

HB0361S01 compared with HB0361

~~{Omitted text}~~ shows text that was in HB0361 but was omitted in HB0361S01

inserted text shows text that was not in HB0361 but was inserted into HB0361S01

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

1 Elections ~~{Office Oversight}~~ Provisions Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

2

3 LONG TITLE

4 General Description:

5 This bill ~~{addresses issues}~~ amends provisions relating to ~~{Utah's election system}~~ elections.

6 Highlighted Provisions:

7 This bill:

8 ▶ ~~{provides for the appointment of a conflict of interest elections officer to act in the place of the lieutenant governor if a complaint or election controversy arises that has any connection to a race for office in which the governor or lieutenant governor is, or seeks to be, a candidate;}~~

12 ▶ ~~{describes the terms of service and authority of the conflict of interest elections officer; and}~~

13 ▶ ~~{creates the Elections Oversight Task Force and establishes the task force's:}~~

14 • ~~{membership;}~~

15 • ~~{duties;}~~

8 ▶ defines terms;

9 ▶ modifies, consolidates, recodifies, and adds provisions relating to:

10 • notices of offices to be filled at upcoming elections;

HB0361

HB0361 compared with HB0361S01

- 11 • notices of candidate filing periods;
12 • notices of candidates to be included on a ballot and other instructions relating to a
13 ballot;
14 • {~~reporting requirements~~} notices of election; and
15 • {~~repeal date.~~}
16 • other notices relating to elections;
17 ▸ modifies certain declaration of candidacy periods:
18 • to coincide with the declaration of candidacy periods for municipal primary elections,
19 municipal general elections, regular primary elections, and regular general elections; and
20 • to make declaration of candidacy periods for all registered political parties the same,
21 regardless of whether the registered political party is a qualified political party;
22 ▸ prohibits a county clerk's or election officer's name from:
23 • inclusion in the official endorsement for a ballot;
24 • inclusion on a return envelope for a ballot; or
25 • inclusion on a ballot, except to the extent that the county clerk or election officer is
26 listed as a candidate on the ballot;
27 ▸ modifies certain deadlines set at a specific date to instead occur on a business day;
28 ▸ modifies and consolidates provisions relating to removing the names of deceased
29 individuals from the list of registered voters;
30 ▸ modifies requirements relating to the storage of election material, ballots, and election
31 returns;
32 ▸ modifies the deadline to file an objection to a declaration of candidacy;
33 ▸ modifies and removes inconsistent provisions relating to participation in a regular primary
34 election;
35 ▸ grants rulemaking authority to the Office of the Lieutenant Governor to regulate the use
36 and application of the Great Seal of the State of Utah or a replica of the seal;
37 ▸ modifies and clarifies provisions relating to the crime of illegally using or defacing the
38 Great Seal of the State of Utah; and
39 ▸ makes technical and conforming changes.

Money Appropriated in this Bill:

41 None

HB0361 compared with HB0361S01

42 **Other Special Clauses:**

43 This bill provides a special effective date.

44 **Utah Code Sections Affected:**

45 **AMENDS:**

- 46 **10-3-301 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 90, 448**
-
- 47 **17-62-201 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First**
Special Session, Chapter 13
-
- 49 **17-62-202 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First**
Special Session, Chapter 13
-
- 51 **17B-1-306 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 39, 161**
-
- 52 **17B-1-1001 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 388**
-
- 53 **17B-1-1003 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapters 15, 174**
-
- 55 **20A-1-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session,**
Chapter 6
-
- 57 **20A-1-206 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448**
-
- 58 **20A-1-501 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session,**
Chapter 16
-
- 60 **20A-1-503 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 90, 448**
-
- 61 **20A-2-107 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special**
Session, Chapter 2
-
- 63 **20A-2-504 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448**
-
- 64 **20A-2-505 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 381, 448**
-
- 66 **20A-3a-202 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 381, 448**
-
- 68 **20A-3a-603 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 381**
-
- 69 **20A-3a-604 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448**
-
- 70 **20A-4-104 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session,**
Chapter 6
-
- 72 **20A-4-202 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session,**
Chapter 6
-

HB0361 compared with HB0361S01

- 74 **20A-4-304 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 6**
-
- 76 **20A-6-110 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, Chapter 39**
-
- 78 **20A-6-301 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 39**
-
- 79 **20A-6-302 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 39, 448**
-
- 80 **20A-6-304 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 136**
-
- 81 **20A-6-401 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 39**
-
- 82 **20A-6-401.1 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 39**
-
- 83 **20A-6-402 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 39**
-
- 84 **20A-9-101 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapters 15, 45**
-
- 85 **20A-9-201 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**
-
- 87 **20A-9-201.5 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**
-
- 89 **20A-9-202 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448**
-
- 90 **20A-9-203 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 38, 39 and 448**
-
- 92 **20A-9-403 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 39, 448**
-
- 93 **20A-9-406 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**
-
- 95 **20A-9-407 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**
-
- 97 **20A-9-408 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**
-
- 99 **20A-9-409 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 16**
-
- 101 **20A-14-103 (Effective 05/06/26), as last amended by Laws of Utah 2021, Second Special Session, Chapter 10**
-

HB0361 compared with HB0361S01

24 ~~{63I-2-236, as last amended by Laws of Utah 2025, Chapters 277, 414}~~

103 ~~67-1a-7 (Effective 05/06/26), as enacted by Laws of Utah 1984, Chapter 68~~

104 ENACTS:

26 ~~{20A-1-109, Utah Code Annotated 1953}~~

105 ~~20A-5a-101 (Effective 05/06/26), Utah Code Annotated 1953~~

106 ~~20A-5a-102 (Effective 05/06/26), Utah Code Annotated 1953~~

107 ~~20A-5a-202 (Effective 05/06/26), Utah Code Annotated 1953~~

108 ~~20A-5a-203 (Effective 05/06/26), Utah Code Annotated 1953~~

109 ~~20A-5a-204 (Effective 05/06/26), Utah Code Annotated 1953~~

110 ~~20A-5a-205 (Effective upon governor's approval), Utah Code Annotated 1953~~

111 ~~20A-5a-206 (Effective upon governor's approval), Utah Code Annotated 1953~~

112 ~~20A-5a-207 (Effective 05/06/26), Utah Code Annotated 1953~~

113 ~~20A-5a-208 (Effective 05/06/26), Utah Code Annotated 1953~~

114 ~~20A-5a-210 (Effective 05/06/26), Utah Code Annotated 1953~~

115 ~~20A-5a-211 (Effective 05/06/26), Utah Code Annotated 1953~~

116 ~~20A-5a-212 (Effective 05/06/26), Utah Code Annotated 1953~~

117 ~~20A-5a-301 (Effective 05/06/26), Utah Code Annotated 1953~~

118 ~~20A-5a-302 (Effective 05/06/26), Utah Code Annotated 1953~~

119 ~~20A-5a-303 (Effective 05/06/26), Utah Code Annotated 1953~~

120 ~~20A-5a-304 (Effective 05/06/26), Utah Code Annotated 1953~~

121 ~~20A-5a-305 (Effective 05/06/26), Utah Code Annotated 1953~~

122 ~~20A-5a-306 (Effective 05/06/26), Utah Code Annotated 1953~~

123 ~~20A-5a-307 (Effective 05/06/26), Utah Code Annotated 1953~~

124 ~~20A-5a-308 (Effective 05/06/26), Utah Code Annotated 1953~~

125 ~~20A-5a-309 (Effective 05/06/26), Utah Code Annotated 1953~~

126 ~~20A-5a-310 (Effective 05/06/26), Utah Code Annotated 1953~~

127 ~~20A-5a-311 (Effective 05/06/26), Utah Code Annotated 1953~~

128 ~~20A-5a-312 (Effective 05/06/26), Utah Code Annotated 1953~~

129 ~~20A-5a-401 (Effective 05/06/26), Utah Code Annotated 1953~~

HB0361 compared with HB0361S01

130 **20A-5a-402 (Effective 05/06/26), Utah Code Annotated 1953**

27 ~~{36-29-113, Utah Code Annotated 1953}~~

131 RENUMBERS AND AMENDS:

132 **20A-5-401.1 (Effective 05/06/26), (Renumbered from 20A-5-102, as last amended by Laws of**
Utah 2025, Chapter 381)

134 **20A-5-401.2 (Effective 05/06/26), (Renumbered from 20A-5-102, as last amended by Laws**
of Utah 2025, Chapter 381)

136 **20A-5a-201 (Effective 05/06/26), (Renumbered from 20A-5-101, as last amended by Laws of**
Utah 2025, Chapter 448)

138 **20A-5a-209 (Effective 05/06/26), (Renumbered from 20A-9-701, as last amended by Laws of**
Utah 2015, Chapter 296)

140 REPEALS:

141 **17B-1-305 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 15**

142 **20A-5-409 (Effective 05/06/26), as last amended by Laws of Utah 2011, Chapter 327**

143

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

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

146 **10-3-301. Notice of offices to be filled and declaration of candidacy period -- Eligibility and**
residency requirements for elected municipal office -- Mayor and recorder limitations.

149 (1) As used in this section:

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

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

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

157 [(2)

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

159 ~~[(i) the municipal offices to be voted on in the municipal general election; and]~~

160 ~~[(ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (2)(a)
(i).]~~

HB0361 compared with HB0361S01

- 162 ~~[(b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the municipality, as~~
163 ~~a class A notice under Section 63G-30-102, for at least seven days.]~~
- 164 (2) A municipality shall comply with Sections 20A-5a-301 and 20A-5a-303 to provide notice regarding:
- 166 (a) the offices to be voted on at the upcoming election; and
- 167 (b) the declaration of candidacy filing period.
- 168 (3)
- (a) An individual who files a declaration of candidacy for a municipal office shall:
- 169 (i) comply with the requirements described in Section 20A-9-203; and
- 170 (ii) file the conflict of interest disclosure statement described in Section 10-3-301.5.
- 171 (b)
- (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of each municipality shall maintain office hours from 8 a.m. to 5 p.m. during the filing period described in Subsection 20A-9-203(3)(d), unless the date occurs on a:
- 174 (A) Saturday or Sunday; or
- 175 (B) state holiday as listed in Section 63G-1-301.
- (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that is less than 40 hours per week, the city recorder or town clerk may comply with Subsection (3)(b)(i) without maintaining office hours by:
- 179 (A) posting the recorder's or clerk's contact information, including a phone number and email address, on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on the municipal website; and
- 182 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).
- 184 (4) An individual elected to municipal office shall be a registered voter in the municipality in which the individual is elected.
- 186 (5)
- (a) Each elected officer of a municipality shall maintain a principal place of residence within the municipality, and within the district that the elected officer represents, during the officer's term of office.
- 189 (b) Except as provided in Subsection (6), an elected municipal office is automatically vacant if the officer elected to the municipal office, during the officer's term of office:

HB0361 compared with HB0361S01

- 191 (i) establishes a principal place of residence outside the district that the elected officer represents;
193 (ii) resides at a secondary residence outside the district that the elected officer represents for a
continuous period of more than 60 days while still maintaining a principal place of residence within
the district;
196 (iii) is absent from the district that the elected officer represents for a continuous period of more than 60
days; or
198 (iv) fails to respond to a request, within 30 days after the day on which the elected officer receives
the request, from the county clerk or the lieutenant governor seeking information to determine the
officer's residency.
- 201 (6)
(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the consent of the municipal
legislative body in accordance with Subsection (6)(b) before the expiration of the 60-day period
described in Subsection (5)(b)(ii) or (iii), the officer may:
205 (i) reside at a secondary residence outside the district that the elected officer represents while still
maintaining a principal place of residence within the district for a continuous period of up to one
year during the officer's term of office; or
208 (ii) be absent from the district that the elected officer represents for a continuous period of up to one
year during the officer's term of office.
- 210 (b) At a public meeting, the municipal legislative body may give the consent described in Subsection
(6)(a) by majority vote after taking public comment regarding:
212 (i) whether the legislative body should give the consent; and
213 (ii) the length of time to which the legislative body should consent.
214 (7)
(a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.
216 (b) The recorder of a municipality may not also serve as the municipal treasurer.
217 (c) An individual who holds a county elected office may not, at the same time, hold a municipal elected
office.
219 (d) The restriction described in Subsection (7)(c) applies regardless of whether the individual is elected
to the office or appointed to fill a vacancy in the office.

221 Section 2. Section 17-62-201 is amended to read:

222 **17-62-201. County commission form of government -- Commission member elections.**

HB0361 compared with HB0361S01

- 224 (1) As used in this section:
- 225 (a) "Midterm vacancy" means a county commission position that is being filled at an election for less
than the position's full term as established in:
- 227 (i) Subsection (4)(a); or
- 228 (ii) a county's optional plan under Section 17-62-403.
- 229 (b) "Open position" means a county commission position that is being filled at a regular general
election for the position's full term as established in:
- 231 (i) Subsection (4)(a); or
- 232 (ii) a county's optional plan under Section 17-62-403.
- 233 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a), chosen to conduct
county commissioner elections in accordance with Subsection (6).
- 235 (2) A county commission consisting of three members shall govern each county operating under the
county commission form of government.
- 237 (3) A county commission under a county commission form of government is both the county legislative
body and the county executive and has the powers, duties, and functions of a county legislative
body under Chapter 64, County Legislative Body, and the powers, duties, and functions of a county
executive under Chapter 65, County Executive.
- 242 (4) Except as otherwise provided in an optional plan adopted under this chapter:
- 243 (a) the term of office of each county commission member is four years;
- 244 (b) the terms of county commission members shall be staggered so that two members are elected at
a regular general election date that alternates with the regular general election date of the other
member; and
- 247 (c) each county commission member shall be elected:
- 248 (i) at large, unless otherwise required by court order; and
- 249 (ii) subject to the provisions of this section, in accordance with Title 20A, Election Code.
- 251 (5) Except as provided in Subsection (6):
- 252 (a) if two county commission positions are vacant for an election, the positions shall be designated
"county commission seat A" and "county commission seat B";
- 254 (b) each candidate who files a declaration of candidacy when two positions are vacant shall designate
on the declaration of candidacy form whether the candidate is a candidate for seat A or seat B; and
- 257

HB0361 compared with HB0361S01

- (c) no person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.
- 259 (6)
- (a) A county of the first or second class may, through an optional plan as described in Subsection 17-62-403(5) or by ordinance, choose to conduct county commissioner elections in accordance with this Subsection (6).
- 262 (b) When issuing the notice [~~of election required by Subsection 20A-5-101(2)~~] described in Section 20A-5a-202, the clerk of an opt-in county shall, if there is at least one open position and at least one midterm vacancy, designate:
- 265 (i) each open position as "open position"; and
- 266 (ii) each midterm vacancy as "midterm vacancy."
- 267 (c) An individual who files a declaration of candidacy for the office of county commissioner in an opt-in county:
- 269 (i) if there is more than one open position, is not required to indicate which open position the individual is running for;
- 271 (ii) if there is at least one open position and at least one midterm vacancy, shall designate on the declaration of candidacy whether the individual is filing for an open position or a midterm vacancy; and
- 274 (iii) may not file a declaration of candidacy for an open position and a midterm vacancy in the same election.
- 276 (d) If there is an open position and a midterm vacancy being voted upon in the same election in an opt-in county, the county clerk shall indicate on the ballot for the election which positions are open positions and which positions are midterm vacancies.
- 280 (e) In an opt-in county:
- 281 (i) the candidates for open positions, in a number equal to the number of open positions, who receive the highest number of votes are:
- 283 (A) for the purposes of a regular primary election, nominated by the candidates' party for the open positions; and
- 285 (B) for the purposes of a regular general election, elected to fill the open positions; and
- 287 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm vacancies, who receive the highest number of votes are:

HB0361 compared with HB0361S01

289 (A) for the purposes of a regular primary election, nominated by the candidates' party for the midterm
vacancies; and

291 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

293 Section 3. Section 17-62-202 is amended to read:

294 **17-62-202. Expanded county commission form of government -- Commission member
elections.**

296 (1) As used in this section:

297 (a) "Midterm vacancy" means the same as that term is defined in Section 17-62-201.

298 (b) "Open position" means the same as that term is defined in Section 17-62-201.

299 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a), chosen to conduct
county commissioner elections in accordance with Subsection (6).

301 (2) A county commission consisting of five or seven members shall govern each county operating under
an expanded county commission form of government.

303 (3) A county commission under the expanded county commission form of government is both the
county legislative body and the county executive and has the powers, duties, and functions of a
county legislative body under Chapter 64, County Legislative Body, and the powers, duties, and
functions of a county executive under Chapter 65, County Executive.

308 (4) Except as otherwise provided in an optional plan adopted under this chapter:

309 (a) the term of office of each county commission member is four years;

310 (b) the terms of county commission members shall be staggered so that approximately half the members
are elected at alternating regular general election dates; and

312 (c) each county commission member shall be elected:

313 (i) at large, unless otherwise required by court order; and

314 (ii) subject to the provisions of this section, in accordance with Title 20A, Election Code.

316 (5) Except as provided in Subsection (6):

317 (a) if multiple at-large county commission positions are vacant for an election, the positions shall be
designated "county commission seat A," "county commission seat B," and so on as necessary for the
number of vacant positions;

320 (b) each candidate who files a declaration of candidacy when multiple positions are vacant shall
designate the letter of the county commission seat for which the candidate is a candidate; and

323

HB0361 compared with HB0361S01

- (c) no person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.
- 325 (6)
- (a) A county of the first or second class may, through an optional plan as described in Subsection 17-62-403(5) or by ordinance, choose to conduct county commissioner elections in accordance with this Subsection (6).
- 328 (b) When issuing the notice [~~of election required by Subsection 20A-5-101(2)~~] described in Section 20A-5a-202, the clerk of an opt-in county shall, if there is at least one open position and at least one midterm vacancy, designate:
- 331 (i) each open position as "open position"; and
- 332 (ii) each midterm vacancy as "midterm vacancy."
- 333 (c) An individual who files a declaration of candidacy for the office of county commissioner in an opt-in county:
- 335 (i) if there is more than one open position, is not required to indicate which open position the individual is running for;
- 337 (ii) if there is at least one open position and at least one midterm vacancy, shall designate on the declaration of candidacy whether the individual is filing for an open position or a midterm vacancy; and
- 340 (iii) may not file a declaration of candidacy for an open position and a midterm vacancy in the same election.
- 342 (d) If there is an open position and a midterm vacancy being voted upon in the same election in an opt-in county, the county clerk shall indicate on the ballot for the election which positions are open positions and which positions are midterm vacancies.
- 346 (e) In an opt-in county:
- 347 (i) the candidates for open positions, in a number equal to the number of open positions, who receive the highest number of votes are:
- 349 (A) for the purposes of a regular primary election, nominated by the candidates' party for the open positions; and
- 351 (B) for the purposes of a regular general election, elected to fill the open positions; and
- 353 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm vacancies, who receive the highest number of votes are:

HB0361 compared with HB0361S01

355 (A) for the purposes of a regular primary election, nominated by the candidates' party for the midterm
vacancies; and

357 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

359 Section 4. Section 17B-1-306 is amended to read:

360 **17B-1-306. Special district board -- Election procedures -- Notice of offices to be filled and
declaration of candidacy period.**

362 (1) Except as provided in Subsection (12), each elected board member shall be selected as provided in
this section.

364 (2)

(a) Each election of a special district board member shall be held:

365 (i) at the same time as the municipal general election or the regular general election, as applicable;
and

367 (ii) at polling places designated by the special district board in consultation with the county clerk
for each county in which the special district is located, which polling places shall coincide with
municipal general election or regular general election polling places, as applicable, whenever
feasible.

371 (b) The special district board, in consultation with the county clerk, may consolidate two or more
polling places to enable voters from more than one district to vote at one consolidated polling place.

374 (c)

(i) Subject to Subsections [~~(5)(h) and (i)~~] (5)(g) and (h), the number of polling places under Subsection
(2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per
division of the district, designated by the district board.

378 (ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall
coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

381 [~~3~~]

(a) ~~The clerk of each special district with a board member position to be filled at the next municipal
general election or regular general election, as applicable, shall provide notice of:]~~

384 [~~(i) each elective position of the special district to be filled at the next municipal general election or
regular general election, as applicable;]~~

386 [~~(ii) the constitutional and statutory qualifications for each position; and]~~

387 [~~(iii) the dates and times for filing a declaration of candidacy.]~~

HB0361 compared with HB0361S01

- 388 [~~(b) If the election is to be held at the same time as the municipal general election, a declaration of~~
candidacy shall be filed ~~between June 1 and June 7 of any odd-numbered year.~~]
- 391 [~~(c) If the election is to be held at the same time as the regular general election, a declaration of~~
candidacy shall be filed ~~between June 1 and June 7 of any even-numbered year.~~]
- 394 [~~(4) The clerk of the special district shall publish the notice described in Subsection (3)(a) for the~~
special district, as a class A notice under Section 63G-30-102, for at least 10 days before the first
day for filing a declaration of candidacy.]
- 397 (3) If the election is to be held at the same time as the municipal general election:
- 398 (a) the special district shall comply with Section 20A-5a-304 to provide notice regarding offices to be
voted on at the upcoming election and the declaration of candidacy period; and
- 401 (b) the period to file a declaration of candidacy is the filing period described in Subsection
20A-9-203(3)(d).
- 403 (4) If the election is to be held at the same time as the regular general election:
- 404 (a) the special district shall comply with Section 20A-5a-203 to provide notice regarding offices to be
voted on at the upcoming election and the declaration of candidacy period; and
- 407 (b) the period to file a declaration of candidacy is the filing period described in Section 20A-9-201.5.
- 409 (5)
- (a) Except as provided in Subsection [~~(5)(e)~~] (5)(b), to become a candidate for an elective special
district board position, an individual shall file a declaration of candidacy in person with an official
designated by the special district within the candidate filing period for the applicable election year in
which the election for the special district board is held ~~and~~ , as follows:
- 414 (i) for a special district with a four day standard work week of at least eight hours each day of the
workweek, during the special district's standard office hours; or
- 416 (ii) for a special district other than a district described in Subsection (5)(a)(i):
- 417 [(i)] (A) [~~during the special district's standard office hours,~~] if the standard office hours provide at least
three consecutive office hours each day during the candidate filing period that is not a holiday or
weekend, during the special district's standard office hours; or
- 421 [(ii)] (B) if the standard office hours of a special district do not provide at least three consecutive office
hours each day, a three-hour consecutive time period each day designated by the special district
during the candidate filing period that is not a holiday or weekend~~;~~ or .

425

HB0361 compared with HB0361S01

~~[(iii) during the special district's standard office hours if the special district has adopted a four day standard work week with standard office hours of at least eight hours each of those days.]~~

428 ~~[(b) When the candidate filing deadline falls on a Saturday, Sunday, holiday, or a day that is not a regular business day for the special district pursuant to Subsection (5)(a)(iii), the filing time shall be extended until the close of normal office hours on the following regular business day.]~~

432 ~~[(e)]~~ (b) Subject to Subsection ~~[(5)(f)]~~ (5)(e), an individual may designate an agent to file a declaration of candidacy with the official designated by the special district if:

434 (i) the individual is located outside of the state during the entire filing period;

435 (ii) the designated agent appears in person before the official designated by the special district; and

437 (iii) the individual communicates with the official designated by the special district using an electronic device that allows the individual and official to see and hear each other.

440 ~~[(d)]~~ (c)

(i) Before the filing officer may accept any declaration of candidacy from an individual, the filing officer shall:

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

444 (B) require the individual to state whether the individual meets those requirements.

445 (ii) If the individual does not meet the qualification requirements for the office, the filing officer may not accept the individual's declaration of candidacy.

447 (iii) If it appears that the individual meets the requirements of candidacy, the filing officer shall accept the individual's declaration of candidacy.

