental entity for the purpose of encouraging a person to expand
14874 or locate a business in Utah, but only if disclosure would result in actual economic harm
14875 to the person or place the governmental entity at a competitive disadvantage, but this
14876 section may not be used to restrict access to a record evidencing a final contract;
- 14877 (36) materials to which access must be limited for purposes of securing or maintaining the
14878 governmental entity's proprietary protection of intellectual property rights including
14879 patents, copyrights, and trade secrets;
- 14880 (37) the name of a donor or a prospective donor to a governmental entity, including an
14881 institution within the state system of higher education defined in Section 53B-1-102, and
14882 other information concerning the donation that could reasonably be expected to reveal
14883 the identity of the donor, provided that:
- 14884 (a) the donor requests anonymity in writing;
- 14885 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
14886 classified protected by the governmental entity under this Subsection (37); and
- 14887 (c) except for an institution within the state system of higher education defined in
14888 Section 53B-1-102, the governmental unit to which the donation is made is primarily

- 14889 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
 14890 legislative authority over the donor, a member of the donor's immediate family, or
 14891 any entity owned or controlled by the donor or the donor's immediate family;
- 14892 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 14893 (39) a notification of workers' compensation insurance coverage described in Section
 14894 34A-2-205;
- 14895 (40)(a) the following records of an institution within the state system of higher education
 14896 defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
 14897 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 14898 (i) unpublished lecture notes;
- 14899 (ii) unpublished notes, data, and information:
- 14900 (A) relating to research; and
- 14901 (B) of:
- 14902 (I) the institution within the state system of higher education defined in Section
 14903 53B-1-102; or
- 14904 (II) a sponsor of sponsored research;
- 14905 (iii) unpublished manuscripts;
- 14906 (iv) creative works in process;
- 14907 (v) scholarly correspondence; and
- 14908 (vi) confidential information contained in research proposals;
- 14909 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
 14910 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 14911 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 14912 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
 14913 that would reveal the name of a particular legislator who requests a legislative audit
 14914 prior to the date that audit is completed and made public; and
- 14915 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
 14916 Office of the Legislative Auditor General is a public document unless the legislator
 14917 asks that the records in the custody or control of the Office of the Legislative Auditor
 14918 General that would reveal the name of a particular legislator who requests a
 14919 legislative audit be maintained as protected records until the audit is completed and
 14920 made public;
- 14921 (42) records that provide detail as to the location of an explosive, including a map or other
 14922 document that indicates the location of:

- 14923 (a) a production facility; or
- 14924 (b) a magazine;
- 14925 (43) information contained in the statewide database of the Division of Aging and Adult
- 14926 Services created by Section 26B-6-210;
- 14927 (44) information contained in the Licensing Information System described in Title 80,
- 14928 Chapter 2, Child Welfare Services;
- 14929 (45) information regarding National Guard operations or activities in support of the
- 14930 National Guard's federal mission;
- 14931 (46) records provided by any pawn or secondhand business to a law enforcement agency or
- 14932 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
- 14933 Merchandise, and Catalytic Converter Transaction Information Act;
- 14934 (47) information regarding food security, risk, and vulnerability assessments performed by
- 14935 the Department of Agriculture and Food;
- 14936 (48) except to the extent that the record is exempt from this chapter pursuant to Section
- 14937 63G-2-106, records related to an emergency plan or program, a copy of which is
- 14938 provided to or prepared or maintained by the Division of Emergency Management, and
- 14939 the disclosure of which would jeopardize:
- 14940 (a) the safety of the general public; or
- 14941 (b) the security of:
- 14942 (i) governmental property;
- 14943 (ii) governmental programs; or
- 14944 (iii) the property of a private person who provides the Division of Emergency
- 14945 Management information;
- 14946 (49) records of the Department of Agriculture and Food that provides for the identification,
- 14947 tracing, or control of livestock diseases, including any program established under Title
- 14948 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
- 14949 of Animal Disease;
- 14950 (50) as provided in Section 26B-2-709:
- 14951 (a) information or records held by the Department of Health and Human Services related
- 14952 to a complaint regarding a provider, program, or facility which the department is
- 14953 unable to substantiate; and
- 14954 (b) information or records related to a complaint received by the Department of Health
- 14955 and Human Services from an anonymous complainant regarding a provider, program,
- 14956 or facility;

- 14957 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
 14958 under Section 41-1a-116, an individual's home address, home telephone number, or
 14959 personal mobile phone number, if:
- 14960 (a) the individual is required to provide the information in order to comply with a law,
 14961 ordinance, rule, or order of a government entity; and
- 14962 (b) the subject of the record has a reasonable expectation that this information will be
 14963 kept confidential due to:
- 14964 (i) the nature of the law, ordinance, rule, or order; and
 14965 (ii) the individual complying with the law, ordinance, rule, or order;
- 14966 (52) the portion of the following documents that contains a candidate's residential or
 14967 mailing address, if the candidate provides to the filing officer another address or phone
 14968 number where the candidate may be contacted:
- 14969 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
 14970 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
 14971 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 14972 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
 14973 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 14974 (53) the name, home address, work addresses, and telephone numbers of an individual that
 14975 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 14976 (a) conducted within the state system of higher education, as defined in Section
 14977 53B-1-102; and
 14978 (b) conducted using animals;
- 14979 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
 14980 Evaluation Commission concerning an individual commissioner's vote, in relation to
 14981 whether a judge meets or exceeds minimum performance standards under Subsection
 14982 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 14983 (55) information collected and a report prepared by the Judicial Performance Evaluation
 14984 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
 14985 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
 14986 public, the information or report;
- 14987 (56) records provided or received by the Public Lands Policy Coordinating Office in
 14988 furtherance of any contract or other agreement made in accordance with Section
 14989 63L-11-202;
- 14990 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;

- 14991 (58) in accordance with Section 73-10-33:
- 14992 (a) a management plan for a water conveyance facility in the possession of the Division
- 14993 of Water Resources or the Board of Water Resources; or
- 14994 (b) an outline of an emergency response plan in possession of the state or a county or
- 14995 municipality;
- 14996 (59) the following records in the custody or control of the Office of Inspector General of
- 14997 Medicaid Services, created in Section 63A-13-201:
- 14998 (a) records that would disclose information relating to allegations of personal
- 14999 misconduct, gross mismanagement, or illegal activity of a person if the information
- 15000 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
- 15001 Services through other documents or evidence, and the records relating to the
- 15002 allegation are not relied upon by the Office of Inspector General of Medicaid
- 15003 Services in preparing a final investigation report or final audit report;
- 15004 (b) records and audit workpapers to the extent they would disclose the identity of a
- 15005 person who, during the course of an investigation or audit, communicated the
- 15006 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
- 15007 violation of a law, rule, or regulation adopted under the laws of this state, a political
- 15008 subdivision of the state, or any recognized entity of the United States, if the
- 15009 information was disclosed on the condition that the identity of the person be
- 15010 protected;
- 15011 (c) before the time that an investigation or audit is completed and the final investigation
- 15012 or final audit report is released, records or drafts circulated to a person who is not an
- 15013 employee or head of a governmental entity for the person's response or information;
- 15014 (d) records that would disclose an outline or part of any investigation, audit survey plan,
- 15015 or audit program; or
- 15016 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
- 15017 investigation or audit;
- 15018 (60) records that reveal methods used by the Office of Inspector General of Medicaid
- 15019 Services, the fraud unit, or the Department of Health and Human Services, to discover
- 15020 Medicaid fraud, waste, or abuse;
- 15021 (61) information provided to the Department of Health and Human Services or the Division
- 15022 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
- 15023 58-68-304(3) and (4);
- 15024 (62) a record described in Section 63G-12-210;

