Secretary of State Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill provides for the election of a secretary of state in the 2028 regular general election and transfers most of the duties,currently assigned by statute to the lieutenant governor to the secretary of state.

Highlighted Provisions:

This bill:

- defines terms;
- provides for the election of a secretary of state;
- transfers most of the duties currently assigned to the lieutenant governor to the secretary of state, including:
  - oversight of, and other duties relating to, elections;
  - duties relating to redistricting;
  - administrative duties relating to municipalities;
  - the keeping and regulation of the Great Seal of the State of Utah;
  - regulation of lobbyists and notaries public;
  - authentication of documents and gubernatorial acts; and
  - the keeping of certain records;
- makes this bill effective contingent upon the passage of a constitutional amendment creating the office of secretary of state; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-1-501 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025,

H.B. 529

First Special Session, Chapter 16

20A-1-504 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 90

20A-6-110 (Contingently Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, Chapter 39

20A-7-702 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 465

20A-8-101 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

20A-9-101 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2023, Chapters 15, 45

20A-9-201 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2

20A-9-207 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448

20A-11-101 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448

41-1a-407 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 16

41-6a-2002 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 251

49-22-102 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 298

52-7-102 (Contingently Effective 05/06/26), as renumbered and amended by Laws of Utah 2008, Chapter 382

53-2a-803 (Contingently Effective 05/06/26), as renumbered and amended by Laws of Utah 2013, Chapter 295

63A-3-110 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2020, Chapters 360, 365

63A-14-102 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2018, Chapter 461

63A-16-109 (Contingently Effective 05/06/26), as enacted by Laws of Utah 2024, Chapter 508

63A-19-101 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025,

Chapter 475

63G-2-103 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 17

67-1a-2 (Contingently Effective 01/01/29), as last amended by Laws of Utah 2025, First Special Session, Chapter 6

67-5-17 (Contingently Effective 01/01/29), as last amended by Laws of Utah 2024, Chapter 509

67-8-5 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 344

67-9-1 (Contingently Effective 01/01/29), as last amended by Laws of Utah 2025, Chapters 76, 302

67-22-1 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2020, Chapter 432

81-2-305 (Contingently Effective 01/01/29), as last amended by Laws of Utah 2025, First Special Session, Chapter 17

ENACTS:

67-1c-101 (Contingently Effective 01/01/29), Utah Code Annotated 1953

67-1c-102 (Contingently Effective 01/01/29), Utah Code Annotated 1953

67-1c-201 (Contingently Effective 01/01/29), Utah Code Annotated 1953

67-1c-401 (Contingently Effective 01/01/29), Utah Code Annotated 1953

RENUMBERS AND AMENDS:

67-1c-202 (Contingently Effective 01/01/29), (Renumbered from 67-1a-2.2, as last amended by Laws of Utah 2021, Chapters 162, 345)

67-1c-301 (Contingently Effective 01/01/29), (Renumbered from 67-1a-8, as enacted by Laws of Utah 1984, Chapter 68)

67-1c-302 (Contingently Effective 01/01/29), (Renumbered from 67-1a-7, as enacted by Laws of Utah 1984, Chapter 68)

67-1c-303 (Contingently Effective 01/01/29), (Renumbered from 67-1a-2.5, as last amended by Laws of Utah 2009, Chapter 183)

67-1c-304 (Contingently Effective 01/01/29), (Renumbered from 67-1a-12, as enacted by Laws of Utah 2008, Chapter 5)

67-1c-305 (Contingently Effective 01/01/29), (Renumbered from 67-1a-13, as enacted by Laws of Utah 2010, Chapter 333)

67-1c-402 (Contingently Effective 01/01/29), (Renumbered from 67-1a-6.5, as last

amended by Laws of Utah 2025, First Special Session, Chapter 17)

67-1c-403 (Contingently Effective 01/01/29), (Renumbered from 67-1a-6.7, as enacted by Laws of Utah 2009, Chapter 350)

67-1c-404 (Contingently Effective 01/01/29), (Renumbered from 67-1a-15, as last amended by Laws of Utah 2025, First Special Session, Chapter 17)

REPEALS:

67-1a-6 (Contingently Effective 01/01/29), as enacted by Laws of Utah 1984, Chapter 68

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

Section 1. Section **20A-1-501** is amended to read:

20A-1-501 (Contingently Effective 05/06/26). Candidate vacancies -- Procedure for filling.

(1) As used in this section, "central committee" means:

(a) the state central committee of a political party, for a candidate for:

(i) United States senator, United States representative, governor, lieutenant governor, attorney general, secretary of state, state treasurer, or state auditor; or

(ii) state legislator if the legislative district encompasses all or a portion of more than one county; or

(b) the county central committee of a political party, for a party candidate seeking an office, other than an office described in Subsection (1)(a), elected at an election held in an even-numbered year.

(2) Except as provided in Subsection (6), the central committee may certify the name of another candidate to the appropriate election officer if:

(a) for a registered political party that will have a candidate on a ballot in a primary election:

(i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a), only one or two candidates from that party have filed a declaration of candidacy for that office and one or both dies, resigns as a candidate, or is disqualified as a candidate; and

(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a);

(b) for a registered political party that does not have a candidate on the ballot in a

primary, but will have a candidate on the ballot for a regular general election:

(i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and

(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409; or

(c) for a registered political party with a candidate certified as winning a primary election:

(i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and

(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409.

(3) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the central committee of that political party may certify the name of another candidate to the appropriate election officer.

(4) Each replacement candidate shall file a declaration of candidacy as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(5)(a) The name of a candidate who is certified under Subsection (2)(a) after the deadline described in Subsection (2)(a)(ii) may not appear on the primary election ballot.

(b) The name of a candidate who is certified under Subsection (2)(b) after the deadline described in Subsection (2)(b)(ii) may not appear on the general election ballot.

(c) The name of a candidate who is certified under Subsection (2)(c) after the deadline described in Subsection (2)(c)(ii) may not appear on the general election ballot.

(6) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under Chapter 11, Campaign and Financial Reporting Requirements, or Section 17-70-403.

(7) This section does not apply to a candidate vacancy for a nonpartisan office.

Section 2. Section **20A-1-504** is amended to read:

20A-1-504 (Contingently Effective 05/06/26). Midterm vacancies in the offices of attorney general, secretary of state, state treasurer, state auditor, State Board of Education member, and lieutenant governor.

(1)(a) When a vacancy occurs for any reason in the office of attorney general, secretary of state, state treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by:

(i) appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder; or

(ii) for a State Board of Education vacancy, if the individual who is being replaced:

(A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103;

(B) was elected at a partisan State Board of Education election, but is not a member of a political party, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103; or

(C) was elected at a partisan State Board of Education election, and is a member of a political party, by appointing an individual who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.

(2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the advice and consent of the Senate, appoint a person to hold the office until the next regular general election at which the governor stands for election.

(3)(a) Except as provided in Subsection (3)(b), an individual seeking appointment to fill a vacancy described in this section shall make a complete conflict of interest disclosure on the website described in Section 20A-11-1602.5:

(i) for a vacancy in the office of lieutenant governor, attorney general, secretary of state, state treasurer, or state auditor, no later than the deadline for the individual to file an interim report under Subsection 20A-11-204(3)(a); or

(ii) for a vacancy in the office of State Board of Education member, no later than the

deadline for the individual to file an interim report under Subsection 20A-11-1303(2)(a).

(b) An individual described in Subsection (3)(a) is not required to comply with Subsection (3)(a) if the individual:

(i) currently holds an office described in Subsection (1)(a) or (2);

(ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and

(iii) no later than the deadline described in Subsection (3)(a), indicates, in a written statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii) is updated and accurate as of the date of the written statement.

(4) The lieutenant governor shall make each conflict of interest disclosure made by an individual described in Subsection (3)(a) available for public inspection in accordance with Subsection 20A-11-1603(4).

(5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the individual occupying the office:

(a) has left the office; or

(b) submits an irrevocable letter of resignation to the governor.

Section 3. Section **20A-6-110** is amended to read:

20A-6-110 (Contingently Effective 05/06/26). Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.

(1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).

(2) The lieutenant governor shall:

(a) within 30 calendar days after the day of the candidate filing deadline in each even-numbered year, conduct a random selection to create a master ballot position list for all elections in accordance with procedures established under Subsection (2)(c);

(b) publish the master ballot position list on the lieutenant governor's election website no later than 15 calendar days after the day on which the lieutenant governor creates the list; and

(c) establish written procedures for:

(i) the election official to use the master ballot position list; and

(ii) the lieutenant governor in:

(A) conducting the random selection in a fair manner; and

(B) providing a record of the random selection process used.

(3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.

(4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using:

(a) the candidate's surname;

(b) for candidates with a surname that has the same spelling:

(i) the candidate's legal first name; or

(ii) if the candidates also have a legal first name that has the same spelling, the candidate's legal middle name; and

(c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor.

(5) Subsections (1) through (4) do not apply to:

(a) an election for an office for which only one candidate is listed on the ballot; or

(b) a judicial retention election under Section 20A-12-201.

(6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately, in the following order:

(a) for federal office:

(i) president and vice president of the United States;

(ii) United States Senate office; and

(iii) United States House of Representatives office;

(b) for state office:

(i) governor and lieutenant governor;

(ii) attorney general;

(iii) secretary of state;

[~~(iii)~~] (iv) state auditor;

[~~(iv)~~] (v) state treasurer;

[~~(v)~~] (vi) state Senate office;

[~~(vi)~~] (vii) state House of Representatives office; and

[~~(vii)~~] (viii) State Board of Education member;

(c) for county office:

(i) county executive office;

(ii) county legislative body member;

(iii) county assessor;

(iv) county or district attorney;

(v) county auditor;

(vi) county clerk;

(vii) county recorder;

(viii) county sheriff;

(ix) county surveyor;

(x) county treasurer; and

(xi) local school board member;

(d) for municipal office:

(i) mayor; and

(ii) city or town council member;

(e) elected planning and service district council member;

(f) judicial retention questions; and

(g) ballot propositions not described in Subsection (6)(f).

(7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest ballot ticket position that is reserved for an office that is subsumed in the combined office.

(b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:

(i) each candidate in accordance with Subsections (1) through (4); and

(ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.

Section 4. Section **20A-7-702** is amended to read:

20A-7-702 (Contingently Effective 05/06/26). Voter information pamphlet -- Form -- Contents.

The voter information pamphlet shall contain the following items in this order:

(1) a cover title page;

(2) an introduction to the pamphlet by the lieutenant governor;

(3) a table of contents;

(4) a list of all candidates for constitutional offices;

(5) a list of candidates for each legislative district;

(6) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the first

business day in August before the date of the election;

(7) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(a) a copy of the number and ballot title of the measure;

(b) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

(c)(i) for a measure other than a measure described in Section 20A-7-103, the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel; or

(ii) for a measure described in Section 20A-7-103, the analysis of the measure prepared by the presiding officers;

(d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(e) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;

(f) for each initiative qualified for the ballot:

(i) a copy of the initiative as certified by the lieutenant governor and a copy of the initial fiscal impact statement prepared according to Section 20A-7-202.5; and

(ii) if the initiative proposes a tax increase, the following statement in bold type: "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and

(g) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

(8) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:

(a) a description of the judicial selection process;

(b) a description of the judicial performance evaluation process;

(c) a description of the judicial retention election process;

(d) a list of the criteria of the judicial performance evaluation and the certification

standards;

(e) the names of the judges standing for retention election; and

(f) for each judge:

(i) a list of the counties in which the judge is subject to retention election;

(ii) a short biography of professional qualifications and a recent photograph;

(iii) a narrative concerning the judge's performance;

(iv) for each certification standard under Section 78A-12-205, a statement identifying whether, under Section 78A-12-205, the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(v) a statement that the Judicial Performance Evaluation Commission:

(A) has determined that the judge meets or exceeds minimum performance standards;

(B) has determined that the judge does not meet or exceed minimum performance standards; or

(C) has not made a determination regarding whether the judge meets or exceeds minimum performance standards;

(vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge whom the Judicial Performance Evaluation Commission determines does not meet or exceed minimum performance standards;

(vii) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

(viii) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;

(9) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(10) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(11) voter registration information, including information on how to obtain a ballot;

(12) a list of all county clerks' offices and phone numbers;

(13) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

(14) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(15) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor".

Section 5. Section **20A-8-101** is amended to read:

20A-8-101 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Continuing political party" means an organization of voters that:

(a) participated in the last regular general election; and

(b) in at least one of the last two regular general elections, polled a total vote for any of the political party's candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election.

(2) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the county political party, are members of the registered political party.

(3) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.

(4) "Legislative office" means the office of state senator or state representative.

(5) "Newly registered political party" means a statewide organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.

(6) "Registered political party" means an organization of voters that:

(a)(i) participated in the last regular general election; and

(ii) in at least one of the last two regular general elections, polled a total vote for any of [~~its~~] the organization's candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election; or

(b) has complied with the petition and organizing procedures of this chapter.

(7) "State office" means the office of governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, or state school board member.

(8) "State political party" means, for each registered political party, all of the persons in Utah who, under definitions established by the state political party, are members of the registered political party.

Section 6. Section **20A-9-101** is amended to read:

20A-9-101 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1)(a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or special district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer.

(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

(4)(a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or special district offices; and

(v) the office of United States Senator and United States Representative.

