

Election Code Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor: Stephanie Gricius

LONG TITLE**Committee Note:**

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 6 absent

General Description:

This bill amends the Election Code and related provisions.

Highlighted Provisions:

This bill:

- ▶ standardizes language related to a voter who, after signing a petition, seeks to remove the voter's signature from the petition;
- ▶ reduces the amount of time that the sponsors of a petition for incorporation that passes have to determine certain features of the new municipal government from 60 to 30 days;
- ▶ clarifies the deadline for a candidate for mayor or municipal council of a newly incorporating municipality to file a declaration of candidacy;
- ▶ clarifies that the county clerk determines whether to remove a voter's signature from a petition for incorporation of a municipality;
- ▶ repeals the in-state residency requirement for a signature-gatherer who circulates a petition on behalf of:
 - an organization of registered voters seeking to become a registered political party; or
 - a candidate for elective office seeking the nomination of a registered or qualified political party;
- ▶ repeals provisions related to the in-state residency requirement described above;
- ▶ for a regular primary or presidential primary election, or for certain regular general or statewide special elections, requires a board of canvassers to immediately transmit to the lieutenant governor certain vote total information;
- ▶ eliminates the requirement that a board of canvassers make the transmission described above by telephone, fax, or mail;
- ▶ establishes a process for a voter who signs a petition on behalf of a candidate for elective

office seeking the nomination of a registered political party to have the voter's signature removed from the petition; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

10-2a-213, as last amended by Laws of Utah 2023, Chapters 224, 435 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 224 and further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224

10-2a-214, as last amended by Laws of Utah 2023, Chapters 224, 435

17B-1-205, as last amended by Laws of Utah 2024, Chapter 388

17B-1-506, as last amended by Laws of Utah 2024, Chapter 388

17B-1-1305, as last amended by Laws of Utah 2023, Chapters 15, 116

20A-4-304, as last amended by Laws of Utah 2024, Chapter 503

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

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

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

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

53G-3-301.1, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

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

Section 1. Section **10-2a-208** is amended to read:

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

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

- 65 (a) 10% of all registered voters within the area proposed to be incorporated as a
66 municipality, as of the day on which the petition for incorporation is filed;
- 67 (b) if the petition for incorporation proposes the incorporation of a city, and subject to
68 Subsection (5), 10% of all registered voters within 90% of the voting precincts within
69 the area proposed to be incorporated as a city, as of the day on which the petition for
70 incorporation is filed; and
- 71 (c) the owners of private real property that:
- 72 (i) is located within the proposed municipality;
- 73 (ii) covers at least 10% of the total private land area within the proposed
74 municipality; and
- 75 (iii) on January 1 of the current year, was equal in assessed fair market value to at
76 least 7% of the assessed fair market value of all private real property within the
77 proposed municipality.
- 78 (2) The petition for incorporation shall:
- 79 (a) include the typed or printed name and current residence address of each voter who
80 signs the petition for incorporation;
- 81 (b) describe the area proposed to be incorporated as a municipality, as described in the
82 feasibility request or the modified feasibility request that complies with Subsection
83 10-2a-205(5)(a);
- 84 (c) state the proposed name for the proposed municipality;
- 85 (d) designate five signers of the petition for incorporation as petition sponsors, one of
86 whom is designated as the contact sponsor, with the mailing address and telephone
87 number of each;
- 88 (e) if the sponsors propose the incorporation of a city, state that the signers of the
89 petition for incorporation appoint the sponsors, if the incorporation measure passes,
90 to represent the signers in:
- 91 (i) selecting the number of commission or council members the new city will have;
92 and
- 93 (ii) drawing district boundaries for the election of council members, if the voters
94 decide to elect council members by district;
- 95 (f) be accompanied by and circulated with an accurate plat or map, prepared by a
96 licensed surveyor, showing the boundaries of the proposed municipality; and
- 97 (g) substantially comply with and be circulated in the following form:
- 98 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed

99 municipality)

100 To the Honorable Lieutenant Governor and the [name of county legislative body]:

101 We, the undersigned registered voters within the area described in this petition for
102 incorporation, respectfully petition the lieutenant governor and the county legislative body to
103 submit to the registered voters residing within the area described in this petition for
104 incorporation, at the next regular general election, the question of whether the area should
105 incorporate as a municipality. Each of the undersigned affirms that each has personally signed
106 this petition for incorporation and is a registered voter who resides within the described area,
107 and that the current residence address of each is correctly written after the signer's name. The
108 area proposed to be incorporated as a municipality is described as follows:[insert an accurate
109 description of the area proposed to be incorporated].

110 (3)(a) Except as provided in Subsection (3)(b), a valid signature on a feasibility request
111 described in Section 10-2a-202 or a modified feasibility request described in Section
112 10-2a-206 may be used toward fulfilling the signature requirement described in
113 Subsection (1) if the feasibility request notified the signer in conspicuous language
114 that the signature, unless [withdrawn] removed, would also be used for a petition for
115 incorporation under this section.

116 (b) A signature described in Subsection (3)(a) may not be used toward fulfilling the
117 signature requirement described in Subsection (1) if the signer files with the county
118 clerk a written [withdrawal] statement requesting removal of the signature before the
119 petition for incorporation is filed with the county clerk under this section.

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

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

126 ~~[(e) The lieutenant governor shall use the procedures described in Subsection~~
127 ~~20A-1-1003(3) to determine whether to remove an individual's signature from a~~
128 ~~petition after receiving a timely, valid statement requesting removal of the signature.]~~

129 ~~[(d)]~~ (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3)
130 to determine whether to remove an individual's signature from a petition for
131 incorporation after receiving a timely, valid statement requesting removal of the
132 signature.