449 ~~[(e)]~~ (d) The declaration of candidacy shall be in substantially the following form:

450 "I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City of _____, County of _____, state of Utah, (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the office of board of trustees member for _____ (state the name of the special district); that I am a candidate for that office to be voted upon at the next election; and that, if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period, and I hereby request that my name be printed upon the official ballot for that election.

458 (Signed) _____

459

HB0361 compared with HB0361S01

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, _____.

461 (Signed) _____

462 (Clerk or Notary Public), _____

463 [(f)] (e) An agent designated under Subsection [(5)(e)] (5)(b) may not sign the form described in Subsection [(5)(e)] (5)(d).

465 [(g)] (f) Each individual wishing to become a valid write-in candidate for an elective special district board position is governed by Section 20A-9-601.

467 [(h)] (g) If at least one individual does not file a declaration of candidacy as required by this section, an individual shall be appointed to fill that board position in accordance with the appointment provisions of Section 20A-1-512.

470 [(i)] (h) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:

473 (i) consider the candidate to be elected to the position; and

474 (ii) cancel the election.

475 (6)

(a) A primary election may be held if:

476 (i) the election is authorized by the special district board; and

477 (ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.

479 (b) The primary election shall be conducted:

480 (i) on the same date as the municipal primary election or the regular primary election, as applicable; and

482 (ii) according to the procedures for primary elections provided under Title 20A, Election Code.

484 (7)

(a) Except as provided in Subsection (7)(c), within one business day after the deadline for filing a declaration of candidacy, the special district clerk shall certify the candidate names to the clerk of each county in which the special district is located.

487 (b)

(i) Except as provided in Subsection (7)(c) and in accordance with Sections 20A-6-109 and 20A-6-110, the clerk of each county in which the special district is located and the special district clerk shall

HB0361 compared with HB0361S01

coordinate placement of the name of each candidate for special district office in the nonpartisan section of the ballot with the appropriate election officer.

- 492 (ii) If consolidation of the special district election ballot with the municipal general election ballot or
the regular general election ballot, as applicable, is not feasible, the special district board of trustees,
in consultation with the county clerk, shall provide for a separate special district election ballot to be
administered by poll workers at polling places designated under Subsection (2).
- 497 (c)
- (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board of an irrigation
district established under Chapter 2a, Part 5, Irrigation District Act.
- 499 (ii) The board of an irrigation district shall:
- 500 (A) subject to Subsections (7)(c)(ii)(B) and (C), establish the form of the ballot for a board member
election;
- 502 (B) ensure that the ballot is in a nonpartisan format; and
- 503 (C) ensure that the name of each candidate is placed on the ballot in accordance with Sections
20A-6-109 and 20A-6-110.
- 505 (8)
- (a) Each voter at an election for a board of trustees member of a special district shall:
- 506 (i) be a registered voter within the district, except for an election of:
- 507 (A) an irrigation district board of trustees member; or
- 508 (B) a basic special district board of trustees member who is elected by property owners; and
- 510 (ii) meet the requirements to vote established by the district.
- 511 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 512 (c) The candidates who receive the highest number of votes are elected.
- 513 (9) Except as otherwise provided by this section, the election of special district board members is
governed by Title 20A, Election Code.
- 515 (10)
- (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a special district board
shall serve a four-year term, beginning at noon on the January 1 after the person's election.
- 518 (b) A person elected shall be sworn in as soon as practical after January 1.
- 519 (11)

HB0361 compared with HB0361S01

- (a) Except as provided in Subsection (11)(b), each special district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that special district.
- 522 (b) Each irrigation district shall bear the district's own costs of each election the district holds under this section.
- 524 (12) This section does not apply to an improvement district that provides electric or gas service.
- 526 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A, Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 528 (14)
- (a) As used in this Subsection (14), "board" means:
- 529 (i) a special district board; or
- 530 (ii) the administrative control board of a special service district that has elected members on the board.
- 532 (b) If a board desires to hold elections for membership on the board at a regular general election instead of a municipal general election , or at a municipal general election instead of a regular general election, the board may submit an application to the lieutenant governor that:
- 536 (i) requests permission to change the election year for membership on the board in a manner described in this Subsection (14)(b);
- 538 (ii) indicates that a change in the election year is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason; and
- 540 (iii) if a change in the election year may result in shortening a board member's term of office, indicates that the members of the board unanimously support the lieutenant governor taking that action.
- 543 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant governor may approve the if:
- 545 (i) the lieutenant governor concludes that changing the election year is beneficial based on the criteria described in Subsection (14)(b)(ii); and
- 547 (ii) for an application that may result in shortening a board member's term of office, the application satisfies the unanimity requirement described in Subsection (14)(b)(iii).
- 550 (d) If the lieutenant governor approves a board's application described in this section:
- 551 (i) all future elections for membership on the board shall be held at the time of the general election specified in the application; and

HB0361 compared with HB0361S01

- 553 (ii) the board may not hold elections at the time of an election other than the general election specified
in the application, unless the board receives permission from the lieutenant governor to change the
election under the same procedure, and by applying the same criteria, described in this Subsection
(14).
- 557 (15)
- 558 (a) This Subsection (15) applies to a special district if:
- 559 (i) the special district's board members are elected by the owners of real property, as provided in
Subsection 17B-1-1402(1)(b); and
- 560 (ii) the special district was created before January 1, 2020.
- 561 (b) The board of a special district described in Subsection (15)(a) may conduct an election:
- 563 (i) to fill a board member position that expires at the end of the term for that board member's position;
and
- 565 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired term of a board
member.
- 567 (c) An election under Subsection (15)(b) may be conducted as determined by the special district board,
subject to Subsection (15)(d).
- 569 (d)
- 570 (i) The special district board shall provide to property owners eligible to vote at the special district
election:
- 571 (A) notice of the election; and
- 572 (B) a form to nominate an eligible individual to be elected as a board member.
- 573 (ii)
- 574 (A) The special district board may establish a deadline for a property owner to submit a nomination
form.
- 575 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after the board provides
the notice and nomination form under Subsection (15)(d)(i).
- 578 (iii)
- 579 (A) After the deadline for submitting nomination forms, the special district board shall provide a ballot
to all property owners eligible to vote at the special district election.
- 581 (B) A special district board shall allow at least five days for ballots to be returned.
- 582

HB0361 compared with HB0361S01

(iv) A special district board shall certify the results of an election under this Subsection (15) during an open meeting of the board.

584 Section 5. Section 17B-1-1001 is amended to read:

585 **17B-1-1001. Provisions applicable to property tax levy.**

586 (1) Each special district that levies and collects property taxes shall levy and collect ~~[them]~~ the taxes according to the provisions of Title 59, Chapter 2, Property Tax Act.

588 (2) As used in this section:

589 (a) "Appointed board of trustees" means a board of trustees of a special district that includes a member who is appointed to the board of trustees in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection ~~[17B-1-306(5)(h)]~~ 17B-1-306(5)(g), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

594 (b) "Elected board of trustees" means a board of trustees of a special district that consists entirely of members who are elected to the board of trustees in accordance with Subsection (4), Section 17B-1-306, or any of the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

598 (3)

(a) For a taxable year beginning on or after January 1, 2018, a special district may not levy or collect property tax revenue that exceeds the certified tax rate unless:

600 (i) to the extent that the revenue from the property tax was pledged before January 1, 2018, the special district pledges the property tax revenue to pay for bonds or other obligations of the special district; or

603 (ii) the proposed tax or increase in the property tax rate has been approved by:

604 (A) an elected board of trustees;

605 (B) subject to Subsection (3)(b), an appointed board of trustees;

606 (C) a majority of the registered voters within the special district who vote in an election held for that purpose on a date specified in Section 20A-1-204;

608 (D) the legislative body of the appointing authority; or

609 (E) the legislative body of:

610 (I) a majority of the municipalities partially or completely included within the boundary of the specified special district; or

612

HB0361 compared with HB0361S01

(II) the county in which the specified special district is located, if the county has some or all of [its] the county's unincorporated area included within the boundary of the specified special district.

615 (b) For a special district with an appointed board of trustees, each appointed member of the board of trustees shall comply with the trustee reporting requirements described in Section 17B-1-1003 before the special district may impose a property tax levy that exceeds the certified tax rate.

619 (4)

(a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts, and subject to Subsection (4)(b), members of the board of trustees of a special district shall be elected, if:

622 (i) two-thirds of all members of the board of trustees of the special district vote in favor of changing to an elected board of trustees; and

624 (ii) the legislative body of each municipality or county that appoints a member to the board of trustees adopts a resolution approving the change to an elected board of trustees.

627 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten the term of any member of the board of trustees serving at the time of the change.

629 (5) Subsections (2), (3), and (4) do not apply to:

630 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

631 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

632 (c) a special district in which:

633 (i) the board of trustees consists solely of:

634 (A) land owners or the land owners' agents; or

635 (B) as described in Subsection 17B-1-302(3), (5), (6), or (7), land owners or the land owners' agents or officers; and

637 (ii) there are no residents within the special district at the time a property tax is levied.

638 (6) An infrastructure financing district may not pledge or otherwise use any property tax revenue for the payment of bonds.

640 Section 6. Section 17B-1-1003 is amended to read:

641 **17B-1-1003. Trustee reporting requirement.**

642 (1) As used in this section:

643 (a) "Appointed board of trustees" means a board of trustees of a special district that includes a member who is appointed to the board of trustees in accordance with Section 17B-1-304, Subsection

HB0361 compared with HB0361S01

17B-1-303(5), Subsection [~~17B-1-306(5)(h)~~] 17B-1-306(5)(g), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

- 648 (b)
- (i) "Bond issuance" means an issuance of a general obligation bond without an approving election under Section 17B-1-1102.
- 650 (ii) "Bond issuance" does not include the issuance of a general obligation bond to refund a general obligation bond that was previously approved by an election.
- 652 (c) "Legislative entity" means:
- 653 (i) the member's appointing authority, if the appointing authority is a legislative body; or
- 655 (ii) the member's nominating entity, if the appointing authority is not a legislative body.
- 657 (d)
- (i) "Member" means an individual who is appointed to a board of trustees for a special district in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection [~~17B-1-306(5)(h)~~] 17B-1-306(5)(g), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.
- 662 (ii) "Member" includes a member of the board of trustees who holds an elected position with a municipality, county, or another special district that is partially or completely included within the boundaries of the special district.
- 665 (e) "Nominating entity" means the legislative body that submits nominees for appointment to the board of trustees to an appointing authority.
- 667 (f)
- (i) "Property tax increase" means a property tax levy that exceeds the certified tax rate for the taxable year.
- 669 (ii) "Property tax increase" does not include a property tax levy for a general obligation bond authorized in accordance with an election under Section 17B-1-1102.
- 672 (2)
- (a) If a special district board of trustees adopts a tentative budget that includes a property tax increase or bond issuance, each member shall report to the member's legislative entity on the property tax increase or bond issuance.
- 675 (b)

HB0361 compared with HB0361S01

- (i) The special district shall request that each of the legislative entities that appoint or nominate a member to the special district's board of trustees hear the report required by Subsection (2)(a) at a public meeting of each legislative entity.
- 678 (ii) The request to make a report may be made by:
- 679 (A) the member appointed or nominated by the legislative entity; or
- 680 (B) another member of the board of trustees.
- 681 (c) The member appointed or nominated by the legislative entity shall make the report required by Subsection (2)(a) at a public meeting that:
- 683 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;
- 684 (ii) includes the report as a separate agenda item; and
- 685 (iii) is held within 40 days after the day on which the legislative entity receives a request to hear the report.
- 687 (d)
- (i) If the legislative entity does not have a scheduled meeting within 40 days after the day on which the legislative entity receives a request to hear the report required by Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.
- 691 (ii) If the legislative entity fails to hear the report at a public meeting that meets the criteria described in Subsection (2)(c), the trustee reporting requirements under this section shall be considered satisfied.
- 694 (3)
- (a) A report on a contemplated property tax increase or bond issuance at a legislative entity's public meeting under Subsection (2)(c) shall include:
- 696 (i) a statement that the special district intends to levy a property tax at a rate that exceeds the certified tax rate for the taxable year;
- 698 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would be generated by the proposed increase in the certified tax rate;
- 700 (iii) the approximate percentage increase in ad valorem tax revenue for the special district based on the proposed property tax increase; and
- 702 (iv) any other information requested by the legislative entity.
- 703 (b) A report on a bond issuance at a legislative entity's public meeting under Subsection (2)(c) shall include an explanation, as applicable, of:
- 705 (i) the property tax impact, if any, of the bond issuance;

HB0361 compared with HB0361S01

- 706 (ii) the expected debt service related to the bond issuance;
- 707 (iii) the purpose, remaining principal balance, and maturity date of any outstanding bonds of the issuer;
- 709 (iv) the funds other than property taxes available to pay debt service related to the bond issuance;
- 711 (v) the schedule of proposed expenditures of bond proceeds;
- 712 (vi) property values;
- 713 (vii) any additional considerations that the appointed board of trustees determines may be useful to
explain the impact to citizens resulting from the bond issuance; and
- 716 (viii) any other information requested by the legislative entity.
- 717 (c) At a meeting under Subsection (2)(c), the legislative entity shall:
- 718 (i) allow time during the meeting for comment from the legislative entity and members of the public on
the property tax increase or bond issuance; and
- 720 (ii) express the legislative entity's sentiment regarding the contemplated property tax increase.
- 722 (4)
- (a) If more than one member is appointed to the board of trustees by the same legislative entity, a
majority of the members appointed or nominated by the legislative entity shall be present to provide
the report required by Subsection (2) and described in Subsection (3).
- 726 (b) The chair of the board of trustees shall appoint another member of the board of trustees to provide
the report described in Subsection (3) to the legislative entity if:
- 728 (i) the member appointed or nominated by the legislative entity is unable or unwilling to provide the
report at a public meeting that meets the requirements of Subsection (3)(a); and
- 731 (ii) the absence of the member appointed or nominated by the legislative entity results in:
- 733 (A) no member who was appointed or nominated by the legislative entity being present to provide the
report; or
- 735 (B) an inability to comply with Subsection (4)(a).
- 736 (5) A special district board of trustees may approve a property tax increase only after the conditions of
this section have been satisfied or considered satisfied for each member of the board of trustees.

739 Section 7. Section 20A-1-102 is amended to read:

740 **20A-1-102. Definitions.**

As used in this title:

- 742 (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the
county clerk.

HB0361 compared with HB0361S01

- 744 (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes
recorded on ballots and tabulates the results.
- 746 (3)
- (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium,
that records an individual voter's vote.
- 748 (b) "Ballot" does not include a record to tally multiple votes.
- 749 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for
their approval or rejection including:
- 751 (a) an opinion question specifically authorized by the Legislature;
- 752 (b) a constitutional amendment;
- 753 (c) an initiative;
- 754 (d) a referendum;
- 755 (e) a bond proposition;
- 756 (f) a judicial retention question;
- 757 (g) an incorporation of a city or town; or
- 758 (h) any other ballot question specifically authorized by the Legislature.
- 759 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples
or another means in at least three places across the top of the paper in the blank space reserved for
securing the paper.
- 762 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to
canvass election returns.
- 764 (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed
issuance of bonds by a government entity.
- 766 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.
- 768 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.
- 770 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday, a business
day, or any other type of day.
- 772 (11) "Canvass" means the review of election returns and the official declaration of election results by
the board of canvassers.
- 774 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.
- 776

HB0361 compared with HB0361S01

- 778 (13) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.
- 780 (14) "Convention" means the political party convention at which party officers and delegates are selected.
- 782 (15) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- 784 (16) "Counting judge" means a poll worker designated to count the ballots during election day.
- 786 (17) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.
- 787 (18) "County officers" means those county officers that are required by law to be elected.
- 788 (19) "Date of the election" or "election day" or "day of the election":
- 790 (a) means the day that is specified in the calendar year as the day on which the election occurs; and
- 791 (b) does not include:
- 793 (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or
- 795 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.
- 796 (20) "Elected official" means:
- 798 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;
- 800 (b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or
- 802 (c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).
- 805 (21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.
- 807 (22) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.
- 809 (23) "Election cycle" means the period beginning on the first day on which individuals are eligible to file declarations of candidacy and ending when the canvass is completed.
- 810 (24) "Election judge" means a poll worker that is assigned to:
- (a) preside over other poll workers at a polling place;

HB0361 compared with HB0361S01

- 811 (b) act as the presiding election judge; or
812 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 813 (25) "Election material" includes:
- 814 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);
815 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);
816 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);
817 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:
818 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and
819 (ii) the batch log described in Subsection 20A-3a-401.1(5);
820 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);
821 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);
822 (g) the physical and electronic log of replicated ballots described in Subsection 20A-4-104(3);
824 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;
825 (i) the record of voter database access described in Subsection 20A-5-905(2);
826 (j) the reports on military and overseas voters described in Section 20A-16-202;
827 (k) scanned copies of return envelopes;
828 (l) a copy of the final election results database described in Section 20A-5-802.5; and
829 (m) the materials used in the programming of the automatic tabulating equipment.
- 830 (26) "Election officer" means:
- 831 (a) the lieutenant governor, for all statewide ballots and elections;
832 (b) the county clerk for:
833 (i) a county ballot and election; and
834 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or
20A-5-400.5;
836 (c) the municipal clerk for:
837 (i) a municipal ballot and election; and
838 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or
20A-5-400.5;
840 (d) the special district clerk or chief executive officer for:
841 (i) a special district ballot and election; and
842

HB0361 compared with HB0361S01

- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- 844 (e) the business administrator or superintendent of a school district for:
- 845 (i) a school district ballot and election; and
- 846 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- 848 (27) "Election official" means any election officer, election judge, or poll worker.
- 849 (28) "Election results" means:
- 850 (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
- 852 (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- 854 (29) "Election results database" means the following information generated by voting equipment:
- 856 (a) one or more electronic files that contains a digital interpretation of each ballot that is counted in an election;
- 858 (b) a ballot image; and
- 859 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.
- 860 (30) "Election returns" means:
- 861 (a) the pollbook;
- 862 (b) the military and overseas absentee voter registration and voting certificates;
- 863 (c) one of the tally sheets;
- 864 (d) any unprocessed ballots;
- 865 (e) all counted ballots;
- 866 (f) all excess ballots;
- 867 (g) all unused ballots;
- 868 (h) all spoiled ballots;
- 869 (i) all ballot disposition forms, including any provisional ballot disposition forms;
- 870 (j) the final election results database described in Section 20A-5-802.5;
- 871 (k) all return envelopes;
- 872 (l) any provisional ballot envelopes; and
- 873 (m) the total votes cast form.

HB0361 compared with HB0361S01

- 874 (31) "Electronic signature" means an electronic sound, symbol, or process attached to or logically
associated with a record and executed or adopted by a person with the intent to sign the record.
- 877 (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 878 (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under
Subsection [~~20A-2-505(4)(c)(i) or (ii)~~] 20A-2-505(4)(a) or (b).
- 880 (34) "Judicial office" means the office filled by any judicial officer.
- 881 (35) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- 883 (36) "Local election" means a regular county election, a regular municipal election, a municipal primary
election, a local special election, a special district election, and a bond election.
- 886 (37) "Local political subdivision" means a county, a municipality, a special district, or a local school
district.
- 888 (38) "Local special election" means a special election called by the governing body of a local political
subdivision in which all registered voters of the local political subdivision may vote.
- 891 (39) "Manual ballot" means a paper document produced by an election officer on which an individual
records an individual's vote by directly placing a mark on the paper document using a pen or other
marking instrument.
- 894 (40) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical
record, that:
- 896 (a) is created via electronic or mechanical means; and
- 897 (b) records an individual voter's vote cast via a method other than an individual directly placing a mark,
using a pen or other marking instrument, to record an individual voter's vote.
- 900 (41) "Municipal executive" means:
- 901 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 902 (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).
- 904 (42) "Municipal general election" means the election held in municipalities and, as applicable, special
districts on the first Tuesday after the first Monday in November of each odd-numbered year for the
purposes established in Section 20A-1-202.
- 907 (43) "Municipal legislative body" means the council of the city or town in any form of municipal
government.
- 909 (44) "Municipal office" means an elective office in a municipality.
- 910 (45) "Municipal officers" means those municipal officers that are required by law to be elected.