(5) "Electronic candidate qualification process" means:

(a) as it relates to a registered political party that is not a qualified political party, the process for gathering signatures electronically to seek the nomination of a registered political party, described in:

(i) Section 20A-9-403;

(ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and

(iii) Section 20A-21-201; and

(b) as it relates to a qualified political party, the process, for gathering signatures electronically to seek the nomination of a registered political party, described in:

(i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);

(ii) Section 20A-9-408; and

(iii) Section 20A-21-201.

(6) "Federal office" means an elective office for United States Senator and United States Representative.

(7) "Filing officer" means:

(a) the lieutenant governor, for:

(i) the office of United States Senator and United States Representative; and

(ii) all constitutional offices;

(b) for the office of a state senator, state representative, or the state school board, the lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);

(c) the county clerk, for county offices and local school district offices;

(d) the county clerk in the filer's county of residence, for multicounty offices;

(e) the city or town clerk, for municipal offices; or

(f) the special district clerk, for special district offices.

(8) "Local government office" includes county offices, municipal offices, and special district offices and other elective offices selected by the voters from a political division entirely within one county.

(9) "Manual candidate qualification process" means the process for gathering signatures to seek the nomination of a registered political party, using paper signature packets that a

signer physically signs.

(10)(a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.

(b) "Multicounty office" does not mean:

(i) a county office;

(ii) a federal office;

(iii) the office of justice or judge of any court of record or not of record;

(iv) the office of presidential elector;

(v) any political party offices; or

(vi) any municipal or special district offices.

(11) "Municipal office" means an elective office in a municipality.

(12)(a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.

(b) "Political division" includes a county, a city, a town, a special district, a school district, a legislative district, and a county prosecution district.

(13) "Qualified political party" means a registered political party that:

(a)(i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;

(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d)(i) if the registered political party is a continuing political party, no later than 5 p.m. on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

(14) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered political party, means:

(a) when using the manual candidate qualification process, a holographic signature collected physically on a nomination petition described in Subsection 20A-9-405(3); or

(b) when using the electronic candidate qualification process:

(i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

(ii) a holographic signature collected electronically under Subsection 20A-21-201(6)(c)(ii)(B).

(15) "Special district office" means an elected office in a special district.

Section 7. Section **20A-9-201** is amended to read:

20A-9-201 (Contingently Effective 05/06/26). Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.

(1) Before filing a declaration of candidacy for election to any office, an individual shall:

(a) be a United States citizen;

(b) meet the legal requirements of that office; and

(c) if seeking a registered political party's nomination as a candidate for elective office, state:

(i) the registered political party of which the individual is a member; or

(ii) that the individual is not a member of a registered political party.

(2)(a) Except as provided in Subsection (2)(b), an individual may not:

(i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;

(ii) appear on the ballot as the candidate of more than one political party; or

(iii) file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise in the registered political party's bylaws.

(b)(i) An individual may file a declaration of candidacy for, or be a candidate for,

president or vice president of the United States and another office, if the individual resigns the individual's candidacy for the other office after the individual is officially nominated for president or vice president of the United States.

(ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.

(iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

(iv) For the 2026 election year only, an individual who files a declaration of candidacy to seek the nomination of a qualified political party for constitutional office, multicounty office, or county office:

(A) may also be a candidate for United States representative;

(B) may, if the individual desires to use the signature-gathering process to qualify for the primary election ballot for the office of United States representative, file a notice of intent to gather signatures for, and gather signatures for, that office; and

(C) shall, before filing a declaration of candidacy for the office of United States representative, withdraw as a candidate for the constitutional office, multicounty office, or county office for which the individual filed a declaration of candidacy.

(3)(a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:

(i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking;

(ii) require the individual to state whether the individual meets the requirements described in Subsection (3)(a)(i);

(iii) if the declaration of candidacy is for a county office, inform the individual that an individual who holds a county elected office may not, at the same time, hold a municipal elected office; and

(iv) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a

public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.

(b)(i) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the individual filing that declaration of candidacy is:

(A) a United States citizen;

(B) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;

(C) a registered voter in the county in which the individual is seeking office; and

(D) a current resident of the county in which the individual is seeking office and either has been a resident of that county for at least one year before the date of the election or was appointed and is currently serving as county attorney and became a resident of the county within 30 calendar days after appointment to the office.

(ii) An individual filing a declaration of candidacy for the office of county attorney shall submit with the individual's declaration:

(A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;

(B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status of the individual's application; or

(C) an affidavit describing how the individual intends to comply with the requirements for office of county attorney described in Subsection (3)(b)(i), [~~prior to~~] before taking office.

(iii) In addition to the requirements described in Subsection (3)(b)(ii), an individual shall also provide the filing officer with the individual's license number with:

(A) the Utah State Bar, if the individual is a member; or

(B) any other state bar association, if the individual is a member.

(c)(i) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the individual filing that declaration of candidacy is:

(A) a United States citizen;

(B) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;

(C) a registered voter in the prosecution district in which the individual is seeking

office; and

(D) a current resident of the prosecution district in which the individual is seeking office and either will have been a resident of that prosecution district for at least one year before the date of the election or was appointed and is currently serving as district attorney or county attorney and became a resident of the prosecution district within 30 calendar days after receiving appointment to the office.

(ii) An individual filing a declaration of candidacy for the office of district attorney shall submit with the individual's declaration:

(A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;

(B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status of the individual's application; or

(C) an affidavit describing how the individual intends to comply with the requirements for office of district attorney described in Subsection (3)(c)(i), [~~prior to~~] before taking office.

(iii) In addition to the requirements described in Subsection (3)(c)(ii), an individual shall also provide the filing officer with the individual's license number with:

(A) the Utah State Bar, if the individual is a member; or

(B) any other state bar association, if the individual is a member.

(d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the individual filing the declaration:

(i) is a United States citizen;

(ii) is a registered voter in the county in which the individual seeks office;

(iii)(A) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or

(B) has met the waiver requirements in Section 53-6-206;

(iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and

(v) before the date of the election, will have been a resident of the county in which the individual seeks office for at least one year.

(e)(i) An individual filing a declaration of candidacy for the office of attorney general shall submit with the individual's declaration:

(A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;

(B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status of the individual's application; or

(C) an affidavit describing how the individual intends to comply with the requirements for office of attorney general, described in Utah Constitution, Article VII, Sec. 3, [~~Utah Constitution, prior to~~] before taking office.

(ii) In addition to the requirements described in Subsection (3)(e)(i), an individual shall also provide the filing officer with the individual's license number with:

(A) the Utah State Bar, if the individual is a member; or

(B) any other state bar association, if the individual is a member.

(iii) An individual filing the declaration of candidacy for the office of attorney general shall also make the conflict of interest disclosure described in Section 20A-11-1603.

(f) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, secretary of state, state auditor, state treasurer, state legislator, or State Board of Education member, the filing officer shall ensure that the individual filing the declaration of candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.

(4) If an individual who files a declaration of candidacy does not meet the qualification requirements for the office the individual is seeking, the filing officer may not accept the individual's declaration of candidacy.

(5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:

(a) inform the individual that:

(i) subject to Section 20A-6-109, the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;

(ii) the individual may be required to comply with state or local campaign finance disclosure laws; and

(iii) the individual is required to file a financial statement before the individual's political convention under:

(A) Section 20A-11-204 for a candidate for constitutional office;

(B) Section 20A-11-303 for a candidate for the Legislature; or

(C) local campaign finance disclosure laws, if applicable;

(b) except for a presidential candidate, provide the individual with a copy of the current campaign financial disclosure laws for the office the individual is seeking and inform the individual that failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;

(c)(i) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);

(ii) inform the individual that the individual must provide the filing officer with an email address that the individual actively monitors:

(A) to receive a communication from a filing officer or an election officer; and

(B) if the individual wishes to display a candidate profile on the Statewide Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801(4)(a)(ii);

(iii) inform the individual that the email address described in Subsection (5)(c)(ii) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(iv) obtain from the individual the email address described in Subsection (5)(c)(ii);

(d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(i) signing the pledge is voluntary; and

(ii) signed pledges shall be filed with the filing officer;

(e) accept the individual's declaration of candidacy; and

(f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.

(6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(a) accept the candidate's pledge; and

(b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

(7)(a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:

(i) be substantially as follows:

"State of Utah, County of ____

I, _____, declare my candidacy for the office of ____, seeking the nomination of the ____ party. I do solemnly swear, under penalty of perjury, that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of ____, Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is _____.

_____

Subscribed and sworn before me this _____(month\day\year).

Notary Public (or other officer qualified to administer oath)."; and

(ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):

(A) the registered political party of which the candidate is a member; or

(B) that the candidate is not a member of a registered political party.

(b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

(8)(a) Except for a candidate for president or vice president of the United States, the fee for filing a declaration of candidacy is:

(i) $50 for candidates for the local school district board; and

(ii) $50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.

(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

(i) who is disqualified; or

(ii) who the filing officer determines has filed improperly.

(c)(i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.

(ii) The lieutenant governor shall:

(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and

(B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.

(d)(i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.

(ii) A person who is able to pay the filing fee may not claim impecuniosity.

(iii)(A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

(B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).

(iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:

"Affidavit of Impecuniosity

Individual Name

_____Address_____

Phone Number _____

I,_____(name), do solemnly [swear] [affirm], under penalty of law for false statements, that, owing to my poverty, I am unable to pay the filing fee required by law.

Date _____

Signature_____ Affiant

Subscribed and sworn to before me on _____ (month\day\year)

(signature)

Name and Title of Officer Authorized to Administer Oath _____".

(v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a candidate who is found guilty of filing a false statement, in addition to being subject to criminal penalties, will be removed from the ballot."

(vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (8)(d) file a financial statement on a form prepared by the election official.

(9) An individual who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.

(10) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

Section 8. Section **20A-9-207** is amended to read:

20A-9-207 (Contingently Effective 05/06/26). Withdrawal of candidacy -- Notice.

As used in this section:

(1) "Public office" means the offices of governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, state senator, state representative, state school board, or an elective office of a local political subdivision.

(2) "Public office candidate" means a person who files a declaration of candidacy for a public office.

(3) If a public office candidate withdraws as a candidate, an election officer shall:

(a) no later than two business days after the day on which the election officer receives notice of the withdrawal, notify every opposing candidate for the public office that the public office candidate has withdrawn;

(b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer calendar days before the date of the election, send an email notification to each voter who is eligible to vote in the public office race for whom the election officer has an email address informing the voter:

(i) that the public office candidate has withdrawn; and

(ii) that a vote cast for the public office candidate will not be counted, regardless of

whether the public office candidate's name appears on the ballot;

(c) post notice of the withdrawal on a public website; and

(d) if practicable, include with the ballot, including a military or overseas ballot, a written notice that:

(i) contains the information described in Subsections (3)(b)(i) and (ii); or

(ii) directs the voter to a public website to inform the voter whether a candidate on the ballot has withdrawn.

(4) An election officer shall send the email notification described in Subsection (3)(b) on or before the earlier of:

(a) the next day on which the election officer mails ballots in accordance with Section 20A-3a-202; or

(b) two business days before the date of the election.

Section 9. Section **20A-11-101** is amended to read:

20A-11-101 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1)(a) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

(b) "Address" does not include a post office box.

(2) "Agent of a reporting entity" means:

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

(b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;

(c) the personal campaign committee of a candidate or officeholder;

(d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or

(e) a political consultant of a reporting entity.

(3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.

(4) "Candidate" means any person who:

(a) files a declaration of candidacy for a public office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or

election to a public office.

(5) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

(b) the county clerk for local school board candidates.

(6)(a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from:

(A) any organization or its directly affiliated organization that has a registered lobbyist; or

(B) any agency or subdivision of the state, including school districts;

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

(vii) in-kind contributions.

(b) "Contribution" does not include:

(i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;

(ii) money lent to the filing entity by a financial institution in the ordinary course of business;

(iii) goods or services provided for the benefit of a political entity at less than fair market value that are not authorized by or coordinated with the political entity; or

(iv) data or information described in Subsection (24)(b).

(7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:

(a) with the political entity's prior knowledge, if the political entity does not object;

(b) by agreement with the political entity;

(c) in coordination with the political entity; or

(d) using official logos, slogans, and similar elements belonging to a political entity.

(8)(a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:

(i) the purpose of expressly advocating for political purposes; or

(ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.

(b) "Corporation" does not mean:

(i) a business organization's political action committee or political issues committee; or

(ii) a business entity organized as a partnership or a sole proprietorship.

(9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

(10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the goods or services acquired by the expenditure; and

(iii) the date the expenditure was made.

(12)(a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

(b) "Donor" does not include a person that signs a statement that the corporation may not

use the money for an expenditure or political issues expenditure.

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(14) "Electioneering communication" means a communication that:

(a) has at least a value of $10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the [~~Internet~~] internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 calendar days before the clearly identified candidate's or judge's election date.

(15)(a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

(v) a transfer of funds between the filing entity and a candidate's personal campaign committee;

(vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or

(vii) an independent expenditure, as defined in Section 20A-11-1702.

(b) "Expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

(ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or

(iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

(16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.

(17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

(20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city or town.

(21) "Incorporation election" means the election conducted under Section 10-2a-210.

(22) "Incorporation petition" means a petition described in Section 10-2a-208.

(23) "Individual" means a natural person.