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

- (i) except in a proposed municipality that will be a city of the fifth class, is not located entirely within the boundaries of a proposed city; or
- (ii) includes less than 50 registered voters.

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

Section 2. Section **10-2a-213** is amended to read:

10-2a-213 . Determination of number of council members -- Determination of election districts -- Hearings and notice.

(1) If the incorporation proposal passes, the sponsors of the petition for incorporation shall, within [60] 30 days after the day on which the county conducts the canvass of the election under Section 10-2a-212:

(a) for the incorporation of a city:

- (i) if the voters at the incorporation election choose the council-mayor form of government, determine the number of council members that will constitute the city council of the city; and

- (ii) if the voters at the incorporation election vote to elect council members by district, determine the number of council members to be elected by district and draw the boundaries of those districts, which shall be substantially equal in population; and

(b) for the incorporation of any municipality:

- (i) determine the initial terms of the mayor and members of the municipal council so that:

(A) the mayor and approximately half the members of the municipal council are elected to serve an initial term, of no less than one year, that allows the mayor's and members' successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

(B) the remaining members of the municipal council are elected to serve an initial term, of no less than one year, that allows the members' successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(2); and

- (ii) submit in writing to the county legislative body the results of the determinations made by the sponsors under Subsections (1)(a) and (b)(i).

- 167 (2) A newly incorporated town shall operate under the five-member council form of
168 government as defined in Section 10-3b-102.
- 169 (3) Before making a determination under Subsection (1)(a) or (b)(i), the sponsors of the
170 petition for incorporation shall, under the direction of the county clerk, hold a public
171 hearing within the future municipality on the applicable issues described in Subsections
172 (1)(a) and (b)(i).
- 173 (4) Notice of the public hearing described in Subsection (3) shall be provided as follows:
174 (a) the county clerk shall provide notice for the future municipality, as a class B notice
175 under Section 63G-30-102, for at least two weeks before the day of the public
176 hearing; and
177 (b) if the future municipality has a website, the sponsors of the petition for incorporation
178 shall post notice on the future municipality's website for at least two weeks before the
179 day of the public hearing.
- 180 (5) The county clerk may bill the petition sponsors for the cost of preparing, printing, and
181 publishing the notice described in Subsection (4).

182 Section 3. Section **10-2a-214** is amended to read:

183 **10-2a-214 . Notice of number of commission or council members to be elected**
184 **and of district boundaries -- Declaration of candidacy for municipal office.**

- 185 (1) Within 20 days after the day on which a county legislative body receives the
186 determination described in Subsection 10-2a-213(1)(b)(ii), the county clerk shall provide
187 a notice, in accordance with Subsection (2), containing:
188 (a) the number of municipal council members to be elected for the new municipality;
189 (b) except as provided in Subsection (3), if some or all of the municipal council
190 members are to be elected by district, a description of the boundaries of those
191 districts;
192 (c) information about the deadline for an individual to file a declaration of candidacy to
193 become a candidate for mayor or municipal council; and
194 (d) information about the length of the initial term of each of the municipal officers.
- 195 (2) The county clerk shall provide the notice described in Subsection (1) for the future
196 municipality, as a class B notice under Section 63G-30-102, for two weeks.
- 197 (3) Instead of including a description of the district boundaries under Subsection (1)(b), the
198 notice may include a statement that specifies the following sources where a resident of
199 the future municipality may view or obtain a copy of the district boundaries:
200 (a) the county website;

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

(c) a mailing address and telephone number.

~~[(4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a candidate for mayor or municipal council of a municipality incorporating under this part shall file a declaration of candidacy with the clerk of the county in which the future municipality is located and in accordance with:]~~

~~[(a) for an incorporation held on the date of a regular general election, the deadlines for filing a declaration of candidacy under Section 20A-9-202; or]~~

~~[(b) for an incorporation held on the date of a municipal general election, the deadlines for filing a declaration of candidacy under Section 20A-9-203.]~~

(4) Each individual seeking to become a candidate for mayor or municipal council of a municipality incorporating under this part shall, in the year in which a final election described in Section 10-2a-215 is held, file a declaration of candidacy with the clerk of the county in which the future municipality is located and in accordance with:

(a) for an election of officers of a new municipality held on the date of a regular general election, the deadlines for filing a declaration of candidacy under Section 20A-9-202; or

(b) for an election of officers of a new municipality held on the date of a municipal general election, the deadlines for filing a declaration of candidacy under Section 20A-9-203.

Section 4. Section **17B-1-205** is amended to read:

17B-1-205 . Petition and request requirements -- Removal or reinstatement of signature.

(1) Each petition and request shall:

(a) indicate the typed or printed name and current residence address of each property owner, groundwater right owner, or registered voter signing the petition;

(b)(i) if it is a property owner request or petition, indicate the address of the property as to which the owner is signing the request or petition; or

(ii) if it is a groundwater right owner request or petition, indicate the location of the diversion of the groundwater as to which the owner is signing the groundwater right owner request or petition;

(c) describe the entire area of the proposed special district;

(d) be accompanied by a map showing the boundaries of the entire proposed special district;

