

# SB0194S01 compared with SB0194

{Omitted text} shows text that was in SB0194 but was omitted in SB0194S01

inserted text shows text that was not in SB0194 but was inserted into SB0194S01

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## Election Modifications

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor:

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### LONG TITLE

#### 4 General Description:

5 This bill amends provisions relating to elections.

#### 6 Highlighted Provisions:

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ requires the lieutenant governor to create a written conflict of interest avoidance plan;
- 10 ▶ modifies provisions relating to filling an office vacancy;

11 ▶ provides that if a vacancy in an elected office is filled by appointment, the appointee shall be a member of the same political party of which the prior officeholder was a member at the time the prior officeholder was last elected or appointed;

14 ▶ establishes a process to fill a vacancy created by an officeholder who was not affiliated with a political party at the time the officeholder was last elected or appointed;

16 ▶ provides a process for an election officer to independently determine whether a registered voter is a citizen of the United States;

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provides a process to challenge a determination of non-citizenship under the preceding paragraph;

- 20      ▶ prohibits an individual from voting if an election officer independently determines that the voter is not a citizen of the United States and the individual does not successfully dispute the determination;
- 23      ▶ creates a bifurcated ballot system, beginning on January 1, 2028, where:
  - 24            • a voter chooses whether to provide documentary proof of United States citizenship when registering to vote or before voting; and
    - 26            • a voter who does not provide documentary proof of United States citizenship may only vote in races for federal office;
- 28      ▶ modifies voter registration forms and requirements consistent with the bifurcated ballot system;
- 30      ▶ establishes procedures for administration of the bifurcated ballot system;
- 31      ▶ modifies voter registration list requirements in relation to the bifurcated ballot system;
- 32      ▶ subject to certain exceptions, provides that, when poll workers verify a voter's identity in relation to a ballot returned by mail, the poll workers are required to verify the signature on the affidavit in addition to the last four digits of an identification number;
- 35      ▶ modifies and recodifies provisions relating to:
  - 36            • the information in a voter registration record that is available to a person based on the capacity in which the person requests the information; and
    - 38            • the requirements to obtain additional privacy protection for a voter registration record;
- 39      ▶ provides that a voter's voter registration record that, before January 1, 2027, was classified as private without requiring a reason for the classification will be reclassified as a public voter registration record, unless the voter takes certain action to obtain additional protection for the voter's voter registration record;
- 43      ▶ requires an election officer to notify a voter whose voter registration is subject to reclassification as described in the preceding paragraph in order to give the voter an opportunity to apply for additional protection for the voter's voter registration record;
- 46      ▶ requires the assignment of new voter identification numbers;
- 47      ▶ modifies the voter registration form to reflect the changes made in this bill and to give a voter the option of opting into receiving electronic communications from a political party with which the voter affiliates;
- 50      ▶

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provides for release to a political party of information relating to the number of at-risk voters in the state and in individual state House of Representatives districts;

- 52      ▶ establishes additional requirements to ensure the removal of deceased individuals from voter registration records;
- 54      ▶ modifies penalties that may be imposed in relation to the unlawful disclosure of a voter registration record;
- 56      ▶ places a cap on the fee that may be charged to obtain an electronic copy of the voter registration list;
- 58      ▶ requires the lieutenant governor to conduct an audit of voter registration records to determine whether the lieutenant governor or a county clerk has documentary proof of United States citizenship for each record and to notify registered voters for whom the lieutenant governor or a county clerk does not have documentary proof of United States citizenship;
- 63      ▶ modifies the number of signatures that a qualified political party candidate for a county office is required to collect to qualify for placement on the primary election ballot;
- 65      ▶ **requires an incumbent county clerk who is running for reelection to contract with another county clerk to provide certain services in relation to verifying candidate signatures for the race;**
- 65      ▶ modifies a provision relating to the frequency of an elections audit performed by the Office of the Legislative Auditor General;
- 67      ▶ permits the use of campaign funds for certain goods or services relating to security; and
- 68      ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

73      None

### **Other Special Clauses:**

75      This bill provides a special effective date.

### **Utah Code Sections Affected:**

77      AMENDS:

78      **17-69-202 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

80      **17-70-403 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

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20A-1-102 (Effective 01/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 6  
84 20A-1-502 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448  
85 20A-1-503 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 90, 448  
86 20A-1-504 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 90  
87 20A-1-508 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 16  
89 20A-1-509.1 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2  
91 20A-1-509.2 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 16  
93 20A-1-513 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448  
94 20A-2-101.1 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 448  
95 20A-2-104 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 381, 448  
97 20A-2-108 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 381  
98 20A-2-204 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 381, 448  
100 20A-2-206 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 381  
101 20A-2-304 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 448  
102 20A-2-502 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 381, 448  
104 20A-2-504 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448  
105 20A-2-505 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 381, 448  
107 20A-3a-202 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 381, 448  
109 20A-3a-401 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 6  
111 20A-5-410 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 188, 448  
113 20A-6-105 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 381, 448  
115 20A-9-408 (Effective 01/01/27), as last amended by Laws of Utah 2025, Second Special Session, Chapter 2  
117 20A-11-104 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 447  
118 20A-11-204 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 90, 448  
120 20A-11-1303 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 90, 448

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122      **20A-11-1604 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 90, 448  
124      **36-12-15.2 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 156  
125      **63G-2-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 188  
126      **63G-2-301 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special Session,  
          Chapter 9  
128      **63G-2-302 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 172  
129      **63G-2-303 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 208

130      ENACTS:

131      **20A-1-109 (Effective 05/06/26)**, Utah Code Annotated 1953  
132      **20A-2-508 (Effective 05/06/26)**, Utah Code Annotated 1953  
133      **20A-2-601 (Effective 05/06/26)**, Utah Code Annotated 1953  
134      **20A-2-602 (Effective 05/06/26)**, Utah Code Annotated 1953  
135      **20A-2-603 (Effective 01/01/27)**, Utah Code Annotated 1953  
136      **20A-2-603.5 (Effective 01/01/27)**, Utah Code Annotated 1953  
137      **20A-2-604 (Effective 01/01/27)**, Utah Code Annotated 1953  
138      **20A-2-605 (Effective 01/01/27)**, Utah Code Annotated 1953  
139      **20A-2-606 (Effective 01/01/27)**, Utah Code Annotated 1953  
140      **20A-2-607 (Effective 01/01/27)**, Utah Code Annotated 1953  
141      **20A-3a-201.5 (Effective 05/06/26)**, Utah Code Annotated 1953  
142      **20A-9-408.4 (Effective 05/06/26), Utah Code Annotated 1953**  
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144      *Be it enacted by the Legislature of the state of Utah:*

145      Section 1. Section **17-69-202** is amended to read:

146      **17-69-202. Qualifications for a county auditor in a county of the first class.**

144      (1) In a county of the first class, in addition to the requirements described in Section 17-66-201, an  
          individual filing a declaration of candidacy for the office of county auditor, an individual elected to  
          the office of county auditor, or an interim replacement appointed under Subsection 20A-1-508(3) or  
          (4), shall have one or more of the following professional certifications active and in good standing:  
149      (a) certified public accountant;  
150      (b) certified internal auditor;  
151      (c) certified fraud examiner;

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152 (d) certified management accountant; or  
153 (e) certified information systems auditor.

154 (2) Subsection (1) does not apply to any other position within an auditor's office, except that a chief  
deputy or other individual filling the vacancy of an elected auditor in a county of the first class  
may not be appointed as an interim replacement under Subsection 20A-1-508(3) or (4) unless the  
individual meets the qualifications of Subsection (1) and Section 17-66-201.

163 Section 2. Section **17-70-403** is amended to read:

**17-70-403. Campaign financial disclosure in county elections.**

161 (1) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:  
163 (a) candidates for county office; and  
164 (b) candidates for local school board office who reside in that county.  
165 (2) The ordinance required by Subsection (1) shall include:  
166 (a) a requirement that each candidate for county office or local school board office report the  
candidate's itemized and total campaign contributions and expenditures at least once within the two  
weeks before the election and at least once within two months after the election;  
170 (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary  
contributions such as in-kind contributions and contributions of tangible things;  
173 (c) a requirement that the financial reports identify:  
174 (i) for each contribution, the name of the donor of the contribution, if known, and the amount of the  
contribution; and  
176 (ii) for each expenditure, the name of the recipient and the amount of the expenditure;  
177 (d) a requirement that a candidate for county office or local school board office deposit a contribution in  
a separate campaign account into a financial institution;  
179 (e) a prohibition against a candidate for county office or local school board office depositing or  
mingling any contributions received into a personal or business account;  
181 (f) a requirement that a candidate for county office who receives a contribution that is cash or a  
negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30  
days after receiving the contribution, disburse the amount of the contribution to:  
185 (i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's  
general fund; or

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- (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- 189 (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a county office or local school board office file the financial report described in Subsection (2)(c) with the county clerk:
- 192 (i) for a county office vacancy described in Subsection 20A-1-508(3)[ ~~or (7)~~ , (4), or (9)], no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as the individual the political party selects to fill the vacancy;
- 196 (ii) for a county or district attorney office vacancy described in Subsection 20A-1-509.1(5)(a), no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as one of the three individuals the party nominates to fill the vacancy;
- 201 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
  - 202 (A) no later than the deadline for the candidate to submit an application to fill the vacancy under Subsection 20A-1-509.2(2)(c); and
  - 204 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an application to fill the vacancy, no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as one of the three individuals the party nominates to fill the vacancy; or
- 209 (iv) for a local school board office vacancy, no later than three business days before the day on which the local school board meets to interview each candidate interested in filling the vacancy in accordance with Section 20A-1-511; and
- 212 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g), the county clerk immediately submit a copy of the report to the county legislative body.