(24)(a) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

(b) "In-kind contribution" does not include survey results, voter lists, voter contact information, demographic data, voting trend data, or other information that:

(i) is not commissioned for the benefit of a particular candidate or officeholder; and

(ii) is offered at no cost to a candidate or officeholder.

(25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(27) "Legislative office candidate" means a person who:

(a) files a declaration of candidacy for the office of state senator or state representative;

(b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

(c) receives contributions, makes expenditures, or gives consent for any other person to

receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

(28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:

(a) an expenditure made using any form of payment;

(b) money or funds received by the filing entity;

(c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or

(d) use of any line of credit.

(29) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.

(30) "Officeholder" means a person who holds a public office.

(31) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

(32) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

(33) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

(34) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

(35)(a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive contributions from any other person, group, or entity for political purposes; or

(ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.

(b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.

(c) "Political action committee" does not mean:

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or

(vi) a personal campaign committee.

(36)(a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.

(b) "Political consultant" includes a circumstance described in Subsection (36)(a), where the person:

(i) has already been paid, with money or other consideration;

(ii) expects to be paid in the future, with money or other consideration; or

(iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

(37) "Political convention" means a county or state political convention held by a registered political party to select candidates.

(38) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.

(39)(a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

(ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or

(iii) make expenditures to assist in qualifying or placing a ballot proposition on the

ballot or to assist in keeping a ballot proposition off the ballot.

(b) "Political issues committee" does not mean:

(i) a registered political party or a party committee;

(ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or

(vi) a group of individuals who:

(A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, special district, special service district, or other local political subdivision of the state;

(B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;

(C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;

(D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and

(E) do not expend a total of more than $5,000 for the purpose described in Subsection (39)(b)(vi)(A).

(40)(a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

(iii) any transfer of funds received by a political issues committee from a reporting entity;

(iv) compensation paid by another reporting entity for personal services rendered

without charge to a political issues committee; and

(v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

(b) "Political issues contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(41)(a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:

(i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;

(iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

(v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

(b) "Political issues expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(42) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate or a person seeking a municipal or county office at any caucus, political

convention, or election; or

(b) judge standing for retention at any election.

(43)(a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.

(b) "Poll" does not include:

(i) a ballot; or

(ii) an interview of a focus group that is conducted, in person, by one individual, if:

(A) the focus group consists of more than three, and less than thirteen, individuals; and

(B) all individuals in the focus group are present during the interview.

(44) "Primary election" means any regular primary election held under the election laws.

(45) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

(46) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, secretary of state, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(47)(a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

(ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

(b) "Public service assistance" does not include:

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

(iii) money lent to an officeholder by a financial institution in the ordinary course of business;

(iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

(48) "Receipts" means contributions and public service assistance.

(49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

(50) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(51) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(52) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.

(53)(a) "Remuneration" means a payment:

(i) made to a legislator for the period the Legislature is in session; and

(ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

(b) "Remuneration" does not mean anything of economic value given to a legislator by:

(i) the legislator's primary employer in the ordinary course of business; or

(ii) a person or entity in the ordinary course of business:

(A) because of the legislator's ownership interest in the entity; or

(B) for services rendered by the legislator on behalf of the person or entity.

(54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor

organization, as defined in Section 20A-11-1501.

(55) "School board office" means the office of state school board.

(56)(a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

(57) "State office" means the offices of governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer.

(58) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.

(59) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

(60) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 10. Section **41-1a-407** is amended to read:

41-1a-407 (Contingently Effective 05/06/26). Plates issued to political subdivisions or state -- Use of "EX" letters -- Confidential information.

(1) Except as provided in Subsection (2), each municipality, board of education, school district, state institution of learning, county, other governmental division, subdivision, or district, and the state shall:

(a) place a license plate displaying the letters, "EX" on every vehicle owned and operated by it or leased for its exclusive use; and

(b) display an identification mark designating the vehicle as the property of the entity in a conspicuous place on both sides of the vehicle.

(2) The entity need not display the "EX" license plate or the identification mark required by Subsection (1) if:

(a) the vehicle is in the direct service of the governor, lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer of Utah;

(b) the vehicle is used in official investigative work where secrecy is essential;

(c) the vehicle is used in an organized Utah Highway Patrol operation that is:

(i) conducted within a county of the first or second class as classified under Section 17-60-104, unless no more than one unmarked vehicle is used for the operation;

(ii) approved by the [~~Commissioner of Public Safety~~] commissioner of public safety;

(iii) of a duration of 14 consecutive days or less; and

(iv) targeted toward careless driving, aggressive driving, and accidents involving:

(A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

(B) speeding violations for exceeding the posted speed limit by 21 or more miles per hour;

(C) speeding violations in a reduced speed school zone under Section 41-6a-604;

(D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or

(E) violations of Section 41-6a-702 related to lane restrictions;

(d) the vehicle is provided to an official of the entity as part of a compensation package allowing unlimited personal use of that vehicle;

(e) the personal security of the occupants of the vehicle would be jeopardized if the "EX" license plate were in place; or

(f) the vehicle is used in routine enforcement on a state highway with four or more lanes involving:

(i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a roadway;

(ii) violations of Section 41-6a-702 related to left lane restrictions;

(iii) violations of Section 41-6a-704 related to overtaking and passing vehicles proceeding in the same direction;

(iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance; and

(v) violations of Section 41-6a-804 related to turning and changing lanes.

(3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a beehive logo, and the call number of the trooper to whom the vehicle is issued.

(4)(a) The commission shall issue "EX" and "UHP" plates.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing the procedure for application for and distribution of the plates.

(5) For a vehicle that qualifies for an "EX" or "UHP" license plate, the entity is not required to display the month or year registration decal described in Section 41-1a-402.

(6)(a) Information shall be confidential for vehicles that are not required to display the "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).

(b)(i) If a law enforcement officer's identity must be kept secret, the law enforcement officer's agency head may request in writing that the division remove the license plate information of the officer's personal vehicles from all public access files and place it in a confidential file until the assignment is completed.

(ii) The agency head shall notify the division when the assignment is completed.

(7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation.

Section 11. Section **41-6a-2002** is amended to read:

41-6a-2002 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Active criminal investigation" means an officer has documented reasonable suspicion that a crime is being or has been committed, and believes the suspected criminal activity may be connected to a vehicle, a registered owner of a vehicle, or an occupant of a vehicle.

(2) "Automatic license plate reader system" means a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.

(3) "Captured plate data" means the global positioning system coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.

(4)(a) "Governmental entity" means:

(i) executive department agencies of the state;

(ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney general, the secretary of state, and the state treasurer;

(iii) the Board of Pardons and Parole;

(iv) the Board of Examiners;

(v) the National Guard;

(vi) the Career Service Review Office;

(vii) the State Board of Education;

(viii) the Utah Board of Higher Education;

(ix) the State Archives;

(x) the Office of the Legislative Auditor General;

(xi) the Office of the Legislative Fiscal Analyst;

(xii) the Office of Legislative Research and General Counsel;

(xiii) the Legislature;

(xiv) legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;

(xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;

(xvi) any state-funded institution of higher education or public education;

(xvii) any political subdivision of the state; or

(xviii) a law enforcement agency.

(b) "Governmental entity" includes:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsections (4)(a)(i) through (xviii) that is funded or established by the government to carry out the public's business; or

(ii) a person acting as an agent of a governmental entity or acting on behalf of a governmental entity.

(5) "Nongovernmental entity" means a person that is not a governmental entity.

(6) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not open to the public and entry is only obtainable through specific access-control points.

Section 12. Section **49-22-102** is amended to read:

49-22-102 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Benefits normally provided" means the same as that term is defined in Section 49-12-102.

(2)(a) "Compensation" means the total amount of payments made by a participating employer to a member of this system for services rendered to the participating employer, including:

(i) bonuses;

(ii) cost-of-living adjustments;

(iii) other payments currently includable in gross income and that are subject to social security deductions, including any payments in excess of the maximum amount

subject to deduction under social security law;

(iv) amounts that the member authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; and

(v) member contributions.

(b) "Compensation" for purposes of this chapter may not exceed the amount allowed under Internal Revenue Code, Section 401(a)(17).

(c) "Compensation" does not include:

(i) the monetary value of remuneration paid in kind, including a residence or use of equipment;

(ii) the cost of any employment benefits paid for by the participating employer;

(iii) compensation paid to a temporary employee or an employee otherwise ineligible for service credit;

(iv) any payments upon termination, including accumulated vacation, sick leave payments, severance payments, compensatory time payments, or any other special payments;

(v) any allowances or payments to a member for costs or expenses paid by the participating employer, including automobile costs, uniform costs, travel costs, tuition costs, housing costs, insurance costs, equipment costs, and dependent care costs; or

(vi) a teacher salary bonus described in Section 53F-2-513.

(d) The executive director may determine if a payment not listed under this Subsection (2) falls within the definition of compensation.

(3) "Corresponding Tier I system" means the system or plan that would have covered the member if the member had initially entered employment before July 1, 2011.

(4)(a) "Final average salary" means the amount calculated by averaging the highest five years of annual compensation preceding retirement subject to Subsections (4)(b), (c), (d), (e), and (f).

(b) Except as provided in Subsection (4)(c), the percentage increase in annual compensation in any one of the years used may not exceed the previous year's compensation by more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power of the dollar during the previous year, as measured by a United States Bureau of Labor Statistics Consumer Price Index average as determined by the board.

(c) In cases where the participating employer provides acceptable documentation to the

office, the limitation in Subsection (4)(b) may be exceeded if:

(i) the member has transferred from another agency; or

(ii) the member has been promoted to a new position.

(d) If the member retires more than six months from the date of termination of employment, the member is considered to have been in service at the member's last rate of pay from the date of the termination of employment to the effective date of retirement for purposes of computing the member's final average salary only.

(e) If the member has less than five years of service credit in this system, final average salary means the average annual compensation paid to the member during the full period of service credit.

(f) The annual compensation used to calculate final average salary shall be based on a period, as determined by the board, consistent with the period used to determine years of service credit in accordance with Subsection (8).

(5) "Participating employer" means an employer that meets the participation requirements of:

(a) Sections 49-12-201 and 49-12-202;

(b) Sections 49-13-201 and 49-13-202;

(c) Section 49-19-201; or

(d) Section 49-22-201 or 49-22-202.

(6)(a) "Regular full-time employee" means an employee:

(i) whose term of employment for a participating employer contemplates continued employment during a fiscal or calendar year;

(ii) whose employment normally requires an average of 20 hours or more per week, except as modified by the board; and

(iii) who receives benefits normally provided by the participating employer.

(b) "Regular full-time employee" includes:

(i) a teacher whose term of employment for a participating employer contemplates continued employment during a school year and who teaches half time or more;

(ii) an education support professional:

(A) who is hired before July 1, 2013; and

(B) whose employment normally requires an average of 20 hours per week or more for a participating employer, regardless of benefits provided;

(iii) an appointive officer whose appointed position is full time as certified by the participating employer;

(iv) the governor, the lieutenant governor, the state auditor, the state treasurer, the attorney general, the secretary of state, and a state legislator;

(v) an elected official not included under Subsection (6)(b)(iv) whose elected position is full time as certified by the participating employer;

(vi) a faculty member or employee of an institution of higher education who is considered full time by that institution of higher education; and

(vii) an individual who otherwise meets the definition of this Subsection (6) who performs services for a participating employer through a professional employer organization or similar arrangement.

(c) "Regular full-time employee" does not include:

(i) a firefighter service employee as defined in Section 49-23-102;

(ii) a public safety service employee as defined in Section 49-23-102;

(iii) an education support professional:

(A) who is hired on or after July 1, 2013; and

(B) who does not receive benefits normally provided by the participating employer even if the employment normally requires an average of 20 hours per week or more for a participating employer; or

(iv) an education support professional:

(A) who is hired before July 1, 2013;

(B) who did not qualify as a regular full-time employee before July 1, 2013;

(C) who does not receive benefits normally provided by the participating employer; and

(D) whose employment hours are increased on or after July 1, 2013, to require an average of 20 hours per week or more for a participating employer; or

(E) who is a person working on a contract:

(I) for the purposes of vocational rehabilitation and the employment and training of people with significant disabilities; and

(II) that has been set aside from procurement requirements by the state pursuant to Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.

(7) "System" means the New Public Employees' Tier II Contributory Retirement System created under this chapter.

(8) "Years of service credit" means:

(a) a period consisting of 12 full months as determined by the board;

(b) a period determined by the board, whether consecutive or not, during which a regular full-time employee performed services for a participating employer, including any time the regular full-time employee was absent on a paid leave of absence granted by a participating employer or was absent in the service of the United States government on military duty as provided by this chapter; or

(c) the regular school year consisting of not less than eight months of full-time service for a regular full-time employee of an educational institution.

Section 13. Section **52-7-102** is amended to read:

52-7-102 (Contingently Effective 05/06/26). "Public officer" defined.

As used in this chapter[~~:~~] ,

[~~"Public~~] "public officer" means a member of the [~~Utah State~~]Senate, a member of the [~~Utah State~~]House of Representatives, the governor, lieutenant governor, state auditor, state treasurer, attorney general, secretary of state, or any justice or judge of a court of record.

Section 14. Section **53-2a-803** is amended to read:

53-2a-803 (Contingently Effective 05/06/26). Emergency interim successor to office of governor.