- (e) specify the service proposed to be provided by the proposed special district;
- (f) if the petition or request proposes the creation of a specialized special district, specify the type of specialized special district proposed to be created;
- (g) for a proposed basic special district:
- (i) state whether the members of the board of trustees will be elected or appointed or whether some members will be elected and some appointed, as provided in Section 17B-1-1402;
 - (ii) if one or more members will be elected, state the basis upon which each elected member will be elected; and
 - (iii) if applicable, explain how the election or appointment of board members will transition from one method to another based on stated milestones or events, as provided in Section 17B-1-1402;
- (h) for a proposed improvement district whose remaining area members or county members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those members will be elected;
- (i) for a proposed service area that is entirely within the unincorporated area of a single county, state whether the initial board of trustees will be:
- (i) the county legislative body;
 - (ii) appointed as provided in Section 17B-1-304; or
 - (iii) elected as provided in Section 17B-1-306;
- (j) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each;
- (k) if the petition or request is a groundwater right owner petition or request proposing the creation of a special district to acquire a groundwater right under Section 17B-1-202, explain the anticipated method:
- (i) of paying for the groundwater right acquisition; and
 - (ii) of addressing blowing dust created by the reduced use of water;
- (l) if the petition or request is a groundwater right owner petition or request proposing the creation of a special district to assess a groundwater right under Section 17B-1-202, explain the anticipated method:
- (i) of assessing the groundwater right and securing payment of the assessment; and
 - (ii) of addressing blowing dust created by the reduced use of water; and
- (m) for a proposed infrastructure financing district:

- (i) state whether the members of the board of trustees will be elected or appointed or whether some members will be elected and some appointed;
- (ii) if one or more members will be elected, state the basis upon which each elected member will be elected;
- (iii) explain how appointed board member positions will transition to elected board member positions based on stated milestones or events, as provided in Section 17B-2a-1303;
- (iv) state whether divisions will be established within the boundary of the infrastructure financing district so that some or all board members represent a division rather than the district at large and, if so, describe the boundary of each division; and
- (v) if applicable, be accompanied by the governing document prepared according to Section 17B-2a-1303.

(2)(a) Subject to Subsection (2)(b), a signer of a request or petition may [~~withdraw~~ remove or, once [~~withdrawn~~ removed, reinstate the signer's signature at any time before the filing of the request or petition by filing a written [~~withdrawal or reinstatement~~ statement for removal or reinstatement with:

(i) in the case of a request:

(A) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer's property is located, if the request is a property owner request;

(B) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer's groundwater diversion point is located, if the request is a groundwater right owner request; or

(C) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer resides, if the request is a registered voter request; or

(ii) in the case of a petition, the responsible clerk.

(b) The time for a signer of a petition for the creation of an infrastructure financing district to [~~withdraw~~ remove or reinstate the signer's signature is any time before the petition is certified under Section 17B-1-209.

(3)(a) A clerk of the county who receives a timely, valid written [~~withdrawal or reinstatement~~ statement for removal or reinstatement from a signer of a registered voter request or registered voter petition shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove or reinstate the

individual's signature.

- (b) If a municipal clerk or recorder receives a timely, valid written [~~withdrawal or reinstatement~~] statement for removal or reinstatement from a signer of a registered voter request or registered voter petition, the clerk of the municipality's county shall assist the municipal clerk or recorder with determining whether to remove or reinstate the individual's signature using the procedures described in Subsection 20A-1-1003(3).

Section 5. Section **17B-1-506** is amended to read:

17B-1-506 . Withdrawal petition requirements -- Removal or reinstatement of signature.

(1) Each petition under Section 17B-1-504 shall:

- (a) indicate the typed or printed name and current address of each owner of acre-feet of water, property owner, registered voter, or authorized representative of the governing body signing the petition;
- (b) separately group signatures by municipality and, in the case of unincorporated areas, by county;
- (c) if it is a petition signed by the owners of land, the assessment of which is based on acre-feet of water, indicate the address of the property and the property tax identification parcel number of the property as to which the owner is signing the request;
- (d) designate up to three signers of the petition as sponsors, or in the case of a petition filed under Subsection 17B-1-504(1)(a)(iv), designate a governmental representative as a sponsor, and in each case, designate one sponsor as the contact sponsor with the mailing address and telephone number of each;
- (e) state the reasons for withdrawal; and
- (f) when the petition is filed with the special district board of trustees, be accompanied by a map generally depicting the boundaries of the area proposed to be withdrawn and a legal description of the area proposed to be withdrawn.

(2)(a) The special district may prepare an itemized list of expenses, other than attorney expenses, that will necessarily be incurred by the special district in the withdrawal proceeding. The itemized list of expenses may be submitted to the contact sponsor. If the list of expenses is submitted to the contact sponsor within 21 days after receipt of the petition, the contact sponsor on behalf of the petitioners shall be required to pay the expenses to the special district within 90 days of receipt. Until funds to cover

the expenses are delivered to the special district, the district will have no obligation to proceed with the withdrawal and the time limits on the district stated in this part will be tolled. If the expenses are not paid within the 90 days, or within 90 days from the conclusion of any arbitration under Subsection (2)(b), the petition requesting the withdrawal shall be considered to have been withdrawn.

(b) If there is no agreement between the board of trustees of the special district and the contact sponsor on the amount of expenses that will necessarily be incurred by the special district in the withdrawal proceeding, either the board of trustees or the contact sponsor may submit the matter to binding arbitration in accordance with Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act; provided that, if the parties cannot agree upon an arbitrator and the rules and procedures that will control the arbitration, either party may pursue arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(3)(a) A signer of a petition may [~~withdraw~~] remove or, once [~~withdrawn~~] removed, reinstate the signer's signature at any time before the public hearing under Section 17B-1-508 by submitting a written statement requesting [~~withdrawal~~] removal or reinstatement with the board of trustees of the special district in which the area proposed to be withdrawn is located.