- 15025 (63) captured plate data that is obtained through an automatic license plate reader system
15026 used by a governmental entity as authorized in Section 41-6a-2003;
- 15027 (64) an audio or video recording created by a body-worn camera, as that term is defined in
15028 Section 77-7a-103, that records sound or images inside a hospital or health care facility
15029 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
15030 as that term is defined in Section 78B-3-403, or inside a human service program as that
15031 term is defined in Section 26B-2-101, except for recordings that:
- 15032 (a) depict the commission of an alleged crime;
- 15033 (b) record any encounter between a law enforcement officer and a person that results in
15034 death or bodily injury, or includes an instance when an officer fires a weapon;
- 15035 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
15036 law enforcement officer or law enforcement agency;
- 15037 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
15038 or
- 15039 (e) have been requested for reclassification as a public record by a subject or authorized
15040 agent of a subject featured in the recording;
- 15041 (65) a record pertaining to the search process for a president of an institution of higher
15042 education described in Section 53B-2-102, except for application materials for a publicly
15043 announced finalist;
- 15044 (66) an audio recording that is:
- 15045 (a) produced by an audio recording device that is used in conjunction with a device or
15046 piece of equipment designed or intended for resuscitating an individual or for treating
15047 an individual with a life-threatening condition;
- 15048 (b) produced during an emergency event when an individual employed to provide law
15049 enforcement, fire protection, paramedic, emergency medical, or other first responder
15050 service:
- 15051 (i) is responding to an individual needing resuscitation or with a life-threatening
15052 condition; and
- 15053 (ii) uses a device or piece of equipment designed or intended for resuscitating an
15054 individual or for treating an individual with a life-threatening condition; and
- 15055 (c) intended and used for purposes of training emergency responders how to improve
15056 their response to an emergency situation;
- 15057 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
15058 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the

- 15059 Audit Subcommittee, established under Section 36-12-8, for an employment position
15060 with the Legislature;
- 15061 (68) work papers as defined in Section 31A-2-204;
- 15062 (69) a record made available to Adult Protective Services or a law enforcement agency
15063 under Section 61-1-206;
- 15064 (70) a record submitted to the Insurance Department in accordance with Section
15065 31A-37-201;
- 15066 (71) a record described in Section 31A-37-503;
- 15067 (72) any record created by the Division of Professional Licensing as a result of Subsection
15068 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 15069 (73) a record described in Section 72-16-306 that relates to the reporting of an injury
15070 involving an amusement ride;
- 15071 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
15072 political petition, or on a request to withdraw a signature from a political petition,
15073 including a petition or request described in the following titles:
- 15074 (a) Title 10, Utah Municipal Code;
- 15075 (b) Title 17, Counties;
- 15076 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 15077 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 15078 (e) Title 20A, Election Code;
- 15079 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
15080 voter registration record;
- 15081 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
15082 described in Subsection (74) or (75), in the custody of the [~~lieutenant governor~~] director
15083 of the Elections Office, appointed under Subsection 20A-1-104.6(3) or a local political
15084 subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 15085 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
15086 Victims Guidelines for Prosecutors Act;
- 15087 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 15088 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is
15089 prohibited under Section 63G-26-103;
- 15090 (80) an image taken of an individual during the process of booking the individual into jail,
15091 unless:
- 15092 (a) the individual is convicted of a criminal offense based upon the conduct for which

- 15093 the individual was incarcerated at the time the image was taken;
- 15094 (b) a law enforcement agency releases or disseminates the image:
- 15095 (i) after determining that the individual is a fugitive or an imminent threat to an
- 15096 individual or to public safety and releasing or disseminating the image will assist
- 15097 in apprehending the individual or reducing or eliminating the threat; or
- 15098 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 15099 to a criminal investigation or criminal proceeding for the purpose of identifying or
- 15100 locating an individual in connection with the criminal investigation or criminal
- 15101 proceeding;
- 15102 (c) a judge orders the release or dissemination of the image based on a finding that the
- 15103 release or dissemination is in furtherance of a legitimate law enforcement interest; or
- 15104 (d) the image is displayed to a person who is permitted to view the image under Section
- 15105 17-22-30[-] ;
- 15106 (81) a record:
- 15107 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 15108 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 15109 representative from another state or the federal government as provided in Section
- 15110 63M-14-205; and
- 15111 (c) the disclosure of which would:
- 15112 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
- 15113 Colorado River system;
- 15114 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
- 15115 negotiate the best terms and conditions regarding the use of water in the Colorado
- 15116 River system; or
- 15117 (iii) give an advantage to another state or to the federal government in negotiations
- 15118 regarding the use of water in the Colorado River system;
- 15119 (82) any part of an application described in Section 63N-16-201 that the Governor's Office
- 15120 of Economic Opportunity determines is nonpublic, confidential information that if
- 15121 disclosed would result in actual economic harm to the applicant, but this Subsection (82)
- 15122 may not be used to restrict access to a record evidencing a final contract or approval
- 15123 decision;
- 15124 (83) the following records of a drinking water or wastewater facility:
- 15125 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
- 15126 and

- 15127 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
15128 drinking water or wastewater facility uses to secure, or prohibit access to, the records
15129 described in Subsection (83)(a);
- 15130 (84) a statement that an employee of a governmental entity provides to the governmental
15131 entity as part of the governmental entity's personnel or administrative investigation into
15132 potential misconduct involving the employee if the governmental entity:
- 15133 (a) requires the statement under threat of employment disciplinary action, including
15134 possible termination of employment, for the employee's refusal to provide the
15135 statement; and
- 15136 (b) provides the employee assurance that the statement cannot be used against the
15137 employee in any criminal proceeding;
- 15138 (85) any part of an application for a Utah Fits All Scholarship account described in Section
15139 53F-6-402 or other information identifying a scholarship student as defined in Section
15140 53F-6-401;
- 15141 (86) a record:
- 15142 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 15143 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
15144 person concerning the claim, including a representative from another state or the
15145 federal government; and
- 15146 (c) the disclosure of which would:
- 15147 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
15148 Great Salt Lake;
- 15149 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
15150 and conditions regarding the use of water in the Great Salt Lake; or
- 15151 (iii) give an advantage to another person including another state or to the federal
15152 government in negotiations regarding the use of water in the Great Salt Lake; and
- 15153 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
15154 reclassified as public as described in Subsection 13-2-11(4).
- 15155 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 15156 (a) concerning a claim to the use of waters;
- 15157 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
15158 representative from another state, a tribe, the federal government, or other
15159 government entity as provided in Title 73, Chapter 10g, Part 6, Utah Water Agent;
15160 and

- 15161 (c) the disclosure of which would:
- 15162 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 15163 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
- 15164 regarding the use of water; or
- 15165 (iii) give an advantage to another state, a tribe, the federal government, or other
- 15166 government entity in negotiations regarding the use of water.