(1) If the governor is unavailable, and if the lieutenant governor, president of the Senate, and the speaker of the House of Representatives are unavailable to exercise the powers and duties of the office of governor, the attorney general, the secretary of state, the state auditor, or the state treasurer shall, in the order named, exercise the powers and duties of the office of governor until:

(a) the governor, lieutenant governor, president of the Senate, or speaker of the House of Representatives becomes available; or

(b) a new governor is elected and qualified.

(2) Notwithstanding the provisions of Subsection (1), no emergency interim successor to the lieutenant governor, president of the Senate, speaker of the House of Representatives, attorney general, secretary of state, state auditor, or state treasurer may serve as governor.

Section 15. Section **63A-3-110** is amended to read:

63A-3-110 (Contingently Effective 05/06/26). Personal use expenditures for state officers and employees.

(1) As used in this section:

(a) "Employee" means a person who is not an elected or appointed officer and who is employed on a full- or part-time basis by a governmental entity.

(b) "Governmental entity" means:

(i) an executive branch agency of the state[~~,~~] ;

(ii) the offices of the governor, lieutenant governor, state auditor, attorney general, [~~and~~] secretary of state, or state treasurer[~~,~~] ;

(iii) the State Board of Education[~~, and~~] ;

(iv) the Utah Board of Higher Education;

[~~(ii)~~] (v) the Office of the Legislative Auditor General, the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, the Legislature, [~~and~~] or legislative committees;

[~~(iii)~~] (vi) courts, the Judicial Council, the Administrative Office of the Courts, [~~and~~] or similar administrative units in the judicial branch; or

[~~(iv)~~] (vii) independent state entities created under Title 63H, Independent State Entities.

(c) "Officer" means a person who is elected or appointed to an office or position within a governmental entity.

(d)(i) "Personal use expenditure" means an expenditure made without the authority of law that:

(A) is not directly related to the performance of an activity as a state officer or employee;

(B) primarily furthers a personal interest of a state officer or employee or a state officer's or employee's family, friend, or associate; and

(C) would constitute taxable income under federal law.

(ii) "Personal use expenditure" does not include:

(A) a de minimis or incidental expenditure; or

(B) a state vehicle or a monthly stipend for a vehicle that an officer or employee uses to travel to and from the officer or employee's official duties, including a minimal allowance for a detour as provided by the state.

(e) "Public funds" means the same as that term is defined in Section 51-7-3.

(2) A state officer or employee may not:

(a) use public funds for a personal use expenditure; or

(b) incur indebtedness or liability on behalf of, or payable by, a governmental entity for a personal use expenditure.

(3) If the Division of Finance or the responsible governmental entity determines that a state officer or employee has intentionally made a personal use expenditure in violation of

Subsection (2), the governmental entity shall:

(a) require the state officer or employee to deposit the amount of the personal use expenditure into the fund or account from which:

(i) the personal use expenditure was disbursed; or

(ii) payment for the indebtedness or liability for a personal use expenditure was disbursed;

(b) require the state officer or employee to remit an administrative penalty in an amount equal to 50% of the personal use expenditure to the Division of Finance; and

(c) deposit the money received under Subsection (3)(b) into the General Fund.

(4)(a) Any state officer or employee who has been found by a governmental entity to have made a personal use expenditure in violation of Subsection (2) may appeal the finding of the governmental entity.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Division of Finance shall make rules regarding an appeal process for an appeal made under Subsection (4)(a), including the designation of an appeal authority.

(5)(a) Subject to Subsection (5)(b), the Division of Finance may withhold all or a portion of the wages of a state officer or employee who has violated Subsection (2) until the requirements of Subsection (3) have been met.

(b) If the state officer or employee has requested an appeal under Subsection (4), the Division of Finance may only withhold the wages of the officer or employee after the appeal authority described in Subsection (4)(b) has confirmed that the officer or employee violated Subsection (2).

(6) Nothing in this chapter immunizes a state officer or employee from or precludes any criminal prosecution or civil or employment action for an unlawful personal use expenditure.

(7) A state officer or employee who is convicted of misusing public money or public property under Section 76-8-402 may not disburse public funds or access public accounts.

Section 16. Section **63A-14-102** is amended to read:

63A-14-102 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Commission" means the Independent Executive Branch Ethics Commission, created in Section 63A-14-202.

(2) "Complainant" means an individual who files a complaint under Subsection

63A-14-402(1)(a).

(3) "Executive branch elected official" means:

(a) the governor;

(b) the lieutenant governor;

(c) the state auditor;

(d) the state treasurer;[~~or~~]

(e) the attorney general[~~.~~] ; or

(f) the secretary of state.

(4) "Improper purpose" includes harassing a respondent, causing unwarranted harm to a respondent's reputation, or causing unnecessary expenditure of public funds.

(5) "Malfeasance in office" means an intentional act or omission relating to the duties of an executive branch elected official that:

(a) constitutes a crime; or

(b)(i) constitutes a substantial breach of the trust imposed upon the executive branch elected official by the nature of the official's office; and

(ii) is against commonly accepted standards of honesty and morality.

(6) "Respondent" means the executive branch elected official against whom an ethics complaint described in Section 63A-14-402 is filed.

(7) "Violation" means a high crime, a misdemeanor, or malfeasance in office.

Section 17. Section **63A-16-109** is amended to read:

63A-16-109 (Contingently Effective 05/06/26). Removal of state elected official or employee personal identifying information.

(1) As used in this section:

(a) "Open web" means the Internet used for everyday activities like browsing, searching, reading media, online shopping, or other website or online applications.

(b) "Personal identifying information" means the following:

(i) physical home address and personal email address;

(ii) home telephone number and personal mobile telephone number;

(iii) driver license or other government-issued identification; or

(iv) social security number.

(c)(i) "State elected official" means a person who holds an office in state government that is required by law to be filled by an election, including the offices of governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, and legislator.

(ii) "State elected official" does not include a judge.

(d) "State employee who has been threatened" means an individual:

(i)(A) who is a cabinet level official or senior staff of the governor; or

(B) who is an employee of the state executive branch and meets selective criteria implemented by the division that are established by rule made under Subsection (4); and

(ii) whose life or safety has been threatened in the course of performing the individual's state duties through a text, phone call, email, postal delivery, face-to-face encounter, or website or online application.

(2) At the written request of a state elected official or a state employee who has been threatened, the division shall within 30 days of receipt of the request:

(a) search the open web for personal identifying information that is about the state elected official or state employee who has been threatened;

(b) when possible, remove the personal identifying information found under Subsection (2)(a) from the open web; and

(c) conduct continuous monthly removal when possible of personal identifying information from the open web.

(3) The chief information officer may contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with a third party to provide the services described in Subsection (2).

(4) The chief information officer may by rule made in accordance with Title 63G, Chapter 3,

Utah Administrative Rulemaking Act, establish requirements related to:

(a) what information the state elected official or state employee who has been threatened shall provide the division as part of the request described in Subsection (2);

(b) procedures for submitting the written request to the division; and

(c) establishing the selective criteria used to determine whether a state employee may receive the services described in Subsection (2).

(5) The division may not charge a rate for the services provided under this section.

(6)(a) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, the division is not liable for actions performed under this section except as a result of intentional misconduct or gross negligence including reckless, willful, or wanton misconduct.

(b) This section does not create a special duty of care.

(7) A federal, state, or local government record is not subject to this section, even if the government record contains personal identifying information.

Section 18. Section **63A-19-101** is amended to read:

63A-19-101 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Anonymized data" means information that has been irreversibly modified so that there is no possibility of using the information, alone or in combination with other information, to identify an individual.

(2) "At-risk government employee" means the same as that term is defined in Section 63G-2-303.

(3) "Automated decision making" means using personal data to make a decision about an individual through automated processing, without human review or intervention.

(4) "Biometric data" means the same as that term is defined in Section 13-61-101.

(5) "Chief administrative officer" means the same as that term is defined in Section 63A-12-100.5.

(6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.

(7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.

(8) "Contract" means an agreement between a governmental entity and a person for goods or services that involve personal data.

(9)(a) "Contractor" means a person who:

(i) has entered into a contract with a governmental entity; and

(ii) may process personal data under the contract.

(b) "Contractor" includes a contractor's employees, agents, or subcontractors.

(10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.

(11) "Data breach" means the unauthorized access, acquisition, disclosure, loss of access, or destruction of personal data held by a governmental entity, unless the governmental entity concludes, according to standards established by the Cyber Center, that there is a low probability that personal data has been compromised.

(12) "De-identified data" means information from which personal data has been removed or obscured so that the information is not readily identifiable to a specific individual, and which may not be re-identified.

(13) "Genetic data" means the same as that term is defined in Section 13-60-102.

(14) "Governing board" means the Utah Privacy Governing Board established in Section 63A-19-201.

(15) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

(16) "Government website" means a set of related web pages that is operated by or on behalf of a governmental entity and is:

(a) located under a single domain name or web address; and

(b) accessible directly through the Internet or by the use of a software program.

(17)(a) "High-risk processing activities" means a governmental entity's processing of personal data that may have a significant impact on an individual's privacy interests, based on factors that include:

(i) the sensitivity of the personal data processed;

(ii) the amount of personal data being processed;

(iii) the individual's ability to consent to the processing of personal data; and

(iv) risks of unauthorized access or use.

(b) "High-risk processing activities" may include the use of:

(i) facial recognition technology;

(ii) automated decision making;

(iii) profiling;

(iv) genetic data;

(v) biometric data; or

(vi) geolocation data.

(18) "Independent entity" means the same as that term is defined in Section 63E-1-102.

(19) "Individual" means the same as that term is defined in Section 63G-2-103.

(20) "Legal guardian" means:

(a) the parent of a minor; or

(b) an individual appointed by a court to be the guardian of a minor or incapacitated individual and given legal authority to make decisions regarding the person or property of the minor or incapacitated individual.

(21) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.

(22) "Ombudsperson" means the data privacy ombudsperson appointed under Section 63A-19-501.

(23) "Person" means the same as that term is defined in Section 63G-2-103.

(24) "Personal data" means information that is linked or can be reasonably linked to an identified individual or an identifiable individual.

(25) "Privacy annotation" means a summary of personal data contained in a record series as described in Section 63A-19-401.1.

(26) "Privacy practice" means a governmental entity's:

(a) organizational, technical, administrative, and physical safeguards designed to protect an individual's personal data;

(b) policies and procedures related to the acquisition, use, storage, sharing, retention, and disposal of personal data; and

(c) practice of providing notice to an individual regarding the individual's privacy rights.

(27) "Process," "processing," or "processing activity" means any operation or set of operations performed on personal data, including collection, recording, organization, structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or destruction.

(28) "Profiling" means the processing of personal data to evaluate or predict an individual's:

(a) economic situation;

(b) health;

(c) personal preferences;

(d) interests;

(e) reliability;

(f) behavior;

(g) location; or

(h) movements.

(29) "Purchase" or "purchasing" means the exchange of monetary consideration to obtain the personal data of an individual who is not a party to the transaction.

(30) "Record" means the same as that term is defined in Section 63G-2-103.

(31) "Record series" means the same as that term is defined in Section 63G-2-103.

(32) "Retention schedule" means a governmental entity's schedule for the retention or disposal of records that has been approved by the Records Management Committee pursuant to Section 63A-12-113.

(33)(a) "Sell" means an exchange of personal data for monetary consideration by a governmental entity to a third party.

(b) "Sell" does not include a fee:

(i) charged by a governmental entity for access to a record pursuant to Section 63G-2-203; or

(ii) assessed in accordance with an approved fee schedule.

(34)(a) "State agency" means the following entities that are under the direct supervision

and control of the governor or the lieutenant governor:

(i) a department;

(ii) a commission;

(iii) a board;

(iv) a council;

(v) an institution;

(vi) an officer;

(vii) a corporation;

(viii) a fund;

(ix) a division;

(x) an office;

(xi) a committee;

(xii) an authority;

(xiii) a laboratory;

(xiv) a library;

(xv) a bureau;

(xvi) a panel;

(xvii) another administrative unit of the state; or

(xviii) an agent of an entity described in Subsections (34)(a)(i) through (xvii).

(b) "State agency" does not include:

(i) the legislative branch;

(ii) the judicial branch;

(iii) an executive branch agency within the [~~Office of the Attorney General,~~] offices of:

(A) the attorney general;

(B) the secretary of state;

(C) the state auditor[~~,~~] ;

(D) the state treasurer[~~, or~~] ; or

(E) the State Board of Education; or

(iv) an independent entity.

(35) "State privacy auditor" means the same as that term is defined in Section 67-3-13.

(36) "Synthetic data" means artificial data that:

(a) is generated from personal data; and

(b) models the statistical properties of the original personal data.

(37) "User" means an individual who accesses a government website.

(38)(a) "User data" means any information about a user that is automatically collected by a government website when a user accesses the government website.

(b) "User data" includes information that identifies:

(i) a user as having requested or obtained specific materials or services from a government website;

(ii) [~~Internet~~] internet sites visited by a user;

(iii) the contents of a user's data-storage device;

(iv) any identifying code linked to a user of a government website; and

(v) a user's:

(A) IP or Mac address; or

(B) session ID.

(39) "Website tracking technology" means any tool used by a government website to:

(a) monitor a user's behavior; or

(b) collect user data.