HB0361 compared with HB0361S01

- 912 (46) "Municipal primary election" means an election held to nominate candidates for municipal office.
- 914 (47) "Municipality" means a city or town.
- 915 (48) "Official ballot" means the ballots distributed by the election officer for voters to record their
votes.
- 917 (49) "Official endorsement" means the information on the ballot that identifies:
- 918 (a) the ballot as an official ballot;
- 919 (b) the date of the election; and
- 920 (c)
- (i) for a ballot prepared by an election officer other than a county clerk, the ~~[faecsimile signature~~
required by ~~Subsection 20A-6-401(1)(a)(iii)]~~ applicable statement described in:
- 923 (A) Subsection 20A-6-401(1)(a)(iii);
- 924 (B) Subsection 20A-6-401.1(1)(d)(iii); or
- 925 (C) Subsection 20A-6-402(2)(a)(iii); or
- 926 (ii) for a ballot prepared by a county clerk, the ~~[words required by]~~ statement described in Subsection
20A-6-301(1)(b)(iii).
- 928 (50) "Official register" means the official record furnished to election officials by the election officer
that contains the information required by Section 20A-5-401.
- 930 (51) "Political party" means an organization of registered voters that has qualified to participate in an
election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.
- 933 (52)
- (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or
counting votes.
- 935 (b) "Poll worker" includes election judges.
- 936 (c) "Poll worker" does not include a watcher.
- 937 (53) "Pollbook" means a record of the names of voters in the order that the voters appear to cast votes.
- 939 (54) "Polling place" means a building where voting is conducted.
- 940 (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter
marks the voter's choice.
- 942 (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential
Primary Election.
- 944

HB0361 compared with HB0361S01

- (57) "Primary convention" means the political party conventions held during the year of the regular general election.
- 946 (58) "Protective counter" means a separate counter, which cannot be reset, that:
- 947 (a) is built into a voting machine; and
- 948 (b) records the total number of movements of the operating lever.
- 949 (59) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.
- 953 (60) "Provisional ballot" means a ballot voted provisionally by a person:
- 954 (a) whose name is not listed on the official register at the polling place;
- 955 (b) whose legal right to vote is challenged as provided in this title; or
- 956 (c) whose identity was not sufficiently established by a poll worker.
- 957 (61) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.
- 960 (62)
- (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.
- 964 (b) "Public figure" does not include an individual:
- 965 (i) elected to public office; or
- 966 (ii) appointed to fill a vacancy in an elected public office.
- 967 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.
- 969 (64) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.
- 971 (65) "Registration form" means a form by which an individual may register to vote under this title.
- 973 (66) "Regular ballot" means a ballot that is not a provisional ballot.
- 974 (67) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

HB0361 compared with HB0361S01

- 977 (68) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5,
to nominate candidates of political parties and candidates for nonpartisan local school board
positions to advance to the regular general election.
- 980 (69) "Resident" means a person who resides within a specific voting precinct in Utah.
- 981 (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a
voter with a manual ballot:
- 983 (a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to
preserve the secrecy of the voter's vote; and
- 985 (b) that includes the voter affidavit and a place for the voter's signature.
- 986 (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in
Section 20A-5-405.
- 988 (72) "Special district" means a local government entity under Title 17B, Limited Purpose Local
Government Entities - Special Districts, and includes a special service district under Title 17D,
Chapter 1, Special Service District Act.
- 991 (73) "Special district officers" means those special district board members who are required by law to
be elected.
- 993 (74) "Special election" means an election held as authorized by Section 20A-1-203.
- 994 (75) "Spoiled ballot" means each ballot that:
- 995 (a) is spoiled by the voter;
- 996 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 997 (c) lacks the official endorsement.
- 998 (76) "Statewide special election" means a special election called by the governor or the Legislature in
which all registered voters in Utah may vote.
- 1000 (77) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes
cast by voters at an election.
- 1002 (78) "Ticket" means a list of:
- 1003 (a) political parties;
- 1004 (b) candidates for an office; or
- 1005 (c) ballot propositions.
- 1006 (79) "Transfer case" means the sealed box used to transport voted ballots to the counting center.
- 1008 (80) "Vacancy" means:

HB0361 compared with HB0361S01

- 1009 (a) except as provided in Subsection (80)(b), the absence of an individual to serve in a position created
by state constitution or state statute, whether that absence occurs because of death, disability,
disqualification, resignation, or other cause; or
- 1012 (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a
candidate due to the candidate's death, resignation, or disqualification.
- 1015 (81) "Valid voter identification" means:
- 1016 (a) a form of identification that bears the name and photograph of the voter which may include:
- 1018 (i) a currently valid Utah driver license;
- 1019 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
- 1021 (iii) a currently valid identification card that is issued by:
- 1022 (A) the state; or
- 1023 (B) a branch, department, or agency of the United States;
- 1024 (iv) a currently valid Utah permit to carry a concealed weapon;
- 1025 (v) a currently valid United States passport; or
- 1026 (vi) a currently valid United States military identification card;
- 1027 (b) one of the following identification cards, regardless of whether the card includes a photograph of the
voter:
- 1029 (i) a valid tribal identification card;
- 1030 (ii) a Bureau of Indian Affairs card; or
- 1031 (iii) a tribal treaty card; or
- 1032 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear the name of the
voter and provide evidence that the voter resides in the voting precinct, which may include:
- 1035 (i) before January 1, 2029, an original or copy of a current utility bill, dated no more than 90 calendar
days before the date of the election;
- 1037 (ii) before January 1, 2029, an original or copy of a bank or other financial account statement, dated no
more than 90 calendar days before the date of the election;
- 1039 (iii) a certified birth certificate;
- 1040 (iv) a valid social security card;
- 1041 (v) an original or copy of a check issued by the state or the federal government, dated no more than 90
calendar days before the date of the election;
- 1043

HB0361 compared with HB0361S01

- (vi) an original or copy of a paycheck from the voter's employer, dated no more than 90 calendar days before the date of the election;
- 1045 (vii) a currently valid Utah hunting or fishing license;
- 1046 (viii) certified naturalization documentation;
- 1047 (ix) a currently valid license issued by an authorized agency of the United States;
- 1048 (x) a certified copy of court records showing the voter's adoption or name change;
- 1049 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 1050 (xii) a currently valid identification card issued by:
- 1051 (A) a local government within the state;
- 1052 (B) an employer for an employee; or
- 1053 (C) a college, university, technical school, or professional school located within the state; or
- 1055 (xiii) a current Utah vehicle registration.
- 1056 (82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.
- 1058 (83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 1059 (a) mailing the ballot to the location designated in the mailing; or
- 1060 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 1061 (84) "Voter" means an individual who:
- 1062 (a) meets the requirements for voting in an election;
- 1063 (b) meets the requirements of election registration;
- 1064 (c) is registered to vote; and
- 1065 (d) is listed in the official register.
- 1066 (85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.
- 1068 (86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.
- 1070 (87) "Voting booth" means:
- 1071 (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or
- 1073 (b) a voting device that is free standing.
- 1074 (88) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.
- 1076

HB0361 compared with HB0361S01

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

1078 (90) "Watcher" means an individual who complies with the requirements described in Section
20A-3a-801 to become a watcher for an election.

1080 (91) "Write-in ballot" means a ballot containing any write-in votes.

1081 (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in
accordance with the procedures established in this title.

30 Section 1. Section 1 is enacted to read:

31 **20A-1-109. Conflict of interest election officer -- Appointment -- Term of service -- Duties**
and authority.

33 (1) No later than July 1 of the year immediately preceding an even-numbered year in which the
governor or lieutenant governor will run for an office, the state board of canvassers shall, after
consulting with county clerks in both urban and rural counties, appoint an individual to serve as a
conflict of interest election officer.

37 (2) The conflict of interest election officer:

38 (a) shall be an individual who is familiar with state and federal election law and with Utah's election
system;

40 (b) may not, while serving as the conflict of interest election officer, be a current elected official or
employee of the state or a political subdivision of the state; and

42 (c) shall serve until the day after the day of the statewide canvass for the elections held in the even-
numbered year following the conflict of interest election officer's appointment.

45 (3) The conflict of interest election officer has the duty and authority to act in the place of the lieutenant
governor in relation to a complaint or election controversy that has any connection to a race for an
office in which the governor or lieutenant governor is, or seeks to be, a candidate.

49 (4) If a dispute arises regarding whether a particular matter falls within the authority of the conflict of
interest election officer under this section, the state board of canvassers shall resolve the dispute.

52 (5) This section does not authorize the conflict of interest election officer to exercise any authority
granted to the lieutenant governor under the Utah Constitution.

1083 **Section 8. Section 20A-1-206 is amended to read:**

1084 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special districts --**
Notice.

HB0361 compared with HB0361S01

- 1086 (1) As used in this section:
- 1087 (a) "Contested race" means a race in a general election where the number of candidates, including any
eligible write-in candidates, exceeds the number of offices to be filled in the race.
- 1090 (b) "Election" means an event, run by an election officer, that includes one or more races for public
office or one or more ballot propositions.
- 1092 (c)
- 1094 (i) "Race" means a contest between candidates to obtain the number of votes necessary to take a
particular public office.
- 1096 (ii) "Race," as the term relates to a contest for an at-large position, includes all open positions for the
same at-large office.
- 1099 (iii) "Race," as the term relates to a contest for a municipal council position that is not an at-large
position, includes only the contest to represent a particular district on the council.
- 1099 (2) A municipal legislative body may cancel a local election if:
- 1100 (a) the ballot for the local election will not include any contested races or ballot propositions; and
- 1102 (b) during the period described in Subsection 20A-5-310(1), the municipal legislative body passes~~[, no
later than 20 calendar days before the day of the scheduled election,]~~ a resolution that cancels the
election and certifies that:
- 1105 (i) the ballot for the election would not include any contested races or ballot propositions; and
- 1107 (ii) the candidates who qualified for the ballot are considered elected.
- 1108 (3) ~~[A] If a municipal legislative body [may cancel a race in] cancels a local election [if:] under~~
Subsection (2), the candidate for each office in an uncontested race that would otherwise be on the
ballot for that election is elected to the office to which the race relates.
- 1112 ~~[(a) the ballot for the race will not include any contested races or ballot propositions; and]~~
- 1113 ~~[(b) the municipal legislative body passes, no later than 20 calendar days before the day of the
scheduled election, a resolution that cancels the race and certifies that:]~~
- 1115 ~~[(i) the ballot for the race would not include any contested races or ballot propositions; and]~~
- 1117 ~~[(ii) the candidate for the race is considered elected.]~~
- 1118 (4) A municipal legislative body that cancels a local election in accordance with Subsection (2) shall
give notice that the election is cancelled ~~[by:]~~ in accordance with Section 20A-5a-310.
- 1121

HB0361 compared with HB0361S01

- 1124 [(a) subject to Subsection (8), providing notice to the lieutenant governor's office to be posted on the
Statewide Electronic Voter Information Website described in Section 20A-7-801, for at least 15
calendar days before the day of the scheduled election; and]
- 1126 [(b) providing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 15
calendar days before the day of the scheduled election.]
- 1127 (5) A special district board may cancel a local election if:
- 1129 (a) the ballot for the local election will not include any contested races or ballot propositions; and
- 1132 (b) during the period described in Subsection 20A-5-311(1), the special district board passes[, no later
than 20 calendar days before the day of the scheduled election,] a resolution that cancels the election
and certifies that:
- 1134 (i) the ballot for the election would not include any contested races or ballot propositions; and
- 1135 (ii) the candidates who qualified for the ballot are considered elected.
- 1138 (6) ~~[A]~~ If a special district board [~~may cancel~~] cancels a special district race [~~if:~~] under Subsection (5),
the candidate for each office in an uncontested race that would otherwise be on the ballot for that
election is elected to the office to which the race relates.
- 1139 [(a) the race is uncontested; and]
- 1142 [(b) the special district board passes, no later than 20 calendar days before the day of the scheduled
election, a resolution that cancels the race and certifies that the candidate who qualified for the
ballot for that race is considered elected.]
- 1145 (7) A special district that cancels a local election in accordance with Subsection (5) shall [~~provide~~] give
notice that the election is cancelled[;] in accordance with Section 20A-5a-311.
- 1148 [(a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter Information Website
described in Section 20A-7-801, for at least 15 calendar days before the day of the scheduled
election; and]
- 1150 [(b) as a class A notice under Section 63G-30-102, for at least 15 calendar days before the day of the
scheduled election.]
- 1154 [(8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or a special
district that posts a notice in accordance with Subsection (7)(a) is not liable for a notice that fails to
post due to technical or other error by the publisher of the Statewide Electronic Voter Information
Website.]
- 1154 Section 9. Section 20A-1-501 is amended to read:

HB0361 compared with HB0361S01

1155 **20A-1-501. Candidate vacancies -- Procedure for filling.**

- 1156 (1) As used in this section, "central committee" means:
- 1157 (a) the state central committee of a political party, for a candidate for:
- 1158 (i) United States senator, United States representative, governor, lieutenant governor, attorney general,
state treasurer, or state auditor; or
- 1160 (ii) state legislator if the legislative district encompasses all or a portion of more than one county; or
- 1162 (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.
- 1165 (2) Except as provided in Subsection (6), the central committee may certify the name of another
candidate to the appropriate election officer if:
- 1167 (a) for a registered political party that will have a candidate on a ballot in a primary election:
- 1169 (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)~~] Section 20A-5a-205, 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
- 1174 (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)~~] Section 20A-5a-205;
- 1177 (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:
- 1179 (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
- 1183 (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
- 1186 (c) for a registered political party with a candidate certified as winning a primary election:
- 1188 (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

HB0361 compared with HB0361S01

- 1192 (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.
- 1195 (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.
- 1199 (4) Each replacement candidate shall file a declaration of candidacy as required by Chapter 9, Part 2,
Candidate Qualifications and Declarations of Candidacy.
- 1201 (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.
- 1204 (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.
- 1206 (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.
- 1208 (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.
- 1211 (7) This section does not apply to a candidate vacancy for a nonpartisan office.

Section 10. Section 20A-1-503 is amended to read:

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

- 1214 (1) As used in this section:
- 1215 (a) "Filing deadline" means the final date for filing:
- 1216 (i) a declaration of candidacy as provided in Section 20A-9-202; and
- 1217 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 1218 (b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant
governor on all matters relating to the political party's relationship with the state as required by
Section 20A-8-401.

1221

HB0361 compared with HB0361S01

- 1224 (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.
- 1227 (3)
- 1230 (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.
- 1233 (b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.
- 1239 (4)
- 1240 (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:
- 1241 (i) establish a date and time, ~~[which] that~~ is before the ~~[date for a candidate to be certified for the ballot under Section 20A-9-701]~~ day on which the lieutenant governor is required to send the information described in Section 20A-5a-209 to a county clerk, and no later than 21 calendar days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:
- 1242 (A) a declaration of candidacy; or
- 1243 (B) a certificate of nomination; and
- 1244 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 1245 (A) on the lieutenant governor's website; and
- 1246 (B) to each registered political party.
- 1247 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 1248 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and
- 1249 (ii) run in the regular general election if:
- 1250 (A) nominated as a party candidate; or
- 1251 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
- 1253

HB0361 compared with HB0361S01

- (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in Subsection [20A-9-202(1)(b)] 20A-9-201.5(2) and before the last business day in August[~~31~~], of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than the second to last business day in August [~~30~~]for placement on the regular general election ballot.
- 1260 (5) If a vacancy described in Subsection (3)(a) occurs on or after the last business day in August [~~31~~]of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.
- 1265 (6)
- (a) Except as provided in Subsection (6)(b), an individual seeking appointment to fill a vacancy described in this section shall, no later than the deadline for the individual to file an interim report under Subsection 20A-11-303(3)(a), make a complete conflict of interest disclosure on the website described in Section 20A-11-1602.5.
- 1269 (b) An individual described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the individual:
- 1271 (i)
- (A) currently holds the office of senator and is seeking appointment as a representative; or
- 1273 (B) currently holds the office of representative and is seeking appointment as a senator;
- 1275 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection (6)(b)(i), in accordance with Section 20A-11-1604; and
- 1277 (iii) no later than the deadline described in Subsection (6)(a), indicates, in a written statement, that the conflict of interest disclosure described in Subsection (6)(b)(ii) is updated and accurate as of the date of the written statement.
- 1280 (7) The lieutenant governor shall make each conflict of interest disclosure made by an individual described in Subsection (6)(a) available for public inspection in accordance with Subsection 20A-11-1603(4).
- 1283 (8) A vacancy in the office of senator or representative of the Legislature does not occur unless the senator or representative:
- 1285 (a) has left the office; or

HB0361 compared with HB0361S01

- 1286 (b) submits an irrevocable letter of resignation to:
- 1287 (i) for a senator, the president of the Senate; or
- 1288 (ii) for a representative, the speaker of the House of Representatives.

1289 Section 11. Section 20A-2-107 is amended to read:

1290 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

- 1292 (1) As used in this section, "change of affiliation deadline" means:
- 1293 (a) for an election held in an even-numbered year in which a presidential election will be held, the day after the declaration of candidacy deadline described in [~~Subsection 20A-9-201.5(1)~~] Section 20A-9-201.5; or
- 1296 (b) for an election held in an even-numbered year in which a presidential election will not be held, April 1.
- 1298 (2) The county clerk shall:
- 1299 (a) except as provided in Subsection (6) or 20A-2-107.5(3), record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or
- 1301 (b) if no political party affiliation is designated by the voter on the voter registration form:
- 1303 (i) except as provided in Subsection (2)(b)(ii), record the voter's party affiliation as the party that the voter designated the last time that the voter designated a party on a voter registration form, unless the voter more recently registered as "unaffiliated"; or
- 1307 (ii) record the voter's party affiliation as "unaffiliated" if the voter:
- 1308 (A) did not previously designate a party;
- 1309 (B) most recently designated the voter's party affiliation as "unaffiliated"; or
- 1310 (C) did not previously register.
- 1311 (3)
- (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (3).
- 1313 (b) A registered voter may designate or change the voter's political party affiliation by filing with the county clerk, the municipal clerk, or the lieutenant governor a voter registration form or another signed form that identifies the registered political party with which the voter chooses to affiliate.
- 1317 (c) Except as provided in Subsection (3)(d), a voter registration form or another signed form designating or changing a voter's political party affiliation takes effect when the county clerk receives the signed form.

HB0361 compared with HB0361S01

- 1320 (d) The party affiliation of a voter who changes party affiliation, or who becomes unaffiliated from a political party, at any time on or after the change of affiliation deadline and on or before the date of the regular primary election, takes effect the day after the statewide canvass for the regular primary election.
- 1324 (4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received by the county clerk before the change of affiliation deadline if:
- 1326 (a) the individual submits the form in person at the county clerk's office no later than 5 p.m. on the last business day before the change of affiliation deadline;
- 1328 (b) the individual submits the form electronically through the system described in Section 20A-2-206, at or before 11:59 p.m. before the day of the change of affiliation deadline; or
- 1331 (c) the individual's form is clearly postmarked before the change of affiliation deadline.
- 1332 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter registration form if:
- 1334 (a) the voter has not previously been registered to vote in the state; or
- 1335 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county clerk under Subsection (6).
- 1337 (6) If the most recent party affiliation designated by a voter is for a political party that is no longer a registered political party, the county clerk shall:
- 1339 (a) change the voter's party affiliation to "unaffiliated"; and
- 1340 (b) notify the voter electronically or by mail:
- 1341 (i) that the voter's affiliation has been changed to "unaffiliated" because the most recent party affiliation designated by the voter is for a political party that is no longer a registered political party; and
- 1344 (ii) of the methods and deadlines for changing the voter's party affiliation.
- 1345 Section 12. Section 20A-2-504 is amended to read:
- 1346 **20A-2-504. Removing names from the official register -- General requirements.**
- 1348 (1) The county clerk may not remove a voter's name from the official register solely because the voter has failed to vote in an election.
- 1350 (2) The county clerk shall remove a voter's name from the official register if:
- 1351 (a) the voter dies and the requirements of Subsection [~~(3)~~] (4) are met;
- 1352 (b) the county clerk, after complying with the requirements of Section 20A-2-505, receives written confirmation from the voter that the voter no longer resides within the county clerk's county;

HB0361 compared with HB0361S01

- 1355 (c)
- (i) the county clerk obtains evidence that the voter's residence has changed;
- 1356 (ii) the county clerk mails notice to the voter as required under Section 20A-2-505;
- 1357 (iii) the county clerk:
- 1358 (A) receives no response from the voter; or
- 1359 (B) does not receive information that confirms the voter's residence; and
- 1360 (iv) the voter does not vote or appear to vote in an election during the period beginning on the date of the notice described in Section 20A-2-505 and ending on the day after the date of the second regular general election occurring after the date of the notice;
- 1364 (d) the voter requests, in writing, that the voter's name be removed from the official register;
- 1366 (e) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for an offense under this title and the voter's right to vote has not been restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or
- 1369 (f) the county clerk receives notice that a voter has registered to vote in another state after the day on which the voter registered to vote in this state.
- 1371 (3)
- (a) The lieutenant governor shall make available to a county clerk the United States Social Security Administration data received by the lieutenant governor regarding deceased individuals.
- 1374 [~~(3)~~] (4) The county clerk shall remove a voter's name from the official register within five business days after the day on which the county clerk receives confirmation [~~from the Office of Vital Records~~] that the voter is deceased[~~;~~] from:
- 1377 (a) the Office of Vital Records or the lieutenant governor;
- 1378 (b) the United States Social Security Administration data; or
- 1379 (c) another reliable source or document that clearly identifies that the voter is deceased.
- 1380 (5)
- (a) Except as provided in Subsection (5)(b), the county clerk may not remove the name of a voter from the official register during the 90 calendar days before a regular primary election or the 90 calendar days before a regular general election.
- 1383 (b) The county clerk may remove the name of a voter from the official register during the 90 calendar days before a regular primary election or the 90 calendar days before a regular general election if:
- 1386 (i) the voter requests, in writing, that the voter's name be removed; or

HB0361 compared with HB0361S01

- 1387 (ii) the voter dies.
- 1388 [(4)] (6) No later than 90 calendar days before each primary election day and general election day, the county clerk shall update the official register by reviewing the official register and taking the actions permitted or required by law under this section, Section 20A-2-503, and Section 20A-2-505.
- 1392 (7) Ninety calendar days before each primary and general election the lieutenant governor shall compare the information the lieutenant governor has received from the Office of Vital Records, the United States Social Security Administration data, and other reliable sources with the official register of voters to ensure that all deceased voters have been removed from the official register.
- 1397 Section 13. Section 20A-2-505 is amended to read:
- 1398 **20A-2-505. Removing names from the official register -- Determining and confirming change of residence.**
- 1400 (1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:
- 1402 (a) confirms in writing that the voter has changed residence to a place outside the county; or
- 1404 (b)
- (i) does not vote in an election during the period beginning on the date of the notice described in Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and
- 1407 (ii) does not respond to the notice described in Subsection (3).
- 1408 (2)
- (a) Within 31 calendar days after the day on which a county clerk obtains information that a voter's address has changed, if it appears that the voter still resides within the same county, the county clerk shall:
- 1411 (i) change the official register to show the voter's new address; and
- 1412 (ii) send to the voter, by forwardable mail, the notice described in Subsection (3).
- 1413 (b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice described in Subsection (3), printed on a postage prepaid, preaddressed return form.
- 1417 (3)

HB0361 compared with HB0361S01

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

1419 "VOTER REGISTRATION NOTICE

1420 We have been notified that your residence has changed. Please read, complete, and return this form so that we can update our voter registration records. What is your current street address?

1423 _____

1424 Street City County State Zip

1425 What is your current phone number (optional)? _____

1426 What is your current email address (optional)? _____

1427 If you have not changed your residence, or have moved but stayed within the same county, you must complete and return this form to the county clerk so that it is received by the county clerk before 5 p.m. no later than 30 calendar days before the date of the election. If you fail to return this form within that time:

1431 - you may be required to show evidence of your address to the poll worker before being allowed to vote in either of the next two regular general elections; or

1433 - if you fail to vote at least once, from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

1437 _____

1438 Signature of Voter

1439 PRIVACY INFORMATION

1440 Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

1444 Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

1448

HB0361 compared with HB0361S01

-----";
and

1482 (ii) no later than November 5, 2025, the following, immediately after the question described in
Subsection (3)(b)(i):

1484 "Indicate below how you want to vote in upcoming elections:

1485 _____ Mail a ballot to me.

1486 _____ Do not mail a ballot to me. I will vote in person."

1487 [(4)

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

1490 [(b) ~~The county clerk may remove the names of voters from the official register during the 90 calendar days before a regular primary election or the 90 calendar days before a regular general election if:~~]

1493 [(i) ~~the voter requests, in writing, that the voter's name be removed; or]~~

1494 [(ii) ~~the voter dies.]~~

1495 [(e)] (4)

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

1497 [(ii)] (b) If a county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter, the county clerk shall, unless otherwise prohibited by law, list that voter as inactive.

1501 [(iii)] (c) An inactive voter may vote, sign petitions, and have all other privileges of a registered voter.

1503 [(iv)] (d) A county is not required to:

1504 [(A)] (i) send routine mailings to an inactive voter; or

1505 [(B)] (ii) count inactive voters when dividing precincts and preparing supplies.

1506 [(5) ~~The lieutenant governor shall make available to a county clerk United States Social Security Administration data received by the lieutenant governor regarding deceased individuals.]~~

1509 [(6) ~~A county clerk shall, within 10 business days after the day on which the county clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11) and (12) relating to a decedent whose name appears on the official register, remove the decedent's name from the official register.]~~

HB0361 compared with HB0361S01

1513 [~~(7) Ninety calendar days before each primary and general election the lieutenant governor shall~~
compare the information the lieutenant governor has received under Subsection 26B-8-114(11) with
the official register of voters to ensure that all deceased voters have been removed from the official
register.]

1517 Section 14. Section 20A-3a-202 is amended to read:

1518 **20A-3a-202. Conducting election in person and by mail -- Mailing ballots to voters --**

Exceptions.

1520 (1)

(a) Except as otherwise provided for an election conducted entirely by mail under Section 20A-7-609.5,
an election officer shall administer an election primarily by mail, in accordance with this section.

1523 (b) An individual who did not provide valid voter identification at the time the voter registered to vote
shall provide valid voter identification before voting.