215 (3)

- 217 (a) As used in this Subsection (3), "account" means an account in a financial institution:
  - 218 (i) that is not described in Subsection (2)(d); and
  - (ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an

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office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

223 (b) The ordinance required by Subsection (1) shall include a requirement that a candidate for county  
224 office or local school board office include on a financial report filed in accordance with the  
225 ordinance a contribution deposited in or an expenditure made from an account:  
226 (i) since the last financial report was filed; or  
227 (ii) that has not been reported under a statute or ordinance that governs the account.  
228 (4) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1),  
229 candidates for county office, other than community council office, and candidates for local school  
230 board office shall comply with the financial reporting requirements contained in Subsections (5)  
231 through (10).  
232 (5) A candidate for elective office in a county or local school board office:  
233 (a) shall deposit a contribution into a separate campaign account in a financial institution; and  
234 (b) may not deposit or mingle any contributions received into a personal or business account.  
235 (6) Each candidate for elective office in any county who is not required to submit a campaign financial  
236 statement to the lieutenant governor, and each candidate for local school board office, shall file a  
237 signed campaign financial statement with the county clerk:  
238 (a) seven days before the date of the regular general election, reporting each contribution and each  
239 expenditure as of 10 days before the date of the regular general election; and  
240 (b) no later than 30 days after the date of the regular general election.  
241 (7)  
242 (a) The statement filed seven days before the regular general election shall include:  
243 (i) a list of each contribution received by the candidate, and the name of the donor, if known; and  
244 (ii) a list of each expenditure for political purposes made during the campaign period, and the  
245 recipient of each expenditure.  
246 (b) The statement filed 30 days after the regular general election shall include:  
247 (i) a list of each contribution received after the cutoff date for the statement filed seven days before the  
248 election, and the name of the donor; and  
249 (ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the  
250 statement filed seven days before the election, and the recipient of each expenditure.  
251 (8)

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(a) As used in this Subsection (8), "account" means an account in a financial institution:

- (i) that is not described in Subsection (5)(a); and
- (ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person filed a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person filed a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A county office candidate and a local school board office candidate shall include on any campaign financial statement filed in accordance with Subsection (6) or (7):

- (i) a contribution deposited into an account:
  - (A) since the last campaign finance statement was filed; or
  - (B) that has not been reported under a statute or ordinance that governs the account; or
- (ii) an expenditure made from an account:
  - (A) since the last campaign finance statement was filed; or
  - (B) that has not been reported under a statute or ordinance that governs the account.

(9) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, a county office candidate shall disburse the amount of the contribution to:

- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

(10) Candidates for elective office in any county, and candidates for local school board office, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.

(11)

- (a) A candidate seeking appointment to fill a midterm vacancy in a county office or local school board office shall:
  - (i) comply with Subsections (5) and (9); and
  - (ii) file a signed campaign financial statement with the county clerk no later than the deadline described in Subsection (2)(g).

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(b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii), the county clerk shall immediately submit a copy of the statement to the county legislative body.

293 (12) Any individual who fails to comply with this section is guilty of an infraction.

294 (13)

295 (a) Counties may, by ordinance, enact requirements that:

296 (i) require greater disclosure of campaign contributions and expenditures; and

297 (b) The requirements described in Subsection (13)(a) apply to a local school board office candidate who resides in that county.

299 (14) If a candidate fails to file an interim report due before the election, the county clerk:

300 (a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:

302 (i) that the candidate failed to timely file the report; and

303 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified and the political party will not be permitted to replace the candidate; and

306 (b) impose a fine of \$100 on the candidate.

307 (15)

311 (a) The county clerk shall disqualify a candidate and inform the appropriate election officials that the candidate is disqualified if the candidate fails to file an interim report described in Subsection (14) within 24 hours after the deadline for filing the report.

313 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may not replace the candidate.

316 (c) A candidate who is disqualified under Subsection (15)(a) shall file with the county clerk a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.

317 (16) If a candidate is disqualified under Subsection (15)(a), the election official:

318 (a) shall:

319 (i) notify every opposing candidate for the county office that the candidate is disqualified;

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- (ii) send an email notification to each voter who is eligible to vote in the county election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted;
- (iii) post notice of the disqualification on the county's website; and
- (iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and

(b) may not count any votes for that candidate.

(17) An election official may fulfill the requirement described in Subsection (16)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the county's website to inform the voter whether a candidate on the ballot is disqualified.

(18) A candidate is not disqualified if:

- (a) the candidate files the interim reports described in Subsection (14) no later than 24 hours after the applicable deadlines for filing the reports;
- (b) the reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and
- (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(19)

- (a) A report is considered timely filed if:
  - (i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the end of the day on which the report is due;
  - (ii) the report is received in the county clerk's office with a United States Postal Service postmark three days or more before the date that the report was due; or
  - (iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
- (b) For a county clerk's office that is not open until midnight at the end of the day on which a report is due, the county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk.

(20)

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- (a) Any private party in interest may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section or any ordinance adopted under this section.
- 353 (b) In a civil action filed under Subsection (20)(a), the court shall award costs and attorney fees to the prevailing party.
- 355 (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:
  - 357 (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
  - 359 (b) make the campaign finance statement filed by a candidate available for public inspection by:
    - 361 (i) posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the day on which the statement is filed; and
    - 363 (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (21)(b)(i) no later than two business days after the day the statement is filed.

371 Section 3. Section **20A-1-102** is amended to read:

**372 20A-1-102. Definitions.**

As used in this title:

- 370 (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- 372 (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.
- 374 (3)
  - (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.
  - 376 (b) "Ballot" does not include a record to tally multiple votes.
  - 377 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
    - 379 (a) an opinion question specifically authorized by the Legislature;
    - 380 (b) a constitutional amendment;
    - 381 (c) an initiative;

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- 382 (d) a referendum;
- 383 (e) a bond proposition;
- 384 (f) a judicial retention question;
- 385 (g) an incorporation of a city or town; or
- 386 (h) any other ballot question specifically authorized by the Legislature.
- 387 (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.
- 390 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.
- 392 (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.
- 394 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.
- 396 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.
- 398 (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.
- 400 (11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.
- 402 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.
- 404 (13) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.
- 406 (14) "Convention" means the political party convention at which party officers and delegates are selected.
- 408 (15) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- 410 (16) "Counting judge" means a poll worker designated to count the ballots during election day.
- 412 (17) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.
- 414 (18) "County officers" means those county officers that are required by law to be elected.
- 415 (19) "Date of the election" or "election day" or "day of the election":
  - 416 (a) means the day that is specified in the calendar year as the day on which the election occurs; and

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418 (b) does not include:

419 (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

421 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.

423 (20) "Documentary proof of United States citizenship" means:

424 (a) a Utah driver license number that verifies United States citizenship;

425 (b) a Utah state identification card number that verifies United States citizenship;

426 (c) a legible copy of an individual's birth certificate that verifies United States citizenship;

428 (d) a legible copy of the pages of an individual's United States passport that identify the individual and the individual's passport number;

430 (e) an alien registration number that verifies United States citizenship;

431 (f) a legible copy of the voter's United States naturalization documents;

432 (g) a Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;

434 (h) a legible copy of a certificate of degree of Indian blood or a Bureau of Indian Affairs affidavit of birth;

436 (i) verification of citizenship from the Systematic Alien Verification for Entitlements program, operated by the United States Department of Homeland Security; or

438 (j) other documents or methods of proving United States citizenship that are established in accordance with the Immigration Reform and Control Act of 1986.

440 [~~(20)~~] (21) "Elected official" means:

441 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

443 (b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

445 (c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).

447 [~~(21)~~] (22) "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.

450 [~~(22)~~] (23) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

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[~~(23)~~] (24) "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.

455 [~~(24)~~] (25) "Election judge" means a poll worker that is assigned to:

456 (a) preside over other poll workers at a polling place;

457 (b) act as the presiding election judge; or

458 (c) serve as a canvassing judge, counting judge, or receiving judge.

459 [~~(25)~~] (26) "Election material" includes:

460 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);

461 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);

462 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);

463 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:

464 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and

465 (ii) the batch log described in Subsection 20A-3a-401.1(5);

466 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);

467 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);

468 (g) the physical and electronic log of replicated ballots described in Subsection 20A-4-104(3);

469 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;

470 (i) the record of voter database access described in Subsection 20A-5-905(2);

471 (j) the reports on military and overseas voters described in Section 20A-16-202;

472 (k) scanned copies of return envelopes;

473 (l) a copy of the final election results database described in Section 20A-5-802.5; and

474 (m) the materials used in the programming of the automatic tabulating equipment.

475 [~~(26)~~] (27) "Election officer" means:

476 (a) the lieutenant governor, for all statewide ballots and elections;

477 (b) the county clerk for:

478 (i) a county ballot and election; and

479 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5;

480 (c) the municipal clerk for:

481 (i) a municipal ballot and election; and

482

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(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

486 (d) the special district clerk or chief executive officer for:

487 (i) a special district ballot and election; and

488 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

490 (e) the business administrator or superintendent of a school district for:

491 (i) a school district ballot and election; and

492 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

494 [~~(27)~~ (28) "Election official" means any election officer, election judge, or poll worker.

495 [~~(28)~~ (29) "Election results" means:

496 (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

498 (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.

500 [~~(29)~~ (30) "Election results database" means the following information generated by voting equipment:

502 (a) one or more electronic files that contains a digital interpretation of each ballot that is counted in an election;

504 (b) a ballot image; and

505 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.