Section 19. Section **63G-2-103** is amended to read:

63G-2-103 (Contingently Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Audit" means:

(a) a systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

(b) a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

(2) "Chief administrative officer" means the chief administrative officer of a governmental entity who is responsible to fulfill the duties described in Section 63A-12-103.

(3) "Chronological logs" mean the regular and customary summary records of law enforcement agencies and other public safety agencies that show:

(a) the time and general nature of police, fire, and paramedic calls made to the agency; and

(b) any arrests or jail bookings made by the agency.

(4) "Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled,

protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(5)(a) "Computer program" means:

(i) a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system; and

(ii) any associated documentation and source material that explain how to operate the computer program.

(b) "Computer program" does not mean:

(i) the original data, including numbers, text, voice, graphics, and images;

(ii) analysis, compilation, and other manipulated forms of the original data produced by use of the program; or

(iii) the mathematical or statistical formulas, excluding the underlying mathematical algorithms contained in the program, that would be used if the manipulated forms of the original data were to be produced manually.

(6)(a) "Contractor" means:

(i) any person who contracts with a governmental entity to provide goods or services directly to a governmental entity; or

(ii) any private, nonprofit organization that receives funds from a governmental entity.

(b) "Contractor" does not mean a private provider.

(7) "Controlled record" means a record containing data on individuals that is controlled as provided by Section 63G-2-304.

(8) "Designation," "designate," and their derivative forms mean indicating, based on a governmental entity's familiarity with a record series or based on a governmental entity's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

(9) "Elected official" means each person elected to a state office, county office, municipal office, school board or school district office, special district office, or special service district office, but does not include judges.

(10) "Explosive" means a chemical compound, device, or mixture:

(a) commonly used or intended for the purpose of producing an explosion; and

(b) that contains oxidizing or combustive units or other ingredients in proportions, quantities, or packing so that:

(i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the

compound or mixture may cause a sudden generation of highly heated gases; and

(ii) the resultant gaseous pressures are capable of:

(A) producing destructive effects on contiguous objects; or

(B) causing death or serious bodily injury.

(11) "Government audit agency" means any governmental entity that conducts an audit.

(12)(a) "Governmental entity" means:

(i) executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, secretary of state and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the State Board of Education, the Utah Board of Higher Education, and the State Archives;

(ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;

(iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;

(iv) any state-funded institution of higher education or public education; or

(v) any political subdivision of the state, but, if a political subdivision has adopted an ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or as specified in any other section of this chapter that specifically refers to political subdivisions.

(b) "Governmental entity" also means:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection (12)(a) that is funded or established by the government to carry out the public's business;

(ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking, except for the Water District Water Development Council created pursuant to Section 11-13-228;

(iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

(iv) an association as defined in Section 53G-7-1101;

(v) the Utah Independent Redistricting Commission; and

(vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or

more law enforcement officers, as defined in Section 53-13-103.

(c) "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53H-10-202.

(13) "Government Records Office" means the same as that term is defined in Section 63A-12-201.

(14) "Gross compensation" means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

(15) "Individual" means a human being.

(16)(a) "Initial contact report" means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

(i) the date, time, location, and nature of the complaint, the incident, or offense;

(ii) names of victims;

(iii) the nature or general scope of the agency's initial actions taken in response to the incident;

(iv) the general nature of any injuries or estimate of damages sustained in the incident;

(v) the name, address, and other identifying information about any person arrested or charged in connection with the incident; or

(vi) the identity of the public safety personnel, except undercover personnel, or prosecuting attorney involved in responding to the initial incident.

(b) "Initial contact [~~reports do~~] report" does not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (16)(a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(c) Initial contact reports do not include accident reports, as that term is described in Title 41, Chapter 6a, Part 4, Accident Responsibilities.

(17) "Legislative body" means the Legislature.

(18) "Notice of compliance" means a statement confirming that a governmental entity has complied with an order of the director of the Government Records Office.

(19) "Person" means:

(a) an individual;

(b) a nonprofit or profit corporation;

(c) a partnership;

(d) a sole proprietorship;

(e) other type of business organization; or

(f) any combination acting in concert with one another.

(20) "Private provider" means any person who contracts with a governmental entity to provide services directly to the public.

(21) "Private record" means a record containing data on individuals that is private as provided by Section 63G-2-302.

(22) "Protected record" means a record that is classified protected as provided by Section 63G-2-305.

(23) "Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

(24) "Reasonable search" means a search that is:

(a) reasonable in scope and intensity; and

(b) not unreasonably burdensome for the government entity.

(25)(a) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:

(i) that is prepared, owned, received, or retained by a governmental entity or political subdivision; and

(ii) where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

(b) "Record" does not include:

(i) a personal note or personal communication prepared or received by an employee or officer of a governmental entity:

(A) in a capacity other than the employee's or officer's governmental capacity; or

(B) that is unrelated to the conduct of the public's business;

(ii) a temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;

(iii) material that is legally owned by an individual in the individual's private capacity;

(iv) material to which access is limited by the laws of copyright or patent unless the

copyright or patent is owned by a governmental entity or political subdivision;

(v) proprietary software;

(vi) junk mail or a commercial publication received by a governmental entity or an official or employee of a governmental entity;

(vii) a book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;

(viii) material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;

(ix) a daily calendar ;

(x) a note prepared by the originator for the originator's own use or for the sole use of an individual for whom the originator is working;

(xi) a computer program that is developed or purchased by or for any governmental entity for its own use;

(xii) a note or internal memorandum prepared as part of the deliberative process by:

(A) a member of the judiciary;

(B) an administrative law judge;

(C) a member of the Board of Pardons and Parole; or

(D) a member of any other body, other than an association or appeals panel as defined in Section 53G-7-1101, charged by law with performing a quasi-judicial function;

(xiii) a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of a governmental entity, [~~provided that~~] if the employee or officer of the governmental entity has designated at least one business telephone number that is a public record as provided in Section 63G-2-301;

(xiv) information provided by the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, to a county to enable the county to calculate the amount to be paid to a health care provider under Subsection 17-63-706(2)(e)(ii);

(xv) information that an owner of unimproved property provides to a local entity as provided in Section 11-42-205;

(xvi) a video or audio recording of an interview, or a transcript of the video or audio recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;

(xvii) child sexual abuse material, as defined by Section 76-5b-103;

(xviii) before final disposition of an ethics complaint occurs, a video or audio recording of the closed portion of a meeting or hearing of:

(A) a Senate or House Ethics Committee;

(B) the Independent Legislative Ethics Commission;

(C) the Independent Executive Branch Ethics Commission, created in Section 63A-14-202; or

(D) the Political Subdivisions Ethics Review Commission established in Section 63A-15-201;

(xix) confidential communication described in Section 58-60-102, 58-61-102, or 58-61-702;

(xx) any item described in Subsection (25)(a) that is:

(A) described in Subsection 63G-2-305(17), (18), or (23)(b); and

(B) shared between any of the following entities:

(I) the Division of Risk Management;

(II) the Office of the Attorney General;

(III) the governor's office; or

(IV) the Legislature;

(xxi) the email address that a candidate for elective office provides to a filing officer under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv); or

(xxii) except as provided in Sections 31A-16-105, 31A-16-107.5, and 27a-3-303, an investment policy, or information related to an investment policy, provided to the insurance commissioner as described in Title 31A, Chapter 18, Investments.

(26) "Record series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

(27) "Records officer" means the individual appointed by the chief administrative officer of each governmental entity, or the political subdivision to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

(28) "Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each record series should be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.

(29) "Sponsored research" means research, training, and other sponsored activities as

defined by the federal Executive Office of the President, Office of Management and Budget:

(a) conducted:

(i) by an institution within the state system of higher education described in Section 53H-1-102; and

(ii) through an office responsible for sponsored projects or programs; and

(b) funded or otherwise supported by an external:

(i) person that is not created or controlled by the institution within the state system of higher education; or

(ii) federal, state, or local governmental entity.

(30) "State archives" means the Division of Archives and Records Service created in Section 63A-12-101.

(31) "State archivist" means the director of the state archives.

(32) "Summary data" means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information.

Section 20. Section **67-1a-2** is amended to read:

67-1a-2 (Contingently Effective 01/01/29). Lieutenant governor -- Duties.

[~~(1)~~] The lieutenant governor shall:

[~~(a)~~] (1) perform duties delegated by the governor, including assignments to serve in any of the following capacities:

[~~(i)~~] (a) as the head of any one department, if so qualified, with the advice and consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;

[~~(ii)~~] (b) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;

[~~(iii)~~] (c) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;

[~~(iv)~~] (d) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state;

[~~(v)~~] (e) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

[~~(vi)~~] (f) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

[~~(b)~~] (2) serve on all boards and commissions in lieu of the governor, [~~whenever so~~] as designated by the governor[~~;~~] ; and

(3) as directed by the governor, act as a liaison for the state with foreign dignitaries.

[~~(c) serve as the chief election officer of the state as required by Subsection (2);~~]

[~~(d) keep custody of the Great Seal of the State of Utah;~~]

[~~(e) keep a register of, and attest, the official acts of the governor;~~]

[~~(f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and~~]

[~~(g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.~~]

[~~(2)(a) As the chief election officer, the lieutenant governor shall:~~]

[~~(i) exercise oversight, and general supervisory authority, over all elections;~~]

[~~(ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;~~]

[~~(iii) establish uniformity in the election ballot;~~]

[~~(iv)(A) prepare election information for the public as required by law and as determined appropriate by the lieutenant governor; and~~]

[~~(B) make the information described in Subsection (2)(a)(iv)(A) available to the public and to news media, on the Internet, and in other forms as required by law and as determined appropriate by the lieutenant governor;~~]

[~~(v) receive and answer election questions and maintain an election file on opinions received from the attorney general;~~]

[~~(vi) maintain a current list of registered political parties as defined in Section 20A-8-101;~~]

[~~(vii) maintain election returns and statistics;~~]

[~~(viii) certify to the governor the names of individuals nominated to run for, or elected to, office;~~]

[~~(ix) ensure that all voting equipment purchased by the state complies with the requirements of Sections 20A-5-302, 20A-5-802, 20A-5-802.5, and 20A-5-803;~~]

[~~(x) during a declared emergency, to the extent that the lieutenant governor~~

~~determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:~~]

[~~(A) voting on election day;~~]

[~~(B) early voting;~~]

[~~(C) the transmittal or voting of an absentee ballot or military-overseas ballot;~~]

[~~(D) the counting of an absentee ballot or military-overseas ballot; or~~]

[~~(E) the canvassing of election returns; and~~]

[~~(xi) exercise all other election authority, and perform other election duties, as provided in Title 20A, Election Code.~~]

[~~(b) As chief election officer, the lieutenant governor:~~]

[~~(i) shall oversee all elections, and functions relating to elections, in the state;~~]

[~~(ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by an election officer with legal requirements relating to elections; and~~]

[~~(iii) may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.~~]

[~~(3)(a) The lieutenant governor shall:~~]

[~~(i) determine a new municipality's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the municipality's population using the population estimate from the Utah Population Committee; and~~]

[~~(ii)(A) prepare a certificate indicating the class in which the new municipality belongs based on the municipality's population; and~~]

[~~(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the municipality's legislative body.~~]

[~~(b) The lieutenant governor shall:~~]

[~~(i) determine the classification under Section 10-2-301 of a consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population information for each municipality from:~~]

[~~(A) the estimate of the Utah Population Committee created in Section 63C-20-103; or~~]

[~~(B) if the Utah Population Committee estimate is not available, the census or census estimate of the United States Bureau of the Census; and~~]

[~~(ii)(A) prepare a certificate indicating the class in which the consolidated~~

~~municipality belongs based on the municipality's population; and~~]

[~~(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body.~~]

[~~(c) The lieutenant governor shall monitor the population of each municipality using population information from:~~]

[~~(i) the estimate of the Utah Population Committee created in Section 63C-20-103; or~~]

[~~(ii) if the Utah Population Committee estimate is not available, the census or census estimate of the United States Bureau of the Census.~~]

[~~(d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a municipality's population has increased beyond the population for its current class, the lieutenant governor shall:~~]

[~~(i) prepare a certificate indicating the class in which the municipality belongs based on the increased population figure; and~~]

[~~(ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.~~]

[~~(e)(i) If the applicable population figure under Subsection (3)(b) or (c) indicates that a municipality's population has decreased below the population for its current class, the lieutenant governor shall send written notification of that fact to the municipality's legislative body.~~]

[~~(ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for its current class, the lieutenant governor shall:~~]

[~~(A) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and~~]

[~~(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.~~]

Section 21. Section **67-1c-101** is enacted to read:

CHAPTER 1c. Secretary of State

Part 1. Duties and General Provisions Relating to Secretary of State

67-1c-101 (Contingently Effective 01/01/29). Secretary of state -- Duties.

(1) The secretary of state shall:

(a) serve as the chief election officer of the state, in accordance with Part 2, Chief Election Officer;

(b) in accordance with Part 3, Authentication and Record Keeping Duties:

(i) keep custody of the Great Seal of the State of Utah;

(ii) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required;

(iii) keep a register of, and attest, the official acts of the governor; and

(iv) furnish a certified copy of all or any part of a law, record, or other instrument filed, deposited, or recorded in the Office of the Secretary of State to any person who requests a copy and pays the applicable fee;

(c) fulfill certain administrative duties relating to local government, as described in Part 4,

Duties Relating to Local Government;

(d) regulate commission notaries and administer and enforce the provisions of Title 46, Chapter 1, Notaries Public Reform Act; and

(e) regulate lobbying, and administer and enforce the provisions of Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

(2) The secretary of state may employ personnel necessary to carry out the duties and responsibilities of the secretary of state.