(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) As applicable and using the procedures described in Subsection 20A-1-1003(3), the county clerk shall assist the board of trustees to determine whether to remove or reinstate a registered voter's signature after the voter submits a timely, valid statement described in Subsection (3)(a).

(4) If it reasonably appears that, if the withdrawal which is the subject of a petition filed under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a municipality to provide to the withdrawn area the service previously supplied by the special district, the board of trustees of the special district may, within 21 days after receiving the petition, notify the contact sponsor in writing that, before it will be considered by the board of trustees, the petition shall be presented to and approved by the governing body of the municipality as provided in Subsection 17B-1-504(1)(a)(iv) before it will be considered by the special district board of trustees. If the notice is timely given to the contact sponsor, the petition shall be considered to have been withdrawn until the municipality files a petition with the special district under

Subsection 17B-1-504(1)(a)(iv).

- (5)(a) After receiving the notice required by Subsection 17B-1-504(2), unless specifically allowed by law, a public entity may not make expenditures from public funds to support or oppose the gathering of signatures on a petition for withdrawal.
- (b) Nothing in this section prohibits a public entity from providing factual information and analysis regarding a withdrawal petition to the public, so long as the information grants equal access to both the opponents and proponents of the petition for withdrawal.
- (c) Nothing in this section prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's constitutional rights.
- (6) Subsections (2), (3), (4), and (5) do not apply to a petition seeking the withdrawal of an area from an infrastructure financing district.

Section 6. Section **17B-1-1305** is amended to read:

17B-1-1305 . Petition certification -- Removal or reinstatement of signature.

- (1) Within 30 days after the filing of a petition under Subsection 17B-1-1303(1)(a) or (2), the clerk shall:
- (a) with the assistance of officers of the county in which the special district is located from whom the clerk requests assistance, determine whether the petition meets the requirements of Section 17B-1-1303 and Subsection 17B-1-1304(1); and
- (b)(i) if the clerk determines that the petition complies with the requirements, certify the petition and mail or deliver written notification of the certification to the contact sponsor; or
- (ii) if the clerk determines that the petition fails to comply with any of the requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the contact sponsor.
- (2) For a registered voter petition, the county clerk shall determine or shall assist a board of trustees or municipal clerk or recorder with determining whether a signer is a registered voter using the procedures described in Section 20A-1-1002.
- (3)(a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be amended to correct the deficiencies for which it was rejected and then refiled.
- (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement of the petition as amended under Subsection (3)(a).

(4) The clerk shall process an amended petition filed under Subsection (3)(a) in the same manner as an original petition under Subsection (1).

(5)(a) A signer of a petition may ~~[withdraw]~~ remove or, once ~~[withdrawn]~~ removed, reinstate the signer's signature at any time before the public hearing under Section 17B-1-1306 by submitting a written statement requesting ~~[withdrawal]~~ removal or reinstatement with the clerk.

(b) For a registered voter petition:

(i) a statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2); and

(ii) the county clerk shall determine or shall assist a board of trustees or municipal clerk or recorder with determining whether to remove or reinstate the signer's signature using the procedures described in Subsection 20A-1-1003(3).

Section 7. Section **20A-4-304** is amended to read:

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

(1)(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction.

(b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare a "tie vote" if:

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

(ii) in a race for an at-large office:

(A) two or more candidates receive an equal number of votes; and

(B) a recount is necessary to determine which candidates are elected to the at-large office.

(c) A board of canvassers shall declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction; or

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

- 439 (B) were submitted only to the voters within the board's jurisdiction.
- 440 (d) A board of canvassers shall:
- 441 (i) certify the vote totals for persons and for and against ballot propositions that were
- 442 submitted to voters within and beyond the board's jurisdiction and transmit those
- 443 vote totals to the lieutenant governor; and
- 444 (ii) if applicable, certify the results of each special district election to the special
- 445 district clerk.
- 446 (2) The election officer shall submit a report to the board of canvassers that includes the
- 447 following information:
- 448 (a) the total number of votes cast in the board's jurisdiction;
- 449 (b) the names of each candidate whose name appeared on the ballot;
- 450 (c) the title of each ballot proposition that appeared on the ballot;
- 451 (d) each office that appeared on the ballot;
- 452 (e) from each voting precinct:
- 453 (i) the number of votes for each candidate;
- 454 (ii) for each race conducted by instant runoff voting under Part 6, Municipal
- 455 Alternate Voting Methods Pilot Project, the number of valid votes cast for each
- 456 candidate for each potential ballot-counting phase and the name of the candidate
- 457 excluded in each ballot-counting phase; and
- 458 (iii) the number of votes for and against each ballot proposition;
- 459 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 460 and against each ballot proposition;
- 461 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
- 462 (i) the number of ballots counted;
- 463 (ii) provisional ballots; and
- 464 (iii) the number of ballots rejected;
- 465 (h) a final ballot reconciliation report;
- 466 (i) other information required by law to be provided to the board of canvassers; and
- 467 (j) a statement certifying that the information contained in the report is accurate.
- 468 (3) The election officer and the board of canvassers shall:
- 469 (a) review the report to ensure that the report is correct; and
- 470 (b) sign the report.
- 471 (4) The election officer shall:
- 472 (a) record or file the certified report in a book kept for that purpose;

(b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;

(c) publish a copy of the certified report in accordance with Subsection (5); and

(d) file a copy of the certified report with the lieutenant governor.

(5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days.

(6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:

(a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and

(b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:

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

(ii) the physical address for the jurisdiction; and

(iii) a mailing address and telephone number.