15167 Section 254. Section **63G-2-704** is amended to read:

15168 **63G-2-704 . Applicability to the governor, lieutenant governor, and the director**

15169 **of the Elections Office.**

15170 (1) The governor, the office of the governor, the lieutenant governor, [~~and~~]the office of the

15171 lieutenant governor, the director of the Elections Office, and the Elections Office shall

15172 designate and classify records in accordance with Sections 63G-2-301 through

15173 63G-2-305 as public, private, controlled, or protected.

15174 (2)(a) The governor, the office of the governor, the lieutenant governor, [~~and~~]the office

15175 of the lieutenant governor, the director of the Elections Office, and the Elections

15176 Office are not subject to:

- 15177 (i) Section 63G-2-203;
- 15178 (ii) Section 63G-2-209;
- 15179 (iii) Section 63G-2-401; or
- 15180 (iv) Part 6, Collection of Information and Accuracy of Records.

15181 (b) The governor, the office of the governor, the lieutenant governor, [~~and~~]the office of

15182 the lieutenant governor, the director of the Elections Office, and the Elections Office

15183 are subject to only the following sections in Title 63A, Chapter 12, Division of

15184 Archives and Records Service and Management of Government Records:

- 15185 (i) Section 63A-12-102; and
- 15186 (ii) Section 63A-12-106.

15187 (3) The governor [~~and~~] , the lieutenant governor, and the director of the Elections Office:

- 15188 (a)(i) shall establish policies to handle requests for classification, designation, fees,
- 15189 access, denials, segregation, appeals to the chief administrative officer,
- 15190 management, retention, and amendment of records; and
- 15191 (ii) may establish an appellate board to hear appeals from denials of access; and
- 15192 (b) may establish:
- 15193 (i) a process for determining that a person is a vexatious requester, including a
- 15194 process for an appeal from a determination that a person is a vexatious requester;

- 15195 and
- 15196 (ii) appropriate limitations on a person determined to be a vexatious requester.
- 15197 (4) Policies described in Subsection (3) shall include reasonable times for responding to
- 15198 access requests consistent with the provisions of Part 2, Access to Records, fees, and
- 15199 reasonable time limits for appeals.
- 15200 (5) Upon request, the state archivist shall:
- 15201 (a) assist with and advise concerning the establishment of a records management
- 15202 program for the governor, the office of the governor, the lieutenant governor, [~~and~~]
- 15203 the office of the lieutenant governor, and the director of the Elections Office, and the
- 15204 Elections Office; and
- 15205 (b) as required by the governor [~~or~~] , the lieutenant governor, or the director of the
- 15206 Elections Office, provide program services as provided in this chapter and Title 63A,
- 15207 Chapter 12, Division of Archives and Records Service and Management of
- 15208 Government Records.
- 15209 Section 255. Section **630-1-201** is amended to read:
- 15210 **630-1-201 . Capitol building -- Direction and control.**
- 15211 (1) In the basement of the State Capitol:
- 15212 (a) except as provided in Subsections (1)(b) and (c), the entire basement is under the
- 15213 direction and control of the board, which shall allocate space, as needed, for security
- 15214 offices, the Supreme Court, and others;
- 15215 (b) the following areas are under the direction and control of the Legislature:
- 15216 (i) the Legislative Printing office and Bill Room;
- 15217 (ii) the Sergeant Lounge; and
- 15218 (iii) the press room; and
- 15219 (c) the following areas in the southwest corner are under the direction and control of the
- 15220 governor:
- 15221 (i) the governor's parking area;
- 15222 (ii) the operations center;
- 15223 (iii) the executive suite; and
- 15224 (iv) the executive detail area.
- 15225 (2) On the first floor of the State Capitol:
- 15226 (a) the following are under the direction and control of the governor:
- 15227 (i) the office suites located on the northwest and southwest sides; and
- 15228 (ii) the dignitary holding area and elevator, which the Legislature may schedule

- 15229 through the Utah Highway Patrol Dignitary Protection Bureau;
- 15230 (b) suite 180, in the southeast corner, is under the direction and control of the board and
- 15231 assigned for the use of the state treasurer; and
- 15232 (c) the following are under the direction and control of the board:
- 15233 (i) the board offices, located in suite 120, immediately to the east of the State
- 15234 Capitol's north entrance;
- 15235 (ii) the Visitor Services Office, located in suite 130, immediately to the west of the
- 15236 State Capitol's north entrance;
- 15237 (iii) the vending room to the south of the Visitor Services Office;
- 15238 (iv) all vestibules, and the room on the east of the south vestibule;
- 15239 (v) the public area beneath the rotunda and the adjacent public areas;
- 15240 (vi) all conference rooms and storage rooms accessed from the areas described in
- 15241 Subsection (2)(c)(v);
- 15242 (vii) suite 110, to the south of the board offices;
- 15243 (viii) the Visitors Center; and
- 15244 (ix) the Presentation Room.
- 15245 (3) On the second floor of the State Capitol:
- 15246 (a) suite 250, in the northeast corner, is under the direction and control of the Legislature;
- 15247 ~~[(b) before January 1, 2025, suite 260, to the west of suite 250, is under the direction and~~
- 15248 ~~control of the board and assigned for the use of the state auditor;]~~
- 15249 ~~[(e)] (b) [beginning on January 1, 2025,]~~suite 260, to the west of suite 250, is under the
- 15250 direction and control of the board and assigned for the use of the state auditor, until a
- 15251 substantially similar space in the State Capitol is assigned to the state auditor, after
- 15252 which suite 260, to the west of suite 250, is under the direction and control of the
- 15253 Legislature;
- 15254 (c) beginning on January 1, 2026, suite 220, to the west of suite 230, is under the
- 15255 direction and control of the board and is assigned for use by the Elections Office,
- 15256 created in Subsection 20A-1-104.6(1), except that, to the extent space is available,
- 15257 the board may assign a portion of suite 220 for use by the apostille notary;
- 15258 (d) suite 230, in the southeast corner, is under the direction and control of the board and
- 15259 assigned for the use of the attorney general;
- 15260 (e) the following are under the direction and control of the governor:
- 15261 (i) suite 200, at the west end of the floor;
- 15262 (ii) before January 1, 2026, suite 220, to the west of suite 230; and