(3) The secretary of state shall establish a written conflict of interest process that provides for the following to make decisions that would directly impact a race in which the secretary of state is a candidate:

(a) the lieutenant governor, unless the lieutenant governor also has a conflict of interest; or

(b) subject to Subsection (4), if the lieutenant governor also has a conflict of interest, a state official appointed by the state board of canvassers.

(4) A state official appointed under Subsection (3)(b):

(a) may not have a conflict of interest; and

(b) may be a member of the state board of canvassers or another state official.

Section 22. Section **67-1c-102** is enacted to read:

67-1c-102 (Contingently Effective 01/01/29). Transition of duties.

(1) Beginning on January 1, 2029:

(a) the secretary of state shall take custody of the following, to the extent that they are related to the duties or powers transferred from the lieutenant governor to the secretary of state by this bill:

(i) records, databases, and access to records and databases, held by the lieutenant

governor;

(ii) personal property held by the lieutenant governor, including the Great Seal of the State of Utah, furnishings, supplies, software, and intellectual property; and

(iii) memberships, licenses, and other permissions held by the lieutenant governor;

(b) the secretary of state shall replace the lieutenant governor, as the successor of the lieutenant governor, in any ongoing matter relating to a duty or power transferred from the lieutenant governor to the secretary of state by this bill; and

(c) administrative rules relating to the duties or powers transferred from the lieutenant governor to the secretary of state by this bill will remain in effect, until changed in accordance with Tile 63G, Chapter 3, Administrative Rulemaking Act, with the secretary of state taking the place of the lieutenant governor in those rules and the Office of the Secretary of State taking the place of the Office of the Lieutenant Governor in those rules.

(2) The lieutenant governor shall fully and promptly cooperate with, and assist, the secretary of state:

(a) with the transfer of duties and powers transferred from the lieutenant governor to the secretary of state; and

(b) to comply with the requirements of this section and this bill.

Section 23. Section **67-1c-201** is enacted to read:

Part 2. Chief Election Officer

67-1c-201 (Contingently Effective 01/01/29). Chief election officer.

(1) As the chief election officer, the secretary of state shall:

(a) exercise oversight and general supervisory authority over all elections, and functions relating to elections, in the state;

(b) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those elections;

(c) establish uniformity in the election ballot;

(d)(i) prepare election information for the public as required by law and as determined appropriate by the secretary of state; and

(ii) make the information described in Subsection (1)(d)(i) available to the public and to news media, on the internet, and in other forms as required by law and as determined appropriate by the secretary of state;

(e) receive and answer election questions and maintain an election file on opinions

received from the attorney general;

(f) maintain a current list of registered political parties as defined in Section 20A-8-101;

(g) maintain election returns and statistics;

(h) certify to the governor the names of individuals nominated to run for, or elected to, office;

(i) ensure that all voting equipment purchased by the state complies with the requirements of Sections 20A-5-302, 20A-5-802, 20A-5-802.5, and 20A-5-803;

(j) during a declared emergency, to the extent that the secretary of state determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:

(i) voting on election day;

(ii) early voting;

(iii) the transmittal or voting of an absentee ballot or military-overseas ballot;

(iv) the counting of an absentee ballot or military-overseas ballot; or

(v) the canvassing of election returns;

(k) in accordance with Section 20A-1-105, take action to enforce compliance by an election officer with legal requirements relating to elections; and

(l) exercise all other election authority, and perform other election duties, as provided in Title 20A, Election Code.

(2) As chief election officer, the secretary of state may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.

Section 24. Section **67-1c-202**, which is renumbered from Section 67-1a-2.2 is renumbered and amended to read:

[~~67-1a-2.2~~] 67-1c-202 (Contingently Effective 01/01/29). Residences in more than one district -- secretary of state to resolve.

(1) If, in reviewing a map generated from a redistricting block assignment file, the [~~lieutenant governor~~] secretary of state determines that a single-family or multi-family residence is within more than one Congressional, Senate, House, or State Board of Education district, the [~~lieutenant governor~~] secretary of state may, [~~by~~] on or before January 31, 2012, and in consultation with the Utah Geospatial Resource Center, determine the district to which the residence is assigned.

(2) In order to make the determination required by Subsection (1), the [~~lieutenant governor~~] secretary of state shall review the block assignment file and other Bureau of the Census

data and obtain and review other relevant data such as aerial photography or other data about the area.

(3) Upon making the determination authorized by this section, the [~~lieutenant governor~~] secretary of state shall notify county clerks affected by the determination and the Utah Geospatial Resource Center created under Section 63A-16-505.

Section 25. Section **67-1c-301**, which is renumbered from Section 67-1a-8 is renumbered and amended to read:

Part 3. Authentication and Record Keeping

[~~67-1a-8~~] 67-1c-301 (Contingently Effective 01/01/29). Form and contents of great seal.

The Great Seal of the State of Utah shall be 2-1/2 inches in diameter, and of the following device: the center a shield and perched thereon an American eagle with outstretching wings; the top of the shield pierced by six arrows crosswise; under the arrows the motto "Industry"; beneath the motto a beehive, on either side growing sego lilies; below the beehive the figures "1847"; and on each side of the shield an American flag; encircling all, near the outer edge of the seal, beginning at the lower left-hand portion, the words "The Great Seal of the State of Utah," with the figures "1896" at the base.

Section 26. Section **67-1c-302**, which is renumbered from Section 67-1a-7 is renumbered and amended to read:

[~~67-1a-7~~] 67-1c-302 (Contingently Effective 01/01/29). Use and custody of the Great Seal of the State of Utah.

(1) As used in this section, "seal" means the Great Seal of the State of Utah, established in Utah Constitution, Article VII, Section 20.

(2) In accordance with Utah Constitution, Article VII, Section 20, the Legislature designates the secretary of state as the officer responsible to keep the seal.

(3) [~~Except as otherwise provided by law, the lieutenant governor, or the lieutenant governor's designee,~~] In accordance with the requirements of law, the secretary of state or the secretary of state's designee is authorized to use or affix the [~~Great Seal of this state~~] seal to any document[~~ whatever and only in pursuance of law, and is responsible for its safekeeping. Any~~] .

(4) A person who illegally uses the [~~Great Seal of this state, or such seal when defaced~~] seal, or who defaces the seal, is guilty of a third degree felony.

(5) The director of elections, within the Office of the Secretary of State, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(a) regulate the use and application of the seal;

(b) establish permitted and prohibited uses of the seal; and

(c) establish requirements for obtaining authorization to use the seal or a replica of the seal.

Section 27. Section **67-1c-303**, which is renumbered from Section 67-1a-2.5 is renumbered and amended to read:

[~~67-1a-2.5~~] 67-1c-303 (Contingently Effective 01/01/29). Fees of secretary of state.

In addition to the fees prescribed by Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act, the [~~lieutenant governor~~] secretary of state shall receive and determine fees [~~pursuant to~~] in accordance with Section 63J-1-504 for the following:

(1) for a copy of any law, resolution, record, or other document or paper on file in the [~~lieutenant governor's office~~] Office of the Secretary of State, other than documents or papers filed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act;

(2) for affixing certificate and the Great Seal of the state, except on documents filed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act;

(3) for each commission signed by the governor, except that no charge may be made for commissions to public officers serving without compensation;

(4) for each warrant of arrest issued by the governor and attested by the [~~lieutenant governor~~] secretary of state upon the requisition of any other state or territory;

(5) for recording miscellaneous papers or documents;

(6) for filing any paper or document not otherwise provided for; and

(7) for searching records and archives of the state, except that no member of the Legislature or other state or county officer may be charged for any search relative to matters appertaining to the duties of the member or officer's office or for a certified copy of any law or resolution relative to the member or officer's official duties passed by the Legislature.

Section 28. Section **67-1c-304**, which is renumbered from Section 67-1a-12 is renumbered and amended to read:

[~~67-1a-12~~] 67-1c-304 (Contingently Effective 01/01/29). Authority to administer oaths.

The [~~lieutenant governor~~] secretary of state and personnel employed [~~under Section~~

~~67-1a-3~~] by the secretary of state, who are designated by the [~~lieutenant governor~~] secretary of state, may administer oaths when necessary in the performance of official duties.

Section 29. Section **67-1c-305**, which is renumbered from Section 67-1a-13 is renumbered and amended to read:

[~~67-1a-13~~] 67-1c-305 (Contingently Effective 01/01/29). Certification restrictions.

The [~~lieutenant governor~~] secretary of state may not certify a signature of a notary or county recorder on:

(1) a document that is not properly notarized, if notarization is required; or

(2) a document regarding:

(a) allegiance to a government or jurisdiction;

(b) sovereignty;

(c) in itinere status or world service authority; or

(d) a claim similar to a claim listed in Subsections (2)(a) through (c).

Section 30. Section **67-1c-401** is enacted to read:

Part 4. Duties Relating to Local Government

67-1c-401 (Contingently Effective 01/01/29). Determining classification of municipalities.

(1) In relation to a new municipality, the secretary of state shall:

(a) determine the new municipality's classification, under Section 10-2-301, upon the municipality's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, using population data from:

(i) the estimate of the Utah Population Committee created in Section 63C-20-103; or

(ii) if the Utah Population Committee estimate is not available, the census or census estimate of the United States Bureau of the Census;

(b) prepare a certificate indicating the class in which the new municipality belongs based on the municipality's population; and

(c) within 10 days after the day on which the secretary of state prepares a certificate described in Subsection (1)(b), deliver a copy of the certificate to the municipality's legislative body.

(2) In relation to a consolidated municipality, the secretary of state shall:

(a) determine the classification, under Section 10-2-301, of the consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population data from:

(i) the estimate of the Utah Population Committee created in Section 63C-20-103; or

(ii) if the Utah Population Committee estimate is not available, the census or census estimate of the United States Bureau of the Census;

(b) prepare a certificate indicating the class in which the consolidated municipality belongs based on the municipality's population; and

(c) within 10 days after the day on which the secretary of state prepares a certificate described in Subsection (2)(b), deliver a copy of the certificate to the consolidated municipality's legislative body.

(3) In relation to an existing municipality, the secretary of state shall:

(a) monitor the population of the municipality using population data from:

(i) the estimate of the Utah Population Committee created in Section 63C-20-103; or

(ii) if the Utah Population Committee estimate is not available, the census or census estimate of the United States Bureau of the Census;

(b) if the applicable population figure under Subsection (3)(a) indicates that a municipality's population has increased beyond the population for the municipality's current class:

(i) prepare a certificate indicating the class in which the municipality belongs based on the increased population figure; and

(ii) within 10 days after the day on which the secretary of state prepares a certificate described in Subsection (3)(b)(i), deliver a copy of the certificate to the legislative body of the municipality whose class has changed; and

(c) if the applicable population figure under Subsection (3)(a) indicates that a municipality's population has decreased below the population for the municipality's current class:

(i) send written notification of that fact to the municipality's legislative body;

(ii) upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for the municipality's current class:

(A) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and

(B) within 10 days after the day on which the secretary of state prepares a certificate described in Subsection (3)(c)(ii)(A), deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

Section 31. Section **67-1c-402**, which is renumbered from Section 67-1a-6.5 is renumbered and amended to read:

[~~67-1a-6.5~~] 67-1c-402 (Contingently Effective 01/01/29). Certification of local entity boundary actions -- Definitions -- Notice requirements -- Electronic copies -- Filing.

(1) As used in this section:

(a) "Applicable certificate" means:

(i) for the impending incorporation of a city, town, special district, conservation district, incorporation of a special district from a reorganized special service district, or public infrastructure district, a certificate of incorporation;

(ii) for the impending creation of a county, school district, special service district, community reinvestment agency, or interlocal entity, a certificate of creation;

(iii) for the impending annexation of territory to an existing local entity, a certificate of annexation;

(iv) for the impending withdrawal or disconnection of territory from an existing local entity, a certificate of withdrawal or disconnection, respectively;

(v) for the impending consolidation of multiple local entities, a certificate of consolidation;

(vi) for the impending division of a local entity into multiple local entities, a certificate of division;

(vii) for the impending adjustment of a common boundary between local entities, a certificate of boundary adjustment; and

(viii) for the impending dissolution of a local entity, a certificate of dissolution.

(b) "Approved final local entity plat" means a final local entity plat, as defined in Section 17-73-101, that has been approved under Section 17-73-507 as a final local entity plat by the county surveyor.

(c) "Approving authority" means the same as that term is defined in Section 17-73-101.

(d) "Boundary action" means the same as that term is defined in Section 17-73-101.

(e) "Center" means the Utah Geospatial Resource Center created under Section 63A-16-505.

(f) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.

(g) "Conservation district" means the same as that term is defined in Section 17D-3-102.

(h) "Interlocal entity" means the same as that term is defined in Section 11-13-103.

(i) "Local entity" means a county, city, town, school district, special district, community reinvestment agency, special service district, conservation district, or interlocal entity.