506 [~~(30)~~ (31) "Election returns" means:

507 (a) the pollbook;

508 (b) the military and overseas absentee voter registration and voting certificates;

509 (c) one of the tally sheets;

510 (d) any unprocessed ballots;

511 (e) all counted ballots;

512 (f) all excess ballots;

513 (g) all unused ballots;

514 (h) all spoiled ballots;

515 (i) all ballot disposition forms, including any provisional ballot disposition forms;

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- 516 (j) the final election results database described in Section 20A-5-802.5;
- 517 (k) all return envelopes;
- 518 (l) any provisional ballot envelopes; and
- 519 (m) the total votes cast form.

520 [~~(31)~~] (32) "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.

523 (33) "Federal ballot" means a ballot that includes only the federal races that are to be presented for a vote in a particular election.

525 [~~(32)~~] (34) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).

526 [~~(33)~~] (35) "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).

528 [~~(34)~~] (36) "Judicial office" means the office filled by any judicial officer.

529 [~~(35)~~] (37) "Judicial officer" means any justice or judge of a court of record or any county court judge.

531 [~~(36)~~] (38) "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.

534 [~~(37)~~] (39) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

536 [~~(38)~~] (40) "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.

539 [~~(39)~~] (41) "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.

542 [~~(40)~~] (42) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

- 544 (a) is created via electronic or mechanical means; and
- 545 (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.

548 [~~(41)~~] (43) "Municipal executive" means:

- 549 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 550 (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

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[~~(42)~~] (44) "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.

555 [~~(43)~~] (45) "Municipal legislative body" means the council of the city or town in any form of municipal government.

557 [~~(44)~~] (46) "Municipal office" means an elective office in a municipality.

558 [~~(45)~~] (47) "Municipal officers" means those municipal officers that are required by law to be elected.

560 [~~(46)~~] (48) "Municipal primary election" means an election held to nominate candidates for municipal office.

562 [~~(47)~~] (49) "Municipality" means a city or town.

563 [~~(48)~~] (50) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

565 [~~(49)~~] (51) "Official endorsement" means the information on the ballot that identifies:

566 (a) the ballot as an official ballot;

567 (b) the date of the election; and

568 (c)

(i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

570 (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

572 [~~(50)~~] (52) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

574 [~~(51)~~] (53) "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.

577 [~~(52)~~] (54)

(a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

579 (b) "Poll worker" includes election judges.

580 (c) "Poll worker" does not include a watcher.

581 [~~(53)~~] (55) "Pollbook" means a record of the names of voters in the order that the voters appear to cast votes.

583 [~~(54)~~] (56) "Polling place" means a building where voting is conducted.

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584 [({55})] (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which  
the voter marks the voter's choice.

586 [({56})] (58) "Presidential Primary Election" means the election established in Chapter 9, Part 8,  
Presidential Primary Election.

588 [({57})] (59) "Primary convention" means the political party conventions held during the year of the  
regular general election.

590 [({58})] (60) "Protective counter" means a separate counter, which cannot be reset, that:  
591 (a) is built into a voting machine; and  
592 (b) records the total number of movements of the operating lever.

593 [({59})] (61) "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.

597 [({60})] (62) "Provisional ballot" means a ballot voted provisionally by a person:  
598 (a) whose name is not listed on the official register at the polling place;  
599 (b) whose legal right to vote is challenged as provided in this title; or  
600 (c) whose identity was not sufficiently established by a poll worker.

601 [({61})] (63) "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.

604 [({62})] (64)  
(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.

608 [({b})] "Public figure" does not include an individual:  
609 [({i}) elected to public office; or]  
610 [({ii}) appointed to fill a vacancy in an elected public office.]

611 (b) "Public figure" includes an individual who is elected to public office, appointed to fill a vacancy in  
an elected public office, or employed by a government entity if, in relation to the individual's service  
in public office or employment as an employee of a government entity, the individual has received a  
threat of harm to a person or property.

616

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[{63}] (65) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

618 [{64}] (66) "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.

620 [{65}] (67) "Registration form" means a form by which an individual may register to vote under this title.

622 [{66}] (68) "Regular ballot" means a ballot that is not a provisional ballot.

623 [{67}] (69) "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.

626 [{68}] (70) "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.

629 [{69}] (71) "Resident" means a person who resides within a specific voting precinct in Utah.

630 [{70}] (72) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

632 (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

634 (b) that includes the voter affidavit and a place for the voter's signature.

635 [{71}] (73) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

637 [{72}] (74) "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.

640 [{73}] (75) "Special district officers" means those special district board members who are required by law to be elected.

642 [{74}] (76) "Special election" means an election held as authorized by Section 20A-1-203.

643 [{75}] (77) "Spoiled ballot" means each ballot that:

644 (a) is spoiled by the voter;

645 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

646 (c) lacks the official endorsement.

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647 (78) "Standard ballot" means a ballot that includes all races and ballot propositions that are to be  
648     presented for a vote in a particular election.

649 [(76)] (79) "Statewide special election" means a special election called by the governor or the  
650     Legislature in which all registered voters in Utah may vote.

651 [(77)] (80) "Tabulation system" means a device or system designed for the sole purpose of tabulating  
652     votes cast by voters at an election.

653 [(78)] (81) "Ticket" means a list of:  
654     (a) political parties;  
655     (b) candidates for an office; or  
656     (c) ballot propositions.

657 [(79)] (82) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

659 [(80)] (83) "Vacancy" means:  
660     (a) except as provided in Subsection [(80)(b)] (83)(b), the absence of an individual to serve in a  
661         position created by state constitution or state statute, whether that absence occurs because of death,  
662         disability, disqualification, resignation, or other cause; or  
663     (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a  
664         candidate due to the candidate's death, resignation, or disqualification.

666 [(81)] (84) "Valid voter identification" means:  
667     (a) a form of identification that bears the name and photograph of the voter which may include:  
669         (i) a currently valid Utah driver license;  
670         (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;  
672         (iii) a currently valid identification card that is issued by:  
673             (A) the state; or  
674             (B) a branch, department, or agency of the United States;  
675         (iv) a currently valid Utah permit to carry a concealed weapon;  
676         (v) a currently valid United States passport; or  
677         (vi) a currently valid United States military identification card;  
678     (b) one of the following identification cards, regardless of whether the card includes a photograph of the  
679         voter:  
680         (i) a valid tribal identification card;  
681         (ii) a Bureau of Indian Affairs card; or

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682 (iii) a tribal treaty card; or

683 (c) two forms of identification not listed under Subsection ~~[(81)(a) or (b)]~~ ~~(84)(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:

686 (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;

688 (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;

690 (iii) a certified birth certificate;

691 (iv) a valid social security card;

692 (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;

694 (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;

696 (vii) a currently valid Utah hunting or fishing license;

697 (viii) certified naturalization documentation;

698 (ix) a currently valid license issued by an authorized agency of the United States;

699 (x) a certified copy of court records showing the voter's adoption or name change;

700 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer ~~[Card]~~ card;

701 (xii) a currently valid identification card issued by:

702 (A) a local government within the state;

703 (B) an employer for an employee; or

704 (C) a college, university, technical school, or professional school located within the state; or

706 (xiii) a current Utah vehicle registration.

707 ~~[(82)]~~ (85) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by  
following the procedures and requirements of this title.

709 ~~[(83)]~~ (86) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

711 (a) mailing the ballot to the location designated in the mailing; or

712 (b) depositing the ballot in a ballot drop box designated by the election officer.

713 ~~[(84)]~~ (87) "Voter" means an individual who:

714 (a) meets the requirements for voting in an election;

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715 (b) meets the requirements of election registration;

716 (c) is registered to vote; and

717 (d) is listed in the official register.

718 [~~85~~] 88 "Voter registration deadline" means the registration deadline provided in Section  
20A-2-102.5.

720 [~~86~~] 89 "Voting area" means the area within six feet of the voting booths, voting machines, and  
ballot box.

722 [~~87~~] 90 "Voting booth" means:

723 (a) the space or compartment within a polling place that is provided for the preparation of ballots,  
including the voting enclosure or curtain; or

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

726 [~~88~~] 91 "Voting device" means any device provided by an election officer for a voter to vote a  
mechanical ballot.

728 [~~89~~] 92 "Voting precinct" means the smallest geographical voting unit, established under Chapter 5,  
Part 3, Duties of the County and Municipal Legislative Bodies.

730 [~~90~~] 93 "Watcher" means an individual who complies with the requirements described in Section  
20A-3a-801 to become a watcher for an election.

732 [~~91~~] 94 "Write-in ballot" means a ballot containing any write-in votes.

733 [~~92~~] 95 "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.