- 15263 (iii) suite 270, in the central north area;
- 15264 (f) the Gold Room, including the adjacent pantry:
- 15265 (i) is under the direction and control of the governor and the Legislature; and
- 15266 (ii) is scheduled through the governor, with the governor having scheduling priority;
- 15267 (g) the Capitol Board Room:
- 15268 (i) is under the direction and control of the governor and the Legislature; and
- 15269 (ii) is scheduled through the board, as follows:
- 15270 (A) on a day other than a legislative day:
- 15271 (I) the governor and lieutenant governor have first scheduling priority,
- 15272 regardless of whether the Legislature or any other party has already
- 15273 scheduled the room; and
- 15274 (II) the Legislature has second scheduling priority, regardless of whether a
- 15275 party, other than the governor or lieutenant governor, has already scheduled
- 15276 the room;
- 15277 (B) on a legislative day:
- 15278 (I) the Legislature has first scheduling priority, regardless of whether the
- 15279 governor, the lieutenant governor, or any other party has already scheduled
- 15280 the room; and
- 15281 (II) the governor and lieutenant governor have second scheduling priority,
- 15282 regardless of whether a party, other than the Legislature, has already
- 15283 scheduled the room;
- 15284 (C) if the reservation of a person who schedules the room is canceled under
- 15285 Subsection (3)(g)(ii)(A) or (B), the board shall give the person as much notice
- 15286 as possible to schedule another site;
- 15287 (D) subject to Subsection (3)(g)(ii)(A) or (B), other executive branch or judicial
- 15288 branch entities may schedule the room on a first come, first-served, basis; and
- 15289 (E) subject to Subsection (3)(g)(ii)(A) or (B), and the board's rules for use of
- 15290 capitol hill facilities, other persons may schedule the room on a first come,
- 15291 first-served, basis;
- 15292 (h) the following areas are under the direction and control of the board:
- 15293 (i) the grand staircases;
- 15294 (ii) the rotunda;
- 15295 (iii) the kitchen adjacent to the Gold Room; and
- 15296 (iv) the open areas that are:

- 15297 (A) east of the rotunda to the doors of the Capitol Board Room;
- 15298 (B) west of the rotunda to the entrance to the governor's office;
- 15299 (C) south of the rotunda to the south entrance to the State Capitol; and
- 15300 (D) north of the rotunda to the north wall.
- 15301 (4)(a) On the third floor of the State Capitol, the entire floor is under the direction and
- 15302 control of the Legislature, except the areas described in Subsections (6)(a) and (b).
- 15303 (b) The Supreme Court Chambers will be scheduled by:
- 15304 (i) the Legislature on a legislative day; and
- 15305 (ii) the Senate on a day other than a legislative day.
- 15306 (5) On the fourth floor of the State Capitol, the entire floor is under the direction and
- 15307 control of the Legislature, except that the following areas are under the direction and
- 15308 control of the board:
- 15309 (a) the areas described in Subsections (6)(a) and (b);
- 15310 (b) the four art galleries outside of the storage rooms described in Subsection (6)(b); and
- 15311 (c) the storage room to the north of the northeast art gallery.
- 15312 (6) In addition to the areas specified under Subsections (1) through (5) as being under the
- 15313 direction and control of the board, the following areas in the State Capitol are under the
- 15314 direction and control of the board:
- 15315 (a) the staircases, elevators, public restrooms, and the access areas adjacent to them;
- 15316 (b) the interior of the pillars that begin in the open area on the first floor and rise to the
- 15317 fourth floor, including the storage closets;
- 15318 (c) all areas of the State Capitol above the fourth floor, including the dome and roof; and
- 15319 (d) the other areas of the State Capitol not specified under this section as being under the
- 15320 direction or control of the governor or the Legislature.
- 15321 ~~[(7)(a) Before October 1, 2024, the governor, the state auditor, the attorney general, the~~
- 15322 ~~state treasurer, the president of the Senate, and the speaker of the House of~~
- 15323 ~~Representatives shall assess the use of space in the State Capitol to determine the best~~
- 15324 ~~use of the space, including the space currently used by:]~~
- 15325 ~~[(i) the governor;]~~
- 15326 ~~[(ii) the lieutenant governor;]~~
- 15327 ~~[(iii) the Elections Office;]~~
- 15328 ~~[(iv) the Senate;]~~
- 15329 ~~[(v) the House of Representatives;]~~
- 15330 ~~[(vi) the attorney general;]~~

15331 ~~[(vii) the state auditor; and]~~
15332 ~~[(viii) the state treasurer.]~~
15333 ~~[(b) In making the assessment described in Subsection (7)(a), priority for space in the~~
15334 ~~capitol is given to the Legislature, the governor, the lieutenant governor, the attorney~~
15335 ~~general, the state auditor, and the state treasurer.]~~
15336 Section 256. Section **67-1a-2** is amended to read:
15337 **67-1a-2 . Duties enumerated.**
15338 ~~[(+)]~~ The lieutenant governor shall:
15339 ~~[(a)]~~ ~~(1)~~ perform duties delegated by the governor, including assignments to serve in any of
15340 the following capacities:
15341 ~~[(+)]~~ ~~(a)~~ as the head of any one department, if so qualified, with the advice and consent of
15342 the Senate, and, upon appointment at the pleasure of the governor and without
15343 additional compensation;
15344 ~~[(+)]~~ ~~(b)~~ as the chairperson of any cabinet group organized by the governor or authorized
15345 by law for the purpose of advising the governor or coordinating intergovernmental or
15346 interdepartmental policies or programs;
15347 ~~[(+)]~~ ~~(c)~~ as liaison between the governor and the state Legislature to coordinate and
15348 facilitate the governor's programs and budget requests;
15349 ~~[(+)]~~ ~~(d)~~ as liaison between the governor and other officials of local, state, federal, and
15350 international governments or any other political entities to coordinate, facilitate, and
15351 protect the interests of the state;
15352 ~~[(+)]~~ ~~(e)~~ as personal advisor to the governor, including advice on policies, programs,
15353 administrative and personnel matters, and fiscal or budgetary matters; and
15354 ~~[(+)]~~ ~~(f)~~ as chairperson or member of any temporary or permanent boards, councils,
15355 commissions, committees, task forces, or other group appointed by the governor;
15356 ~~[(b)]~~ ~~(2)~~ serve on all boards and commissions in lieu of the governor, whenever ~~[se-]~~
15357 designated by the governor;
15358 ~~[(e) serve as the chief election officer of the state as required by Subsection (2);]~~
15359 ~~[(d)]~~ ~~(3)~~ keep custody of the Great Seal of the State of Utah;
15360 ~~[(e)]~~ ~~(4)~~ keep a register of, and attest, the official acts of the governor;
15361 ~~[(f)]~~ ~~(5)~~ affix the Great Seal, with an attestation, to all official documents and instruments to
15362 which the official signature of the governor is required; and
15363 ~~[(g)]~~ ~~(6)~~ furnish a certified copy of all or any part of any law, record, or other instrument
15364 filed, deposited, or recorded in the office of the lieutenant governor to any person who