(j) "Notice of an impending boundary action" means a written notice, as described in

Subsection (3), that provides notice of an impending boundary action.

(k) "Special district" means the same as that term is defined in Section 17B-1-102.

(l) "Special service district" means the same as that term is defined in Section 17D-1-102.

(2) Within 10 days after [~~receiving a~~] the day on which the secretary of state receives notice of an impending boundary action, the [~~lieutenant governor~~] secretary of state shall:

(a)(i) issue the applicable certificate, if:

(A) the [~~lieutenant governor~~] secretary of state determines that the notice of an impending boundary action meets the requirements of Subsection (3); and

(B) except in the case of an impending local entity dissolution, the notice of an impending boundary action is accompanied by an approved final local entity plat;

(ii) send the applicable certificate to the local entity's approving authority;

(iii) return the original of the approved final local entity plat to the local entity's approving authority;

(iv) send a copy of the applicable certificate and approved final local entity plat to:

(A) the State Tax Commission;

(B) the center; and

(C) the county assessor, county surveyor, county auditor, and county attorney of each county in which the property depicted on the approved final local entity plat is located; and

(v) send a copy of the applicable certificate to the state auditor, if the boundary action that is the subject of the applicable certificate is:

(A) the incorporation or creation of a new local entity;

(B) the consolidation of multiple local entities;

(C) the division of a local entity into multiple local entities; or

(D) the dissolution of a local entity; or

(b)(i) send written notification to the approving authority that the [~~lieutenant governor~~] secretary of state is unable to issue the applicable certificate, if:

(A) the lieutenant governor determines that the notice of an impending boundary action does not meet the requirements of Subsection (3); or

(B) the notice of an impending boundary action is:

(I) not accompanied by an approved final local entity plat; or

(II) accompanied by a plat or final local entity plat that has not been approved as a final local entity plat by the county surveyor under Section 17-73-507;

and

(ii) explain in the notification under Subsection (2)(b)(i) why the [~~lieutenant governor~~] secretary of state is unable to issue the applicable certificate.

(3) Each notice of an impending boundary action shall:

(a) be directed to the [~~lieutenant governor~~] secretary of state;

(b) contain the name of the local entity or, in the case of an incorporation or creation, future local entity, whose boundary is affected or established by the boundary action;

(c) describe the type of boundary action for which an applicable certificate is sought;

(d) be accompanied by a letter from the Utah State Retirement Office, created under Section 49-11-201, to the approving authority that identifies the potential provisions under Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply with, related to the boundary action, if the boundary action is an impending incorporation or creation of a local entity that may result in the employment of personnel; and

(e)(i) contain a statement, signed and verified by the approving authority, certifying that all requirements applicable to the boundary action have been met; or

(ii) in the case of the dissolution of a municipality, be accompanied by a certified copy of the court order approving the dissolution of the municipality.

(4) The [~~lieutenant governor~~] secretary of state may require the approving authority to submit a paper or electronic copy of a notice of an impending boundary action and approved final local entity plat in conjunction with the filing of the original of those documents.

(5)(a) The [~~lieutenant governor~~] secretary of state shall:

(i) keep, index, maintain, and make available to the public each notice of an impending boundary action, approved final local entity plat, applicable certificate, and other document that the [~~lieutenant governor~~] secretary of state receives or generates under this section;

(ii) make a copy of each document listed in Subsection (5)(a)(i) available on the [~~Internet~~] internet for 12 months after the [~~lieutenant governor~~] secretary of state receives or generates the document;

(iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any person who requests a paper copy; and

(iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to any person who requests a certified copy.

(b) The [~~lieutenant governor~~] secretary of state may charge a reasonable fee for a paper copy or certified copy of a document that the [~~lieutenant governor~~] secretary of state provides under this Subsection (5).

(6) The [~~lieutenant governor's~~] secretary of state's issuance of a certificate of creation for an infrastructure financing district constitutes the state's approval of the creation of the infrastructure financing district.

Section 32. Section **67-1c-403**, which is renumbered from Section 67-1a-6.7 is renumbered and amended to read:

[~~67-1a-6.7~~] 67-1c-403 (Contingently Effective 01/01/29). Certification of local entity name change.

(1) As used in this section:

(a) "Approving authority" means the person or body authorized under statute to approve the local entity's name change.

(b) "Center" has the same meaning as defined in Section 67-1a-6.5.

(c) "Certificate of name change" means a certificate issued by the [~~lieutenant governor~~] secretary of state certifying a local entity's change of name.

(d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

(e) "Notice of an impending name change" means a notice, as described in Subsection (3), that provides notice of a local entity's impending name change.

(2) Within 10 days after [~~receiving a notice of an impending name change, the lieutenant governor~~] the day on which the secretary of state receives notice of an impending name change, the secretary of state shall:

(a) issue a certificate of name change;

(b) send the certificate of name change to the approving authority of the local entity whose name is being changed; and

(c) send a copy of the certificate of name change to:

(i) the State Tax Commission;

(ii) the state auditor;

(iii) the center; and

(iv) the county assessor, county surveyor, county auditor, and county attorney of each county in which any part of the local entity is located.

(3) Each notice of an impending name change shall:

(a) be directed to the [~~lieutenant governor~~] secretary of state;

(b) contain the current name of the local entity;

(c) state the name to which the local entity intends to change;

(d) identify each county in which any part of the local entity is located; and

(e) contain a statement, signed and verified by the approving authority, certifying that all requirements applicable to the name change have been met.

(4)(a) The [~~lieutenant governor~~] secretary of state shall:

(i) keep, index, maintain, and make available to the public each notice of an impending name change, certificate of a name change, and other document that the [~~lieutenant governor~~] secretary of state receives or generates under this section;

(ii) make a copy of each document listed in Subsection (4)(a)(i) available on the [~~Internet~~] internet for 12 months after the [~~lieutenant governor~~] secretary of state receives or generates the document;

(iii) furnish a paper copy of any of the documents listed in Subsection (4)(a)(i) to any person who requests a paper copy; and

(iv) furnish a certified copy of any of the documents listed in Subsection (4)(a)(i) to any person who requests a certified copy.

(b) The [~~lieutenant governor~~] secretary of state may charge a reasonable fee for a paper copy or certified copy of a document that the [~~lieutenant governor~~] secretary of state provides under this Subsection (4).

Section 33. Section **67-1c-404**, which is renumbered from Section 67-1a-15 is renumbered and amended to read:

[~~67-1a-15~~] 67-1c-404 (Contingently Effective 01/01/29). Local government and limited purpose entity registry.

(1) As used in this section:

(a) "Entity" means a limited purpose entity or a local government entity.

(b)(i) "Limited purpose entity" means a legal entity that:

(A) performs a single governmental function or limited governmental functions; and

(B) is not a state executive branch agency, a state legislative office, or within the judicial branch.

(ii) "Limited purpose entity" includes:

(A) area agencies, area agencies on aging, and area agencies on high risk adults, as those terms are defined in Section 26B-6-101;

(B) charter schools created under Title 53G, Chapter 5, Charter Schools;

(C) community reinvestment agencies, as that term is defined in Section

17C-1-102;

(D) conservation districts, as that term is defined in Section 17D-3-102;

(E) governmental nonprofit corporations, as that term is defined in Section 11-13a-102;

(F) housing authorities, as that term is defined in Section 35A-8-401;

(G) independent entities and independent state agencies, as those terms are defined in Section 63E-1-102;

(H) interlocal entities, as that term is defined in Section 11-13-103;

(I) local building authorities, as that term is defined in Section 17D-2-102;

(J) special districts, as that term is defined in Section 17B-1-102;

(K) local health departments, as that term is defined in Section 26A-1-102;

(L) local mental health authorities, as that term is defined in Section 62A-15-102;

(M) nonprofit corporations that receive an amount of money requiring an accounting report under Section 51-2a-201.5;

(N) school districts under Title 53G, Chapter 3, School District Creation and Change;

(O) special service districts, as that term is defined in Section 17D-1-102; and

(P) substance abuse authorities, as that term is defined in Section 62A-15-102.

(c) "Local government and limited purpose entity registry" or "registry" means the registry of local government entities and limited purpose entities created under this section.

(d) "Local government entity" means:

(i) a county, as that term is defined in Section 17-60-101; and

(ii) a municipality, as that term is defined in Section 10-1-104.

(e) "Notice of failure to register" means the notice the [~~lieutenant governor~~] secretary of state sends, in accordance with Subsection (7)(a), to an entity that does not register.

(f) "Notice of failure to renew" means the notice the [~~lieutenant governor~~] secretary of state sends to a registered entity, in accordance with Subsection (7)(b).

(g) "Notice of noncompliance" means the notice the [~~lieutenant governor~~] secretary of state sends to a registered entity, in accordance with Subsection (6)(c).

(h) "Notice of non-registration" means the notice the [~~lieutenant governor~~] secretary of state sends to an entity and the state auditor, in accordance with Subsection (9).

(i) "Notice of registration or renewal" means the notice the [~~lieutenant governor~~] secretary of state sends, in accordance with Subsection (6)(b)(i).

(j) "Registered entity" means an entity with a valid registration as described in Subsection (8).

(2) The [~~lieutenant governor~~] secretary of state shall:

(a) create a registry of each local government entity and limited purpose entity within the state that:

(i) contains the information described in Subsection (4); and

(ii) is accessible on the [~~lieutenant governor's~~] secretary of state's website or otherwise publicly available; and

(b) establish fees for registration and renewal, in accordance with Section 63J-1-504, based on and to directly offset the cost of creating, administering, and maintaining the registry.

(3) Each local government entity and limited purpose entity shall:

(a) [~~on or before July 1, 2019, ~~]register with the [~~lieutenant governor~~] secretary of state as described in Subsection (4);

(b) on or before one year after the day on which the [~~lieutenant governor~~] secretary of state issues the notice of registration or renewal, annually renew the entity's registration in accordance with Subsection (5); and

(c) on or before 30 days after the day on which any of the information described in Subsection (4) changes, send notice of the changes to the [~~lieutenant governor~~] secretary of state.

(4) Each entity shall include the following information in the entity's registration submission:

(a) the resolution or other legal or formal document creating the entity or, if the resolution or other legal or formal document creating the entity cannot be located, conclusive proof of the entity's lawful creation;

(b) if the entity has geographic boundaries, a map or plat identifying the current geographic boundaries of the entity, or if it is impossible or unreasonably expensive to create a map or plat, a metes and bounds description, or another legal description that identifies the current boundaries of the entity;

(c) the entity's name;

(d) the entity's type of local government entity or limited purpose entity;

(e) the entity's governmental function;

(f) the entity's website, physical address, and phone number, including the name and contact information of an individual whom the entity designates as the primary

contact for the entity;

(g)(i) names, email addresses, and phone numbers of the members of the entity's governing board or commission, managing officers, or other similar managers and the method by which the members or officers are appointed, elected, or otherwise designated;

(ii) the date of the most recent appointment or election of each entity governing board or commission member; and

(iii) the date of the anticipated end of each entity governing board or commission member's term;

(h) the entity's sources of revenue; and

(i) if the entity has created an assessment area, as that term is defined in Section 11-42-102, information regarding the creation, purpose, and boundaries of the assessment area.

(5) Each entity shall include the following information in the entity's renewal submission:

(a) identify and update any incorrect or outdated information the entity previously submitted during registration under Subsection (4); or

(b) certify that the information the entity previously submitted during registration under Subsection (4) is correct without change.

(6) Within 30 days [~~of receiving~~] after the day on which the secretary of state receives an entity's registration or renewal submission, the [~~lieutenant governor~~] secretary of state shall:

(a) review the submission to determine compliance with Subsection (4) or (5);

(b) if the [~~lieutenant governor~~] secretary of state determines that the entity's submission complies with Subsection (4) or (5):

(i) send a notice of registration or renewal that includes the information that the entity submitted under Subsection (4) or (5) to:

(A) the registering or renewing entity;

(B) each county in which the entity operates, either in whole or in part, or where the entity's geographic boundaries overlap or are contained within the boundaries of the county;

(C) the Division of Archives and Records Service; and

(D) the Office of the Utah State Auditor; and

(ii) publish the information from the submission on the registry, except any email address or phone number that is personal information as defined in Section

63G-2-303; and

(c) if the [~~lieutenant governor~~] secretary of state determines that the entity's submission does not comply with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of noncompliance to the registering or renewing entity that:

(i) identifies each deficiency in the entity's submission with the corresponding statutory requirement;

(ii) establishes a deadline to cure the entity's noncompliance that is the first business day that is at least 30 calendar days after the day on which the [~~lieutenant governor~~] secretary of state sends the notice of noncompliance; and

(iii) states that failure to comply by the deadline the [~~lieutenant governor~~] secretary of state establishes under Subsection (6)(c)(ii) will result in the **Ĥ→ [~~lieutenant governor~~] secretary of state ←Ĥ**

sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

(7)(a) If the [~~lieutenant governor~~] secretary of state identifies an entity that does not make a registration submission in accordance with Subsection (4) by the deadline described in Subsection (3), the [~~lieutenant governor~~] secretary of state shall send a notice of failure to register to the registered entity that:

(i) identifies the statutorily required registration deadline described in Subsection (3) that the entity did not meet;

(ii) establishes a deadline to cure the entity's failure to register that is the first business day that is at least 10 calendar days after the day on which the [~~lieutenant governor~~] secretary of state sends the notice of failure to register; and

(iii) states that failure to comply by the deadline the [~~lieutenant governor~~] secretary of state establishes under Subsection (7)(a)(ii) will result in the [~~lieutenant governor~~] secretary of state sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

(b) If a registered entity does not make a renewal submission in accordance with Subsection (5) by the deadline described in Subsection (3), the [~~lieutenant governor~~] secretary of state shall send a notice of failure to renew to the registered entity that:

(i) identifies the renewal deadline described in Subsection (3) that the entity did not meet;

(ii) establishes a deadline to cure the entity's failure to renew that is the first business day that is at least 30 calendar days after the day on which the [~~lieutenant governor~~]

secretary of state sends the notice of failure to renew; and

(iii) states that failure to comply by the deadline the [~~lieutenant governor~~] secretary of state establishes under Subsection (7)(b)(ii) will result in the [~~lieutenant governor~~] secretary of state sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

(8) An entity's registration is valid:

(a) if the entity makes a registration or renewal submission in accordance with the deadlines described in Subsection (3);

(b) during the period the [~~lieutenant governor~~] secretary of state establishes in the notice of noncompliance or notice of failure to renew during which the entity may cure the identified registration deficiencies; and

(c) for one year beginning on the day on which the [~~lieutenant governor~~] secretary of state issues the notice of registration or renewal.