(7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall⁽⁷⁾ , immediately upon adjournment of the board, transmit to the lieutenant governor a report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition.

~~[(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and]~~

~~[(b) transmit the separate report by registered mail to the lieutenant governor.]~~

(8) In each county election, municipal election, school election, special district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(9) In a regular primary election and in a presidential primary election, ~~[the board shall transmit to the lieutenant governor]~~ the board of canvassers shall, immediately upon adjournment of the board, transmit to the lieutenant governor:

(a) the county totals for multi-county races~~[-, to be telephoned or faxed to the lieutenant~~

governor not later than the second Tuesday after the election]; and
(b) a complete tabulation showing voting totals for all primary races, precinct by precinct[, to be mailed to the lieutenant governor on or before the third Friday following the primary election].

Section 8. Section **20A-8-103** is amended to read:

20A-8-103 . Petition procedures -- Criminal penalty -- Removal of signature.

- (1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.
- (2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:
 - (a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending before 5 p.m. no later than November 30 of the year before the year in which the next regular general election will be held;
 - (b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters before 5 p.m. no later than November 30 of the year in which a regular general election will be held; and
 - (c) file, with the petition described in Subsection (2)(b), a document certifying:
 - (i) the identity of one or more registered political parties whose members may vote for the organization's candidates;
 - (ii) whether unaffiliated voters may vote for the organization's candidates; and
 - (iii) whether, for the next election, the organization intends to nominate the organization's candidates in accordance with the provisions of Section 20A-9-406.
- (3) The petition shall:
 - (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;
 - (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
 - (c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;
 - (d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);
 - (e) contain, to the right of the word "Warning," the following statement printed in not less than

eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a political party registration petition signature sheet with any name other than the individual's own name or more than once for the same party or if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor.";

(f) contain the following statement directly under the statement described in Subsection (3)(e):

"POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
Lieutenant Governor:

We, the undersigned citizens of Utah, seek registered political party status for _____
(name);

Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or will register to vote in Utah before the petition is
submitted to the lieutenant governor;

I am or desire to become a member of the political party; and

My street address is written correctly after my name.";

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
headed with "For Office Use Only," and be subdivided with a light vertical line
down the middle;

(ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
Name (must be legible to be counted)";

(iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
Registered Voter";

(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
Code"; and

(vi) at the bottom of the sheet, contain the following statement: "Birth date or age
information is not required, but it may be used to verify your identity with voter
registration records. If you choose not to provide it, your signature may not be
certified as a valid signature if you change your address before petition signatures
are certified or if the information you provide does not match your voter
registration records.";

(h) have a final page bound to one or more signature sheets that are bound together that contains the following printed statement:

"Verification

State of Utah, County of ____

I, _____, of _____, hereby state that:

I ~~[am a Utah resident and]~~ am at least 18 years old;

All the names that appear on the signature sheets bound to this page were signed by individuals who professed to be the individuals whose names appear on the signature sheets, and each individual signed the individual's name on the signature sheets in my presence;

I believe that each individual has printed and signed the individual's name and written the individual's street address correctly, and that each individual is registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor.

(Signature) (Residence Address) (Date)"; and

(i) be bound to a cover sheet that:

(i) identifies the political party's name, which may not exceed four words, and the emblem of the party;

(ii) states the process that the organization will follow to organize and adopt a constitution and bylaws; and

(iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.

(4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in whose presence each signature sheet is signed:

(a) is at least 18 years old; and

~~[(b) meets the residency requirements of Section 20A-2-105; and]~~

~~[(c)]~~ (b) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

(5) An individual may not sign the verification if the individual signed a signature sheet bound to the verification.

(6) The lieutenant governor shall:

(a) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter;

(b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and

(c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

(7)(a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.

(b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.

(8) A registered political party may not change its name or emblem during the regular general election cycle.

(9)(a) It is unlawful for an individual to:

(i) knowingly sign a political party registration petition:

(A) with any name other than the individual's own name;

(B) more than once for the same political party; or

(C) if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or

(ii) sign the verification of a political party registration petition signature sheet if the individual:

~~[(A) does not meet the residency requirements of Section 20A-2-105;]~~

~~[(B)]~~ (A) has not witnessed the signing by those individuals whose names appear on the political party registration petition signature sheet; or

~~[(C)]~~ (B) knows that an individual whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.

(b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

(10)(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the lieutenant governor, submitting to the lieutenant governor a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (10)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

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

Section 9. Section **20A-9-203** is amended to read:

**20A-9-203 . Declarations of candidacy -- Municipal general elections --
Nomination petition -- Removal of signature.**

(1) An individual may become a candidate for any municipal office if:

(a) the individual is a registered voter; and

(b)(i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(ii) the territory in which the individual resides was annexed into the municipality, the individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.

(2)(a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.

(b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.