1525 (2) An election officer who administers an election:

1526 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before election day and no
later than seven calendar days before election day, mail to the applicable voters, in accordance with
Subsection 20A-3a-202.5(3), and subject to Subsection 20A-3a-202.5(4):

1530 (i) a manual ballot;

1531 (ii) a return envelope;

1532 (iii) instructions for returning the ballot that include an express notice about any relevant deadlines that
the voter must meet in order for the voter's vote to be counted;

1535 (iv) information regarding the location and hours of operation of any election day voting center at
which the voter may vote or a website address where the voter may view this information; and

1538 (v) instructions on how a voter may sign up to receive electronic ballot status notifications via the ballot
tracking system described in Section 20A-3a-401.5;

1540 (b) may not mail a ballot under this section to:

1541 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

1542 (ii) a voter whom the election officer is prohibited from sending a ballot under Subsection
20A-3a-202.5(4);

1544 (c) shall, on the outside of the envelope in which the election officer mails the ballot, include
instructions for returning the ballot if the individual to whom the election officer mails the ballot
does not live at the address to which the ballot is sent;

HB0361 compared with HB0361S01

- 1547 (d) shall provide a method of accessible voting to a voter with a disability who is not able to vote by
mail; and
- 1549 (e) shall include, on the election officer's website and with each ballot mailed, instructions regarding
how a voter described in Subsection (2)(d) may vote.
- 1551 (3)
- (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to
the address:
- 1553 (i) provided at the time of registration or updated by the voter after the time of registration; or
- 1555 (ii) if, at or after the time of registration, the voter files an alternate address request form described
in Subsection (3)(b), the alternate address indicated on the form.
- 1557 (b) The lieutenant governor shall make available to voters an alternate address request form that permits
a voter to request that the election officer mail the voter's ballot to a location other than the voter's
residence.
- 1560 (c) A voter shall provide the completed alternate address request form to the election officer no later
than 11 calendar days before the day of the election.
- 1562 (d) Beginning on November 5, 2025, through December 31, 2028, an election officer shall include, with
each ballot mailed to a voter, a separate paper document containing the following statements:
- 1565 "WARNING
- 1566 If you have a valid Utah driver license or a valid Utah state identification card, failure to provide the
last four digits of the license or card number may result in your ballot not being counted. You also
have the option of providing the last four digits of your social security number as identification. If
you do not have any of these identification types, your ballot will still be counted if your signature
on the affidavit on this envelope matches your signature on file with the election officer.
- 1572 NOTICE
- 1573 Beginning in 2029, you will not receive a ballot by mail unless you request to receive a ballot by
mail. You may request to receive a ballot by mail at [insert a uniform resource locator where the
voter can make the request online]. If you are unable to make a request online, contact your county
clerk's office at the following number for instructions on how to make the request in person or by
mail [insert phone number here]."
- 1578 (e) Beginning on January 1, 2029, an election officer shall include, with each ballot mailed to a voter, a
separate paper document containing the following statement:

HB0361 compared with HB0361S01

1580 "WARNING

1581 If you have a valid Utah driver license or a valid Utah state identification card, failure to provide the

1584 If you do not have a license or card described above, you may enter the last four digits of your
social security number as identification, or include a photocopy of one of the following in the return
envelope:

1587 • a currently valid identification card that is issued by the state or a branch, department, or agency of
the United States;

1589 • a currently valid Utah permit to carry a concealed weapon;

1590 • a currently valid United States passport;

1591 • a currently valid United States military identification card; or

1592 • a currently valid tribal identification card, Bureau of Indian Affairs card, or tribal treaty card.

1594 If you do not have any of the forms of identification listed above, you must vote in person at
a polling place, unless you qualify for an exemption from this requirement. You may obtain
information regarding an exemption at [insert a uniform resource locator where the voter can
view this information] or by calling [insert a phone number that a voter may call to access this
information]."

1599 (4) The return envelope[-] :

1600 (a) shall include:

1601 ~~[(a)]~~ (i) the ~~[name,-]~~official title[-] and post office address of the election officer on the front of the
envelope;

1603 ~~[(b)]~~ (ii) subject to Subsection (9), ~~[beginning on or before January 1, 2026,-]~~a place for the voter to
enter the last four digits of the voter's Utah driver license number, Utah state identification card
number, or social security number;

1606 ~~[(c)]~~ (iii) the following statement:

1607 "IMPORTANT: See the warning and notice enclosed with your ballot.";

1608 ~~[(d)]~~ (iv) a space where a voter may write an email address and phone number by which the election
officer may contact the voter if the voter's ballot is rejected; and

1610 ~~[(e)]~~ (v) a printed affidavit in substantially the following form:

1611 "County of ____ State of ____

1612

HB0361 compared with HB0361S01

I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct in _____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon currently incarcerated for commission of a felony.

1615

Signature of Voter

1616

1617

WARNING

1618

The above affidavit must be signed by the voter to whom the ballot is addressed. It is a FELONY for any other individual to sign the above affidavit, even if the voter to whom the ballot is addressed gives permission for another to sign the affidavit for the voter."; and

1621

(b) may not include the name of the election officer on the envelope.

1622

(5) If the election officer determines that the voter has not yet provided valid voter identification with the voter's voter registration, the election officer may:

1624

(a) mail a ballot to the voter;

1625

(b) instruct the voter to enclose a copy of the voter's valid voter identification in the return envelope; and

1627

(c) provide instructions to the voter on how the voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

1630

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

1631

(a)

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

1633

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

1635

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

1636

(7) Upon receipt of a returned ballot, the election officer shall review and process the ballot under Section 20A-3a-401.

1638

(8) A county that administers an election:

1639

(a) shall provide at least one election day voting center in accordance with Part 7, Election Day Voting Center, and at least one additional election day voting center for every 5,000 active voters in the county who, under Section 20A-3a-202.5, will not receive a ballot by mail;

1643

(b) shall ensure that each election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities;

HB0361 compared with HB0361S01

- 1646 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 1647 (i) the county clerk conducts early voting on at least four days;
- 1648 (ii) the early voting days are within the period beginning on the date that is 14 calendar days before the
date of the election and ending on the day before the election; and
- 1651 (iii) the county clerk provides notice of the reduced early voting period in accordance with Section
20A-3a-604; and
- 1653 (d) is not required to pay return postage for a return envelope.
- 1654 (9) A return envelope shall be designed in a manner that the information described in Subsections
[~~(4)(b) and (d)~~] (4)(a)(ii) and (iv), and the voter's signature, is covered from view after the return
envelope is sealed.
- 1657 (10) A county clerk shall, at least 90 calendar days before an election administered by the county clerk,
contact local post offices to:
- 1659 (a) coordinate the handling of mail-in ballots for the upcoming election; and
- 1660 (b) take measures to ensure that[~~:~~]
- 1661 [~~(i) ballots are clearly and properly postmarked, or otherwise marked in accordance with Subsection
20A-3a-204(2)(a)(i), with the date on which the ballot was mailed; and]~~
- 1664 [~~(ii) _~~] ballots are delivered in an expeditious manner to optimize the timely receipt of ballots.
- 1666 Section 15. Section 20A-3a-603 is amended to read:
- 1667 **20A-3a-603. Early voting polling places.**
- 1668 (1) Except as provided in Section 20A-1-308, the election officer shall designate one or more polling
places for early voting, as follows:
- 1670 (a) at least one polling place shall be open on each day that polls are open during the early voting
period;
- 1672 (b) each polling place shall comply with the requirements for polling places under Chapter 5, Election
Administration;
- 1674 (c) for all elections other than local special elections, municipal primary elections, and municipal
general elections, at least 10% of the voting devices at a polling place shall be accessible for
individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of
2002; and

1678

HB0361 compared with HB0361S01

(d) each polling place shall be located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

1681 (i) can be scheduled for use during early voting hours;

1682 (ii) has the physical facilities necessary to accommodate early voting requirements;

1683 (iii) has adequate space for voting equipment, poll workers, and voters; and

1684 (iv) has adequate security, public accessibility, and parking.

1685 (2)

(a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Section 20A-3a-604:

1687 (i) if necessary, change the location of an early voting place; or

1688 (ii) if the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, designate additional polling places during the early voting period.

1691 (b) Except as provided in Section 20A-1-308, if an election officer changes the location of an early voting polling place or designates an additional early voting polling place, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the changed early voting polling place or the additional early voting polling place:

1696 [~~(i) to the lieutenant governor, for posting on the Statewide Voter Information Website;~~]

1698 [~~(ii) by posting the information on the website of the election officer, if available; and]~~

1699 (i) in accordance with Section 20A-3a-604; and

1700 [~~(iii)] (ii) by posting notice:~~

1701 (A) for a change in the location of an early voting polling place, at the new location and, if possible, the old location; and

1703 (B) for an additional early voting polling place, at the additional early voting polling place.

1705 (3) Except as provided in Section 20A-1-308, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

1709 Section 16. Section 20A-3a-604 is amended to read:

1710 **20A-3a-604. Notice of time and place of early voting.**

1711

HB0361 compared with HB0361S01

[~~(1)~~] Except as provided in Section 20A-1-308[~~-or~~] , and subject to Subsection 20A-3a-603(2), the election officer shall[~~, for at least 28 calendar days before the date of the election,~~] provide notice of the dates, times, and locations of early voting[~~by publishing notice for the county, as a class A notice under Section 63G-30-102.~~] , and any changes to the dates, times, and locations of early voting, on the websites, at the phone number, and at the address disclosed in the notice described in Section 20A-5a-102.

1718 [~~(2)~~] Instead of specifying all dates, times, and locations of early voting, a notice required under Subsection (1) may specify the following sources where a voter may view or obtain a copy of all dates, times, and locations of early voting:]

1721 [(a) ~~the county's website;~~]

1722 [(b) ~~the physical address of the county's offices; and~~]

1723 [(c) ~~a mailing address and telephone number.~~]

1724 [(3) ~~The election officer shall include in the notice described in Subsection (1):~~]

1725 [(a) ~~the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each early voting polling place, including any changes to the location of an early voting polling place and the location of additional early voting polling places; and~~]

1730 [(b) ~~a phone number that a voter may call to obtain information regarding the location of an early voting polling place.~~]

1732 Section 17. Section 20A-4-104 is amended to read:

1733 **20A-4-104. Counting ballots electronically -- Notice of testing tabulating equipment.**

1735 (1)

(a) [~~Before~~] No later than 21 calendar days before the day of an election, and no earlier than 10 calendar days after the day on which the election officer provides notice under Subsection (1)(c), the election officer shall, in accordance with this Subsection (1) and rules made by the director of elections under Subsection 20A-1-108(1), before beginning to count ballots using automatic tabulating equipment, [the election officer shall]test the automatic tabulating equipment to ensure that [it] the equipment will accurately count the votes cast for all offices and all measures.

1743 (b) No later than the day of the canvass for the election, after counting ballots using automatic tabulating equipment is completed, the election officer shall, in accordance with this Subsection (1) and rules made by the chief election officer under Subsection 20A-1-108(1), test the automatic

HB0361 compared with HB0361S01

tabulating equipment to ensure that the equipment accurately counted votes cast for all offices and measures.

- 1748 [(b)] (c) The election officer shall provide public notice of the time and place of the [test] tests described in Subsections (1)(a) and (b) by publishing the notice~~[-, as a class A notice under Section 63G-30-102, for the county, municipality, or jurisdiction where the equipment is used, for at least 10 calendar days before the day of the test]~~ in the notice of election described in Section 20A-5a-202.
- 1753 [(e)] (d) The election officer shall conduct the [test] tests by processing a preaudited group of ballots.
- 1755 [(f)] (e) The election officer shall ensure that:
- 1756 (i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;
- 1758 (ii) for each office, one or more ballots have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and
- 1761 (iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.
- 1763 [(e)] (f) If any error is detected, the election officer shall determine the cause of the error and correct it.
- 1765 [(f)] (g) The election officer shall ensure that[;]
- 1766 [(i)] the automatic tabulating equipment produces an errorless count[-] :
- 1767 (i) before beginning the actual counting; and
- 1768 (ii) before ~~[the election returns are approved as official , the automatic tabulating equipment passes a post election audit conducted in accordance with the rules described in Subsection 20A-1-108(1)]~~ the canvass for the election.
- 1771 (2)
- (a) The election officer or the election officer's designee shall supervise and direct all proceedings at the counting center.
- 1773 (b)
- (i) Proceedings at the counting center are public and may be observed by interested persons.
- 1775 (ii) Only those persons authorized to participate in the count may touch any ballot or return.
- 1777 (c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.
- 1780 (3)

HB0361 compared with HB0361S01

- 1783 (a) If any ballot is damaged or defective so that it cannot properly be counted by the automatic
1784 tabulating equipment, the election officer shall ensure that two counting judges jointly:
1785 (i) make a true replication of the ballot with an identifying serial number;
1786 (ii) substitute the replicated ballot for the damaged or defective ballot;
1787 (iii) label the replicated ballot "replicated"; and
1788 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 1789 (b) The lieutenant governor shall provide to each election officer a standard form on which the election
1790 officer shall maintain a log of all replicated ballots, that includes, for each ballot:
1791 (i) the serial number described in Subsection (3)(a);
1792 (ii) the identification of the individuals who replicated the ballot;
1793 (iii) the reason for the replication; and
1794 (iv) any other information required by the lieutenant governor.
- 1795 (c) An election officer shall:
1796 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as ballots are
1797 replicated;
1798 (ii) at the end of each day during which one or more ballots are replicated, make an electronic copy of
1799 the log; and
1800 (iii) retain and preserve each electronic copy made under Subsection (3)(c)(ii) in accordance with
1801 Subsection 20A-2-202(3).
- 1802 (4) The election officer may:
1803 (a) conduct an unofficial count before conducting the official count in order to provide early unofficial
1804 returns to the public;
1805 (b) release unofficial returns from time to time after the polls close; and
1806 (c) report the progress of the count for each candidate during the actual counting of ballots.
- 1807 (5) Beginning on the day after the date of the election, if an election officer releases early unofficial
1808 returns or reports the progress of the count for each candidate under Subsection (4), the election
1809 officer shall, with each release or report, disclose an estimate of the total number of voted ballots in
1810 the election officer's custody that have not yet been counted.
- 1811 (6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid
1812 provisional ballots for counting as provided in Section 20A-4-107.
- 1813 (7)

HB0361 compared with HB0361S01

(a) The election officer or the election officer's designee shall:

1815 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

1816 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

1818 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

1821 (8)

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

1824 (b) Upon completion of the count, the election officer shall make official returns open to the public.

1826 (9) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

1829 (10) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Subsection 20A-4-202(2).

1831 Section 18. Section 20A-4-202 is amended to read:

1832 **20A-4-202. Election returns and election material -- Retention and disposition requirements**
-- Public records.

1834 (1) Upon receipt of the ballots and election returns from the poll workers, the election officer shall:

1836 (a) ensure that the poll workers have provided all of the ballots and election returns;

1837 (b) inspect the ballots and election returns to ensure that they are sealed;

1838 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and secure place;

1840 (d) for mechanical ballots:

1841 (i) count the ballots; and

1842 (ii) deposit and lock the ballots and election returns in a safe and secure place; and

1843 (e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.

1845 (2) Each election officer shall:

1846 (a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;

1849

HB0361 compared with HB0361S01

- (b) preserve ballots for 22 months after the date of the election or until the time has expired during which the ballots could be used in an election contest;
- 1851 (c) preserve all other official election returns for at least 22 months after the date of the election; and
- 1853 (d) after the time period described in Subsection (2)(c), destroy the ballots and election returns without examining the ballots and election returns.
- 1855 (3)
- (a) The election officer shall:
- 1856 (i) package and retain all election material; and
- 1857 (ii) store the election material in a secure location~~[that is physically separate from the location where the election officer stores ballots and election returns]~~.
- 1859 (b) The election officer:
- 1860 (i) may not alter or make changes to the election material;
- 1861 (ii) may make a working copy of the election material;
- 1862 (iii) may alter or make changes to the working copy of election material;
- 1863 (iv) shall preserve the election material, and any working copy of the election material, for at least 22 months after the date of the election; and
- 1865 (v) after the time period described in Subsection (3)(b)(iv), may dispose of or retain the election material and any working copy of the election material.
- 1867 (c) An election officer:
- 1868 (i) may not release to a member of the public:
- 1869 (A) the copy of the final election results database; or
- 1870 (B) a working copy of the copy of the final election results database;
- 1871 (ii) may issue a public report based on information derived from the election material if the report does not contain any information that directly identifies a voter who cast a ballot;
- 1874 (iii) may only access the election material, or a working copy of the election material, at the election officer's office; and
- 1876 (iv) may not remove the election material, or a working copy of the election material, from ~~the~~the election officer's office.
- 1878 (4)
- (a) If an election is contested within 12 months after the date of the election, the election officer shall, except as provided in Subsection (4)(c):

HB0361 compared with HB0361S01

- 1880 (i) keep the ballots and election returns unopened and unaltered until the contest is complete; or
1882 (ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the
contest when ordered or subpoenaed to do so by that court.
- 1884 (b) Except as provided in Subsection (4)(c), when all election contests arising from an election are
complete, the election officer shall either:
- 1886 (i) retain the ballots and election returns until the time for preserving them under this section has run; or
1888 (ii) destroy the ballots and election returns remaining in the election officer's custody without
examining the ballots and election returns if the time for preserving them under this section has run.
- 1891 (c)
- (i) An auditor conducting an audit described in Section 36-12-15.2 may examine the ballots and
election returns described in this Subsection (4).
- 1893 (ii) The lieutenant governor may examine the ballots and election returns described in this Subsection
(4).
- 1895 (5) Notwithstanding the provisions of this section, the legislative auditor general:
- 1896 (a) may make and keep a copy of ballots or election returns as part of a legislative audit; and
1898 (b) may not examine, make a copy, or keep a copy of a ballot in a manner that identifies the ballot with
the voter who casts the ballot.
- 1900 (6) Each of the following is not a record, and is not subject to disclosure, under Title 63G, Chapter 2,
Government Records Access and Management Act:
- 1902 (a) all ballots and election returns;
1903 (b) all election material;
1904 (c) any working copy of election material that the election officer makes under Subsection (3)(b)(ii);
and
1906 (d) a copy described in Subsection (5)(a).
- 1907 (7) Each of the following is a public record under Title 63G, Chapter 2, Government Records Access
and Management Act:
- 1909 (a) the final report of the disposition of all rejected and resolved ballots described in Subsection
20A-3a-401(11)(b);
1911 (b) the results and tally of all ballots that have been counted described in Subsection 20A-3a-402(2);
1913 (c) each posting of ballot statistics described in Section 20A-3a-405; and
1914 (d) any early unofficial returns or reports described in Subsection 20A-4-104(4).

HB0361 compared with HB0361S01

- 1915 (8) The retention and disposition requirements described in this section for ballots, election returns, and
election material:
- 1917 (a) supersede the retention and disposition requirements for ballots, election returns, and election
material that were in effect before the effective date of this bill; and
- 1919 (b) apply to ballots, election returns, and election material created before, on, or after the effective date
of this bill.
- 1921 (9) The retention and disposition requirements described in this section do not require the creation of a
record that an election officer is not otherwise required to create.

1923 Section 19. Section 20A-4-304 is amended to read:

1924 **20A-4-304. Declaration of results -- Canvassers' report.**

- 1925 (1)
- [~~(a)~~] ~~Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a~~] A board of
canvassers shall declare "elected" or "nominated" those persons who:
- 1927 [~~(i)~~] (a) had the highest number of votes; and
- 1928 [~~(ii)~~] (b) sought election or nomination to an office completely within the board's jurisdiction.
- 1930 [~~(b)~~] (c) [~~Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a~~] A board of
canvassers shall declare a "tie vote" if:
- 1932 (i) two or more candidates for an office receive an equal and the highest number of votes for that office;
or
- 1934 (ii) in a race for an at-large office:
- 1935 (A) two or more candidates receive an equal number of votes; and
- 1936 (B) a recount is necessary to determine which candidates are elected to the at-large office.
- 1938 [~~(e)~~] (d) A board of canvassers shall declare:
- 1939 (i) "approved" those ballot propositions that:
- 1940 (A) had more "yes" votes than "no" votes; and
- 1941 (B) were submitted only to the voters within the board's jurisdiction; or
- 1942 (ii) "rejected" those ballot propositions that:
- 1943 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and
- 1945 (B) were submitted only to the voters within the board's jurisdiction.
- 1946 [~~(d)~~] (e) A board of canvassers shall:
- 1947

HB0361 compared with HB0361S01

- (i) certify the vote totals for candidates and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and
- 1950 (ii) if applicable, certify the results of each special district election to the special district clerk.
- 1952 (2) The election officer shall submit a report to the board of canvassers that includes the following information:
 - 1954 (a) a statement of votes cast, disclosing:
 - 1955 (i) the total number of votes cast in the board's jurisdiction; and
 - 1956 (ii) for each office that appeared on the ballot:
 - 1957 (A) the name of each candidate whose name appeared on the ballot; and
 - 1958 (B) whether the candidate is an unaffiliated candidate, a valid write-in candidate, or, if the candidate is affiliated with or the nominee of a registered political party, the name of the registered political party;
 - 1961 (b) the title of each ballot proposition that appeared on the ballot;
 - 1962 (c) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
 - 1964 (d) from each voting precinct:
 - 1965 (i) the number of votes for each candidate;
 - 1966 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each ballot-counting phase; and
 - 1970 (iii) the number of votes for and against each ballot proposition;
 - 1971 (e) standardized statistics, on a form provided by the lieutenant governor, disclosing, at a minimum:
 - 1973 (i) the number of active voters in the board's jurisdiction as of the Friday before election day;
 - 1975 (ii) the number of ballots counted by the election officer that were cast by voters who registered to vote on election day under Section 20A-2-207;
 - 1977 (iii) the total number of ballots counted by the election officer;
 - 1978 (iv) the quotient of the number described in Subsection (2)(e)(iii) divided by the sum of the numbers described in [~~Subsections (2)(e)(i) and (ii)~~] Subsection (2)(e)(i);
 - 1980 (v) of the number described in Subsection (2)(e)(iii):
 - 1981 (A) the number of provisional ballots cast at a polling place; and

HB0361 compared with HB0361S01

- 1982 (B) the number of ballots cast using a voting method described in Section 20A-3a-201;
- 1984 (vi) a reconciliation of the number of ballots the election officer counted and the number of voters given credit for voting in the election;
- 1986 (vii) if there is a difference between the numbers described in Subsection (2)(e)(vi), an explanation for the difference;
- 1988 (viii) the number of provisional ballots that could not legally be counted; and
- 1989 (ix) each of the following:
- 1990 (A) the number of ballots, other than provisional ballots, that were rejected because the ballots could not legally be cured;
- 1992 (B) the number of ballots, other than provisional ballots, that were rejected, could have been cured by the voter, but were not cured;
- 1994 (C) the number of uncounted ballots received after the deadline described in Subsection 20A-3a-204(3); and
- 1996 (D) the percentage of ballots that were returned as undeliverable;
- 1997 (f) subject to Subsection (3), a cast vote record report that contains only the following information from the election results database:
- 1999 (i) for the jurisdiction administering the election:
- 2000 (A) the title of each ballot proposition appearing on the ballots;
- 2001 (B) a description of each race for federal office, statewide office, state legislative office, state school board office, county office, local school board office, or municipal office appearing on the ballots; and
- 2004 (C) the name of each candidate for an office described in Subsection (2)(f)(i)(B);
- 2005 (ii) the numeric identifier described in Subsection 20A-5-802.5(2)(b);
- 2006 (iii) the vote cast by a voter for:
- 2007 (A) a candidate for an office described in Subsection (2)(f)(i)(B);
- 2008 (B) a valid write-in candidate; and
- 2009 (C) each ballot proposition;
- 2010 (iv) if a voter's vote was not counted, an indication that the vote was not counted because:
- 2012 (A) the voter cast a vote for more than one candidate for a single office; or
- 2013 (B) the voter made more than one selection for a single ballot proposition;
- 2014