- 15365 requests [it] the certification and pays the fee.
- 15366 [(2)(a) ~~As the chief election officer, the lieutenant governor shall:~~]
- 15367 [(i) ~~exercise oversight, and general supervisory authority, over all elections;~~]
- 15368 [(ii) ~~exercise direct authority over the conduct of elections for federal, state, and~~
- 15369 ~~multicounty officers and statewide or multicounty ballot propositions and any~~
- 15370 ~~reeounts involving those races;~~]
- 15371 [(iii) ~~establish uniformity in the election ballot;~~]
- 15372 [(iv)(A) ~~prepare election information for the public as required by law and as~~
- 15373 ~~determined appropriate by the lieutenant governor; and]~~
- 15374 [(B) ~~make the information described in Subsection (2)(a)(iv)(A) available to the~~
- 15375 ~~public and to news media, on the Internet, and in other forms as required by~~
- 15376 ~~law and as determined appropriate by the lieutenant governor;~~]
- 15377 [(v) ~~receive and answer election questions and maintain an election file on opinions~~
- 15378 ~~received from the attorney general;~~]
- 15379 [(vi) ~~maintain a current list of registered political parties as defined in Section~~
- 15380 ~~20A-8-101;~~]
- 15381 [(vii) ~~maintain election returns and statistics;~~]
- 15382 [(viii) ~~certify to the governor the names of individuals nominated to run for, or~~
- 15383 ~~elected to, office;~~]
- 15384 [(ix) ~~ensure that all voting equipment purchased by the state complies with the~~
- 15385 ~~requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;~~]
- 15386 [(x) ~~during a declared emergency, to the extent that the lieutenant governor~~
- 15387 ~~determines it warranted, designate, as provided in Section 20A-1-308, a different~~
- 15388 ~~method, time, or location relating to:~~]
- 15389 [(A) ~~voting on election day;~~]
- 15390 [(B) ~~early voting;~~]
- 15391 [(C) ~~the transmittal or voting of an absentee ballot or military-overseas ballot;~~]
- 15392 [(D) ~~the counting of an absentee ballot or military-overseas ballot; or]~~
- 15393 [(E) ~~the canvassing of election returns; and]~~
- 15394 [(xi) ~~exercise all other election authority, and perform other election duties, as~~
- 15395 ~~provided in Title 20A, Election Code.]~~
- 15396 [(b) ~~As chief election officer, the lieutenant governor:~~]
- 15397 [(i) ~~shall oversee all elections, and functions relating to elections, in the state;~~]
- 15398 [(ii) ~~shall, in accordance with Section 20A-1-105, take action to enforce compliance~~

- 15399 by an election officer with legal requirements relating to elections; and]
- 15400 [(iii) may not assume the responsibilities assigned to the county clerks, city recorders,
- 15401 town clerks, or other local election officials by Title 20A, Election Code.]
- 15402 [(3)(a) The lieutenant governor shall:]
- 15403 [(i) determine a new municipality's classification under Section 10-2-301 upon the
- 15404 city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a
- 15405 Municipality, based on the municipality's population using the population estimate
- 15406 from the Utah Population Committee; and]
- 15407 [(ii)(A) prepare a certificate indicating the class in which the new municipality
- 15408 belongs based on the municipality's population; and]
- 15409 [(B) within 10 days after preparing the certificate, deliver a copy of the certificate
- 15410 to the municipality's legislative body.]
- 15411 [(b) The lieutenant governor shall:]
- 15412 [(i) determine the classification under Section 10-2-301 of a consolidated
- 15413 municipality upon the consolidation of multiple municipalities under Title 10,
- 15414 Chapter 2, Part 6, Consolidation of Municipalities, using population information
- 15415 from:]
- 15416 [(A) each official census or census estimate of the United States Bureau of the
- 15417 Census; or]
- 15418 [(B) the population estimate from the Utah Population Committee, if the
- 15419 population of a municipality is not available from the United States Bureau of
- 15420 the Census; and]
- 15421 [(ii)(A) prepare a certificate indicating the class in which the consolidated
- 15422 municipality belongs based on the municipality's population; and]
- 15423 [(B) within 10 days after preparing the certificate, deliver a copy of the certificate
- 15424 to the consolidated municipality's legislative body.]
- 15425 [(e) The lieutenant governor shall monitor the population of each municipality using
- 15426 population information from:]
- 15427 [(i) each official census or census estimate of the United States Bureau of the Census;
- 15428 or]
- 15429 [(ii) the population estimate from the Utah Population Committee, if the population
- 15430 of a municipality is not available from the United States Bureau of the Census.]
- 15431 [(d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a
- 15432 municipality's population has increased beyond the population for its current class;

- 15433 the lieutenant governor shall:]
- 15434 [(i) prepare a certificate indicating the class in which the municipality belongs based
- 15435 on the increased population figure; and]
- 15436 [(ii) within 10 days after preparing the certificate, deliver a copy of the certificate to
- 15437 the legislative body of the municipality whose class has changed.]
- 15438 [(e)(i) If the applicable population figure under Subsection (3)(b) or (c) indicates
- 15439 that a municipality's population has decreased below the population for its current
- 15440 class, the lieutenant governor shall send written notification of that fact to the
- 15441 municipality's legislative body.]
- 15442 [(ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality
- 15443 whose population has decreased below the population for its current class, the
- 15444 lieutenant governor shall:]
- 15445 [(A) prepare a certificate indicating the class in which the municipality belongs
- 15446 based on the decreased population figure; and]
- 15447 [(B) within 10 days after preparing the certificate, deliver a copy of the certificate
- 15448 to the legislative body of the municipality whose class has changed.]

15449 Section 257. Section **67-1a-15** is amended to read:

15450 **67-1a-15 . Local government and limited purpose entity registry.**

- 15451 (1) As used in this section:
- 15452 (a) "Entity" means a limited purpose entity or a local government entity.
- 15453 (b)(i) "Limited purpose entity" means a legal entity that:
- 15454 (A) performs a single governmental function or limited governmental functions;
- 15455 and
- 15456 (B) is not a state executive branch agency, a state legislative office, or within the
- 15457 judicial branch.
- 15458 (ii) "Limited purpose entity" includes:
- 15459 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
- 15460 those terms are defined in Section 26B-6-101;
- 15461 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;
- 15462 (C) community reinvestment agencies, as that term is defined in Section
- 15463 17C-1-102;
- 15464 (D) conservation districts, as that term is defined in Section 17D-3-102;
- 15465 (E) governmental nonprofit corporations, as that term is defined in Section
- 15466 11-13a-102;