(c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

(3)(a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:

(i) except as provided in Subsection (3)(b), Section 10-2a-214, or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and

- 677 (ii) pay the filing fee, if one is required by municipal ordinance.
- 678 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
679 declaration of candidacy with the city recorder or town clerk if:
- 680 (i) the individual is located outside of the state during the entire filing period;
- 681 (ii) the designated agent appears in person before the city recorder or town clerk;
- 682 (iii) the individual communicates with the city recorder or town clerk using an
683 electronic device that allows the individual and city recorder or town clerk to see
684 and hear each other; and
- 685 (iv) the individual provides the city recorder or town clerk with an email address to
686 which the city recorder or town clerk may send the individual the copies described
687 in Subsection (4).
- 688 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 689 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
690 Project, filing a nomination petition with the city recorder or town clerk during the
691 office hours described in Section 10-3-301 and not later than the close of those
692 office hours, between June 1 and June 7 of any odd-numbered year that includes
693 signatures in support of the nomination petition of the lesser of at least:
- 694 (A) 25 registered voters who reside in the municipality; or
- 695 (B) 20% of the registered voters who reside in the municipality; and
- 696 (ii) paying the filing fee, if one is required by municipal ordinance.
- 697 (4)(a) Before the filing officer may accept any declaration of candidacy or nomination
698 petition, the filing officer shall:
- 699 (i) read to the prospective candidate or individual filing the petition the constitutional
700 and statutory qualification requirements for the office that the candidate is seeking;
- 701 (ii) require the candidate or individual filing the petition to state whether the
702 candidate meets the requirements described in Subsection (4)(a)(i); and
- 703 (iii) inform the candidate or the individual filing the petition that an individual who
704 holds a municipal elected office may not, at the same time, hold a county elected
705 office.
- 706 (b) If the prospective candidate does not meet the qualification requirements for the
707 office, the filing officer may not accept the declaration of candidacy or nomination
708 petition.
- 709 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
710 filing officer shall:

- 711 (i) inform the candidate that the candidate's name will appear on the ballot as it is
712 written on the declaration of candidacy;
- 713 (ii) provide the candidate with a copy of the current campaign financial disclosure
714 laws for the office the candidate is seeking and inform the candidate that failure to
715 comply will result in disqualification as a candidate and removal of the candidate's
716 name from the ballot;
- 717 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
718 Electronic Voter Information Website Program and inform the candidate of the
719 submission deadline under Subsection 20A-7-801(4)(a);
- 720 (iv) inform the candidate that the candidate must provide the filing officer with an
721 email address that the candidate actively monitors:
- 722 (A) to receive a communication from a filing officer or an election officer; and
723 (B) if the candidate wishes to display a candidate profile on the Statewide
724 Electronic Voter Information Website, to submit to the website the
725 biographical and other information described in Subsection 20A-7-801
726 (4)(a)(ii);
- 727 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
728 not a record under Title 63G, Chapter 2, Government Records Access and
729 Management Act;
- 730 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 731 (vii) provide the candidate with a copy of the pledge of fair campaign practices
732 described under Section 20A-9-206 and inform the candidate that:
- 733 (A) signing the pledge is voluntary; and
734 (B) signed pledges shall be filed with the filing officer; and
- 735 (viii) accept the declaration of candidacy or nomination petition.
- 736 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
737 shall:
- 738 (i) accept the candidate's pledge; and
739 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
740 candidate's pledge to the chair of the county or state political party of which the
741 candidate is a member.
- 742 (5)(a) The declaration of candidacy shall be in substantially the following form:
- 743 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
744 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number

(if any) ____; that I am a registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed) _____

Subscribed and sworn to (or affirmed) before me by ____ on this _____(month\day\year).

(Signed) _____ (Clerk or other officer qualified to administer oath)."

(b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).

(c)(i) A nomination petition shall be in substantially the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.

(6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.

(7)(a)[(†)] The clerk shall verify with the county clerk that all candidates are registered voters.

(b) With the assistance of the county clerk, and using the procedures described in Section 20A-1-1002, the municipal clerk shall determine whether the required number of signatures of registered voters appears on a nomination petition.

(8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) publicize a list of the names of the candidates as they will appear on the ballot by publishing the list for the municipality, as a class A notice under Section 63G-30-102, for seven days; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of

779 candidacy or nomination petition filed under this section after the candidate filing period
780 ends.

781 (10)(a) A declaration of candidacy or nomination petition that an individual files under
782 this section is valid unless a person files a written objection with the clerk before 5
783 p.m. within 10 days after the last day for filing.

784 (b) If a person files an objection, the clerk shall:

785 (i) mail or personally deliver notice of the objection to the affected candidate
786 immediately; and

787 (ii) decide any objection within 48 hours after the objection is filed.

788 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days
789 after the day on which the clerk sustains the objection, correct the problem for which
790 the objection is sustained by amending the candidate's declaration of candidacy or
791 nomination petition, or by filing a new declaration of candidacy.

792 (d)(i) The clerk's decision upon objections to form is final.

793 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
794 prompt application is made to the district court.

795 (iii) The decision of the district court is final unless the Supreme Court, in the
796 exercise of its discretion, agrees to review the lower court decision.

797 (11) A candidate who qualifies for the ballot under this section may withdraw as a
798 candidate by filing a written affidavit with the municipal clerk.

799 (12)(a) A voter who signs a nomination petition under this section may have the voter's
800 signature removed from the petition by, no later than three business days after the day
801 on which the petition is filed with the city recorder or municipal clerk, submitting to
802 the municipal clerk a statement requesting that the voter's signature be removed.

803 (b) A statement described in Subsection (12)(a) shall comply with the requirements
804 described in Subsection 20A-1-1003(2).

805 (c) With the assistance of the county clerk and using the procedures described in
806 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
807 individual's signature from a petition after receiving a timely, valid statement
808 requesting removal of the signature.

809 Section 10. Section **20A-9-405** is amended to read:

810 **20A-9-405 . Nomination petitions for regular primary elections.**

811 (1) This section applies to the form and circulation of nomination petitions for regular
812 primary elections described in Subsection 20A-9-403(3)(a).