739 Section 4. Section 4 is enacted to read:

740 **20A-1-109. Lieutenant governor conflict of interest avoidance plan -- Creation and  
presentation.**

738 (1) The lieutenant governor shall, before August 31, 2026, create a written conflict of interest risk  
avoidance plan that:

740 (a) identifies specific types of decisions or actions the lieutenant governor may take, in the course and  
scope of the duties or powers of the office of lieutenant governor, that could create a conflict of  
interest by influencing, or being perceived to influence, the lieutenant governor's candidacy for an  
office;

744 (b) for each type of decision or action identified under Subsection (1)(a), establishes procedures and  
actions the lieutenant governor will take to mitigate or avoid the conflict, including:

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747 (i) recusal from making the decision or taking the action; and  
748 (ii) designating the person who will make the decision or take the action in the event of a recusal; and  
750 (c) for each type of decision or action considered in relation to creating the plan that the lieutenant  
751 governor concludes does not constitute a conflict of interest:  
752 (i) a description of the type of decision or action; and  
753 (ii) an explanation of why the type of decision or action does not constitute a conflict of interest or the  
754 appearance of a conflict of interest.  
755 (2) The lieutenant governor shall:  
756 (a) forward a copy of the plan described in Subsection (1) to the Government Operations Interim  
757 Committee on or before September 1, 2026; {and}  
758 (b) if requested by the chairs of the Government Operations Interim Committee, present the plan to the  
759 committee at a meeting of the committee specified by the chairs of the committee{; and}  
760 (c) keep a copy of the plan available for public review on the lieutenant governor's website.  
761 (3) Beginning on January 1, 2029, when a new lieutenant governor first takes office, the lieutenant  
762 governor shall, within 90 days after first taking office:  
763 (a)  
764 (i) adopt the written conflict of interest risk avoidance plan used by the previous lieutenant governor; or  
765 (ii) create a new written conflict of interest avoidance plan in accordance with the requirements  
766 described in Subsection (1);  
767 (b) forward a copy of the plan described in Subsection (3)(a) to the Government Operations Interim  
768 Committee;  
769 (c) if requested by the chairs of the Government Operations Interim Committee, present the plan to the  
770 committee at a meeting of the committee specified by the chairs of the committee; and  
771 (d) keep a copy of the plan available for public review on the lieutenant governor's website.  
772 (4) If, at any time during the lieutenant governor's term of office, the lieutenant governor revises the  
773 written conflict of interest avoidance plan, the lieutenant governor shall:  
774 (a) forward a copy of the revised plan to the Government Operations Interim Committee;  
775 (b) if requested by the chairs of the Government Operations Interim Committee, present the revised  
776 plan to the committee at a meeting of the committee specified by the chairs of the committee; and  
777 (c) keep a copy of the revised plan available for public review on the lieutenant governor's website.

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(5) The lieutenant governor shall comply with the written conflict of interest avoidance plan adopted or created by the lieutenant governor under this section.

790       Section 5. Section **20A-1-502** is amended to read:

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

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

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

793           (i) a municipal general election;

794           (ii) a presidential primary election;

795           (iii) a regular primary election; or

796           (iv) a regular general election;

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

798       (c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 calendar days after the primary special congressional election described in Subsection (1)(b);

799       (d) provides each registered political party that is not a qualified political party at least 21 calendar days, but no more than 28 calendar days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;

800       (e) for each qualified political party, provides at least 21 calendar days, but no more than 28 calendar days:

801           (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and

802           (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;

803       (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and

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795 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and  
Overseas Voters Act.

797 (2)

(a) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:

800 (i) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or

803 (ii) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.

807 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven calendar days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).

813 (3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:

815 (a) the next regular general election that occurs after the day on which the vacancy occurs is the regular general election that occurs immediately before the six-year term for the senate office ends; and

818 (b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).

820 (4)

(a) The governor shall appoint an individual to temporarily fill a vacancy in the office of United States senator from one of three individuals nominated by the Legislature, each of whom [is a member of the political party of which the prior officeholder was a member at the time the prior officeholder was elected.] meets the qualifications for the office, as follows:

825 (i) if the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, the individuals

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nominated by the Legislature shall be members of the registered political party of which the prior officeholder was a member when last elected or appointed; or

830 (ii) if the prior officeholder was not a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, the individuals nominated by the Legislature may be members of any registered political party or unaffiliated with a registered political party.

834 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:

836 (i) the vacancy is filled by election under Subsection (1) or (2); or  
837 (ii) the six-year term for the senate office ends.

838 (5) An individual elected to fill a vacancy under this section shall serve until the end of the current term in which the vacancy filled by the election occurs.

840 (6) A vacancy in the office of United States senator does not occur unless the senator:

841 (a) has left the office; or  
842 (b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

873 Section 6. Section **20A-1-503** is amended to read:

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

846 (1) As used in this section:

847 (a) "Filing deadline" means the final date for filing:  
848 (i) a declaration of candidacy as provided in Section 20A-9-202; and  
849 (ii) a certificate of nomination as provided in Section 20A-9-503.

850 (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.

853 (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.] as follows:

857 (a) if the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, by immediately appointing the individual whose name is submitted by the party liaison of the same registered political party of

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which the prior officeholder was a member when last elected or appointed, if the individual meets the qualifications for office; or

863 (b) if the prior officeholder was not a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, by immediately appointing one of three individuals, who meet the qualifications for office, nominated by the House of Representatives, regardless of whether the individual is a member of a particular registered political party or is unaffiliated with a registered political party.

869 (3)

(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, [it] the vacancy shall be filled for the unexpired term at the next regular general election.

872 (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.] as follows:~~

875 (i) if the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, by immediately appointing the individual whose name is submitted by the party liaison of the same registered political party of which the prior officeholder was a member when last elected or appointed, if the individual meets the qualifications for office; or

881 (ii) if the prior officeholder was not a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, by immediately appointing one of three individuals, who meet the qualifications for office, nominated by the Senate, regardless of whether the individual is a member of a particular registered political party or is unaffiliated with a registered political party.

887 (4)

(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:

890 (i) establish a date and time, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 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:

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894 (A) a declaration of candidacy; or

895 (B) a certificate of nomination; and

896 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):

897 (A) on the lieutenant governor's website; and

898 (B) to each registered political party.

899 (b) A person intending to obtain a position on the ballot for the vacant office shall:

900 (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

904 (ii) run in the regular general election if:

905 (A) nominated as a party candidate; or

906 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and  
Nominating Procedures.

908 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in Subsection  
20A-9-202(1)(b) and before 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 August 30 for  
placement on the regular general election ballot.

914 (5) If a vacancy described in Subsection (3)(a) occurs on or after 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.] in accordance with Subsection (3)(b).

919 (6)

923 (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.

923 (b) An individual described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the  
individual:

925 (i)

925 (A) currently holds the office of senator and is seeking appointment as a representative; or

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927 (B) currently holds the office of representative and is seeking appointment as a senator;

929 (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

931 (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.

934 (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).

937 (8) A vacancy in the office of senator or representative of the Legislature does not occur unless the  
senator or representative:

939 (a) has left the office; or

940 (b) submits an irrevocable letter of resignation to:

941 (i) for a senator, the president of the Senate; or

942 (ii) for a representative, the speaker of the House of Representatives.

972 Section 7. Section **20A-1-504** is amended to read:

973 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, state  
auditor, State Board of Education member, and lieutenant governor.**

947 (1)

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

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

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

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

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

959

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

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

967 (b) The governor shall fill a vacancy described in Subsection (1)(a) until the next general election, as follows:

969 (i) if the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, by immediately appointing the individual whose name is submitted by the party liaison of the same registered political party of which the prior officeholder was a member when last elected or appointed, if the individual meets the qualifications for office; or

975 (ii) if the prior officeholder was not a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications for office, regardless of whether the individual is a member of a particular registered political party or is unaffiliated with a registered political party.

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

984 (3)

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

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

990 (ii) for a vacancy in the office of State Board of Education member, no later than the deadline for the individual to file an interim report under Subsection 20A-11-1303(2)(a).

993

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

995 (i) currently holds an office described in Subsection (1)(a) or (2);  
996 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and  
998 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii) is updated and accurate as of the date of the written statement.

1001 (4) The lieutenant governor shall make each conflict of interest disclosure made by an individual described in Subsection (3)(a) available for public inspection in accordance with Subsection 20A-11-1603(4).

1004 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the individual occupying the office:

1006 (a) has left the office; or  
1007 (b) submits an irrevocable letter of resignation to the governor.

1037 Section 8. Section **20A-1-508** is amended to read:

1038 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager -- Interim replacement.**

1011 (1) As used in this section:

1012 (a)

1015 (i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.

1017 (ii) "County offices" does not include the office of county attorney, district attorney, or judge.

1020 (b) "Party liaison" means the political party officer designated to serve as a liaison with each county legislative body on all matters relating to the political party's relationship with a county as required by Section 20A-8-401.

(2)

(a) Except as provided in Subsection (2)(d), until a county legislative body appoints an interim replacement to fill a vacant county office under Subsection (3), or the governor appoints an interim

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replacement under Subsection (4), the following shall temporarily discharge the duties of the county office as a temporary manager:

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

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

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

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

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

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

(B) if two or more management-level employees serving under the county office have the same and highest-seniority management level, the highest-seniority management-level employee with the most cumulative time served in the employee's current position; or

(C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's employees to discharge the county officer's duties in the event the county officer vacates the office, the designated employee.

(b) Except as provided in Subsection (2)(c), a temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a county office holds the powers and duties of the county office until the county legislative body appoints an interim replacement under Subsection (3) or the governor appoints an interim replacement under Subsection (4).

(c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a county office:

(i) may not take an oath of office for the county office as a temporary manager;

(ii) shall comply with Title 17, Chapter 63, Fiscal Authority and Processes, and the county's budget ordinances and policies;

(iii) unless approved by the county legislative body, may not change the compensation of an employee;

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- (iv) unless approved by the county legislative body, may not promote or demote an employee or change an employee's job title;
- 1060 (v) may terminate an employee only if the termination is conducted in accordance with:
- 1062 (A) personnel rules described in Subsection 17-75-602(2) that are approved by the county legislative body; and
- 1064 (B) applicable law;
- 1065 (vi) unless approved by the county legislative body, may not exceed by more than 5% an expenditure that was planned before the county office for which the temporary manager discharges duties was vacated;
- 1068 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation; and
- 1070 (viii) if approved by the county legislative body, may receive a performance award after:
- 1072 (A) the county legislative body appoints an interim replacement under Subsection (3) or the governor appoints an interim replacement under Subsection (4); and
- 1074 (B) the interim replacement is sworn into office.
- 1075 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- 1077 (3)
  - (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (3) through Subsection (5).
  - 1081 (b) In addition to this Subsection (3), or Subsection (4) as applicable, an interim replacement appointed to the office of county auditor in a county of the first class is subject to the requirements described in Section 17-69-202.
- 1084 (c)
  - [(i)] To appoint an interim replacement, the county legislative body shall, within 10 calendar days after the day on which the vacancy occurs, give notice of the vacancy[to]:
    - 1087 [(A)] (i) to the county clerk; and
    - 1088 [(B) the party liaison of the same political party of the prior office holder.] (ii) if the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, to the party liaison of that registered political party.