HB0361 compared with HB0361S01

- (v) if a voter was eligible to cast a vote, but did not cast a vote, an indication that the voter did not cast a vote; and
- 2016 (vi) if a ballot proposition or an office described in Subsection (2)(f)(i)(B) did not appear on the voter's ballot:
- 2018 (A) an indication that the voter was ineligible to cast a vote for the ballot proposition or office; or
- 2020 (B) a blank field or space in the portion of the report representing the ballot proposition or office;
- 2022 (g) other information required by law to be provided to the board of canvassers; and
- 2023 (h) a statement certifying that the information contained in the report is accurate.
- 2024 (3) The cast vote record report described in Subsection (2)(f) may not include:
- 2025 (a) any special district office or special district ballot proposition appearing on a ballot in the jurisdiction administering the election;
- 2027 (b) the vote cast by a voter for a special district office or special district ballot proposition;
- 2029 (c) the voter precinct number associated with a ballot; or
- 2030 (d) information that directly identifies the voter who cast the ballot.
- 2031 (4) For an election in which the election officer does not use automatic tabulating equipment, the election officer shall:
- 2033 (a) review the votes cast on each ballot that is counted;
- 2034 (b) manually compile the information described in Subsection (2)(f) in a file format described in Subsection (8)(c);
- 2036 (c) ensure that the file does not contain the information described in Subsection (3); and
- 2037 (d) include a copy of the file in the board of canvassers' report.
- 2038 (5) The election officer and the board of canvassers shall:
- 2039 (a) review the report to ensure that the report is correct; and
- 2040 (b) sign the report.
- 2041 (6) The election officer shall:
- 2042 (a) record or file the certified report in a book kept for that purpose;
- 2043 (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
- 2045 (c) publish a copy of the certified report in accordance with Subsection (7); and
- 2046 (d) file a copy of the certified report with the lieutenant governor.
- 2047

HB0361 compared with HB0361S01

- (7) Subject to Subsection (8), an election officer shall, no later than three business days after the day on which the board of canvassers declares the election results, publish a notice of the certified report described in Subsection (2) as a class A notice under Section 63G-30-102.
- 2051 (8) The class A notice described in Subsection (7) shall:
- 2052 (a) include the following statement: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election].";
- 2055 (b) specify the following sources where an individual may view or obtain a copy of the entire certified report:
- 2057 (i) the Utah Public Notice Website;
- 2058 (ii) if the election officer is required to publish the notice on the board's jurisdiction's website under Subsection 63G-30-102(1)(b), the jurisdiction's website;
- 2060 (iii) the physical address for the board's jurisdiction; and
- 2061 (iv) a mailing address and telephone number; and
- 2062 (c) subject to Subsection (9), for the website posting described in Subsections 63G-30-102(1)(a) and (b), include a copy of the certified report in the following file formats:
- 2065 (i) except for the cast vote record report described in Subsection (2)(f), a PDF or similar file; and
- 2067 (ii) for the cast vote record report described in Subsection (2)(f), one or more spreadsheets, Comma Separated Values files, or another common type of delimited or fixed-width files.
- 2070 (9) An election officer may post the information required to be included in the cast vote record report described in Subsection (2)(f) as a text-based file that represents structured information through key value pairs and ordered collections of data in lieu of including that information in a file described in Subsection (8)(c)(ii) if[:]
- 2074 [~~(a) the race for elective office was conducted using instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project; and]~~
- 2076 [~~(b)] the tabulating equipment does not produce a file described in Subsection (8)(c)(ii) that accurately records all the preferences cast by a voter on the voter's ballot.~~
- 2078 (10) An election officer shall publish the class A notice described in Subsection (7) for the following time periods:
- 2080 (a) in relation to posting the notice on the Utah Public Notice Website under Subsection 63G-30-102(1) (a), indefinitely;
- 2082

HB0361 compared with HB0361S01

- (b) in relation to posting the notice on the election officer's jurisdiction's website under Subsection 63G-30-102(1)(b), for at least 180 calendar days after the day of the deadline described in Subsection (7); and
- 2085 (c) in relation to posting the notice in a physical location under Subsection 63G-30-102(1)(c), for at least seven calendar days after the day of the deadline described in Subsection (7).
- 2088 (11) An election officer:
- 2089 (a) shall ensure that an individual may obtain a copy of the certified report in a file format described in:
- 2091 (i) Subsection (8)(c); and
- 2092 (ii) if applicable, Subsection (9); and
- 2093 (b) may make the certified report available in any computer-readable format that the election officer determines is helpful to members of the public.
- 2095 (12) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall, immediately upon adjournment of the board, transmit to the lieutenant governor a report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition.
- 2101 (13) In each county election, municipal election, school election, special district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 calendar days after the date of the election.
- 2104 (14) In a regular primary election and in a presidential primary election, the board of canvassers shall, immediately upon adjournment of the board, transmit to the lieutenant governor:
- 2107 (a) the county totals for multi-county races; and
- 2108 (b) a complete tabulation showing voting totals for all primary races, precinct by precinct.
- 2110 Section 20. Section **20A-5-401.1** is renumbered and amended to read:
- 2112 **[20A-5-102] 20A-5-401.1. (Effective 05/06/26)Voting instructions.**
- 2113 (1) Each election officer shall:
- 2114 (a) print instructions for voters;
- 2115 (b) ensure that the instructions are printed in English, and any other language required under the Voting Rights Act of 1965, as amended, in large clear type; and
- 2117 (c) ensure that the instructions inform voters:
- 2118 (i) about how to obtain, and how to return, ballots for voting;

HB0361 compared with HB0361S01

- 2119 (ii) about special political party affiliation requirements for voting in a regular primary election or
presidential primary election;
- 2121 (iii) about how to prepare ballots cast at a polling place for deposit in the ballot box;
- 2122 (iv) about how to prepare a mailed ballot for return;
- 2123 (v) about how to record write-in votes;
- 2124 (vi) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
- 2126 (vii) about how to obtain assistance in marking ballots;
- 2127 (viii) about obtaining a new ballot if the voter's ballot is defaced;
- 2128 (ix) that identification marks or the spoiling or defacing of a ballot will make it invalid;
- 2130 (x) about how to obtain and vote a provisional ballot;
- 2131 (xi) about whom to contact to report election fraud;
- 2132 (xii) about applicable federal and state laws regarding:
- 2133 (A) voting rights and the appropriate official to contact if the voter alleges that the voter's rights have
been violated; and
- 2135 (B) prohibitions on acts of fraud and misrepresentation;
- 2136 (xiii) about procedures governing mail-in registrants and first-time voters; and
- 2137 (xiv) about the date of the election and the hours that the polls are open on election day.
- 2139 (2) Each election officer shall:
- 2140 (a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters
in the preparation of the voters' ballots; and
- 2142 (b) direct the election judges to post:
- 2143 (i) general voting instructions in each voting booth;
- 2144 (ii) at least three instruction cards at other locations in the polling place; and
- 2145 (iii) at least one sample ballot at the polling place.
- 2146 Section 21. Section **20A-5-401.2** is renumbered and amended to read:
- 2148 **[20A-5-102]. Voting instructions.**
- 2149 (1) Each election officer shall:
- 2150 (a) print instructions for voters;
- 2151 (b) ensure that the instructions are printed in English, and any other language required under the Voting
Rights Act of 1965, as amended, in large clear type; and
- 2153 (c) ensure that the instructions inform voters:

HB0361 compared with HB0361S01

- 2154 (i) about how to obtain, and how to return, ballots for voting;
- 2155 (ii) about special political party affiliation requirements for voting in a regular primary election or
presidential primary election;
- 2157 (iii) about how to prepare ballots cast at a polling place for deposit in the ballot box;
- 2158 (iv) about how to prepare a mailed ballot for return;
- 2159 (v) about how to record write-in votes;
- 2160 (vi) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
- 2162 (vii) about how to obtain assistance in marking ballots;
- 2163 (viii) about obtaining a new ballot if the voter's ballot is defaced;
- 2164 (ix) that identification marks or the spoiling or defacing of a ballot will make it invalid;
- 2166 (x) about how to obtain and vote a provisional ballot;
- 2167 (xi) about whom to contact to report election fraud;
- 2168 (xii) about applicable federal and state laws regarding:
- 2169 (A) voting rights and the appropriate official to contact if the voter alleges that the voter's rights have
been violated; and
- 2171 (B) prohibitions on acts of fraud and misrepresentation;
- 2172 (xiii) about procedures governing mail-in registrants and first-time voters; and
- 2173 (xiv) about the date of the election and the hours that the polls are open on election day.
- 2175 (2) Each election officer shall:
- 2176 (a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters
in the preparation of the voters' ballots; and
- 2178 (b) direct the election judges to post:
- 2179 (i) general voting instructions in each voting booth;
- 2180 (ii) at least three instruction cards at other locations in the polling place; and
- 2181 (iii) at least one sample ballot at the polling place.

2182 Section 22. Section **22** is enacted to read:

2183 **CHAPTER 5a. Election Notices**

2184 **Part 1. General Provisions -- Election Notice Requirements**

2185 **20A-5a-101. Definitions.**

As used in this part, "unopposed" means, as it relates to a regular primary election:

HB0361 compared with HB0361S01

- 2187 (1) for a race for a single office, only one individual qualifies for placement on the primary election
ballot to seek the nomination of a particular registered political party for that office; or
- 2190 (2) for a race where two or more individuals will be elected to fill an office, the number of individuals
who qualify for placement on the primary election ballot to seek the nomination of a particular
registered political party for that office does not exceed the total number of candidates to be elected
to that office.
- 2194 Section 23. Section **23** is enacted to read:
- 2195 **20A-5a-102. Notice of election -- Publication required by election officer.**
- 2197 (1) Except as otherwise provided for an election described in Section 20A-7-609.5, the election officer
for an election shall publish notice of the election, as described in Subsection (2), for the jurisdiction
as a class A notice under Section 63G-30-102, for at least 30 calendar days before the day of the
election.
- 2201 (2) The election notice shall include:
- 2202 (a) the heading "Election Notice," in bold;
- 2203 (b) for an election notice given by a county clerk:
- 2204 (i) if the election is a regular primary election, the following statement:
- 2205 "Notice is given that a regular primary election will be held on Tuesday, [insert date] to nominate
party candidates for the parties and candidates for nonpartisan local school board positions listed on
the regular primary election ballot.";
- 2208 (ii) if the election is a regular general election, the following statement:
- 2209 "Notice is given that a regular general election will be held on Tuesday, [insert date] to elect
candidates to the offices listed on the regular general election ballot."; or
- 2212 (iii) if the election is a special election or a presidential primary election, a statement, similar to a
statement described in Subsection (2)(b)(i) or (ii) that states the day, date, and purpose of the
election;
- 2215 (c) for an election notice given by a municipal clerk:
- 2216 (i) if the election is a municipal primary election, the following statement:
- 2217 "Notice is given that a municipal primary election will be held on Tuesday, [insert date] to nominate
candidates for the municipal offices listed on the municipal primary election ballot.";
- 2220

HB0361 compared with HB0361S01

- 2223 (ii) if the election is a municipal general election, the following statement: "Notice is given that a municipal general election will be held on Tuesday, [insert date] to elect candidates to the offices listed on the municipal general election ballot."; or
- 2225 (iii) if the election is a special election, a statement, similar to a statement described in Subsection (2)(c) (i) or (ii) that states the day, date, and purpose of the election;
- 2228 (d) for an election notice given by a special district clerk, a statement similar to the statements described in Subsection (2)(b) or (c) that states the day, date, and purpose of the election;
- 2230 (e) after the statement described in Subsection (2)(b), (c), or (d), as applicable, the following statement: "For voters receiving a ballot by mail, ballots will be mailed beginning 21 days before the election. The location of ballot drop boxes, the location and hours of polling places, including early voting polling places and hours, and qualifications of individuals who may vote in the election can be found at [insert name of election officer's or jurisdiction's website, if any, and a state voting website designated by the lieutenant governor], by calling [insert phone number for election officer's office], or at [insert street address of the election officer's office]. On the day of the election, the polls will open at 7 a.m. and continue open until 8 p.m. Attest: [insert "County Clerk," "Municipal Clerk," or "Special District Clerk"]."; and
- 2239 (f) after the statement described in Subsection (2)(e), instructions regarding how an individual with a disability, who is not able to vote a manual ballot by mail, may obtain information on voting in an accessible manner.
- 2242 (3) The notice described in this section may not include the name of the election officer.
- 2243 (4) The election officer shall include in the notice of election the notice of pre-election and post-election automatic tabulating equipment testing described in Subsection 20A-4-104(1).

2246 Section 24. Section **20A-5a-201** is renumbered and amended to read:

2248 **Part 2. Notices for Regular Election Year**

2249 **~~[20A-5-101]~~. State notice of candidate filing for regular election -- Notice of statewide ballot propositions.**

2251 (1) On or before ~~[November 15 in the year before each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:]~~

2253 ~~[(a) designates the offices to be filled at the next year's regular general election;]~~ the second Friday after the first Monday in November in an odd-numbered year, the lieutenant governor shall:

2256

HB0361 compared with HB0361S01

- (a) publish for the state, as a class A notice under Section 63G-30-102, for 30 calendar days, the notice described in Subsection (2); and
- 2258 (b) transmit the notice described in Subsection (2) to each county clerk.
- 2259 (2) The notice required under Subsection (1) shall:
- 2260 (a) designate the offices to be filled at the next year's regular general election for:
- 2261 (i) a federal office;
- 2262 (ii) a statewide constitutional office;
- 2263 (iii) state senator;
- 2264 (iv) state representative; and
- 2265 (v) State Board of Education member;
- 2266 (b) ~~[identifies]~~ identify the dates for filing a declaration of candidacy, and for submitting and certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408 for ~~[those offices]~~ the offices described in Subsection (2)(a);~~[-and]~~
- 2270 (c) ~~[contains a description of any]~~ describe the statewide ballot propositions to be decided by the voters that have qualified for the ballot as of that date~~[-]~~ ; and
- 2272 (d) designate a webpage that, for each elective office, states the total number of signatures that must be submitted under Subsection 20A-9-403(3)(a)(ii) or 20A-9-408(8), with the necessary calculations made by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.
- 2278 ~~[(2)~~
- (a) ~~No later than seven business days after the day on which the lieutenant governor transmits the written notice described in Subsection (1), each county clerk shall provide notice for the county, as a class A notice under Section 63G-30-102, for seven business days before the day of the election and in accordance with Subsection (3).]~~
- 2283 ~~[(b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a), showing a copy of the notice and the places where the notice was posted.]~~
- 2285 ~~[(3) The notice described in Subsection (2) shall:]~~
- 2286 ~~[(a) designate the offices to be voted on in that election; and]~~
- 2287 ~~[(b) identify the dates for filing a declaration of candidacy for those offices.]~~
- 2288

HB0361 compared with HB0361S01

- 2290 [(4) Except as provided in Subsection (6), before each election, the election officer shall give printed
notice of the following information:]
- 2291 [(a) the date of election;]
- 2292 [(b) the hours during which the polls will be open;]
- 2294 [(c) the polling places for each voting precinct, early voting polling place, and election day voting
center;]
- 2298 [(d) the address of the Statewide Electronic Voter Information Website and, if available, the address
of the election officer's website, with a statement indicating that the election officer will post on
the website any changes to the location of a polling place and the location of any additional polling
place;]
- 2300 [(e) a phone number that a voter may call to obtain information regarding the location of a polling
place;]
- 2301 [(f) the qualifications for persons to vote in the election; and]
- 2303 [(g) instructions regarding how an individual with a disability, who is not able to vote a manual ballot
by mail, may obtain information on voting in an accessible manner.]
- 2306 [(5) The election officer shall provide the notice described in Subsection (4) for the jurisdiction, as
a class A notice under Section 63G-30-102, for at least seven business days before the day of the
election.]
- 2308 [(6) Instead of including the information described in Subsection (4) in the notice, the election officer
may give printed notice that:]
- 2309 [(a) is entitled "Notice of Election";]
- 2313 [(b) includes the following: "A [indicate election type] will be held in [indicate the jurisdiction] on
[indicate date of election]. Information relating to the election, including polling places, polling
place hours, and qualifications of voters may be obtained from the following sources:"; and]
- 2315 [(c) specifies the following sources where an individual may view or obtain the information described
in Subsection (4):]
- 2316 [(i) if the jurisdiction has a website, the jurisdiction's website;]
- 2317 [(ii) the physical address of the jurisdiction offices; and]
- 2318 [(iii) a mailing address and telephone number.]

Section 25. Section **25** is enacted to read:

2319

HB0361 compared with HB0361S01

20A-5a-202. County notice of candidate filing for regular election -- Notice of local ballot propositions.

On or before the third Friday after the first Monday in November in an odd-numbered year, the clerk of a county shall publish for the county, as a class A notice under Section 63G-30-102, for 30 calendar days, notice that includes:

- 2324 (1) the portion of the information, provided to the county clerk by the lieutenant governor under Section
2326 20A-5a-201, relating to races in which a resident of the county may vote;
2327 (2) the offices to be filled at the next year's regular general election for:
2328 (a) county offices for the county; and
2329 (b) local school board offices in the county;
2332 (3) the dates for filing a declaration of candidacy, and for submitting and certifying nomination petition
2334 signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408 for the offices
described in Subsection (2)(a);
2332 (4) the dates for filing a declaration of candidacy for local school board offices in the county; and
2334 (5) a description of the local ballot propositions to be decided by the voters that have qualified for the
ballot as of that date.

2336 Section 26. Section **26** is enacted to read:

20A-5a-203. Special district notice of candidate filing for regular election.

- 2339 (1) On or before the second Friday after the first Monday in November in an odd-numbered year, the
clerk of a special district that holds elections in even-numbered years shall transmit to each county
clerk where all or a portion of the special district is located a notice that includes:
2343 (a) a list of the special district offices to be voted on in the upcoming regular general election;
2345 (b) the constitutional and statutory qualifications for each office described in Subsection (1)(a); and
2347 (c) the declaration of candidacy period described in Section 20A-9-201.5.
2348 (2) On or before the third Friday after the first Monday in November in an odd-numbered year, the
clerk of a special district shall publish for the special district, as a class A notice under Section
63G-30-102, for 30 calendar days, the notice described in Subsection (1).

2352 Section 27. Section **27** is enacted to read:

20A-5a-204. Registered political party notice of convention results.

2355

HB0361 compared with HB0361S01

(1) On or before noon on the Monday after a registered political party's nominating convention, the party liaison for the registered political party shall provide to the lieutenant governor, in writing, the convention results for:

- 2358 (a) the registered political party's state convention; and
2359 (b) each of the registered political party's county conventions.

2360 (2) The lieutenant governor shall provide the convention results described in Subsection (1) to the county clerk of each county to which the results relate before the end of the first business day that is on or after the day on which the lieutenant governor receives the convention results.

2364 Section 28. Section **28** is enacted to read:

2365 **20A-5a-205. Certification of state candidates for regular primary election.**

2367 (1) On or before the first Wednesday after the fourth Saturday in April of an even-numbered year, the lieutenant governor shall:

2369 (a) publish for the state, as a class A notice under Section 63G-30-102, for 30 calendar days, the notice described in Subsection (2); and

2371 (b)
(i) transmit to each county clerk the notice described in Subsection (2); or

2372 (ii) transmit the portion of the notice described in Subsection (2) that relates to a particular county to the county clerk for that county.

2374 (2) The notice required under Subsection (1):

2375 (a) shall list the names of all candidates who are qualified for placement on the regular primary election ballot for a county, by office, for the following offices:

2377 (i) a federal office;

2378 (ii) a statewide constitutional office;

2379 (iii) state senator;

2380 (iv) state representative; and

2381 (v) State Board of Education member;

2382 (b) shall, in accordance with Sections 20A-6-109 and 20A-6-110, include instructions on how the names of candidates will appear on the primary election ballot; and

2384 (c) may not include candidates who are unopposed in the regular primary election.

2385 Section 29. Section **29** is enacted to read:

2386 **20A-5a-206. Certification of county candidates for regular primary election.**

HB0361 compared with HB0361S01

2388 (1) No later than two business days after the day on which the lieutenant governor provides the notice described in Section 20A-2a-205 to a county clerk, that county clerk shall publish for the county, as a class A notice under Section 63G-30-102, for 30 calendar days, the notice described in Subsection (2).

2392 (2) The notice required under Subsection (1):

2393 (a) shall include the portion of the notice, provided to the county clerk by the lieutenant governor under Section 20A-2-205, relating to races in which a resident of the county may vote;

2396 (b) except as provided in Subsection (2)(d), shall include all candidates who have qualified for placement on a primary election ballot in the county for county office or local school board office;

2399 (c) shall, in accordance with Sections 20A-6-109 and 20A-6-110, include instructions on how the names of candidates will appear on the primary election ballot; and

2401 (d) may not include candidates who are unopposed in the regular primary election.

2402 Section 30. Section **30** is enacted to read:

2403 **20A-5a-207. Certification of special district candidates for regular primary election.**

2405 (1) On or before the first Wednesday after the fourth Saturday in April of an even-numbered year, the clerk of a special district that will, in accordance with Subsection 17B-1-306(6), hold a primary election that year shall send to each county clerk in which all or part of the special district is located a notice containing a list of names of all candidates who are qualified for placement on the regular primary election ballot, by office, for each special district office.

2411 (2) No later than two business days after the day on which a special district clerk complies with Subsection (1), the special district clerk shall publish for the special district, as a class A notice under Section 63G-30-102, for 30 calendar days, the notice described in Subsection (1).

2415 Section 31. Section **31** is enacted to read:

2416 **20A-5a-208. Regular primary election notice -- Counties -- Special Districts.**

2418 (1) No later than 32 calendar days before the day of the regular primary election, a county clerk shall, in accordance with Section 20A-5-102, publish notice of the regular primary election for the county, as a class A notice under Section 63G-30-102, for the entire period beginning on the day on which the county clerk publishes the notice, and ending at the end of the day of the regular primary election.

2423 (2) Except as provided in Subsection (3), no later than 32 calendar days before the day of the regular primary election, the clerk of a special district that will, in accordance with Subsection 17B-1-306(6), hold a primary election that year, shall, in accordance with Section 20A-5-102,

HB0361 compared with HB0361S01

publish notice of the regular primary election for the special district, as a class A notice under Section 63G-30-102, for the entire period beginning on the day on which the special district clerk publishes the notice, and ending at the end of the day of the regular primary election.

2430 (3) The county clerk may publish the notice described in Subsection (2) for the special district clerk, or in combination with the notice described in Subsection (1), if the special district clerk contracts for the county clerk to conduct the special district election.

2433 Section 32. Section **20A-5a-209** is renumbered and amended to read:

2435 ~~[20A-9-701].~~ **Certification of state candidates for regular general election -- Ballot propositions -- Display on ballot.**

2437 ~~[(1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk, for offices to be voted upon at the regular general election in that county clerk's county:]~~

2440 ~~[(a) the names of each candidate nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and]~~

2442 ~~[(b) the names of the candidates for president and vice president that are certified by the registered political party as the party's nominees.]~~

2444 (1) On or before the last business day in August of an even-numbered year, the lieutenant governor shall:

2446 (a) publish for the state, as a class A notice under Section 63G-30-102, for 30 calendar days, the notice described in Subsection (2); and

2448 (b)

(i) transmit to each county clerk the notice described in Subsection (2); or

2449 (ii) transmit the portion of the notice described in Subsection (2) that relates to a particular county to the county clerk for that county.