- 813 (2) A candidate for elective office, and the agents of the candidate, may not circulate
814 nomination petitions until the candidate has submitted a declaration of candidacy in
815 accordance with Subsection 20A-9-202(1).
- 816 (3) For the manual candidate qualification process, the nomination petitions shall be in
817 substantially the following form:
- 818 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;
 - 819 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the space
820 above that line blank for purposes of binding;
 - 821 (c) the petition shall be headed by a caption stating the purpose of the petition and the
822 name of the proposed candidate;
 - 823 (d) the petition shall feature the word "Warning" followed by the following statement in
824 no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone
825 to knowingly sign a nomination petition with any name other than the person's own
826 name, or more than once for the same candidate, or if the person is not registered to
827 vote in this state.";
 - 828 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively
829 numbered one through 10;
 - 830 (f) the signature portion of the petition shall be divided into columns headed by the
831 following titles:
 - 832 (i) Registered Voter's Printed Name;
 - 833 (ii) Signature of Registered Voter;
 - 834 (iii) Party Affiliation of Registered Voter;
 - 835 (iv) Birth Date or Age (Optional);
 - 836 (v) Street Address, City, Zip Code; and
 - 837 (vi) Date of Signature; and
 - 838 (g) a photograph of the candidate may appear on the nomination petition.
- 839 (4) For the electronic candidate qualification process, the lieutenant governor shall design
840 an electronic form, using progressive screens, that includes:
- 841 (a) the following warning:

842 "Warning: It is a class A misdemeanor for anyone to knowingly sign a nomination
843 petition with any name other than the person's own name, or more than once for the same
844 candidate, or if the person is not registered to vote in this state."; and
 - 845 (b) the following information for each individual who signs the petition:
 - 846 (i) name;

- (ii) party affiliation;
- (iii) date of birth or age, (optional);
- (iv) street address, city, zip code;
- (v) date of signature;
- (vi) other information required under Section 20A-21-201; and
- (vii) other information required by the lieutenant governor.

- (5) For the manual candidate qualification process, if one or more nomination petitions are bound together, a page shall be bound to the nomination petition(s) that features the following printed verification statement to be signed and dated by the petition circulator:

"Verification

State of Utah, County of ____

I, ____, of ____, hereby state that:

I ~~[am a Utah resident and]~~ am at least 18 years old;

All the names that appear on the signature sheets bound to this page were, to the best of my knowledge, signed by the persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah."

- (6) The lieutenant governor shall prepare and make public model nomination petition forms and associated instructions.

- (7) A nomination petition circulator~~[must be at least 18 years old and a resident of the state, but may affiliate with any political party.]~~ :

(a) must be at least 18 years old; and

(b) may affiliate with any political party.

- (8) It is unlawful for any person to:

(a) knowingly sign the nomination petition described in this section or Section 20A-9-408:

(i) with any name other than the person's own name;

(ii) more than once for the same candidate; or

(iii) if the person is not registered to vote in this state;

(b) sign the verification of a signature for a nomination petition if the person:

~~[(i) does not meet the residency requirements of Section 20A-2-105;]~~

~~[(ii)]~~ (i) has not witnessed the signing by those persons whose names appear on the

- 881 nomination petition; or
- 882 [(iii)] (ii) knows that a person whose signature appears on the nomination petition is
- 883 not registered to vote in this state;
- 884 (c) pay compensation to any person to sign a nomination petition; or
- 885 (d) pay compensation to any person to circulate a nomination petition, if the
- 886 compensation is based directly on the number of signatures submitted to a filing
- 887 officer rather than on the number of signatures verified or on some other basis.
- 888 (9) Any person violating Subsection (8) is guilty of a class A misdemeanor.
- 889 (10)(a) A voter who signs a nomination petition may have the voter's signature removed
- 890 from the petition by, no later than three business days after the day on which the
- 891 candidate files the petition with the appropriate filing officer, submitting to the filing
- 892 officer a statement requesting that the voter's signature be removed.
- 893 (b) A statement described in Subsection (10)(a) shall comply with the requirements
- 894 described in Subsection 20A-1-1003(2).
- 895 (c) The filing officer shall use the procedures described in Subsection 20A-1-1003(3) to
- 896 determine whether to remove an individual's signature from a nomination petition
- 897 after receiving a timely, valid statement requesting removal of the signature.
- 898 [~~(10) Withdrawal of petition signatures is prohibited.~~]
- 899 Section 11. Section **20A-9-408** is amended to read:
- 900 **20A-9-408 . Signature-gathering process to seek the nomination of a qualified**
- 901 **political party -- Removal of signature.**
- 902 (1) This section describes the requirements for a member of a qualified political party who
- 903 is seeking the nomination of the qualified political party for an elective office through
- 904 the signature-gathering process described in this section.
- 905 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy
- 906 for a member of a qualified political party who is nominated by, or who is seeking the
- 907 nomination of, the qualified political party under this section shall be substantially as
- 908 described in Section 20A-9-408.5.
- 909 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
- 910 20A-9-202(4), a member of a qualified political party who, under this section, is seeking
- 911 the nomination of the qualified political party for an elective office that is to be filled at
- 912 the next general election shall:
- 913 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
- 914 and before gathering signatures under this section, file with the filing officer on a

form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and

(c) pay the filing fee.

(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

(a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and

(c) pay the filing fee.

(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified

political party, under this section, for the office of governor shall, during the declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

(6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.