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1092 [ii)] (d) [The] If the prior officeholder was a member of a registered political party when the prior  
officeholder last took office, either by election or by appointment under this section:

1095 (i) the county legislative body shall invite the party liaison described in Subsection [(3)(e)(i)(B)] (3)(c)  
(ii) to submit the name of an individual to fill the vacancy[.] ;

1097 [iii)] (ii) [The] the party liaison described in Subsection (3)(c)(ii) shall, no later than 5 p.m. on the first  
business day that is at least 30 calendar days, after the day on which the party liaison receives the  
notice described in Subsection [(3)(e)(i)(B)] (3)(c)(ii), or if the party liaison does not receive the  
notice, no later than 5 p.m. on the first business day that is at least 40 calendar days after the day on  
which the vacancy occurs, submit to the county legislative body the name of an individual who the  
party selects in accordance with the party's constitution or bylaws, and who meets the qualifications  
for the office, to serve as the interim replacement[.] ; and

1106 [iv)] (iii) [The] the county legislative body shall, no later than seven calendar days after the day on  
which a party liaison submits the name of [the] an individual who meets the qualifications for office  
to serve as the interim replacement, appoint the individual to serve out the unexpired term.

1110 (e) If the prior officeholder was not a member of a registered political party when the prior officeholder  
last took office, either by election or by appointment under this section, the county legislative body  
shall, no later than 5 p.m. on the first business day that is at least 30 calendar days after the day on  
which the county legislative body provides the notice described in Subsection (3)(c)(i), appoint an  
individual who meets the qualifications for the office to serve as the interim replacement, regardless  
of whether the individual is a member of a particular registered political party or is unaffiliated with  
a registered political party.

1118 [(d)] (4)

1119 (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in  
accordance with Subsection [(3)(e)(iv)] (3)(d) or (e), as applicable:

1121 (a) the county clerk shall, no later than seven calendar days after the day of the deadline described in  
Subsection [(3)(e)(iv)] (3)(d)(iii) or (e), as applicable, send to the governor a letter that:

1124 [(A)] (i) informs the governor that the county legislative body has failed to appoint a replacement  
within the statutory time period;[and]

1126 (ii) states whether the prior officeholder is an officeholder described in Subsection (3)(d) or (e); and

1128 [(B)] (iii) [contains] if the prior officeholder is an officeholder described in Subsection (3)(d), states the  
name of the individual submitted by the party liaison to fill the vacancy[.] ; and

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1131 [(ii)] (b) [The] the governor shall, within 10 calendar days after the day on which the governor receives  
the letter described in Subsection [(3)(d)(i),] (4)(a):

1133 (i) if the prior officeholder is an officeholder described in Subsection (3)(d), appoint the individual  
named by the party liaison as an interim replacement to fill the vacancy[.] , if the individual meets  
the qualifications for office; or

1136 (ii) if the prior officeholder is an officeholder described in Subsection (3)(e), appoint an individual who  
meets the qualifications for the office to serve out the unexpired term, regardless of whether the  
individual is a member of a particular registered political party or is unaffiliated with a registered  
political party.

1140 [(e)] (5) An individual appointed as interim replacement under [this Subsection (3)] Subsection (3) or  
(4) shall hold office until a successor is elected and has qualified.

1142 [(4)] (6)

1144 (a) The requirements of this Subsection [(4)] (6) apply to all county offices that become vacant if:

1145 (i) the vacant office has an unexpired term of two years or more; and

1145 (ii) the vacancy occurs after the election at which the officeholder was elected, or after the  
officeholder was appointed under this section, but before the first day of the declaration of  
candidacy filing period described in Section 20A-9-201.5.

1148 (b)

1152 (i) When the conditions described in Subsection [(4)(a)] (6)(a) are met, the county clerk shall as soon as  
practicable, but no later than 180 calendar days before the next regular general election, notify the  
public and each registered political party that the vacancy exists.

1154 (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of  
candidacy in accordance with:

1156 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1156 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.

1158 (iii) An individual who is nominated as a party candidate, who qualifies as an unaffiliated candidate for  
the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as  
a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in  
the regular general election.

1163 [(5)] (7)

1163 (a) The requirements of this Subsection [(5)] (7) apply to all county offices that become vacant if:

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1165 (i) the vacant office has an unexpired term of two years or more; and

1166 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period  
described in Section 20A-9-201.5, but more than 75 calendar days before the regular primary  
election.

1169 (b) When the conditions described in Subsection ~~(5)(a)~~ (7)(a) are met, the county clerk shall as soon  
as practicable, but no later than 70 calendar days before the next regular primary election, notify the  
public and each registered political party:

1172 (i) that the vacancy exists; and

1173 (ii) of the deadlines described in Subsection ~~(5)(e)(i)~~ (7)(c)(i) and the deadlines established under  
Subsection ~~(5)(d)(ii)~~ (7)(d)(ii).

1175 (c)

1179 (i) An individual intending to become a party candidate for a vacant office shall, no later than 5 p.m. on  
the first business day that is at least five calendar days after the day on which the notice is given, file  
a declaration of candidacy for the vacant office in accordance with:

1181 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1183 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.

1184 (ii) The county central committee of each party shall:

1186 (A) select a candidate or candidates from among those qualified candidates who have filed declarations  
of candidacy; and

1189 (B) certify the name of the candidate or candidates to the county clerk as soon as practicable, but no  
later than 5 p.m. on the last business day that is at least 60 calendar days before the day of the  
regular primary election.

1194 (d)

1194 (i) Except as provided in Subsection ~~(5)(d)(ii)~~ (7)(d)(ii), an individual intending to become a candidate  
for a vacant office who does not wish to affiliate with a registered political party shall file a verified  
certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with  
Chapter 9, Part 5, Candidates not Affiliated with a Party.

1194 (ii)

1194 (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline that is no later than  
5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular

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general election by which an individual who is not affiliated with a registered political party is required to submit a certificate of nomination under Subsection [(5)(d)(i)] (7)(d)(i).

1199 (B) The county clerk shall establish the deadline described in Subsection [(5)(d)(ii)(A)] (7)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal opportunity to access the regular general election ballot.

1202 (e) An individual who is nominated as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

1207 [(6)] (8)

1209 (a) The requirements of this Subsection [(6)] (8) apply to all county offices that become vacant:

1210 (i) if the vacant office has an unexpired term of two years or more; and

1211 (ii) when 75 calendar days or less remain before the day of the regular primary election but more than 65 calendar days remain before the day of the regular general election.

1213 (b) When the conditions described in Subsection [(6)(a)] (8)(a) are met, the county clerk shall, as soon as practicable, notify the public and each registered political party:

1215 (i) that the vacancy exists; and

1216 (ii) of the deadlines established under Subsection [(6)(d)] (8)(d).

1217 (c)

1218 (i) Before the deadline that the county clerk establishes under Subsection [(6)(d)(i)(A)] (8)(d)(i)(A), the county central committee of each registered political party that wishes to submit a candidate for the office shall certify the name of one candidate to the county clerk for placement on the regular general election ballot.

1219 (ii) Before the deadline that the county clerk establishes under Subsection [(6)(d)(i)(B)] (8)(d)(i)(B), a candidate who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.

1220 (iii) Before the deadline that the county clerk establishes under Subsection [(6)(d)(i)(C)] (8)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of candidacy described in Section 20A-9-601.

1229 (d)

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(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines that are no later than 5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular general election by which:

(A) a registered political party is required to certify a name under Subsection [(6)(e)(i)] (8)(c)(i);

(B) an individual who does not wish to affiliate with a registered political party is required to submit a certificate of nomination under Subsection [(6)(e)(ii)] (8)(c)(ii); and

(C) a write-in candidate is required to submit a declaration of candidacy under Subsection [(6)(e)(iii)] (8)(c)(iii).

(ii) The county clerk shall establish deadlines under Subsection [(6)(d)(i)] (8)(d)(i) in a manner that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the regular general election ballot.

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

[7] (9)

(a) The requirements of this Subsection [7] (9) apply to all county offices that become vacant:

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

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

[b]

(i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon as practicable, but no later than 10 calendar days after the day on which the vacancy occurs, give notice of the vacancy to:]

[(A) the county clerk; and]

[(B) the party liaison of the same political party as the prior office holder.]

(ii) The county legislative body shall invite the party liaison described in Subsection (7)(b)(i)(B) to submit the name of an individual to fill the vacancy.]

(iii) The party liaison shall, no later than 5 p.m. on the first business day that is at least 30 calendar days after the day on which the party liaison receives the notice described in Subsection (7)(b)(i)(B), or if the party liaison does not receive the notice, no later than 5 p.m. on the first business day that is

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at least 40 calendar days after the day on which the vacaney occurs, submit to the county legislative body the name of an individual to fill the vacaney.]

1265 [(iv) The county legislative body shall, no later than seven calendar days after the day on which a party liaison submits the name of the individual to fill the vacaney, appoint the individual to serve out the unexpired term.]