2451 (2) The notice required under Subsection (1):

2452 (a) shall list the names of all candidates who are qualified for placement on the regular general election ballot for a county, by office, for the following offices:

2454 (i) a federal office;

2455 (ii) a statewide constitutional office;

2456 (iii) state senator;

2457 (iv) state representative; and

HB0361 compared with HB0361S01

- 2458 (v) State Board of Education member;
- 2459 (b) shall, in accordance with Sections 20A-6-109 and 20A-6-110, include instructions on how the
names of candidates will appear on the primary election ballot; and
- 2461 (c) shall include information on statewide ballot propositions that have qualified for placement on the
ballot.
- 2463 [(2)] (3) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as
they are provided on the candidate's declaration of candidacy. No other names may appear on the
ballot as affiliated with, endorsed by, or nominated by any other registered political party, political
party, or other political group.
- 2467 Section 33. Section **33** is enacted to read:
- 2468 **20A-5a-210. Certification of county candidates for regular general election -- Ballot**
propositions.
- 2470 (1) A county clerk shall publish for the county, as a class A notice under Section 63G-30-102, for 30
calendar days, the notice described in Subsection (2):
- 2472 (a) no earlier than the first business day that is at least two calendar days after the day on which the
lieutenant governor provides the notice described in Section 20A-2a-209 to the county clerk; and
- 2475 (b) no later than the second business day in September.
- 2476 (2) The notice required under Subsection (1):
- 2477 (a) shall include the portion of the notice, provided to the county clerk by the lieutenant governor under
Section 20A-2-209, relating to races in which a resident of the county may vote;
- 2480 (b) shall include all candidates who have qualified for placement on the regular general election ballot
in the county for county office or local school board office;
- 2482 (c) shall, in accordance with Sections 20A-6-109 and 20A-6-110, include instructions on how the
names of candidates will appear on the regular general election ballot; and
- 2484 (d) shall include information on local ballot propositions that have qualified for placement on the ballot.
- 2486 Section 34. Section **34** is enacted to read:
- 2487 **20A-5a-211. Certification of special district candidates for regular general election.**
- 2489 (1) Except as provided in Subsection (3), on or before the last business day in August of an even-
numbered year, the clerk of a special district shall send to each county clerk in which all or part of
the special district is located a notice containing a list of names of all candidates who are qualified
for placement on the regular general election ballot, by office, for each special district office.

HB0361 compared with HB0361S01

- 2494 (2) Except as provided in Subsection (3), the clerk of a special district shall publish for the special
district, as a class A notice under Section 63G-30-102, for 30 calendar days, the notice described in
Subsection (1), beginning on the earlier of:
- 2497 (a) the first business day that is at least two calendar days after the day on which the clerk of the special
district complies with Subsection (1); or
- 2499 (b) the second business day in September.
- 2500 (3) If the special district clerk contracts for the county clerk to conduct the special district election:
- 2502 (a) the special district clerk is not required to comply with Subsection (1); and
- 2503 (b) the county clerk may publish the notice described in Subsection (2) for the special district clerk.

2505 Section 35. Section **35** is enacted to read:

2506 **20A-5a-212. Regular general election notice -- Counties -- Special districts.**

- 2508 (1) No later than 32 calendar days before the day of the regular general election, the county clerk
shall, in accordance with Section 20A-5-102, publish notice of the regular general election for the
county, as a class A notice under Section 63G-30-102, for the entire period beginning on the day on
which the county clerk publishes the notice, and ending at the end of the day of the regular general
election.
- 2513 (2) Except as provided in Subsection (3), the clerk of a special district shall, in accordance with Section
20A-5-102, publish notice of the regular general election for the special district, as a class A notice
under Section 63G-30-102, for the entire period beginning on the day on which the special district
clerk publishes the notice, and ending at the end of the day of the regular general election.
- 2518 (3) The county clerk may publish the notice described in Subsection (2) for the special district clerk if
the special district clerk contracts for the county clerk to conduct the special district election.

2521 Section 36. Section **36** is enacted to read:

2522 **Part 3. Notices for Municipal Election Year**

2523 **20A-5a-301. Municipal notice of open offices for municipal election.**

On or before the first business day in February of an odd-numbered year, the election
officer for a municipality shall provide to each county clerk of a county in which all or a part
of the municipality is located written notice of the municipal offices to be voted on in the
upcoming municipal general election.

2529 Section 37. Section **37** is enacted to read:

2530 **20A-5a-302. Special district notice of open offices for municipal election.**

HB0361 compared with HB0361S01

On or before the first business day in February of an odd-numbered year, the clerk of a special district shall provide to each county clerk of a county in which all or a part of the special district is located written notice of the special district offices to be voted on in the upcoming municipal general election.

2536 Section 38. Section **38** is enacted to read:

2537 **20A-5a-303. Municipal notice of candidate filing for municipal election.**

On or before the first business day in May of an odd-numbered year, the election officer of a municipality shall publish for the municipality, as a class A notice under Section 63G-30-102, for 30 calendar days:

- 2542 (1) a list of the municipal offices to be voted on in the upcoming municipal general election; and
2544 (2) the declaration of candidacy period, described in Subsection 20A-9-203(3)(d), for the municipal offices described in Subsection (1).

2546 Section 39. Section **39** is enacted to read:

2547 **20A-5a-304. Special district notice of candidate filing for municipal election.**

On or before the first business day in May of an odd-numbered year, the clerk of a special district shall publish for the special district, as a class A notice under Section 63G-30-102, for at 30 calendar days:

- 2552 (1) a list of the special district offices to be voted on in the upcoming municipal general election; and
2554 (2) the declaration of candidacy period, described in Subsection 20A-9-203(3)(d), for the special district offices described in Subsection (1).

2556 Section 40. Section **40** is enacted to read:

2557 **20A-5a-305. Municipal certification of candidates for municipal primary election.**

No later than two business days after the day on which the declaration of candidacy period described in Subsection 20A-9-203(3)(d) ends, the election officer of a municipality shall:

- 2562 (1) send to each county clerk in which all or part of the municipality is located a notice containing a list of names of all candidates who are qualified for placement on the regular primary election ballot, by office, for each municipal office; and
2565 (2) publish for the municipality, as a class A notice under Section 63G-30-102, for 30 calendar days, the notice described in Subsection (1).

2567 Section 41. Section **41** is enacted to read:

HB0361 compared with HB0361S01

- 2568 **20A-5a-306. Special district certification of candidates for municipal primary election.**
No later than two business days after the day on which the declaration of candidacy
period described in Subsection 20A-9-203(3)(d) ends, the clerk of a special district that will, in
accordance with Subsection 17B-1-306(6), hold a primary election that year shall:
- 2573 (1) send to each county clerk in which all or part of the special district is located a notice containing
a list of names of all candidates who are qualified for placement on the regular primary election
ballot, by office, for each special district office; and
- 2576 (2) publish for the special district, as a class A notice under Section 63G-30-102, for 30 calendar days,
the notice described in Subsection (1).
- 2578 Section 42. Section **42** is enacted to read:
- 2579 **20A-5a-307. Municipal primary election notice -- Municipalities -- Special districts.**
- 2581 (1) Except as provided in Subsection (3), no later than 32 calendar days before the day of the municipal
primary election, the election officer of a municipality shall, in accordance with Section 20A-5-102,
publish notice of the municipal primary election for the county, as a class A notice under Section
63G-30-102, for the entire period beginning on the day on which the election officer of the
municipality publishes the notice, and ending at the end of the day of the municipal primary
election.
- 2587 (2) Except as provided in Subsection (3), no later than 32 calendar days before the day of the municipal
primary election, the clerk of a special district that will hold a primary election that year shall, in
accordance with Section 20A-5-102, publish notice of the special primary election for the special
district, as a class A notice under Section 63G-30-102, for the entire period beginning on the day on
which the clerk of the special district publishes the notice, and ending at the end of the day of the
municipal primary election.
- 2594 (3) The county clerk may:
- 2595 (a) publish the notice described in Subsection (1) for the municipality, if the election officer for the
municipality contracts for the county to conduct the municipal primary election;
- 2598 (b) publish the notice described in Subsection (2) for the special district if the special district clerk
contracts for the county clerk to conduct the special district primary election; or
- 2601 (c) subject to Subsections (3)(a) and (b), publish the notices described in Subsections (1) and (2) as a
combined notice.
- 2603 Section 43. Section **43** is enacted to read:

HB0361 compared with HB0361S01

2604 **20A-5a-308. Certification of municipal candidates for municipal general election -- Ballot**
2605 **propositions.**

2606 (1) The election officer of a municipality shall provide the notice described in Subsection (2) on or
2607 before the later of:

2608 (a) the last business day in August of an odd-numbered year; or

2609 (b) in the case of a recount in a primary election race for the municipality, two business days after the
2610 day on which the recount results are certified.

2611 (2) The election officer of a municipality shall provide the notice required under Subsection (1) by:

2612 (a) sending to each county clerk in which all or part of the municipality is located:

2613 (i) a list of names of all candidates who are qualified for placement on the municipal general election
2614 ballot, by office, for each municipal office; and

2615 (ii) information on local ballot propositions that have qualified for placement on the ballot; and

2616 (b) publishing for the municipality, as a class A notice under Section 63G-30-102, for 30 calendar days,
2617 the list described in Subsection (2)(a).

2620 Section 44. Section **44** is enacted to read:

2621 **20A-5a-309. Certification of special district candidates for municipal general election.**

2622 (1) The clerk of a special district shall provide the notice described in Subsection (2) on or before the
2623 later of:

2624 (a) the last business day in August of an odd-numbered year; or

2625 (b) in the case of a recount in a primary election race for the special district, two business days after the
2626 day on which the recount results are certified.

2627 (2) The clerk of a special district shall provide the notice required under Subsection (1) by:

2628 (a) sending to each county clerk in which all or part of the special district is located a list of names of all
2629 candidates who are qualified for placement on the municipal general election ballot, by office, for
2630 each special district office; and

2631 (b) publishing for the special district, as a class A notice under Section 63G-30-102, for 30 calendar
2632 days, the list described in Subsection (2)(a).

2633 Section 45. Section **45** is enacted to read:

2634 **20A-5a-310. Notice of cancellation of municipal general election.**

2635 (1) A municipal legislative body that cancels an election under Section 20A-1-206 shall provide notice
2636 that the election is canceled by complying with Subsection (2):

HB0361 compared with HB0361S01

- 2639 (a)
- 2640 (b) no later than 32 calendar days before the day of the municipal general election.
- 2641 (2) A municipal legislative body described in Subsection (1) shall provide notice that the election is canceled by:
- 2643 (a) sending notice to each county where all or a portion of the municipality is located;
- 2644 (b) sending the notice to the lieutenant governor's office to be posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for at least 15 calendar days before the day of the municipal general election; and
- 2647 (c) publishing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 15 calendar days before the day of the municipal general election.

2649 Section 46. Section **46** is enacted to read:

2650 **20A-5a-311. Notice of cancellation of special district election.**

- 2651 (1) A special district board that cancels an election under Section 20A-1-206 shall provide notice that the election is canceled by complying with Subsection (2):
- 2653 (a) no earlier than the day after the deadline, described in Subsection 20A-9-601(1)(a), for a write-in candidate to file a declaration of candidacy for the municipal general election; and
- 2656 (b) no later than 32 calendar days before the day of the municipal general election.
- 2657 (2) A special district board described in Subsection (1) shall provide notice that the election is canceled by:
- 2659 (a) sending notice to each county where all or a portion of the special district is located;
- 2660 (b) sending the notice to the lieutenant governor's office to be posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for at least 15 calendar days before the day of the municipal general election; and
- 2663 (c) publishing notice for the special district, as a class A notice under Section 63G-30-102, for at least 15 calendar days before the day of the municipal general election.

2666 Section 47. Section **47** is enacted to read:

2667 **20A-5a-312. Municipal general election notice -- Municipalities -- Special districts.**

- 2669 (1) Except as provided in Subsection (3), no later than 32 calendar days before the day of the municipal general election:
- 2671 (a) the election officer of a municipality shall, in accordance with Section 20A-5-102, publish notice of the municipal general election for the municipality, as a class A notice under Section 63G-30-102,

HB0361 compared with HB0361S01

for the entire period beginning on the day on which the election office of the municipality publishes the notice, and ending at the end of the day of the municipal general election; and

2676 (b) the clerk of a special district shall, in accordance with Section 20A-5-102, publish notice of the
general election for the special district, as a class A notice under Section 63G-30-102, for the entire
period beginning on the day on which the special district clerk publishes the notice, and ending at
the end of the day of the municipal general election.

2681 (2) The county clerk may:

2682 (a) publish the notice described in Subsection (1)(a) for the municipality, if the election officer for the
municipality contracts for the county to conduct the municipal general election;

2685 (b) publish the notice described in Subsection (1)(b) for the special district, if the special district clerk
contracts for the county clerk to conduct the special district election; or

2687 (c) subject to Subsections (2)(a) and (b), publish the notices described in Subsections (2)(a) and (b) as a
combined notice.

2689 Section 48. Section **48** is enacted to read:

2690 **Part 4. Miscellaneous Notice Requirements Relating to Elections.**

2691 **20A-5a-401. Uniform Military and Overseas Voting Act notice requirements relating to**
multiple election types.

2693 (1) Except to the extent otherwise provided in Section 20A-16-502, no later than 100 calendar days
before an election, an election officer shall comply with the notice requirements described in
Section 20A-16-502.

2696 (2) Except to the extent otherwise provided in Section 20A-16-403, no later than the last business day
that is at least 45 calendar days before the day of an election, an election officer shall comply with
Subsection 20A-16-403(1).

2699 Section 49. Section **49** is enacted to read:

2700 **20A-5a-402. Uniform Military and Overseas Voting Act notice requirements relating to**
regular general elections only.

2702 (1) No later than 60 calendar days after the day of a regular general election, a county clerk shall submit
the report described in Subsection 20A-16-202(1).

2704 (2) No later than 90 calendar days after the day of a regular general election, the lieutenant governor
shall submit the report described in Subsection 20A-16-202(2).

2706 **Section 50. Section 20A-6-110 is amended to read:**

HB0361 compared with HB0361S01

- 2707 **20A-6-110. Master ballot position list -- Random selection -- Procedures -- Publication --**
Surname -- Exemptions -- Ballot order.
- 2709 (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).
- 2712 (2) The lieutenant governor shall:
- 2713 (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);
- 2716 (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
- 2719 (c) establish written procedures for:
- 2720 (i) the election official to use the master ballot position list; and
- 2721 (ii) the lieutenant governor in:
- 2722 (A) conducting the random selection in a fair manner; and
- 2723 (B) providing a record of the random selection process used.
- 2724 (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.
- 2727 (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:
- 2729 (a) the candidate's surname;
- 2730 (b) for candidates with a surname that has the same spelling:
- 2731 (i) the candidate's legal first name; or
- 2732 (ii) if the candidates also have a legal first name that has the same spelling, the candidate's legal middle
 name; and
- 2734 (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.
- 2736 (5) Subsections (1) through (4) do not apply to:
- 2737 (a) an election for an office for which only one candidate is listed on the ballot; or
- 2738 (b) a judicial retention election under Section 20A-12-201.
- 2739

HB0361 compared with HB0361S01

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

- 2741 (a) for federal office:
- 2742 (i) president and vice president of the United States;
- 2743 (ii) United States Senate office; and
- 2744 (iii) United States House of Representatives office;
- 2745 (b) for state office:
- 2746 (i) governor and lieutenant governor;
- 2747 (ii) attorney general;
- 2748 (iii) state auditor;
- 2749 (iv) state treasurer;
- 2750 (v) state Senate office;
- 2751 (vi) state House of Representatives office; and
- 2752 (vii) State Board of Education member;
- 2753 (c) for county office:
- 2754 (i) county executive office;
- 2755 (ii) county legislative body member;
- 2756 (iii) county assessor;
- 2757 (iv) county or district attorney;
- 2758 (v) county auditor;
- 2759 (vi) county clerk;
- 2760 (vii) county recorder;
- 2761 (viii) county sheriff;
- 2762 (ix) county surveyor;
- 2763 (x) county treasurer; and
- 2764 (xi) local school board member;
- 2765 (d) for municipal office:
- 2766 (i) mayor; and
- 2767 (ii) city or town council member;
- 2768 (e) elected planning and service district council member;
- 2769 (f) judicial retention questions; and

HB0361 compared with HB0361S01

- 2770 (g) ballot propositions not described in Subsection (6)(f).
2771 (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.
- 2774 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
- 2775 (i) each candidate in accordance with Subsections (1) through (4); and
2776 (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.
- 2778 (c) A candidate for governor and a candidate for lieutenant governor campaigning as joint-ticket running mates shall appear jointly on the ballot as a single ticket.
- 2780 (d) A candidate for president of the United States and a candidate for vice-president of the United States campaigning as joint-ticket running mates shall appear jointly on the ballot as a single ticket.
- 2783 Section 51. Section 20A-6-301 is amended to read:
2784 **20A-6-301. Manual ballots -- Regular general election.**
- 2785 (1) Each election officer shall ensure that:
- 2786 (a) all manual ballots furnished for use at the regular general election contain:
- 2787 (i) no captions or other endorsements except as provided in this section;
2788 (ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and
2791 (iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection [20A-9-403(5)] 20A-9-403(4);
- 2795 (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:
- 2796 (i) "Official Ballot for ____ County, Utah";
2797 (ii) the date of the election; and
2798 [(iii) the words "certified by the Clerk of _____ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;]
- 2800 (iii) "Certified by" followed by the title of the election officer, without the election officer's name;
2802 (c) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance

HB0361 compared with HB0361S01

- with Subsection 20A-9-202(4) or Subsection [~~20A-9-403(5)~~] 20A-9-403(4), are listed with the other candidates for the same office in accordance with Sections 20A-6-109 and 20A-6-110, without a party name or title;
- 2807 (d) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;
- 2809 (e) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;
- 2811 (f) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and
- 2814 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:
- 2816 (i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or
- 2818 (ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.
- 2822 (2) An election officer shall ensure that:
- 2823 (a) each individual nominated by any registered political party under Subsection 20A-9-202(4) or Subsection [~~20A-9-403(5)~~] 20A-9-403(4), and no other individual, is placed on the ballot:
- 2826 (i) under the registered political party's name, if any; or
- 2827 (ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;
- 2830 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
- 2832 (c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and
- 2834 (d) the ballots contain no other names.
- 2835 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- 2836 (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;

HB0361 compared with HB0361S01

- 2838 (b) the words designating the office are printed flush with the left-hand margin;
- 2839 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter
may vote)" extend to the extreme right of the column;
- 2841 (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
- 2843 (e) the names in each group are placed in accordance with Sections 20A-6-109 and 20A-6-110, with the
surnames last; and
- 2845 (f) each group is preceded by the designation of the office for which the candidates seek election, and
the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter
may vote)," according to the number to be elected.
- 2848 (4) Each election officer shall ensure that:
- 2849 (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section
20A-6-107;
- 2851 (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section
20A-6-107;
- 2853 (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to
each bond proposition under Section 11-14-206; and
- 2855 (d) the judicial retention section of the ballot includes a statement at the beginning directing voters
to the Judicial Performance Evaluation Commission's website in accordance with Subsection
20A-12-201(4).
- 2858 (5)
- (a) An election officer's or county clerk's name may not appear on the return envelope for a ballot.
- 2860 (b) Except to the extent required to list an election officer's or county clerk's name as a candidate on the
ballot, a ballot may not include the name of the election officer or county clerk.
- 2863 Section 52. Section 20A-6-302 is amended to read:
- 2864 **20A-6-302. Manual ballots -- Placement of candidates' names.**
- 2866 (1) An election officer shall ensure, for manual ballots in regular general elections, that:
- 2867 (a) each candidate is listed by party, if nominated by a registered political party under Subsection
20A-9-202(4) or Subsection [20A-9-403(5)] 20A-9-403(4);
- 2869 (b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates'
names are required to be listed on a ticket under the title of an office; and
- 2871 (c) the names of candidates are placed on the ballot in:

HB0361 compared with HB0361S01

- 2872 (i) the manner described in Section 20A-6-109; and
- 2873 (ii) the order described in Section 20A-6-110.
- 2874 (2)
- (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes ____ No ____."[:]
- 2880 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.
- 2882 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
- 2885 (d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.
- 2888 (e) If no qualified individual files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.
- 2891 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than the day before that year's primary election that:
- 2898 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
- 2899 (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.
- 2902 (3)

HB0361 compared with HB0361S01

- 2908 (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes ____ No ____."
- 2910 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.
- 2913 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
- 2916 (d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.
- 2920 (e) If no qualified individual files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.
- 2927 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than the day before that year's primary election that:
- 2928 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 2931 (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.
- 2932 Section 53. Section 20A-6-304 is amended to read:
- 2933 **20A-6-304. Regular general election -- Mechanical ballots.**
- 2934 (1) Each election officer shall ensure that:
- (a) the format and content of a mechanical ballot is arranged in approximately the same order as manual ballots;

HB0361 compared with HB0361S01

- 2936 (b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of
separate displays;
- 2938 (c) the mechanical ballot is of sufficient length to include, after the list of candidates:
- 2939 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
- 2940 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 2941 (d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly
the candidates for each office and the number to be elected;
- 2943 (e) the party designation of each candidate who has been nominated by a registered political party under
Subsection 20A-9-202(4) or Subsection [20A-9-403(5)] 20A-9-403(4) is displayed adjacent to the
candidate's name; and
- 2946 (f) if possible, all candidates for one office are grouped in one column or upon one display screen.
- 2948 (2) Each election officer shall ensure that:
- 2949 (a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;
- 2951 (b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107;
- 2953 (c) bond propositions that have qualified for the ballot are displayed under the title assigned to each
bond proposition under Section 11-14-206; and
- 2955 (d) the judicial retention section of the ballot includes a statement at the beginning directing voters
to the Judicial Performance Evaluation Commission's website in accordance with Subsection
20A-12-201(4).