- 15467 (F) housing authorities, as that term is defined in Section 35A-8-401;
- 15468 (G) independent entities and independent state agencies, as those terms are
- 15469 defined in Section 63E-1-102;
- 15470 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 15471 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 15472 (J) special districts, as that term is defined in Section 17B-1-102;
- 15473 (K) local health departments, as that term is defined in Section 26A-1-102;
- 15474 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 15475 (M) nonprofit corporations that receive an amount of money requiring an
- 15476 accounting report under Section 51-2a-201.5;
- 15477 (N) school districts under Title 53G, Chapter 3, School District Creation and
- 15478 Change;
- 15479 (O) special service districts, as that term is defined in Section 17D-1-102; and
- 15480 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 15481 (c) "Local government and limited purpose entity registry" or "registry" means the
- 15482 registry of local government entities and limited purpose entities created under this
- 15483 section.
- 15484 (d) "Local government entity" means:
- 15485 (i) a county, as that term is defined in Section 17-50-101; and
- 15486 (ii) a municipality, as that term is defined in Section 10-1-104.
- 15487 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in
- 15488 accordance with Subsection (7)(a), to an entity that does not register.
- 15489 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
- 15490 registered entity, in accordance with Subsection (7)(b).
- 15491 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
- 15492 registered entity, in accordance with Subsection (6)(c).
- 15493 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
- 15494 entity and the state auditor, in accordance with Subsection (9).
- 15495 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in
- 15496 accordance with Subsection (6)(b)(i).
- 15497 (j) "Registered entity" means an entity with a valid registration as described in
- 15498 Subsection (8).
- 15499 (2) The lieutenant governor shall:
- 15500 (a) create a registry of each local government entity and limited purpose entity within

- 15501 the state that:
- 15502 (i) contains the information described in Subsection (4); and
- 15503 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;
- 15504 and
- 15505 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,
- 15506 based on and to directly offset the cost of creating, administering, and maintaining
- 15507 the registry.
- 15508 (3) ~~Each~~ Except as provided in Subsection (12), each local government entity and limited
- 15509 purpose entity shall:
- 15510 (a) on or before July 1, 2019, register with the lieutenant governor as described in
- 15511 Subsection (4);
- 15512 (b) on or before one year after the day on which the lieutenant governor issues the notice
- 15513 of registration or renewal, annually renew the entity's registration in accordance with
- 15514 Subsection (5); and
- 15515 (c) on or before 30 days after the day on which any of the information described in
- 15516 Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 15517 (4) Each entity shall include the following information in the entity's registration
- 15518 submission:
- 15519 (a) the resolution or other legal or formal document creating the entity or, if the
- 15520 resolution or other legal or formal document creating the entity cannot be located,
- 15521 conclusive proof of the entity's lawful creation;
- 15522 (b) if the entity has geographic boundaries, a map or plat identifying the current
- 15523 geographic boundaries of the entity, or if it is impossible or unreasonably expensive
- 15524 to create a map or plat, a metes and bounds description, or another legal description
- 15525 that identifies the current boundaries of the entity;
- 15526 (c) the entity's name;
- 15527 (d) the entity's type of local government entity or limited purpose entity;
- 15528 (e) the entity's governmental function;
- 15529 (f) the entity's website, physical address, and phone number, including the name and
- 15530 contact information of an individual whom the entity designates as the primary
- 15531 contact for the entity;
- 15532 (g)(i) names, email addresses, and phone numbers of the members of the entity's
- 15533 governing board or commission, managing officers, or other similar managers and
- 15534 the method by which the members or officers are appointed, elected, or otherwise

- 15535 designated;
- 15536 (ii) the date of the most recent appointment or election of each entity governing board
15537 or commission member; and
- 15538 (iii) the date of the anticipated end of each entity governing board or commission
15539 member's term;
- 15540 (h) the entity's sources of revenue; and
- 15541 (i) if the entity has created an assessment area, as that term is defined in Section
15542 11-42-102, information regarding the creation, purpose, and boundaries of the
15543 assessment area.
- 15544 (5) Each entity shall include the following information in the entity's renewal submission:
- 15545 (a) identify and update any incorrect or outdated information the entity previously
15546 submitted during registration under Subsection (4); or
- 15547 (b) certify that the information the entity previously submitted during registration under
15548 Subsection (4) is correct without change.
- 15549 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant
15550 governor shall:
- 15551 (a) review the submission to determine compliance with Subsection (4) or (5);
- 15552 (b) if the lieutenant governor determines that the entity's submission complies with
15553 Subsection (4) or (5):
- 15554 (i) send a notice of registration or renewal that includes the information that the entity
15555 submitted under Subsection (4) or (5) to:
- 15556 (A) the registering or renewing entity;
- 15557 (B) each county in which the entity operates, either in whole or in part, or where
15558 the entity's geographic boundaries overlap or are contained within the
15559 boundaries of the county;
- 15560 (C) the Division of Archives and Records Service; and
- 15561 (D) the Office of the Utah State Auditor; and
- 15562 (ii) publish the information from the submission on the registry, except any email
15563 address or phone number that is personal information as defined in Section
15564 63G-2-303; and
- 15565 (c) if the lieutenant governor determines that the entity's submission does not comply
15566 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of
15567 noncompliance to the registering or renewing entity that:
- 15568 (i) identifies each deficiency in the entity's submission with the corresponding

- 15569 statutory requirement;
- 15570 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
15571 day that is at least 30 calendar days after the day on which the lieutenant governor
15572 sends the notice of noncompliance; and
- 15573 (iii) states that failure to comply by the deadline the lieutenant governor establishes
15574 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice
15575 of non-registration to the Office of the Utah State Auditor, in accordance with
15576 Subsection (9).
- 15577 (7)(a) If the lieutenant governor identifies an entity that does not make a registration
15578 submission in accordance with Subsection (4) by the deadline described in
15579 Subsection (3), the lieutenant governor shall send a notice of failure to register to the
15580 registered entity that:
- 15581 (i) identifies the statutorily required registration deadline described in Subsection (3)
15582 that the entity did not meet;
- 15583 (ii) establishes a deadline to cure the entity's failure to register that is the first
15584 business day that is at least 10 calendar days after the day on which the lieutenant
15585 governor sends the notice of failure to register; and
- 15586 (iii) states that failure to comply by the deadline the lieutenant governor establishes
15587 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice
15588 of non-registration to the Office of the Utah State Auditor, in accordance with
15589 Subsection (9).
- 15590 (b) If a registered entity does not make a renewal submission in accordance with
15591 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor
15592 shall send a notice of failure to renew to the registered entity that:
- 15593 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
15594 meet;
- 15595 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
15596 day that is at least 30 calendar days after the day on which the lieutenant governor
15597 sends the notice of failure to renew; and
- 15598 (iii) states that failure to comply by the deadline the lieutenant governor establishes
15599 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice
15600 of non-registration to the Office of the Utah State Auditor, in accordance with
15601 Subsection (9).
- 15602 (8) An entity's registration is valid:

- 15603 (a) if the entity makes a registration or renewal submission in accordance with the
 15604 deadlines described in Subsection (3);
- 15605 (b) during the period the lieutenant governor establishes in the notice of noncompliance
 15606 or notice of failure to renew during which the entity may cure the identified
 15607 registration deficiencies; and
- 15608 (c) for one year beginning on the day the lieutenant governor issues the notice of
 15609 registration or renewal.
- 15610 (9)(a) The lieutenant governor shall send a notice of non-registration to the Office of the
 15611 Utah State Auditor if an entity fails to:
- 15612 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes
 15613 in the notice of noncompliance;
- 15614 (ii) register by the deadline the lieutenant governor establishes in the notice of failure
 15615 to register; or
- 15616 (iii) cure the entity's failure to renew by the deadline the lieutenant governor
 15617 establishes in the notice of failure to renew.
- 15618 (b) The lieutenant governor shall ensure that the notice of non-registration:
- 15619 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
 15620 the notice of failure to renew; and
- 15621 (ii) requests that the state auditor withhold state allocated funds or the disbursement
 15622 of property taxes and prohibit the entity from accessing money held by the state or
 15623 money held in an account of a financial institution, in accordance with
 15624 Subsections 67-3-1(7)(i) and 67-3-1(10).
- 15625 (10) The lieutenant governor may extend a deadline under this section if an entity notifies
 15626 the lieutenant governor, before the deadline to be extended, of the existence of an
 15627 extenuating circumstance that is outside the control of the entity.
- 15628 (11)(a) An entity is not required to renew submission of a registration under this section
 15629 if an entity provides a record of dissolution.
- 15630 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
 15631 and indicate on the registry that the entity is dissolved.
- 15632 (12) This section does not apply to the Elections Office, created in Section 20A-1-104.6.
 15633 Section 258. Section **78A-12-203** is amended to read:
 15634 **78A-12-203 . Judicial performance evaluations.**
- 15635 (1) Beginning with the 2012 judicial retention elections, the commission shall prepare a
 15636 performance evaluation for:

- 15637 (a) each judge in the third and fifth year of the judge's term if the judge is not a justice of
15638 the Supreme Court; and
- 15639 (b) each justice of the Utah Supreme Court in the third, seventh, and ninth year of the
15640 justice's term.
- 15641 (2) Except as provided in Subsection (3), the performance evaluation for a judge under
15642 Subsection (1) shall consider only the following information but shall give primary
15643 emphasis to the information that is gathered and relates to the performance of the judge
15644 during the period subsequent to the last judicial retention election of that judge or if the
15645 judge has not had a judicial retention election, during the period applicable to the first
15646 judicial retention election:
- 15647 (a) the results of the judge's most recent judicial performance survey that is conducted
15648 by a third party in accordance with Section 78A-12-204;
- 15649 (b) information concerning the judge's compliance with certification standards
15650 established in accordance with Section 78A-12-205;
- 15651 (c) courtroom observation;
- 15652 (d) the judge's judicial disciplinary record, if any;
- 15653 (e) public comment solicited by the commission;
- 15654 (f) information from an earlier judicial performance evaluation concerning the judge
15655 except that the commission shall give primary emphasis to information gathered
15656 subsequent to the last judicial retention election; and
- 15657 (g) any other factor that the commission:
- 15658 (i) considers relevant to evaluating the judge's performance for the purpose of a
15659 retention election; and
- 15660 (ii) establishes by rule made in accordance with Title 63G, Chapter 3, Utah
15661 Administrative Rulemaking Act.
- 15662 (3) The commission shall, in accordance with Title 63G, Chapter 3, Utah Administrative
15663 Rulemaking Act, make rules concerning the conduct of courtroom observation under
15664 Subsection (2), which shall include the following:
- 15665 (a) an indication of who may perform the courtroom observation;
- 15666 (b) a determination of whether the courtroom observation shall be made in person or
15667 may be made by electronic means; and
- 15668 (c) a list of principles and standards used to evaluate the behavior observed.
- 15669 (4)(a) As part of the evaluation conducted under this section, the commission shall do
15670 one of the following:

- 15671 (i) determine, by a vote of at least six members, that the judge meets or exceeds
15672 minimum performance standards;
- 15673 (ii) determine, by a vote of at least six members, that the judge does not meet or
15674 exceed minimum performance standards;
- 15675 (iii) determine, by a majority vote, that the information concerning the judge is
15676 insufficient to make a determination described in Subsection (4)(a)(i) or (ii); or
15677 (iv) fail to make a determination described in Subsection (4)(a)(i), (ii), or (iii) by the
15678 number of votes required for one of those determinations.
- 15679 (b)(i) If a judge meets the certification standards established in accordance with
15680 Section 78A-12-205, there is a rebuttable presumption that the judge meets or
15681 exceeds minimum performance standards.
- 15682 (ii) If a judge fails to meet the certification standards established in accordance with
15683 Section 78A-12-205, there is a rebuttable presumption that the judge does not
15684 meet or exceed minimum performance standards.
- 15685 (c) If the commission deviates from a presumption described in Subsection (4)(b), the
15686 commission shall provide a detailed explanation of the reason for that deviation in the
15687 commission's report under Section 78A-12-206.
- 15688 (d) If the commission makes the determination described in Subsection (4)(a)(iii) or fails
15689 to make a determination described in Subsection (4)(a)(i), (ii), or (iii) by the number
15690 of votes required for those determinations, the commission shall note that fact in the
15691 commission's report.
- 15692 (5)(a) The commission shall allow a judge who is the subject of a judicial performance
15693 retention evaluation, and who has not passed one or more of the certification
15694 standards on the retention evaluation, to appear and speak at any commission meeting
15695 during which the judge's judicial performance evaluation is considered.
- 15696 (b) The commission may invite any judge to appear before the commission to discuss
15697 concerns about the judge's judicial performance.
- 15698 (c)(i) The commission may meet in a closed meeting to discuss a judge's judicial
15699 performance evaluation by complying with Title 52, Chapter 4, Open and Public
15700 Meetings Act.
- 15701 (ii) The commission may meet in an electronic meeting by complying with Title 52,
15702 Chapter 4, Open and Public Meetings Act.
- 15703 (d) Any record of an individual commissioner's vote under Subsection (4) is a protected
15704 record under Title 63G, Chapter 2, Government Records Access and Management Act.