1268 [ (e) ]

(i) If the county legislative body fails to appoint an individual to fill the vacaney in accordance with Subseetion (7)(b)(iv), the county clerk shall send to the governor a letter that: ]

1271 [ (A) informs the governor that the county legislative body has failed to appoint an individual to fill the vacaney within the statutory time period; and ]

1273 [ (B) contains the name of the individual submitted by the party liaison to fill the vacaney.]

1275 [ (ii) The governor shall, within 10 calendar days after the day on which the governor receives the letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill the vacaney.]

1278 (b) When the conditions described in Subsection (9)(a) are met:

1279 (i) the county legislative body shall fill the vacancy for the remainder of the term by following the same procedures, described in Subsections (3)(b) through (e), as required to appoint an interim replacement;

1282 (ii) if the county legislative body fails to appoint an individual to fill the vacancy under Subsection (9)(b)(i), the county clerk and the governor shall take the actions described in Subsection (4) to fill the vacancy for the remainder of the term, using the same procedures described in Subsection (4) for appointing an interim replacement; and

1287 [ (d) ] (iii) [An] an individual appointed to fill the vacancy under this Subsection [7] (9) shall hold office until a successor is elected and has qualified.

1289 [ (8) ] (10) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.

1292 [ (9) ] (11) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from filing a certificate of nomination for a vacant office within the same time limits as a candidate that is affiliated with a political party.

1295 [ (10) ] (12)

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(a) Each individual elected under Subsection [(4), (5), or (6)] (6), (7), or (8) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the individual who created the vacancy and until a successor is elected and qualified.

1298 (b) [Nothing in this section may be construed to] This section does not contradict or alter the provisions of Section 17-66-202.

1300 [(11)] (13)

(a) Except as provided in Subsection [(11)(b)] (13)(b), for an individual seeking appointment to fill a vacancy described in Subsection [(3) or (7)] (3), (4), or (9), the individual shall, no later than the deadline for the individual to file a financial report under Section 17-70-403:

1304 (i) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and

1306 (ii) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

1308 (b) An individual described in Subsection [(11)(a)] (13)(a) is not required to comply with Subsection [(11)(a)] (13)(a) if the individual:

1310 (i) currently holds an office described in Subsection (1)(a)(i);

1311 (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection [(11)(b)(i)] (13)(b)(i), in accordance with Section 17-70-509; and

1314 (iii) no later than the deadline described in Subsection [(11)(a)] (13)(a), indicates, in a written notice submitted to the county clerk, that the conflict of interest disclosure statement described in Subsection [(11)(b)(ii)] (13)(b)(ii) is updated and accurate as of the date of the written notice.

1318 [(12)] (14)

(a) The county clerk shall make each conflict of interest disclosure statement made by an individual described in Subsection [(11)(a)] (13)(a) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which[ the county legislative body]:

1322 (i) the county legislative body appoints an interim replacement under Subsection (3);[ or]

1324 (ii) the governor appoints an interim replacement under Subsection (4);

1325 [(ii)] (iii) the county legislative body appoints an individual to fill a vacancy under Subsection (9) (b)(i); or

1327 (iv) the governor appoints an individual to fill a vacancy under Subsection [(7)] (9)(b)(ii).

1329

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(b) The county clerk shall post the electronic statement described in Subsection [(12)(a)] (14)(a) no later than two business days after the day on which the county clerk receives the statement.

1332 [(13)] (15) A vacancy in a county office does not occur unless the individual occupying the office:

1334 (a) has left the office; or

1335 (b) submits an irrevocable letter of resignation to the county legislative body.

1365 Section 9. Section **20A-1-509.1** is amended to read:

1366 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.**

1339 (1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

1343 (2)

(a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney becomes vacant and:

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

(ii) the vacancy occurs before the first day of the applicable declaration of candidacy filing period described in Section 20A-9-201.5.

1348 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

1350 (c) All persons intending to become candidates for the vacant office shall:

1351 (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

1353 (ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and

1356 (iii) if elected, complete the unexpired term of the person who created the vacancy.

1357 (d) If the vacancy occurs during the applicable declaration of candidacy filing period described in Section 20A-9-201.5:

1359 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m. on the first business day that is no later than seven calendar days after the last day of the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and

1363 (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.

## SB0194 compared with SB0194S01

1365 (3)

(a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney becomes vacant and:

1367 (i) the vacant office has an unexpired term of two years or more; and

1368 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than 75 calendar days before the regular primary election.

1370 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:

1371 (i) notify the public and each registered political party that the vacancy exists; and

1372 (ii) identify the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.

1374 (c) All persons intending to become candidates for the vacant office shall:

1375 (i) no later than 5 p.m. on the first business day that is at least five calendar days after the day on which the county clerk gives the notice described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1379 (ii) if elected, complete the unexpired term of the person who created the vacancy.

1380 (d) The county central committee of each party shall:

1381 (i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and

1383 (ii) certify the name of the candidate or candidates to the county clerk:

1384 (A) no later than 5 p.m. on the last business day that is at least 60 calendar days before the day of the regular primary election; or

1386 (B) electronically, before midnight no later than 60 calendar days before the day of the regular primary election.

1388 (4)

(a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney becomes vacant and:

1390 (i) the vacant office has an unexpired term of two years or more; and

1391 (ii) 75 calendar days or less remain before the regular primary election but more than 65 calendar days remain before the regular general election.

## SB0194 compared with SB0194S01

(b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wishes to submit a candidate for the office shall, not later than five calendar days after the day on which the vacancy occurs, certify the name of one candidate to the county clerk for placement on the regular general election ballot.

1398 (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.

1400 (5)

1402 (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney becomes vacant and:

1403 (i) the vacant office has an unexpired term of less than two years; or

1405 (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to:

1407 (i) the county clerk; and

1408 [ (ii) ~~the county central committee of the same political party of the prior officeholder.~~ ]

1409 (ii) if the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section, the county central committee of that registered political party.

1412 (c) [The] If the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or appointment under this section:

1415 (i) the county legislative body shall invite the committee described in Subsection [(5)(b)(ii)] (5)(b)(ii) to submit the names of three nominees to fill the vacancy[.] ;

1417 [(d)] (ii) [The] the county central committee shall, [within 30 calendar days after the day on which the county legislative body gives the notice described in Subsection (5)(b)(ii)] no later than 5 p.m. on the first business day that is at least 45 calendar days after the day on which the county central committee receives the notice described in Subsection (5)(b)(ii), submit to the county legislative body the names of three nominees who meet the qualifications for the office to fill the vacancy[.] ; and

1424 [(e)] (iii) [The] the county legislative body shall, within 45 calendar days after the day on which the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

## SB0194 compared with SB0194S01

(d) If the prior officeholder was not a member of a registered political party when the prior officeholder last took office, either by election or appointment under this section, the county legislative body shall, no later than 5 p.m. on the first business day that is at least 45 calendar days after the day on which the county legislative body posts the notice described in Subsection (5)(b)(i), appoint an individual who meets the qualifications for the office to fill the vacancy, regardless of whether the individual is a member of a particular registered political party or is unaffiliated with a registered political party.

1435 [f] (e) If the county legislative body fails to appoint a person to fill the vacancy [within 45 calendar days,] in accordance with Subsection (5)(c) or (d), as applicable:

1437 (i) the county clerk shall, no later than the deadline described in Subsection (5)(c)(iii) or (d), as applicable, send to the governor a letter that:

1439 [(i)] (A) informs the governor that the county legislative body has failed to appoint [a person] an individual to fill the vacancy within the statutory time period; [and]

1441 (B) states whether the prior officeholder is an officeholder described in Subsection (5)(c) or (d); and

1443 [(ii)] (C) [contains] if the prior officeholder is an officeholder described in Subsection (5)(c), includes the [list] names of the nominees submitted by the party central committee[.]; and

1446 [(g)] (f) [The] the governor shall[ appoint a person to fill the vacancy from that list of nominees], within 30 calendar days after the day on which the governor receives the letter described in Subsection (5)(f)[.]:

1449 (i) if the prior officeholder is an officeholder described in Subsection (5)(c), appoint one of the nominees described in Subsection (5)(c)(ii) to fill the vacancy; or

1451 (ii) if the prior officeholder is an officeholder described in Subsection (5)(d), appoint an individual who meets the qualifications for the office to fill the vacancy, regardless of whether the individual is a member of a particular registered political party or is unaffiliated with a registered political party.

1455 [(h)] (g) [A person] An individual appointed to fill the vacancy under this Subsection (5) shall complete the unexpired term of the [person] individual who created the vacancy.

1457 (6) [A person] An individual seeking appointment to fill a vacancy described in Subsection [(5)(a)] (5) shall, no later than the deadline for the [person] individual to file a financial report under Section 17-70-403:

1460 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and

1462

## SB0194 compared with SB0194S01

(b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

1464 (7)

(a) The county clerk shall make each conflict of interest disclosure statement made by [a person] an individual described in Subsection (6) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints [a person] the individual to fill the vacancy.

1469 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.

1472 (8) A vacancy in the office described in Subsection (1) does not occur unless the [person] individual occupying the office:

1474 (a) has left the office; or

1475 (b) submits an irrevocable letter of resignation to the county legislative body.

1476 (9) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

1507 Section 10. Section **20A-1-509.2** is amended to read:

1508 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than 15 attorneys.**

1481 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

1486 (2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:

1489 (a) informs the attorney of the vacancy;

1490 (b) invites the attorney to apply for the vacancy; and

1491 (c) informs the attorney that if the attorney does not respond before 5 p.m. on the first business day that is at least 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

1494 [({3})

(a)

## SB0194 compared with SB0194S01

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

1500 [(ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.]