2958 Section 54. Section 20A-6-401 is amended to read:

2959 **20A-6-401. Ballots for municipal primary elections.**

- 2960 (1) Each election officer shall ensure that:
- 2961 (a) the following endorsements are printed in 18 point bold type:
- 2962 (i) "Official Primary Ballot for ____ (City or Town), Utah";
- 2963 (ii) the date of the election; and
- 2964 [~~(iii) a facsimile of the signature of the election officer and the election officer's title in eight point
type;~~]
- 2966 (iii) "Certified by" followed by the title of the election officer, without the election officer's name;
- 2968 (b) immediately below the election officer's title, two one-point parallel horizontal rules separate
endorsements from the rest of the ballot;

2970

HB0361 compared with HB0361S01

- (c) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10 point bold type that states: "To vote for a candidate, mark the space adjacent to the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;
- 2974 (d) after the rules, the designation of the office for which the candidates seek nomination is printed and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are printed in 10-point bold type, followed by a hair-line rule;
- 2978 (e) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in accordance with Sections 20A-6-109 and 20A-6-110, with surnames last and grouped according to the office that the candidates seek;
- 2982 (f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates; and
- 2984 (g) the candidate groups are separated from each other by one light and one heavy line or rule.
- 2986 (2) A municipal primary ballot may not contain any space for write-in votes.
- 2987 (3)
- (a) An election officer's or county clerk's name may not appear on the return envelope for a ballot.
- 2989 (b) Except to the extent required to list an election officer's or county clerk's name as a candidate on the ballot, a ballot may not include the name of the election officer or county clerk.
- 2992 **Section 55. Section 20A-6-401.1 is amended to read:**
- 2993 **20A-6-401.1. Ballots for partisan municipal primary elections.**
- 2995 (1) An election officer shall ensure that:
- 2996 (a) all manual ballots furnished for use at the regular primary election:
- 2997 (i) separate the candidates of one political party from those of the other political parties; and
- 2999 (ii) contain no captions or other endorsements except as provided in this section;
- 3000 (b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;
- 3002 (c) the political parties are printed on the ballot in the order specified under Section 20A-6-110;
- 3004 (d) the following endorsements are printed in 18-point bold type:
- 3005 (i) "Official Primary Ballot for _____ (name of municipality), Utah";
- 3006 (ii) the date of the election; and
- 3007

HB0361 compared with HB0361S01

- [~~(iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;~~]
- 3009 (iii) "Certified by" followed by the title of the election officer, without the election officer's name;
- 3011 (e) [~~after the facsimile signature~~] immediately below or to the side of the election officer's title, the political party emblem and the name of the political party are printed;
- 3014 (f) after the party name and emblem, the ballot contains the following printed in not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, mark the space following the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;
- 3019 (g) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;
- 3024 (h) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in accordance with Sections 20A-6-109 and 20A-6-110, with surnames last and grouped according to the office that they seek;
- 3028 (i) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates;
- 3030 (j) the candidate groups are separated from each other by one light and one heavy line or rule; and
- 3032 (k) the nonpartisan candidates are listed as follows:
- 3033 (i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of the party listing above; and
- 3036 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.
- 3039 (2) For mechanical ballots, the election officer may require that:
- 3040 (a) the ballot for a regular primary election consist of several groups of pages or display screens, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

HB0361 compared with HB0361S01

- 3044 (b) the separate groups of pages or display screens are identified by color or other suitable means; and
3046 (c) the ballot contains instructions that direct the voter how to vote the ballot.
3047 (3)
- (a) An election officer's or county clerk's name may not appear on the return envelope for a ballot.
3049 (b) Except to the extent required to list an election officer's or county clerk's name as a candidate on the ballot, a ballot may not include the name of the election officer or county clerk.
- Section 56. Section 20A-6-402 is amended to read:
3052
3053 **20A-6-402. Ballots for municipal general elections.**
- 3054 (1) [~~Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for~~] For a manual ballot at a municipal general election, an election officer shall ensure that:
- 3057 (a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;
3059 (b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;
3061 (c) for other offices:
3062 (i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and
3065 (ii) the names of those candidates are placed upon the municipal general election ballot;
3067 (d) the names of the candidates are placed on the ballot in accordance with Sections 20A-6-109 and 20A-6-110;
3069 (e) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the ballot that contains, for each office in which there is a qualified write-in candidate:
3073 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
3074 (ii) a square or other conforming area that is adjacent to or opposite the blank horizontal line to enable the voter to indicate the voter's vote;
3076 (f) ballot propositions that have qualified for the ballot, including propositions submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are listed on the ballot in accordance with Section 20A-6-107; and

HB0361 compared with HB0361S01

- 3079 (g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to
each bond proposition under Section 11-14-206.
- 3081 (2) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter
4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a mechanical ballot at
municipal general elections, each election officer shall ensure that:
- 3084 (a) the following endorsements are displayed on the first portion of the ballot:
- 3085 (i) "Official Ballot for ____ (City or Town), Utah";
- 3086 (ii) the date of the election; and
- 3087 [~~(iii) a facsimile of the signature of the election officer and the election officer's title;~~]
- 3088 (iii) "Certified by" followed by the title of the election officer, without the election officer's name;
- 3090 (b) immediately below the election officer's title, a distinct border or line separates the endorsements
from the rest of the ballot;
- 3092 (c) immediately below the border or line, an "Instructions to Voters" section is displayed that states:
"To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each
respective office." followed by another border or line;
- 3095 (d) after the border or line, the designation of the office for which the candidates seek election is
displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
which the voter may vote)" are displayed, followed by a line or border;
- 3099 (e) after the line or border, the names of the candidates are displayed in accordance with Sections
20A-6-109 and 20A-6-110, with surnames last and grouped according to the office that the
candidates seek;
- 3102 (f) a voting square or position is located adjacent to the name of each candidate;
- 3103 (g) following the name of the last candidate for each office in which a write-in candidate is qualified
under Section 20A-9-601, the ballot contains a write-in space where the voter may enter the name of
and vote for a valid write-in candidate for the office; and
- 3106 (h) the candidate groups are separated from each other by a line or border.
- 3107 (3) When a municipality has chosen to nominate candidates by convention or committee, the election
officer shall ensure that the party name is included with the candidate's name on the ballot.
- 3110 (4)
- 3112 (a) An election officer's or county clerk's name may not appear on the return envelope for a ballot.

HB0361 compared with HB0361S01

(b) Except to the extent required to list an election officer's or county clerk's name as a candidate on the ballot, a ballot may not include the name of the election officer or county clerk.

3115 Section 57. Section 20A-9-101 is amended to read:

3116 **20A-9-101. Definitions.**

As used in this chapter:

3118 (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, statewide constitutional office, multicounty office, or county office.

3121 (b) "Candidates for elective office" does not mean candidates for:

3122 (i) justice or judge of court of record or not of record;

3123 (ii) presidential elector;

3124 (iii) any political party offices; and

3125 (iv) municipal or special district offices.

3126 [~~(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.~~]

3128 [~~(3)~~ (2) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

3130 [~~(4)~~ (3)

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

3132 (b) "County office" does not mean:

3133 (i) the office of justice or judge of any court of record or not of record;

3134 (ii) the office of presidential elector;

3135 (iii) any political party offices;

3136 (iv) any municipal or special district offices; and

3137 (v) the office of United States Senator and United States Representative.

3138 [~~(5)~~ (4) "Electronic candidate qualification process" means:

3139 (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:

3142 (i) Section 20A-9-403;

HB0361 compared with HB0361S01

- 3143 (ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and
3144 (iii) Section 20A-21-201; and
3145 (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:
3147 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
3148 (ii) Section 20A-9-408; and
3149 (iii) Section 20A-21-201.
- 3150 [~~(6)~~] (5) "Federal office" means an elective office for United States Senator and United States
Representative.
- 3152 [~~(7)~~] (6) "Filing officer" means:
3153 (a) the lieutenant governor, for:
3154 (i) the office of United States Senator and United States Representative; and
3155 (ii) all constitutional offices;
3156 (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)~~](e)] (6)(c) or (d);
3159 (c) the county clerk, for county offices and local school district offices;
3160 (d) the county clerk in the filer's county of residence, for multicounty offices;
3161 (e) the city or town clerk, for municipal offices; or
3162 (f) the special district clerk, for special district offices.
- 3163 [~~(8)~~] (7) "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.
- 3166 [~~(9)~~] (8) "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.
- 3169 [~~(10)~~] (9)
(a) "Multicounty office" means an elective office where the officeholder is selected by the voters from
more than one county.
- 3171 (b) "Multicounty office" does not mean:
3172 (i) a county office;
3173 (ii) a federal office;

HB0361 compared with HB0361S01

- 3174 (iii) the office of justice or judge of any court of record or not of record;
3175 (iv) the office of presidential elector;
3176 (v) any political party offices; or
3177 (vi) any municipal or special district offices.
3178 [~~(11)~~] (10) "Municipal office" means an elective office in a municipality.
3179 [~~(12)~~] (11)
(a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.
3181 (b) "Political division" includes a county, a city, a town, a special district, a school district, a legislative district, and a county prosecution district.
3183 [~~(13)~~] (12) "Qualified political party" means a registered political party that:
3184 (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
3186 (ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;
3188 (b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;
3190 (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:
3193 (i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or
3195 (ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and
3197 (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
3202

HB0361 compared with HB0361S01

(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.

3207 [~~(14)~~] (13) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered political party, means:

3209 (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

3212 (b) when using the electronic candidate qualification process:

3213 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

3214 (ii) a holographic signature collected electronically under Subsection 20A-21-201(6)(c)(ii)(B).

3216 [~~(15)~~] (14) "Special district office" means an elected office in a special district.

3217 (15) "Statewide constitutional office" means the office of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

3219 Section 58. Section 20A-9-201 is amended to read:

3220 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.**

3223 (1) Before filing a declaration of candidacy for election to any office, an individual shall:

3224 (a) be a United States citizen;

3225 (b) meet the legal requirements of that office; and

3226 (c) if seeking a registered political party's nomination as a candidate for elective office, state:

3228 (i) the registered political party of which the individual is a member; or

3229 (ii) that the individual is not a member of a registered political party.

3230 (2)

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

3231 (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;

3233 (ii) appear on the ballot as the candidate of more than one political party; or

3234

HB0361 compared with HB0361S01

(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.

- 3237 (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.
- 3242 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.
- 3244 (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.
- 3249 (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:
- 3252 (A) may also be a candidate for United States representative;
- 3253 (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
- 3257 (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.
- 3261 (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:
- 3263 (i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking;
- 3265 (ii) require the individual to state whether the individual meets the requirements described in Subsection (3)(a)(i);

HB0361 compared with HB0361S01

- 3267 (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
- 3270 (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.
- 3274 (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:
- 3277 (A) a United States citizen;
- 3278 (B) an attorney licensed to practice law in the state who is an active member in good standing of the
Utah State Bar;
- 3280 (C) a registered voter in the county in which the individual is seeking office; and
- 3281 (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.
- 3286 (ii) An individual filing a declaration of candidacy for the office of county attorney shall submit with
the individual's declaration:
- 3288 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;
- 3290 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status
of the individual's application; or
- 3292 (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.
- 3295 (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:
- 3297 (A) the Utah State Bar, if the individual is a member; or
- 3298 (B) any other state bar association, if the individual is a member.
- 3299 (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:

HB0361 compared with HB0361S01

- 3302 (A) a United States citizen;
- 3303 (B) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
- 3305 (C) a registered voter in the prosecution district in which the individual is seeking office; and
- 3307 (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.
- 3313 (ii) An individual filing a declaration of candidacy for the office of district attorney shall submit with the individual's declaration:
- 3315 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;
- 3317 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status of the individual's application; or
- 3319 (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.
- 3322 (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:
- 3324 (A) the Utah State Bar, if the individual is a member; or
- 3325 (B) any other state bar association, if the individual is a member.
- 3326 (d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the individual filing the declaration:
- 3328 (i) is a United States citizen;
- 3329 (ii) is a registered voter in the county in which the individual seeks office;
- 3330 (iii)
- 3333 (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
- 3334 (B) has met the waiver requirements in Section 53-6-206;
- 3334 (iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and
- 3336 (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.

HB0361 compared with HB0361S01

- 3338 (e)
- (i) An individual filing a declaration of candidacy for the office of attorney general shall submit with the individual's declaration:
- 3340 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;
- 3342 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status of the individual's application; or
- 3344 (C) an affidavit describing how the individual intends to comply with the requirements for office of attorney general, described in Article VII, Sec. 3, Utah Constitution, [~~prior to~~] before taking office.
- 3347 (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:
- 3349 (A) the Utah State Bar, if the individual is a member; or
- 3350 (B) any other state bar association, if the individual is a member.
- 3351 (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.
- 3354 (f) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, 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.
- 3359 (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.
- 3362 (5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:
- 3364 (a) inform the individual that:
- 3365 (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;
- 3367 (ii) the individual may be required to comply with state or local campaign finance disclosure laws; and
- 3369 (iii) the individual is required to file a financial statement before the individual's political convention under:

HB0361 compared with HB0361S01

- 3371 (A) Section 20A-11-204 for a candidate for statewide constitutional office;
- 3372 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 3373 (C) local campaign finance disclosure laws, if applicable;
- 3374 (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;
- 3378 (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);
- 3381 (ii) inform the individual that the individual must provide the filing officer with an email address that the individual actively monitors:
- 3383 (A) to receive a communication from a filing officer or an election officer; and
- 3384 (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);
- 3387 (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
- 3390 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 3391 (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:
- 3393 (i) signing the pledge is voluntary; and
- 3394 (ii) signed pledges shall be filed with the filing officer;
- 3395 (e) accept the individual's declaration of candidacy; and
- 3396 (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.
- 3399 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- 3401 (a) accept the candidate's pledge; and
- 3402 (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.

HB0361 compared with HB0361S01

- 3405 (7)
- (a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:
- 3407 (i) be substantially as follows:
- 3408 "State of Utah, County of ____
- 3409 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 _____.
- 3419 _____
- 3420 Subscribed and sworn before me this _____(month\day\year).
- 3421 Notary Public (or other officer qualified to administer oath)."; and
- 3422 (ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):
- 3424 (A) the registered political party of which the candidate is a member; or
- 3425 (B) that the candidate is not a member of a registered political party.
- 3426 (b) An agent designated under Subsection [~~20A-9-202(1)(e)~~] 20A-9-202(1)(b) to file a declaration of candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.
- 3429 (8)
- (a) Except for a candidate for president or vice president of the United States, the fee for filing a declaration of candidacy is:
- 3431 (i) \$50 for candidates for the local school district board; and
- 3432 (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.
- 3434 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:
- 3436 (i) who is disqualified; or
- 3437 (ii) who the filing officer determines has filed improperly.

HB0361 compared with HB0361S01

- 3438 (c)
- (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.
- 3440 (ii) The lieutenant governor shall:
- 3441 (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and
- 3443 (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.
- 3448 (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.
- 3453 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 3454 (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.
- 3458 (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).
- 3461 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:
- 3463 "Affidavit of Impecuniosity
- 3464 Individual Name _____ Address _____
- 3466 Phone Number _____
- 3467 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.
- 3470 Date _____ Signature _____
- Affiant
- 3472 Subscribed and sworn to before me on _____ (month\day\year)

HB0361 compared with HB0361S01

3473

(signature)

3474

3475

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

3476

- (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:

3479

"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."

3482

- (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.

3485

- (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.

3487

- (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.

3489

Section 59. Section 20A-9-201.5 is amended to read:

3490

20A-9-201.5. Declaration of candidacy filing period for a regular general election year.

[For a qualified political party]Except as provided in Part 5, Candidates Not Affiliated with a Party, or Part 6, Write-in Candidates:

3494

- (1) except as provided in Subsection (2), the filing period to file a declaration of candidacy for an elective office that is to be filled at the next regular general election:

3496

(a) begins at 8 a.m. on the first business day in January of an even-numbered year; and

3497

(b) ends at 5 p.m. on the fifth business day[-] in January of an even-numbered year; and

3498

- (2) for the 2026 election year only, the filing period to file a declaration of candidacy for the office of United States representative:

3500

(a) begins at 8 a.m. on March 9, 2026; and

3501

(b) ends at 5 p.m. on March 13, 2026.

3502

Section 60. Section 20A-9-202 is amended to read:

3503

20A-9-202. Declarations of candidacy for regular general elections.

3505

- (1)

HB0361 compared with HB0361S01

(a) An individual seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:

3507 (i) except as otherwise provided in Subsection ~~[(1)(e)]~~ (1)(b), Part 5, Candidates Not Affiliated with
a Party, or Part 6, Write-in Candidates, file a declaration of candidacy in person with the filing
officer on or after January 1 of the regular general election year, and, if applicable, before the
individual circulates nomination petitions under Section 20A-9-405; and

3512 (ii) pay the filing fee.

3513 ~~[(b) Unless expressly provided otherwise in this title, for a registered political party that is not a
qualified political party, the deadline for filing a declaration of candidacy for an elective office
that is to be filled at the next regular general election is 5 p.m. on the first Monday after the fourth
Saturday in April.]~~

3517 ~~[(e)]~~ (b) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file a
declaration of candidacy with the filing officer if:

3519 (i) the individual is located outside of the state during the entire filing period;

3520 (ii) the designated agent appears in person before the filing officer;

3521 (iii) the individual communicates with the filing officer using an electronic device that allows the
individual and filing officer to see and hear each other; and

3523 (iv) the individual provides the filing officer with an email address to which the filing officer may send
the individual the copies described in Subsection 20A-9-201(5).

3525 ~~[(d)]~~ (c) Each county clerk who receives a declaration of candidacy from a candidate for multicounty
office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the
lieutenant governor within one business day after the candidate files the declaration of candidacy.

3529 ~~[(e)]~~ (d) Each business day during the filing period, each county clerk shall notify the lieutenant
governor electronically or by telephone of candidates who have filed a declaration of candidacy with
the county clerk.

3532 ~~[(f)]~~ (e) Each individual seeking the office of lieutenant governor, the office of district attorney, or the
office of president or vice president of the United States shall comply with the specific declaration
of candidacy requirements established by this section.

3535 (2)

(a) Each individual intending to become a candidate for the office of district attorney within a
multicounty prosecution district that is to be filled at the next regular general election shall:

HB0361 compared with HB0361S01

- 3538 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the
prosecution district on or after January 1 of the regular general election year, and before the
individual circulates nomination petitions under Section 20A-9-405; and
- 3542 (ii) pay the filing fee.
- 3543 (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a
certified copy of each declaration of candidacy filed for the office of district attorney.
- 3546 (3)
- (a) Before [~~the deadline described in Subsection (1)(b)] 5 p.m. on the first Monday after the fourth
Saturday in April, each lieutenant governor candidate shall:~~
- 3548 (i) file a declaration of candidacy with the lieutenant governor;
- 3549 (ii) pay the filing fee; and
- 3550 (iii) submit a letter from a candidate for governor who has received certification for the primary-
election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-
ticket running mate.
- 3553 (b)
- (i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 3554 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to replace the
disqualified candidate.
- 3556 (4) Before 5 p.m. no later than the last business day in August~~[-31]~~, each registered political party shall:
- 3558 (a) certify the names of the political party's candidates for president and vice president of the United
States to the lieutenant governor; or
- 3560 (b) provide written authorization for the lieutenant governor to accept the certification of candidates for
president and vice president of the United States from the national office of the registered political
party.
- 3563 (5)
- (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the
clerk or lieutenant governor no later than 5 p.m. on the last business day that is at least 10 calendar
days before the deadline described in Subsection 20A-9-409(4)(c).
- 3567 (b) If an objection is made, the clerk or lieutenant governor shall:
- 3568 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- 3570

HB0361 compared with HB0361S01

- (ii) decide [any] the objection within [~~48 hours after it is filed~~] three business days after the day on which the objection is filed.
- 3572 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by:
- 3574 (i) amending the declaration or petition no later than 5 p.m. on the first business day that is at least three calendar days after the day on which the objection is sustained; or
- 3577 (ii) filing a new declaration no later than 5 p.m. on the first business day that is at least three calendar days after the day on which the objection is sustained.
- 3579 (d)
- (i) The clerk's or lieutenant governor's decision upon objections to form is final.
- 3580 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.
- 3582 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- 3584 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.
- 3586 (7)
- (a) Except for a candidate who is certified by a registered political party under Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than the last business day in August [~~31~~] of a general election year, each individual running as a candidate for vice president of the United States shall:
- 3590 (i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the lieutenant governor, that:
- 3592 (A) contains the individual's name, address, and telephone number;
- 3593 (B) states that the individual meets the qualifications for the office of vice president of the United States;
- 3595 (C) names the presidential candidate, who has qualified for the general election ballot, with which the individual is running as a joint-ticket running mate;
- 3597 (D) states that the individual agrees to be the running mate of the presidential candidate described in Subsection (7)(a)(i)(C); and
- 3599 (E) contains any other necessary information identified by the lieutenant governor;
- 3600 (ii) pay the filing fee; and

HB0361 compared with HB0361S01

3601 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C) that names
the individual as a joint-ticket running mate as a vice presidential candidate.

3604 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of candidacy.

3606 (c) A vice presidential candidate who fails to meet the requirements described in this Subsection (7)
may not appear on the general election ballot.

3608 (8) An individual filing a declaration of candidacy for president or vice president of the United States
shall pay a filing fee of \$500.

3610 Section 61. Section 20A-9-203 is amended to read:

3611 **20A-9-203. Declarations of candidacy -- Municipal general elections -- Nomination petition --
Removal of signature.**

3613 (1) An individual may become a candidate for any municipal office if:

3614 (a) the individual is a registered voter; and

3615 (b)

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

3618 (ii) the territory in which the individual resides was annexed into the municipality, the individual has
resided within the annexed territory or the municipality the 12 consecutive months immediately
before the date of the election.

3621 (2)

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

3625 (b) In addition to the requirements of Subsection (1), each candidate for a municipal council position
shall, if elected from a district, be a resident of the council district from which the candidate is
elected.

3628 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an
individual convicted of a felony, or an individual convicted of treason or a crime against the elective
franchise may not hold office in this state until the right to hold elective office is restored under
Section 20A-2-101.3 or 20A-2-101.5.

3632 (3)

HB0361 compared with HB0361S01

- (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:
- 3635 (i) except as provided in Subsection (3)(b), Section 10-2a-214, or Chapter 4, Part 6, Municipal
Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
declaration of candidacy, in person with the city recorder or town clerk, during the filing period
described in Subsection (3)(d) and the office hours described in Subsection 10-3-301(3); and
- 3640 (ii) pay the filing fee, if one is required by municipal ordinance.
- 3641 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy
with the city recorder or town clerk if:
- 3643 (i) the individual is located outside of the state during the entire filing period;
- 3644 (ii) the designated agent appears in person before the city recorder or town clerk;
- 3645 (iii) the individual communicates with the city recorder or town clerk using an electronic device that
allows the individual and city recorder or town clerk to see and hear each other; and
- 3648 (iv) the individual provides the city recorder or town clerk with an email address to which the city
recorder or town clerk may send the individual the copies described in Subsection (4).
- 3651 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 3652 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing
a nomination petition with the city recorder or town clerk during the filing period described in
Subsection (3)(d) and the office hours described in Subsection 10-3-301(3) that includes signatures
in support of the nomination petition of the lesser of at least:
- 3657 (A) 25 registered voters who reside in the municipality; or
- 3658 (B) 20% of the registered voters who reside in the municipality; and
- 3659 (ii) paying the filing fee, if one is required by municipal ordinance.
- 3660 (d) The filing period to file a declaration of candidacy for an elective office that is to be filled at the
next municipal general election:
- 3662 [~~(i) begins at 8 a.m. on the later of:~~]
- 3663 [~~(A) June 1 of the year in which the next municipal general election is held; or]~~
- 3664 [~~(B) if June 1 is not a business day, the first business day after June 1; and]~~
- 3665 (i) begins at 8 a.m. on the first business day in June; and
- 3666 (ii) ends at 5 p.m. on the fourth business day after the day on which the filing period begins.
- 3668 (4)

HB0361 compared with HB0361S01

- (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:
- 3670 (i) read to the prospective candidate or individual filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking;
- 3672 (ii) require the candidate or individual filing the petition to state whether the candidate meets the requirements described in Subsection (4)(a)(i); and
- 3674 (iii) inform the candidate or the individual filing the petition that an individual who holds a municipal elected office may not, at the same time, hold a county elected office.
- 3677 (b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.
- 3680 (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:
- 3682 (i) inform the candidate that, subject to Section 20A-6-109, the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
- 3684 (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;
- 3688 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- 3691 (iv) inform the candidate that the candidate must provide the filing officer with an email address that the candidate actively monitors:
- 3693 (A) to receive a communication from a filing officer or an election officer; and
- 3694 (B) if the candidate wishes to display a candidate profile on the Statewide Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 3697 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act;
- 3700 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 3701 (vii) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

HB0361 compared with HB0361S01

- 3703 (A) signing the pledge is voluntary; and
- 3704 (B) signed pledges shall be filed with the filing officer; and
- 3705 (viii) accept the declaration of candidacy or nomination petition.
- 3706 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- 3708 (i) accept the candidate's pledge; and
- 3709 (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- 3712 (5)
- (a) The declaration of candidacy shall be in substantially the following form:
- 3713 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed)
- _____
- 3722 Subscribed and sworn to (or affirmed) before me by _____ on this _____(month\day\year).
- 3724 (Signed) _____ (Clerk or other officer qualified to administer oath)."
- 3725 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).
- 3727 (c)
- (i) A nomination petition shall be in substantially the following form:
- 3728 "NOMINATION PETITION
- 3729 The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."
- 3731 (ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.
- 3733 (6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.

HB0361 compared with HB0361S01

- 3736 (7)
- (a) The clerk shall verify with the county clerk that all candidates are registered voters.
- 3738 (b) With the assistance of the county clerk, and using the procedures described in Section 20A-1-1002, the municipal clerk shall determine whether the required number of signatures of registered voters appears on a nomination petition.
- 3741 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
- 3743 (a) publicize a list of the names of the candidates as they will appear on the ballot by publishing the list for the municipality, as a class A notice under Section 63G-30-102, for seven calendar days; and
- 3746 (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- 3748 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.
- 3751 (10)
- (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk no later than 5 p.m. on the first business day that is at least 10 calendar days after the last day for filing.
- 3755 (b) If a person files an objection, the clerk shall:
- 3756 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- 3758 (ii) decide any objection within 48 hours after the objection is filed.
- 3759 (c) If the clerk sustains the objection, the candidate may, no later than 5 p.m. on the first business day that is at least three calendar days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.
- 3764 (d)
- (i) The clerk's decision upon objections to form is final.
- 3765 (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
- 3767 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- 3769 (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.
- 3771 (12)

HB0361 compared with HB0361S01

(a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than 5 p.m. three business days after the day on which the petition is filed with the city recorder or municipal clerk, submitting to the municipal clerk a statement requesting that the voter's signature be removed.