(9)(a) The [~~lieutenant governor~~] secretary of state shall send a notice of non-registration to the Office of the Utah State Auditor if an entity fails to:

(i) cure the entity's noncompliance by the deadline the [~~lieutenant governor~~] secretary of state establishes in the notice of noncompliance;

(ii) register by the deadline the [~~lieutenant governor~~] secretary of state establishes in the notice of failure to register; or

(iii) cure the entity's failure to renew by the deadline the [~~lieutenant governor~~] secretary of state establishes in the notice of failure to renew.

(b) The [~~lieutenant governor~~] secretary of state shall ensure that the notice of non-registration:

(i) includes a copy of the notice of noncompliance, the notice of failure to register, or the notice of failure to renew; and

(ii) requests that the state auditor withhold state allocated funds or the disbursement of property taxes and prohibit the entity from accessing money held by the state or money held in an account of a financial institution, in accordance with Subsections 67-3-1(7)(i) and 67-3-1(10).

(10) The [~~lieutenant governor~~] secretary of state may extend a deadline under this section if an entity notifies the [~~lieutenant governor~~] secretary of state, before the deadline to be extended, of the existence of an extenuating circumstance that is outside the control of the entity.

(11)(a) An entity is not required to renew submission of a registration under this section

if an entity provides a record of dissolution.

(b) The [~~lieutenant governor~~] secretary of state shall include in the registry an entity's record of dissolution and indicate on the registry that the entity is dissolved.

Section 34. Section **67-5-17** is amended to read:

67-5-17 (Contingently Effective 01/01/29). Attorney-client relationship.

(1) When representing the governor, lieutenant governor, secretary of state, auditor, or treasurer, or when representing an agency under the supervision of any of those officers, the attorney general shall:

(a) keep the officer or the officer's designee reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

(b) explain a matter to the extent reasonably necessary to enable the officer or the officer's designee to make informed decisions regarding the representation;

(c) abide by the officer's or designee's decisions concerning the objectives of the representation and consult with the officer or designee as to the means by which they are to be pursued; and

(d) jointly by agreement, establish protocols with the officer to facilitate communications and working relationships with the officer or agencies under the officer's supervision.

(2) Nothing in Subsection (1) modifies or [~~supercedes~~] supersedes any independent legal authority granted specifically by statute to the attorney general.

(3) When the attorney general institutes or maintains a civil enforcement action on behalf of the state of Utah that is not covered under Subsection (1), the attorney general shall:

(a) fully advise the governor, as the officer in whom the executive authority of the state is vested, before instituting the action, entering into a settlement or consent decree, or taking an appeal; and

(b) keep the governor reasonably informed about the status of the matter and promptly comply with reasonable requests for information.

(4) In a civil action not covered under Subsection (1) or (3), the attorney general shall:

(a) keep the governor reasonably informed about the status of the matter and promptly comply with reasonable requests for information;

(b) explain the matter to the extent reasonably necessary to enable the governor to make informed decisions regarding the representation; and

(c) abide by the governor's decisions concerning the objectives of the representation and consult with the governor as to the means by which they are to be pursued.

(5) The governor may appear in any civil legal action involving the state and appoint legal counsel to advise or appear on behalf of the governor. The court shall allow the governor's appearance.

(6)(a) As used in this section, "cooperative state litigation" means:

(i) an anticipated or pending settlement that may require approval by the Legislature or the Legislative Management Committee in accordance with Title 63G, Chapter 10, State Settlement Agreements Act; or

(ii) anticipated or pending litigation in which:

(A) a party challenges the constitutionality of a state law; or

(B) the state challenges a federal law or regulation.

(b) When the Office of the Attorney General discusses or shares with persons within the legislative branch documents or information related to cooperative state litigation, the sharing is in furtherance of matters of common interest between the represented parties.

Section 35. Section **67-8-5** is amended to read:

67-8-5 (Contingently Effective 05/06/26). Duties of commission -- Salary recommendations.

(1) The commission shall recommend to the Legislature:

(a) salaries for the governor, the lieutenant governor, the attorney general, the secretary of state, the state auditor, and the state treasurer; and

(b) salaries for justices of the Supreme Court and judges of the constitutional and statutory courts of record.

(2) In making the salary recommendations described in Subsection (1), the commission shall:

(a) consider:

(i) the education and experience required for the position;

(ii) the responsibility required of the position;

(iii) whether the position requires accountability for funds or staff;

(iv) wages paid for other comparable public and private employment in the state and in other similarly situated states;

(v) any increase in the Consumer Price Index since the commission's last recommendations; and

(vi) any other factors typically used to make similar recommendations;

(b) consult with the Division of Human Resource Management; and

(c) for the salary recommendations described in Subsection (1)(b), consult with the Judicial Council.

(3) No later than January 2, the commission shall submit an annual electronic report to the Executive Appropriations Committee, the president of the Senate, the speaker of the House of Representatives, and the governor that:

(a) briefly summarizes the commission's activities during the previous calendar year; and

(b) provides any recommendations to modify the salaries of:

(i) the governor, lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer; or

(ii) the justices of the Supreme Court or judges of the constitutional and statutory courts of record.

(4) The Judicial Council shall cooperate with the commission in providing information relevant to the duties of the commission.

Section 36. Section **67-9-1** is amended to read:

67-9-1 (Contingently Effective 01/01/29). Appointment -- Powers.

(1) The state auditor, the state treasurer, the attorney general, the secretary of state, and the superintendent of public instruction may each appoint a deputy, who may, during the absence or disability of the principal, perform all the duties pertaining to the office, except those required of the principal as a member of any board.

(2) The principal shall be answerable for the neglect or misconduct in office of the principal's deputy, and may require the deputy to obtain crime insurance.

(3) The principal:

(a) shall, if the principal appoints a deputy:

(i) make the appointment in writing; and

(ii) file the written appointment with the lieutenant governor;

(b) may revoke the appointment of the principal's deputy, at will, in writing; and

(c) shall, if the principal revokes appointment of a deputy, file the written revocation with the [~~lieutenant governor~~] secretary of state.

Section 37. Section **67-22-1** is amended to read:

67-22-1 (Contingently Effective 05/06/26). Compensation -- Constitutional offices.

(1)(a) The salary for the governor shall be set annually by the Legislature in an appropriations act.

(b) Constitutional office salaries shall be based on the following percentages of the

salary of the governor:

(i) lieutenant governor: 90% of the governor's salary;

(ii) attorney general: 95% of the governor's salary;

(iii) secretary of state: 90% of the governor's salary;

[~~(iii)~~] (iv) state auditor: 90% of the governor's salary; and

[~~(iv)~~] (v) state treasurer: 90% of the governor's salary.

(2) The Legislature fixes benefits for the constitutional offices as follows:

(a) governor:

(i) a vehicle for official and personal use;

(ii) housing;

(iii) household and security staff;

(iv) household expenses;

(v) retirement benefits as provided in Title 49, Utah State Retirement and Insurance Benefit Act;

(vi) health insurance;

(vii) dental insurance;

(viii) basic life insurance;

(ix) workers' compensation;

(x) required employer contribution to Social Security;

(xi) long-term disability income insurance; and

(xii) the same additional state paid life insurance available to other noncareer service employees; and

(b) lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer:

(i) a vehicle for official and personal use;

(ii) the option of participating in a:

(A) state retirement system in accordance with Title 49, Utah State Retirement and Insurance Benefit Act:

(I) Chapter 12, Public Employees' Contributory Retirement Act;

(II) Chapter 13, Public Employees' Noncontributory Retirement Act; or

(III) Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or

(B) deferred compensation plan administered by the State Retirement Office, in accordance with the Internal Revenue Code and its accompanying rules and

regulations;

(iii) health insurance;

(iv) dental insurance;

(v) basic life insurance;

(vi) workers' compensation;

(vii) required employer contribution to Social Security;

(viii) long-term disability income insurance; and

(ix) the same additional state paid life insurance available to other noncareer service employees.

(3) Each constitutional office shall pay the cost of the additional state-paid life insurance for its constitutional officer from its existing budget.

Section 38. Section **81-2-305** is amended to read:

81-2-305 (Contingently Effective 01/01/29). Who may solemnize marriages -- Certificate.

(1) The following individuals may solemnize a marriage:

(a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;

(b) a Native American spiritual advisor;

(c) the governor;

(d) the lieutenant governor;

(e) the state attorney general;

(f) the secretary of state;

[~~(f)~~] (g) the state treasurer;

[~~(g)~~] (h) the state auditor;

[~~(h)~~] (i) a mayor of a municipality or county executive;

[~~(i)~~] (j) a justice, judge, or commissioner of a court of record;

[~~(j)~~] (k) a judge of a court not of record of the state;

[~~(k)~~] (l) a judge or magistrate of the United States;

[~~(l)~~] (m) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-70-302;

[~~(m)~~] (n) a senator or representative of the Utah Legislature;

[~~(n)~~] (o) a member of the state's congressional delegation;

[~~(o)~~] (p) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court; or

[~~(p)~~] (q) a military chaplain.

(2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:

(a) name of the county from which the license is issued; and

(b) date of the license's issuance.

(3) Except for an individual described in Subsection (1)(l), an individual described in Subsection (1) has discretion to solemnize a marriage.

(4) Except as provided in Section 17-70-302 and Subsection (1)(l), and notwithstanding any other provision in law, no individual authorized under Subsection (1) to solemnize a marriage may delegate or deputize another individual to perform the function of solemnizing a marriage.

(5)(a) Within 30 days after the day on which a marriage is solemnized, the individual solemnizing the marriage shall return the marriage license to the county clerk that issued the marriage license with a certificate of the marriage over the individual's signature stating the date and place of solemnization and the names of two or more witnesses present at the marriage.

(b) An individual described in Subsection (5)(a) who fails to return the license is guilty of an infraction.

(c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.

(6)(a) An individual is guilty of a third degree felony if the individual knowingly:

(i) solemnizes a marriage without a valid marriage license; or

(ii) solemnizes a marriage in violation of this section.

(b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or without a marriage license, solemnizes a marriage between two individuals who are 18 years old or older that is prohibited by law.

Section 39. **Repealer.**

This bill repeals:

Section **67-1a-6, Designation as secretary of state -- Duties.**

Section 40. **Effective Date.**

(1) Except as provided in Subsection (2), this bill takes effect January 1, 2027, if the amendment to the Utah Constitution proposed by H.J.R. 25, Proposal to Amend Utah

Constitution - Secretary of State, 2026 General Session, passes the Legislature and is approved by a majority of those voting on it at the next regular general election.

(2) The actions affecting the following sections take effect on January 1, 2029, if the amendment to the Utah Constitution proposed by H.J.R. 25, Proposal to Amend Utah Constitution - Secretary of State, 2026 General Session, passes the Legislature and is approved by a majority of those voting on it at the next regular general election:

(a) Section 67-1a-2(Contingently Effective 01/01/29);

(b) Section 67-1a-6(Contingently Effective 01/01/29);

(c) Section 67-1c-101(Contingently Effective 01/01/29);

(d) Section 67-1c-102(Contingently Effective 01/01/29);

(e) Section 67-1c-201(Contingently Effective 01/01/29);

(f) Section 67-1a-2.2(Contingently Effective 01/01/29);

(g) Section 67-1a-8(Contingently Effective 01/01/29);

(h) Section 67-1a-7(Contingently Effective 01/01/29);

(i) Section 67-1a-2.5(Contingently Effective 01/01/29);

(j) Section 67-1a-12(Contingently Effective 01/01/29);

(k) Section 67-1a-13(Contingently Effective 01/01/29);

(l) Section 67-1c-401(Contingently Effective 01/01/29);

(m) Section 67-1a-6.5(Contingently Effective 01/01/29);

(n) Section 67-1a-6.7(Contingently Effective 01/01/29);

(o) Section 67-1a-15(Contingently Effective 01/01/29);

(p) Section 67-5-17(Contingently Effective 01/01/29);

(q) Section 67-9-1(Contingently Effective 01/01/29); and

(r) Section 81-2-305(Contingently Effective 01/01/29).