1502 [(b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body no later than 5 p.m. on the first business day that is at least 20 calendar days after the day on which the county clerk submits the applicants' names under Subsection (3)(a).]

1506 [(e) The county legislative body shall appoint one of the nominees to fill the vacant position.]

1508 [(d) If the central committee of the political party fails to submit at least three names to the county legislative body before the deadline described in Subsection (3)(b), the county legislative body shall appoint one of the applicants to fill the vacant position.]

1511 [(e) If the county legislative body fails to appoint a person to fill the vacancy within 120 calendar days after the day on which the vacancy occurs, the county clerk shall mail to the governor:]

1514 [(i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and]

1516 [(ii) (A) the list of nominees, if any, submitted by the central committee of the political party; or]

1518 [(B) if the party central committee has not submitted a list of at least three nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.]

1521 [(f) The governor shall appoint, within 30 calendar days after the day on which the governor receives the letter described in Subsection (3)(e), a person from the list to fill the vacancy.]

1524 (3) If, before the deadline described in Subsection (2)(c), more than three attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy:

1527 (a) if the prior officeholder was a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section:

1529 (i) the county clerk shall:

## SB0194 compared with SB0194S01

1530 (A) except as provided in Subsection (3)(a)(i)(B), submit the applications to the county central committee of the same registered political party of which the prior officeholder was a member when the prior officeholder last took office; or

1533 (B) for a multicounty prosecution district, submit the applications to the county central committee of the same registered political party of which the prior officeholder was a member when the prior officeholder last took office, for each county within the multicounty prosecution district;

1537 (ii)

1537 (A) except as provided in Subsection (3)(a)(ii)(B), the county central committee described in Subsection (3)(a)(i)(A) shall nominate three of the applicants and forward the applicants' names to the county legislative body no later than 5 p.m. on the first business day that is at least 20 calendar days after the day on which the county clerk submits the applicants' names under Subsection (3)(a)(i)(A); or

1543 (B) for a multicounty prosecution district, the county central committees described in Subsection (3)(a)(i)(B) shall jointly nominate three of the applicants and forward the applicants' names to the county legislative bodies in the multicounty prosecution districts no later than 5 p.m. on the first business day that is at least 20 calendar days after the day on which the county clerk submits the applicants' names under Subsection (3)(a)(i)(B); and

1549 (iii)

1549 (A) except as provided in Subsection (3)(a)(iii)(B), the county legislative body shall appoint one of the nominees to fill the vacant position; or

1551 (B) for a multicounty prosecution district, the county legislative bodies shall jointly appoint one of the nominees to fill the vacant position; or

1553 (b) if the prior officeholder was not a member of a registered political party when the prior officeholder last took office, either by election or by appointment under this section:

1556 (i) the county clerk shall:

1557 (A) except as provided in Subsection (3)(b)(i)(B), submit the applications to the county legislative body; or

1559 (B) for a multicounty prosecution district, submit the applications to the county legislative bodies of each county within the multicounty prosecution district; and

1562 (ii)

## SB0194 compared with SB0194S01

(A) except as provided in Subsection (3)(b)(ii)(B), the county legislative body described in Subsection (3)(b)(i)(A) shall appoint one of the applicants to fill the vacant position; or

1565 (B) for a multicounty prosecution district, the county legislative bodies described in Subsection (3)(b)(i)(B) shall jointly appoint one of the applicants to fill the vacant position.

1568 (4)

(a) Except as provided in Subsection (4)(b), if the central committee described in Subsection (3)(a)(ii)(A) fails to submit at least three names to the county legislative body before the deadline described in Subsection (3)(a)(ii)(A), the county legislative body shall appoint one of the applicants to fill the vacant position.

1572 (b) If the central committees described in Subsection (3)(a)(ii)(B) fail to jointly submit at least three names to the county legislative bodies before the deadline described in Subsection (3)(a)(ii)(B), the county legislative bodies shall jointly appoint one of the applicants to fill the vacant position.

1576 (5) If, within 120 calendar days after the day on which the vacancy occurs, the county legislative body fails under Subsection (3)(a)(iii)(A) or (4)(a) to appoint an individual to fill the vacancy, or the county legislative bodies fail under Subsection (3)(a)(iii)(B) or (4)(b) to jointly appoint an individual to fill the vacancy, the county clerk shall send the governor notice that:

1581 (a) states that the county legislative body or bodies have failed to timely appoint a person to fill the vacancy; and

1583 (b) includes the following:

1584 (i) for a vacancy where the prior officeholder was a member of a registered political party when the prior officeholder last took office:

1586 (A) if the applicable central committee or applicable central committees timely submitted at least three nominees, the names of the nominees; or

1588 (B) if the applicable central committee or applicable central committees failed to timely submit at least three nominees, the names of the applicants; or

1590 (ii) for a vacancy where the prior officeholder was not a member of a political party when the prior officeholder last took office, the names of the applicants.

1592 (6) The governor shall, within 30 calendar days after the day on which the governor receives the notice described in Subsection (5)(a), appoint an individual from the names provided under Subsection (5)(b), to fill the vacancy.

1595 [(4)] (7)

## SB0194 compared with SB0194S01

(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body, or, for a prosecution district, the county legislative bodies jointly, may:

1600 (i) appoint one of [them] the attorneys to be county or district attorney; or

1601 (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection  
[~~(4)(b)~~] (7)(b).

1603 (b)

(i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body or county legislative bodies may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.

1609 (ii) The county legislative body or county legislative bodies shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.

1614 (c) If the county legislative body [~~fails~~] or county legislative bodies fail to appoint [a person] an attorney to fill the vacancy within 120 calendar days after the day on which the vacancy occurs, the county clerk shall:

1617 (i) notify the governor that the county legislative body [~~has~~] or county legislative bodies have failed to fill the vacancy within the required time period; and

1619 (ii) provide the governor with a list of all the applicants.

1620 (d) The governor shall appoint [a person] an attorney to fill the vacancy within 30 calendar days after the day on which the governor receives the notification described in Subsection [~~(4)(e)~~] (7)(c).

1623 [~~(5)~~] (8) [The person] An attorney appointed to fill [the] a vacancy described in this section shall serve for the unexpired term of the [person] attorney who created the vacancy.

1625 [~~(6)~~] (9) [A person] An attorney seeking appointment to fill a vacancy under this section shall, no later than the deadline for the [person] attorney to file a financial report under Section 17-70-403:

1628 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and

1630

## SB0194 compared with SB0194S01

(b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

1632 [67] (10)

(a) The county clerk shall make each conflict of interest disclosure statement made by [a person] an attorney described in Subsection [6] (9) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints [a person] an attorney to fill the vacancy.

1637 (b) The county clerk shall post the electronic statement described in Subsection [6](a) (10)(a) no later than two business days after the day on which the county clerk receives the statement.

1640 [68] (11) A vacancy in the office described in Subsection (1) does not occur until the [person] attorney occupying the office:

1642 (a) has left the office; or

1643 (b) submits an irrevocable letter of resignation to the county legislative body.

1673 Section 11. Section **20A-1-513** is amended to read:

1674 **20A-1-513. Temporary absence in elected office of a political subdivision for military service.**

1647 (1) As used in this section:

1648 (a)

1650 (i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

1651 (ii) "Armed forces" includes the National Guard.

1652 (b)

1653 (i) "Elected official" means an individual who holds an office of a political subdivision that is required by law to be filled by an election.

1655 (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).

1656 (c) "Elected official reservist" means an elected official who is:

1657 (i) a member of the armed forces reserves component;

1658 (ii) a member of the National Guard; or

1660 (iii) a retired member of the armed forces who may be called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces.

(d)

## SB0194 compared with SB0194S01

- (i) "Military leave" means the temporary absence from an office:
  - (A) by an elected official reservist called to active, full-time duty in the armed forces; and
  - (B) for a period of time that exceeds 30 calendar days and does not exceed 400 calendar days.
- (ii) "Military leave" includes the time an individual on leave, as described in Subsection (1)(d)(i), spends for:
  - (A) out processing;
  - (B) an administrative delay;
  - (C) accrued leave; and
  - (D) on rest and recuperation leave program of the armed forces.
- (e) "Political subdivision's governing body" means:
  - (i) for a county, city, or town, the legislative body of the county, city, or town;
  - (ii) for a special district, the board of trustees of the special district;
  - (iii) for a local school district, the local school board;
  - (iv) for a special service district:
    - (A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
    - (B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and
  - (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body that governs the affairs of the political subdivision.
- (f) "Temporary replacement" means the individual appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of an elected official reservist who takes military leave.

(2) An elected official reservist who takes military leave in accordance with this section does not create a vacancy in the elected official's office.

(3)

- (a) An elected official reservist who is called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces, shall notify the political subdivision's governing body of the elected official's orders no later than 5 p.m. on the first business day that is at least five calendar days after the day on which the elected official receives the orders.
- (b) An elected official reservist described in Subsection (3)(a) may:

## SB0194 compared with SB0194S01

1694 (i) if the period of active, full-time duty does not exceed 270 calendar days:

1695 (A) continue to carry out the elected official's duties if possible while on active, full-time duty; or

1697 (B) take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave; or

1700 (ii) if the period of active, full-time duty exceeds 270 calendar days but does not exceed 400 calendar days, take military leave if the elected official submits to the political subdivision's governing body:

1703 (A) written notice of the intent to take military leave and the expected duration of the military leave; and

1705 (B) written certification that the secretary of the armed force of which the elected official is a member granted the elected official permission under [U.S.] United States Department of Defense Directive 1344.10 to continue to hold the elected official's office while on active, full-time duty.