3776 (b) A statement described in Subsection (12)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

3778 (c) With the assistance of the county clerk and using the procedures described in Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

3782 Section 62. Section 20A-9-403 is amended to read:

3783 **20A-9-403. Regular primary elections.**

3784 (1)

(a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

3791 (b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

3796 (c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

3800 (d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

3802 (2)

(a) Each registered political party, in a statement filed with the lieutenant governor, shall:

3804

HB0361 compared with HB0361S01

- (i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and
- 3808 (ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.
- 3813 (b)
- (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.
- 3816 (ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.
- 3820 (3)
- (a) Except as provided in Subsection [~~(3)(e)~~] (3)(d), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a nomination petition that was:
- 3825 (i) circulated and completed in accordance with Section 20A-9-405; and
- 3826 (ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.
- 3828 (b)
- (i) A candidate for elective office shall, in accordance with Section 20A-9-408.3, submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on March 31.
- 3831 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
- 3833 [~~(e)~~]

HB0361 compared with HB0361S01

(i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.]

3839 [(ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.]

3841 [(d)] (c) The filing officer shall:

3842 (i) except as otherwise provided in Section 20A-21-201, and in accordance with Section 20A-9-408.3, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 calendar days after the day on which a candidate submits the signatures to the filing officer;

3846 (ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection [20A-9-202(1)(b)] 20A-9-201.5(2);

3849 (iii) consider active and inactive voters eligible to sign nomination petitions;

3850 (iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and

3854 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection [(3)(f)] (3)(e).

3859 [(e)] (d) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

3863 [(f)] (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:

3866 (i) provide for the use of statistical sampling procedures that:

3867 (A) filing officers are required to use to verify signatures under Subsection [(3)(d)] (3)(c); and

3869

HB0361 compared with HB0361S01

- (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and
- 3871 (ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.
- 3873 [~~(g)~~] (f) The county clerk shall:
- 3874 (i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat; and
- 3877 (ii) if more than two candidates file for one seat, include the names of the candidates on the list described in Section 20A-5a-206.
- 3879 [~~(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and]~~
- 3882 [~~(iii) place the local board of education candidates' names on the ballot in accordance with Sections 20A-6-109 and 20A-6-110.]~~
- 3884 [~~(4)~~
- (a) ~~Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the county clerks:]~~
- 3886 [(i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Sections 20A-6-109 and 20A-6-110; and]
- 3891 [(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.]
- 3894 [(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.]
- 3896 [(e) After the county clerk receives the certified list from the lieutenant governor under Subsection (4) (a), the county clerk shall post or publish a primary election notice in substantially the following form:
- 3899 "Notice is given that a primary election will be held Tuesday, June _____, _____(year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions

HB0361 compared with HB0361S01

listed on the primary ballot. The polling place for voting precinct _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."]

3904 [(5)] (4)

(a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

3906 (i) nominated for that office by the candidate's registered political party; or

3907 (ii) for a nonpartisan local school board position, nominated for that office.

3908 (b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.

3912 (c)

(i) As used in this Subsection [(5)(e)] (4)(c), a candidate is "unopposed" if:

3913 (A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

3916 (B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

3920 (ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

3923 [(6)] (5) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

3927 [(7)] (6) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

3930 Section 63. Section 20A-9-406 is amended to read:

3931 **20A-9-406. Qualified political party -- Requirements and exemptions.**

HB0361 compared with HB0361S01

The following provisions apply to a qualified political party:

- 3934 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of October of each
odd-numbered year, certify to the lieutenant governor the identity of one or more registered
political parties whose members may vote for the qualified political party's candidates and whether
unaffiliated voters may vote for the qualified political party's candidates;
- 3939 (2) the following provisions do not apply to a nomination for the qualified political party:
- 3940 (a) Subsections 20A-9-403(1) through ~~[(3)(b) and Subsections (3)(d)(ii) through]~~(4)(a);
- 3941 (b) Subsection ~~[20A-9-403(5)(e)]~~ 20A-9-403(4)(c); and
- 3942 (c) Section 20A-9-405;
- 3943 (3) an individual may only seek the nomination of the qualified political party by using a method
described in Section 20A-9-407, Section 20A-9-408, or both;
- 3945 (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408,
and 20A-9-409;
- 3947 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer shall ensure that
a ballot described in Section 20A-6-301 includes each individual nominated by a qualified political
party:
- 3950 (a) under the qualified political party's name, if any; or
- 3951 (b) under the title of the qualified registered political party as designated by the qualified political party
in the certification described in Subsection (1), or, if none is designated, then under some suitable
title;
- 3954 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for ballots in
regular general elections, that each candidate who is nominated by the qualified political party is
listed by party;
- 3957 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that the party
designation of each candidate who is nominated by the qualified political party is displayed adjacent
to the candidate's name on a mechanical ballot;
- 3960 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual
who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular
general election for a federal office, statewide constitutional office, multicounty office, or county
office;

3964

HB0361 compared with HB0361S01

(9) an individual who is nominated by, or seeking the nomination of, the qualified political party is not required to comply with Subsection 20A-9-201(1)(c);

3966 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;

3970 (11)

(a) [~~notwithstanding Subsection 20A-9-403(4)(a),~~]the lieutenant governor shall include on the list provided by the lieutenant governor to the county clerks[;]

3972 [~~(a)~~] under Section 20A-5a-205, the names of all candidates of the qualified political party for [federal, constitutional, multicounty, and county offices] the offices described in Subsection 20A-5a-205(2)(a); and

3975 [~~(b) the names of unopposed candidates for elective office who have been nominated by the qualified political party and instruct the county clerks to exclude such candidates from the primary election ballot;~~]

3978 (b) a county clerk shall include on the list provided by the county clerk under Section 20A-5a-206, the names of all candidates of the qualified political party for the offices described in Subsection 20A-5-206(2);

3981 (12) a county clerk shall:

3982 (a) except as provided in Subsection (12)(b), include on the regular primary election ballot the candidates of a qualified political party that have qualified for placement on the ballot; and

3985 (b) exclude from the regular primary election ballot the candidates who are unopposed candidates;

3987 [~~(12)~~] (13) notwithstanding Subsection [20A-9-403(5)(c)] 20A-9-403(4)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot; and

3991 [~~(13)~~] (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election.

3994 Section 64. Section 20A-9-407 is amended to read:

3995 **20A-9-407. Convention process to seek the nomination of a qualified political party.**

3997

HB0361 compared with HB0361S01

- (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of a qualified political party for an elective office through the qualified political party's convention process.
- 4000 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.
- 4004 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election, shall:
- 4008 (a) except as provided in Subsection [~~20A-9-202(1)(e)~~] 20A-9-202(1)(b), file a declaration of candidacy in person with the filing officer during the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and
- 4011 (b) pay the filing fee.
- 4012 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election, shall:
- 4016 (a) file a declaration of candidacy with the county clerk designated in the interlocal agreement creating the prosecution district during the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and
- 4019 (b) pay the filing fee.
- 4020 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, during the applicable declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- 4026 (6)
- (a) A qualified political party that nominates a candidate under this section shall certify the name of the candidate to the lieutenant governor before the deadline described in Subsection 20A-9-202(1)(b).
- 4029

HB0361 compared with HB0361S01

(b) The lieutenant governor and a county clerk shall include, in the primary ballot certification or, for a race where a primary is not held because the candidate is unopposed, in the [~~general election ballot certification~~] list of names described in Sections 20A-5a-209 and 20A-5a-210, the name of each candidate nominated by a qualified political party under this section.

4034 (7) Notwithstanding Subsection [~~20A-9-701(2)~~] 20A-5a-209(3), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

4037 Section 65. Section 20A-9-408 is amended to read:

4038 **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party -- Removal of signature.**

4040 (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section.

4043 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

4047 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:

4051 (a) except to the extent otherwise provided in Subsection (13)(a), during the applicable declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

4056 (i) the name of the member who will attempt to become a candidate for a registered political party under this section;

4058 (ii) the name of the registered political party for which the member is seeking nomination;

4060 (iii) the office for which the member is seeking to become a candidate;

4061 (iv) the address and telephone number of the member; and

4062 (v) other information required by the lieutenant governor;

4063

HB0361 compared with HB0361S01

- (b) except as provided in Subsection [20A-9-202(1)(e)] 20A-9-202(1)(b), file a declaration of candidacy, in person, with the filing officer during the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and
- 4066 (c) pay the filing fee.
- 4067 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:
- 4071 (a) during the applicable declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:
- 4075 (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
- 4077 (ii) the name of the registered political party for which the member is seeking nomination;
- 4079 (iii) the office for which the member is seeking to become a candidate;
- 4080 (iv) the address and telephone number of the member; and
- 4081 (v) other information required by the lieutenant governor;
- 4082 (b) except as provided in Subsection [20A-9-202(1)(e)] 20A-9-202(1)(b), file a declaration of candidacy, in person, with the filing officer during the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and
- 4085 (c) pay the filing fee.
- 4086 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, during the applicable declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- 4092 (6)
- (a) The lieutenant governor shall ensure that the [~~certification described in Subsection 20A-9-701(1)] information that the lieutenant governor sends to a county clerk under Section 20A-5a-209 also includes the name of each candidate nominated by a qualified political party under this section.~~

HB0361 compared with HB0361S01

- 4096 (b) A county clerk shall ensure that the information published by the county clerk under Section 20A-5a-210 also includes the name of each candidate nominated by a qualified political party under this section.
- 4099 (7) Notwithstanding Subsection [~~20A-9-701(2)~~] 20A-5a-209(3), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.
- 4102 (8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:
- 4104 (a) complying with the requirements described in this section; and
- 4105 (b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), during the period beginning on the day on which the member files a notice of intent to gather signatures and ending at the applicable deadline described in Subsection (12), in the following amounts:
- 4109 (i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 4112 (ii) except as provided in Subsection (13)(b), for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 4116 (iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 4119 (iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- 4122 (v) for a State Board of Education race, the lesser of:
- 4123 (A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or
- 4126 (B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and
- 4128

HB0361 compared with HB0361S01

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

4132 (9)

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

4133 (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:

4136 (i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-105 and 20A-7-204; and

4139 (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election officer before the applicable deadline described in Subsection (12).

4141 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), and in accordance with Section 20A-9-408.3, the election officer shall, no later than the earlier of 14 calendar days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

4147 (i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is at least 18 years old;

4149 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not at least 18 years old to the attorney general and the county attorney;

4151 (iii) with the assistance of the county clerk as applicable, determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-1-1002, used to verify a signature on a petition; and

4155 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

4157 (d)

(i) A registered voter who physically signs a form under Subsections (8) and (9)(b) may have the voter's signature removed from the form by, no later than 5 p.m. three business days after the day on which the member submits the signature form to the election officer, submitting to the election officer a statement requesting that the voter's signature be removed.

4162

HB0361 compared with HB0361S01

- 4164 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 4168 (iii) With the assistance of the county clerk as applicable, the election officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature after receiving a timely, valid statement requesting removal of the signature.
- 4172 (e)
- 4174 (i) An election officer shall, in accordance with this Subsection (9)(e) and rules made under Section 20A-3a-106, conduct regular audits of signature comparisons made between signatures gathered under this section and voter signatures maintained by the election officer.
- 4175 (ii) An individual who conducts an audit of signature comparisons under this section may not audit the individual's own work.
- 4177 (iii) The election officer shall:
- 4178 (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to determine the accuracy of the comparisons made;
- 4179 (B) record the individuals who conducted the audit;
- 4181 (C) record the audit results;
- 4182 (D) provide additional training or staff reassignments, as needed, based on the results of an audit described in Subsection (9)(e)(i); and
- 4183 (E) record any remedial action taken.
- 4184 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 4185 (f) An election officer who certifies signatures under Subsection (9)(c) or [~~20A-9-403(3)~~ (d)] 20A-9-403(3)(c) shall, after certifying enough signatures to establish that a candidate has reached the applicable signature threshold described in Subsection (8) or 20A-9-403(3)(a), as applicable, continue to certify signatures submitted for the candidate in excess of the number of signatures required, until the election officer either:
- 4189 (i) certifies signatures equal to 110% of the applicable signature threshold; or
- 4190 (ii) has reviewed all signatures submitted for the candidate before reaching an amount equal to 110% of the applicable signature threshold.
- 4192 (10)
- 4194 (a) This Subsection (10) applies only to the electronic candidate qualification process.

HB0361 compared with HB0361S01

- (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before the deadline described in Subsection (12), collect signatures electronically:
- 4198 (i) in accordance with Section 20A-21-201; and
- 4199 (ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).
- 4201 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 calendar days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:
- 4206 (i) check the name of each individual who completes the verification for a signature to determine whether each individual is at least 18 years old; and
- 4208 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not at least 18 years old to the attorney general and the county attorney.
- 4210 (11)
- (a) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.
- 4213 (b) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:
- 4216 (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and
- 4218 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (11)(b)(i).
- 4221 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the election officer shall, no later than the day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

4228

HB0361 compared with HB0361S01

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

4232 (12) The deadline before which a member of a qualified political party must collect and submit
signatures to the election officer under this section is 5 p.m. on the last business day that is at least
14 calendar days before the day on which the qualified political party's convention for the office
begins.

4236 (13) For the 2026 election year only, an individual who desires to gather signatures to seek the
nomination of a qualified political party for the office of United States representative shall:

4239 (a) in accordance with Subsection (3)(a), file a notice of intent to gather signatures during the period
beginning at 8 a.m. on the first business day of January and ending at 5 p.m. on March 13, 2026; and

4242 (b) during the period beginning on the day on which the individual files the notice of intent to gather
signatures and ending at 5 p.m. on March 13, 2026, on a form approved by the lieutenant governor
that complies with Subsection 20A-9-405(3), collect 7,000 signatures of registered voters who
are residents of the state and are permitted by the qualified political party to vote for the qualified
political party's candidates in a primary election.

4248 Section 66. Section 20A-9-409 is amended to read:

4249 **20A-9-409. Primary election provisions relating to qualified political party.**

4251 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.

4252 (2)

(a) A qualified political party that nominates only one [~~or more candidates~~] candidate for an elective
office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office
under Section 20A-9-408[~~, may, but is not required to,~~] :

4255 (i) may not participate in the primary election for that office[-] ; and

4256 (ii) will appear as a candidate for that office on the regular general election ballot.

4257 (b) A qualified political party that has only one candidate qualify as a candidate for an elective
office under Section 20A-9-408 and does not nominate a candidate for that office under Section
20A-9-407[~~, may, but is not required to,~~] :

4260 (i) may not participate in the primary election for that office[-] ; and

4261 (ii) will appear as a candidate for that office on the regular general election ballot.

HB0361 compared with HB0361S01

- 4262 (c) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.
- 4266 (d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408, and does not nominate a candidate for that office under Section 20A-9-407, shall participate in the primary election for that office.
- 4270 (e) A qualified political party that nominates two candidates for an elective office under Section 20A-9-407, and does not have a candidate qualify as a candidate for elective office under Section 20A-9-408, shall participate in the primary election for that office.
- 4274 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-62-201 or 17-62-202, a qualified political party shall participate in the primary election for a county commission office if:
- 4277 (a) there is more than one:
- 4278 (i) open position as defined in Section 17-62-201; or
- 4279 (ii) midterm vacancy as defined in Section 17-62-201; and
- 4280 (b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.
- 4283 [~~(4)~~]
- (a) ~~As used in this Subsection (4), a candidate is "unopposed" if:~~
- 4284 [~~(i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or]~~
- 4287 [~~(ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.]~~
- 4292 [(b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:]
- 4293 [(i) provide to the county clerks:]
- 4294 [~~(A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with~~

HB0361 compared with HB0361S01

instructions on how those names shall appear on the primary election ballot in accordance with Sections 20A-6-109 and 20A-6-110; and]

4299 [~~(B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and]~~

4301 [~~(ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.]~~

4303 [~~(e) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the fourth Saturday in April.]~~

4305 Section 67. Section 20A-14-103 is amended to read:

4306 **20A-14-103. State Board of Education members -- Term -- Requirements.**

4308 (1) Unless otherwise provided by law and except as provided in Subsection (2):

4309 (a) voters in the following districts, as designated in the Senate block equivalency file, shall elect a State Board of Education member for a term of four years:

4311 (i) at the 2022 General Election, State Board of Education Districts 1, 2, 4, 5, 8, 11, and 14; and

4313 (ii) at the 2024 General Election, State Board of Education Districts 3, 6, 7, 9, 10, 12, 13, and 15; and

4315 (b) a State Board of Education member representing a district described in Subsection (1)(a)(ii) on November 16, 2021, shall represent the realigned district, if the State Board of Education member resides in the realigned district, for a term of office that ends January 6, 2025.

4319 (2)

(a) As used in this Subsection (2), "District 6" means District 6 as designated in the Senate block equivalency file.

4321 (b) If one of the incumbent State Board of Education members from District 6 files written notice with the lieutenant governor by close of business on January 3, 2022, that the member will not seek election to the State Board of Education from District 6:

4324 (i) the filing incumbent member may serve until January 2, 2023, in representation of the district to which the member was elected at the 2020 General Election; and

4326 (ii) the other incumbent member from District 6 shall serve out the term for which the member was elected, in representation of District 6, which is until January 6, 2025.

4328 (c) If neither or both incumbent State Board of Education members in District 6 file the written notice described in Subsection (2)(b):

4330 (i) the incumbent members may serve until January 2, 2023, in representation of the district to which the members were elected at the 2020 General Election;

HB0361 compared with HB0361S01

- 4332 (ii) the lieutenant governor shall designate District 6 as an office to be filled in the 2022 General
Election in the notice [~~of election required by Section 20A-5-101~~] of offices to be filled for that
4335 election;
- 4335 (iii) the State Board of Education member elected from District 6 at the 2022 General Election shall be
elected to serve a term of office of two years; and
- 4337 (iv) the State Board of Education member elected from District 6 at the 2024 General Election shall be
elected to serve a term of office of four years.
- 4339 (3)
- (a) A person seeking election to the State Board of Education shall have been a resident of the State
Board of Education district in which the person is seeking election for at least one year as of the date
of the election.
- 4342 (b) A person who has resided within the State Board of Education district, as the boundaries of the
district exist on the date of the election, for one year immediately preceding the date of the election
shall be considered to have met the requirements of this Subsection (3).
- 4346 (4) A State Board of Education member shall:
- 4347 (a) be and remain a registered voter in the State Board of Education district from which the member
was elected or appointed; and
- 4349 (b) maintain the member's primary residence within the State Board of Education district from which
the member was elected or appointed during the member's term of office.
- 4351 (5) A State Board of Education member may not, during the member's term of office, also serve as an
employee of the State Board of Education.

54 Section 2. Section 2 is enacted to read:

55 **36-29-113. Elections Oversight Task Force.**

56 (1) There is created the Elections Oversight Task Force consisting of the following members:

57 (a) the president of the Senate or the president's designee;

58 (b) the speaker of the House of Representatives or the speaker's designee;

59 (c) the governor or the governor's designee;

60 (d) the attorney general or the attorney general's designee;

61 (e) the state auditor or the state auditor's designee; and

62 (f) two county clerks appointed by the Utah Association of Counties.

63 (2) The members described in Subsections (1)(a) and (b) shall serve as cochairs of the task force.

64

HB0361 compared with HB0361S01

- 66 (3)
- (a) A majority of the members of the task force constitutes a quorum.
- 67 (b) The action of a majority of a quorum constitutes action of the task force.
- 68 (4)
- (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
- 71 (b) A member of the task force who is not a legislator:
- 72 (i) may not receive compensation for the member's work associated with the task force; and
- 74 (ii) may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 77 (5) The Office of Legislative Research and General Counsel shall provide staff support to the task force.
- 79 (6)
- (a) The task force shall review and make recommendations for improving the state's current system of election oversight and administration.
- 81 (b) When conducting the review described in Subsection (6)(a) the task force shall analyze:
- 83 (i) the current duties and authority vested in the state's chief election officer under Section 67-1a-2;
- 85 (ii) the potential for conflicts of interest when overseeing a statewide election and ways in which to mitigate the conflicts;
- 87 (iii) applicable federal and state election law and regulations;
- 88 (iv) alternative ways of structuring the state's system of election oversight and administration; and
- 90 (v) any other information related to election oversight and administration that the task force determines to be needed.
- 92 (7) On or before September 1, 2027, the task force shall provide a report to the Government Operations Interim Committee that includes:
- 94 (a) a description of the alternative election oversight structures reviewed and analyzed under Subsection (6);
- 96 (b) a recommendation as to whether any changes to the state's current system of election oversight are warranted; and
- 98 (c) if the task force recommends a change described in Subsection (7)(b):
- 99 (i) the changes to state law necessary to implement the change; and

HB0361 compared with HB0361S01

100 (ii) a proposed timeline to effectuate the change.

101 ~~{Section 3. Section 63I-2-236 is amended to read: }~~

102 **63I-2-236. Repeal dates: Title 36.**

103 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed July 1, 2026.

105 (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed November 30, 2027.

107 (3) Section 36-29-113, Elections Oversight Task Force, is repealed July 1, 2028.

4353 Section 68. Section 67-1a-7 is amended to read:

4354 **67-1a-7. Use and custody of The Great Seal of the State of Utah -- Penalty for misuse or defacing -- Rulemaking authority.**

4356 (1) As used in this section, "seal" means the Great Seal of the State of Utah, established in Utah Constitution, Article VII, Section 20.

4358 (2) In accordance with Utah Constitution, Article VII, Section 20, the Legislature designates the lieutenant governor as the officer responsible to keep the seal.

4360 (3) ~~[—Except as otherwise provided by]~~ In accordance with the requirements of law, the lieutenant governor, or the lieutenant governor'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] .~~

4364 (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.

4366 (5) The director of elections, within the Office of the Lieutenant Governor, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

4368 (a) regulate the use and application of the seal;

4369 (b) establish permitted and prohibited uses of the seal; and

4370 (c) establish requirements for obtaining authorization to use the seal or a replica of the seal.

4372 **Section 69. Repealer.**

This Bill Repeals:

4373 This bill repeals:

4374 Section **17B-1-305, Notice of offices to be filled.**

4375 Section **20A-5-409, Certification of candidates to county clerks.**

4376 Section 70. **Effective date.**

Effective Date.

HB0361 compared with HB0361S01

~~{This}~~ Except as provided in Subsection (2), this bill takes effect ~~{on}~~ May 6, 2026.

- 4378 (2)
- 4379 (a) The actions affecting sections described in Subsection (2)(b) take effect:
- 4380 (i) except as provided in Subsection (2)(a)(ii), May 6, 2026; or
- 4381 (ii) if approved by two-thirds of all members elected to each house:
- 4382 (A) upon approval by the governor;
- 4382 (B) without the governor's signature, the day following the constitutional time limit of Utah
Constitution, Article VII, Section 8; or
- 4384 (C) in the case of a veto, the date of veto override.
- 4385 (b) Subsection (2)(a) applies to the actions affecting the following sections:
- 4386 (i) Section 20A-5a-205 (Effective upon governor's approval); and
- 4387 (ii) Section 20A-5a-206 (Effective upon governor's approval).

2-24-26 1:14 PM