- 15705 (e)(i) A member of the commission, including a member of the Utah State Bar, may
15706 not be disqualified from voting under Subsection (4) solely because the member
15707 appears before the judge as an attorney, a fact witness, or an expert, unless the
15708 member is a litigant in a case pending before the judge.
- 15709 (ii) Notwithstanding Subsection (5)(e)(i), a member of the commission shall disclose
15710 any conflicts of interest with the judge being reviewed to the other members of the
15711 commission before the deliberation and vote under Subsection (4).
- 15712 (iii) Information disclosed under this Subsection (5)(e) is a protected record under
15713 Title 63G, Chapter 2, Government Records Access and Management Act.
- 15714 (f) The commission may only disclose the final commission vote described in
15715 Subsection (4).
- 15716 (6)(a) If the Utah Supreme Court issues a public sanction of a judge after the
15717 commission makes or fails to make a determination described in Subsection (4), but
15718 before the publication of the voter information pamphlet in accordance with Section
15719 20A-7-702, the commission may elect to reconsider the commission's action.
- 15720 (b) The commission shall invite the judge described in Subsection (6)(a) to appear
15721 before the commission during a closed meeting for the purpose of reconsidering the
15722 commission's action.
- 15723 (c) The judge described in Subsection (6)(a) may provide a written statement, not to
15724 exceed 100 words, that shall be included in the judge's evaluation report.
- 15725 (d) The commission shall include in the judge's evaluation report:
- 15726 (i) the date of the reconsideration;
- 15727 (ii) any change in the action of the commission; and
- 15728 (iii) a brief statement explaining the reconsideration.
- 15729 (e) The commission shall submit revisions to the judge's evaluation report to the [
15730 ~~lieutenant governor~~] director of the Elections Office, appointed under Subsection
15731 20A-1-104.6(3), by no later than August 31 of a regular general election year for
15732 publication in the voter information pamphlet, and publish the revisions on the
15733 commission's website, and through any other means the commission considers
15734 appropriate and within budgetary constraints.
- 15735 (7)(a) The commission shall compile a midterm report of the commission's judicial
15736 performance evaluation of a judge.
- 15737 (b) The midterm report of a judicial performance evaluation shall include information
15738 that the commission considers appropriate for purposes of judicial self-improvement.

- 15739 (c) The report shall be provided to the evaluated judge, the presiding judge of the district
15740 in which the evaluated judge serves, and the Judicial Council. If the evaluated judge
15741 is the presiding judge, the midterm report shall be provided to the chair of the board
15742 of judges for the court level on which the evaluated judge serves.
- 15743 (d)(i) The commission may provide a partial midterm evaluation to a judge whose
15744 appointment date precludes the collection of complete midterm evaluation data.
- 15745 (ii) For a newly appointed judge, a midterm evaluation is considered partial when the
15746 midterm evaluation is missing a respondent group, including attorneys, court staff,
15747 court room observers, or intercept survey respondents.
- 15748 (iii) A judge who receives partial midterm evaluation data may receive a statement in
15749 acknowledgment of that fact on the judge's voter information pamphlet page.
- 15750 (iv) On or before the beginning of the retention evaluation cycle, the commission
15751 shall inform the Judicial Council of the name of any judge who receives a partial
15752 midterm evaluation.
- 15753 (8) The commission shall identify a judge whose midterm evaluation:
- 15754 (a) fails to meet certification standards in accordance with Section 78A-12-205 or as
15755 established by rule; or
- 15756 (b) otherwise demonstrates to the commission that the judge's performance would be of
15757 such concern if the performance occurred in a retention evaluation that the judge
15758 would be invited to appear before the commission in accordance with Subsection
15759 (5)(b).
- 15760 (9) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
15761 Administrative Rulemaking Act, as necessary to administer the evaluation required by
15762 this section.
- 15763 Section 259. Section **78A-12-206** is amended to read:
- 15764 **78A-12-206 . Publication of the judicial performance evaluation -- Response by**
15765 **judge.**
- 15766 (1)(a) The commission shall compile a retention report of the commission's judicial
15767 performance evaluation of a judge.
- 15768 (b) The report of a judicial performance evaluation nearest the judge's next scheduled
15769 retention election shall be provided to the judge at least 45 days before the last day on
15770 which the judge may file a declaration of the judge's candidacy in the retention
15771 election.
- 15772 (c) A report prepared in accordance with Subsection (1)(b) and information obtained in

15773 connection with the evaluation becomes a public record under Title 63G, Chapter 2,
 15774 Government Records Access and Management Act, on the day following the last day
 15775 on which the judge who is the subject of the report may file a declaration of the
 15776 judge's candidacy in the judge's scheduled retention election if the judge declares the
 15777 judge's candidacy for the retention election.

15778 (d) Information collected and a report that is not public under Subsection (1)(c) is a
 15779 protected record under Title 63G, Chapter 2, Government Records Access and
 15780 Management Act.

15781 (2) Within 15 days of receiving a copy of the commission's report under Subsection (1)(b):

15782 (a) a judge who is the subject of an unfavorable action under Subsection 78A-12-203(4)
 15783 may:

15784 (i) provide a written response to the commission about the report; and

15785 (ii) request an interview with the commission for the purpose of addressing the
 15786 report; and

15787 (b) a judge who is the subject of a favorable action under Subsection 78A-12-203(4)
 15788 may provide a written response to the commission about the commission's report.

15789 (3)(a) After receiving a response from a judge in any form allowed by Subsection (2),
 15790 the commission may meet and reconsider the commission's action.

15791 (b) If the commission does not change the commission's action, the judge may provide a
 15792 written statement, not to exceed 100 words, that shall be included in the commission's
 15793 report.

15794 (4) The retention report of a judicial performance evaluation shall include:

15795 (a) the results of the judicial performance survey, in both raw and summary form;

15796 (b) information concerning the judge's compliance with the certification standards,
 15797 including stating how many of the certification standards the judge met;

15798 (c) information concerning any public discipline that a judge has received that is not
 15799 subject to restrictions on disclosure under [~~Title 78A, Chapter 11, Judicial Conduct~~
 15800 ~~Commission~~] Chapter 11, Judicial Conduct Commission;

15801 (d) a narrative concerning the judge's performance;

15802 (e) the commission's determination under Subsection 78A-12-203(4);

15803 (f) the number of votes for and against a determination described in Subsection
 15804 78A-12-203(4); and

15805 (g) any other information the commission considers necessary to include in the report to
 15806 explain the certification standards and the determination or lack of a determination

- 15807 made.
- 15808 (5)(a) The commission may not include in the commission's retention report specific
15809 information concerning an earlier judicial performance evaluation.
- 15810 (b) The commission may refer to information from an earlier judicial performance
15811 evaluation concerning the judge in the commission's report only if necessary to
15812 explain performance in the current reporting period and giving primary emphasis to
15813 the information gathered during the current reporting period.
- 15814 (6) The retention report of the commission's judicial performance evaluation shall be made
15815 publicly available on an Internet website.
- 15816 (7) The commission may make the report of the judicial performance evaluation
15817 immediately preceding the judge's retention election publicly available through other
15818 means within budgetary constraints.
- 15819 (8) The commission shall provide a summary of the judicial performance evaluation for
15820 each judge to the [~~lieutenant governor~~] director of the Elections Office, appointed under
15821 Subsection 20A-1-104.6(3) for publication in the voter information pamphlet in the
15822 manner required by Title 20A, Chapter 7, Issues Submitted to the Voters.
- 15823 (9) The commission shall provide the Judicial Council with:
15824 (a) the judicial performance survey results for each judge; and
15825 (b) a copy of the retention report of each judicial performance evaluation.
- 15826 (10) The Judicial Council shall provide information obtained concerning a judge under
15827 Subsection (9) to the subject judge's presiding judge, if any.
- 15828 Section 260. **Effective Date.**
- 15829 This bill takes effect on January 1, 2026.