(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

(8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), during the period beginning on the day on which the member files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

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

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

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

(vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

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

(b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:

- (i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-105 and 20A-7-204; and
- (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

- (i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is ~~[a resident of Utah and is]~~ at least 18 years old;
- (ii) submit the name of each individual described in Subsection (9)(c)(i) who ~~[is not a Utah resident or who]~~ is not at least 18 years old to the attorney general and the county attorney;
- (iii) with the assistance of the county clerk as applicable, determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-1-1002, used to verify a signature on a petition; and
- (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

(d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b) may have the voter's signature removed from the form by, no later than three business days after the day on which the member submits the signature form to the election officer, submitting to the election officer a statement requesting that the voter's signature be removed.

(ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).

(iii) With the assistance of the county clerk as applicable, the election officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature after receiving a timely, valid statement requesting removal of the signature.

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

(b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

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

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

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature to determine whether each individual ~~[is a resident of Utah and]~~ is at least 18 years old; and

(ii) submit the name of each individual described in Subsection (10)(c)(i) who is not ~~[a Utah resident or who is not]~~ at least 18 years old to the attorney general and the county attorney.

(11)(a) An individual may not gather signatures under this section until after the

individual files a notice of intent to gather signatures for candidacy described in this section.

- (b) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:
- (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and
 - (ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (11)(b)(i).

- (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

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

Section 12. Section **53G-3-301.1** is amended to read:

53G-3-301.1 . Creation of a new school district -- Citizens' petition -- Procedures to be followed -- Removal or reinstatement of signature.

- (1) Citizens may file a petition to create a new school district in accordance with this section and Section 53G-3-301.
- (2)(a) The county clerk shall ensure that a petition described in Subsection (1) is signed by registered voters residing within the geographical boundaries of the proposed new school district in an amount equal to at least 10% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.
- (b) The sponsors of a petition described in Subsection (1) shall file the petition with the clerk of each county in which any part of the proposed new school district is located.

- 1085 (c) The petition sponsors shall ensure that the petition described in Subsection (1):
1086 (i) indicates the typed or printed name and current residence address of each voter
1087 who signs the petition;
1088 (ii) describes the proposed new school district boundaries; and
1089 (iii) designates up to five signers of the petition as sponsors, designating one as the
1090 contact sponsor, with the mailing address and telephone number of each.
- 1091 (3)(a)(i) A signer of a petition described in Subsection (1) may [~~withdraw~~] remove
1092 or, once removed[~~withdrawn~~], reinstate the signer's signature by filing a written
1093 statement requesting [~~for withdrawal~~] removal or reinstatement with the county
1094 clerk no later than three business days after the day on which the petition is filed
1095 with the county clerk.
- 1096 (ii) A statement described in Subsection (3)(a)(i) shall comply with the requirements
1097 described in Subsection 20A-1-1003(2).
- 1098 (iii) The county clerk shall use the procedures described in Subsection 20A-1-1003
1099 (3) to determine whether to remove or reinstate an individual's signature from a
1100 petition after receiving a timely, valid statement.
- 1101 (b) The county clerk shall use the procedures described in Section 20A-1-1002 to
1102 determine whether the petition has been signed by the required number of registered
1103 voters residing within the geographical boundaries of the proposed new school
1104 district.
- 1105 (4) Within 14 days after the day on which a petition described in Subsection (1) is filed, the
1106 clerk of each county with which the request or petition is filed shall:
- 1107 (a) determine whether the petition complies with Subsections (2) and (3), as applicable,
1108 and Section 53G-3-301; and
- 1109 (b)(i) if the county clerk determines that the request or petition complies with the
1110 applicable requirements:
- 1111 (A) certify the petition and deliver the certified petition to the county legislative
1112 body; and
- 1113 (B) mail or deliver written notification of the certification to the contact sponsor;
1114 or
- 1115 (ii) if the county clerk determines that the petition fails to comply with any of the
1116 applicable requirements, reject the petition and notify the contact sponsor in
1117 writing of the rejection and reasons for the rejection.
- 1118 (5)(a) If the county clerk fails to certify or reject a petition within the time specified in

Subsection (4), the petition is considered to be certified.

(b) If the county clerk rejects a petition, the individual who submitted the petition may amend the petition to correct the deficiencies for which the county clerk rejected the petition and refile the petition.

(6) Within 10 days after the day on which a county legislative body receives a certified petition as described in Subsection (4) or (5), the county legislative body shall request that the Legislative Audit Subcommittee consider prioritizing a feasibility study, as that term is defined in Section 53G-3-102.

(7)(a) The county legislative body shall:

(i) provide for a 45-day public comment period to begin on the day the county legislative body receives the study under Subsection (6); and

(ii) hold at least two public hearings, as defined in Section 10-9a-103, on the study and recommendations.

(b) Within five business days after the day on which the public comment period ends, the legislative body of each county with which a petition is filed shall vote on the creation of the proposed new school district.

(c) A county legislative body approves a petition proposing a new school district if a majority of the members of the legislative body vote in favor of the petition.

(8)(a) Within five business days after the day on which a county legislative body approves a petition proposing a new school district under Subsection (7), the county legislative body shall provide notice of the approval and a copy of the petition to which the approval relates to the county clerk of each county described in Subsection (2)(b).

(b) If each county described in Subsection (2)(b) approves a petition proposing a new school district, the county clerks of the counties shall submit the proposal for the creation of a new school district to all legal voters in the existing school district for approval or rejection at the next regular general election that is at least 65 days after the day on which all of the counties described in Subsection (2)(b) have complied with Subsection (8)(a).

(c) The new school district proposed in the petition and the reorganized new school district are created if a majority of the voters in the existing school district vote in favor of creating the new school district.

Section 13. **Effective Date.**

This bill takes effect on May 7, 2025.