1709 (4)

1714 (a) An elected official reservist who chooses to continue to carry out the elected official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 calendar days after the day of the elected official's deployment, confirm in writing to the political subdivision's governing body that the elected official has the ability to carry out the elected official's duties.

(b) If an elected official reservist does not submit the confirmation to the political subdivision's governing body before the deadline described in Subsection (4)(a), the political subdivision's governing body shall:

1717 (i) place the elected official in military leave status; and

1718 (ii) appoint a temporary replacement in accordance with Subsection (8).

1719 (5)

1723 (a) An elected official reservist who chooses to take military leave under Subsection (3)(b)(ii) shall, no later than 21 calendar days after the date of the elected official's deployment, submit to the political subdivision's governing body the written notice and certification described in Subsection (3)(b)(ii).

(b) If an elected official reservist does not submit the notice and certification to the political subdivision's governing body before the deadline described in Subsection (5)(a):

1726 (i) the political subdivision's governing body may not appoint a temporary replacement under Subsection (8); and

1728 (ii) the elected official reservist creates a vacancy in the elected official's office.

1729

## SB0194 compared with SB0194S01

(6) An elected official reservist who is called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces, for a period of more than 400 calendar days creates a vacancy in the elected official's office.

(7) An elected official reservist's military leave:

- (a) begins:
  - (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:
    - (A) the day after the day on which the elected official notifies the political subdivision's governing body of the intent to take military leave;
    - (B) 11 calendar days after the day of the elected official's deployment if no confirmation is received by the political subdivision's governing body in accordance with Subsection (4)(a); or
    - (C) the day on which the elected official begins active, full-time duty in the armed forces; or
  - (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the day on which the elected official submits to the political subdivision's governing body the written notice and certification described in Subsection (3)(b)(ii); and
- (b) ends the sooner of:
  - (i) the expiration of the elected official reservist's term of office; or
  - (ii) the day on which the elected official reservist ends active, full-time duty in the armed forces.

(8) A temporary replacement shall:

- (a) meet the qualifications required to hold the office; and
- (b) be appointed:
  - (i) when an elected official reservist:
    - (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or
    - (B) is placed in military leave status under Subsection (4)(b)(i); and
  - (ii) by the political subdivision's governing body:
    - (A) if a registered political party nominated the elected official reservist as a candidate for the office, in the same manner as provided in Subsection 20A-1-508(3) or (4) for the appointment of an interim replacement; or
    - (B) if a registered political party did not nominate the elected official reservist as a candidate for the office, after submitting an application in accordance with Subsection (10)(b).

## SB0194 compared with SB0194S01

(a) A temporary replacement shall exercise the powers and duties of the office for which the temporary replacement is appointed for the duration of the elected official reservist's military leave.

1765 (b) An elected reservist may not exercise the powers or duties of the office while on military leave.

1767 (c) If a temporary replacement is not appointed as required by Subsection (8)(b), no individual may exercise the powers and duties of the elected official reservist's office during the elected official's military leave.

1770 (10) The political subdivision's governing body shall establish:

1771 (a) the distribution of the emoluments of the office between the elected official reservist and the temporary replacement; and

1773 (b) an application form and the date and time before which an individual shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

1776 (11) This section does not apply to an elected official who is not an elected official reservist.

1806 Section 12. Section **20A-2-101.1** is amended to read:

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

1779 (1) [An] Subject to Section 20A-3a-201.5, an individual may preregister to vote if the individual:

1781 (a) is 16 or 17 years [of age] old;

1782 (b) is not eligible to register to vote because the individual does not comply with the age requirements described in Subsection 20A-2-101(1)(c);

1784 (c) is a citizen of the United States;

1785 (d) has been a resident of Utah for at least 30 calendar days; and

1786 (e) currently resides within the voting district or precinct in which the individual preregisters to vote.

1788 (2) An individual described in Subsection (1) may not vote in an election and is not registered to vote until:

1790 (a) the individual is otherwise eligible to register to vote because the individual complies with the age requirements described in Subsection 20A-2-101(1)(c); and

1792 (b) the county clerk registers the individual to vote under Subsection (4).

1793 (3) An individual who preregisters to vote shall:

1794 (a) complete a voter registration form, including an indication that the individual is preregistering to vote; and

1796

## SB0194 compared with SB0194S01

(b) submit the voter registration form to a county clerk in person, by mail, or in any other manner authorized by this chapter for the submission of a voter registration form.

1799 (4)

(a) A county clerk shall:

1800 (i) retain the voter registration form of an individual who meets the qualifications for preregistration and who submits a completed voter registration form to the county clerk under Subsection (3) (b);

1803 (ii) subject to Section 20A-3a-201.5, register the individual to vote in the next election in which the individual will be eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for that election; and

1806 (iii) send a notice to the individual that:

1807 (A) informs the individual that the individual's voter registration form has been accepted as an application for preregistration;

1809 (B) informs the individual that the individual will be registered to vote in the next election in which the individual will be eligible to vote; and

1811 (C) indicates in which election the individual will be registered to vote.

1812 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is considered to have applied for voter registration on the earlier of:

1814 (i) the day of the voter registration deadline immediately preceding the election day on which the individual will be at least 18 years [of age] old; or

1816 (ii) the day on which the individual turns 18 years [of age] old.

1817 (c) A county clerk shall refer a voter registration form to the county attorney for investigation and possible prosecution if the clerk or the clerk's designee believes the individual is attempting to preregister to vote in an election in which the individual will not be legally entitled to vote.

1821 (5)

(a) The lieutenant governor or a county clerk shall classify the voter registration record of an individual who preregisters to vote as a private record until the day on which the individual turns 18 years [of age] old.

1824 (b) [On] Subject to Subsection 63G-2-301(2)(l), and except as otherwise provided in Subsections 63G-2-302(1)(j) through (m), on the day on which the individual described in Subsection (5)(a)

## SB0194 compared with SB0194S01

turns 18 years [~~of age~~ old], the lieutenant governor or county clerk shall classify the individual's voter registration record as a public record[ ~~in accordance with Subsection 63G-2-301(2)(l)~~].

1829 (6) If an individual who is at least 18 years [~~of age~~ old] erroneously indicates on the voter registration form that the individual is preregistering to vote, the county clerk shall consider the form as a voter registration form and shall process the form in accordance with this chapter.

1862       Section 13. Section **20A-2-104** is amended to read:

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

1836       [~~(1)~~ As used in this section:]

1837       [~~(a)~~ "~~Candidate for public office~~" means an individual:]

1838       [~~(i)~~ ~~who files a declaration of candidacy for a public office;~~]

1839       [~~(ii)~~ ~~who files a notice of intent to gather signatures under Section 20A-9-408; or~~]

1840       [~~(iii)~~ ~~employed by, under contract with, or a volunteer of, an individual described in Subsection (1)(a)(i)~~  
1840       ~~or (ii) for political campaign purposes.~~]

1842       [~~(b)~~ "~~Dating violence~~" means the same as that term is defined in Section 78B-7-402 and the federal  
1842       ~~Violence Against Women Act of 1994, as amended.~~]

1844       [~~(c)~~ "~~Domestic violence~~" means the same as that term is defined in Section 77-36-1 and the federal  
1844       ~~Violence Against Women Act of 1994, as amended.~~]

1846       [~~(d)~~ "~~Hash Code~~" means a code generated by applying an algorithm to a set of data to produce a code  
1846       ~~that:~~]

1848       [~~(i)~~ ~~uniquely represents the set of data;~~]

1849       [~~(ii)~~ ~~is always the same if the same algorithm is applied to the same set of data; and~~]

1850       [~~(iii)~~ ~~cannot be reversed to reveal the data applied to the algorithm.~~]

1851       [~~(e)~~ "~~Protected individual~~" means an individual:]

1852       [~~(i)~~ ~~who submits a withholding request form with the individual's voter registration record, or to the~~  
1852       ~~lieutenant governor or a county clerk, if the individual indicates on the form that the individual, or~~  
1852       ~~an individual who resides with the individual, is a victim of domestic violence or dating violence or~~  
1852       ~~is likely to be a victim of domestic violence or dating violence;~~]

1857       [~~(ii)~~ ~~who submits a withholding request form with the individual's voter registration record, or to~~  
1857       ~~the lieutenant governor or a county clerk, if the individual indicates on the form and provides~~  
1857       ~~verification that the individual, or an individual who resides with the individual, is a law~~

## SB0194 compared with SB0194S01

enforcement officer, a member of the armed forces as defined in Section 20A-1-513, a public figure, or protected by a protective order or protection order; or]

1863 [(iii) whose voter registration record was classified as a private record at the request of the individual before May 12, 2020.]

1865 [(2)] (1)

(a) An individual applying for voter registration, or an individual preregistering to vote, shall complete [a]the voter registration form[ in substantially the following form:] described in this Subsection (1) (a).

1868 (i) The first portion of the voter registration form shall contain the following:

{ " \_\_\_\_\_ }

"  
—  
=

### UTAH ELECTION REGISTRATION FORM

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

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

Will you be 18 years

of age old

on or before election day? Yes No

If you checked "no" to the above question, are you 16 or 17 years

of age old

and preregistering to vote? Yes No

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

"  
—

1878 (ii) Beginning on January 1, 2028, the voter registration form shall contain the following, immediately after the portion of the form described in Subsection (1)(a)(i) and immediately before the portion of the form described in Subsection (1)(a)(iii):

1886 (iii) Except as provided in Subsection (1)(a)(ii), immediately after the portion of the voter registration form described in Subsection (1)(a)(i), the form shall contain the following:

"  
—

Name of Voter

---

First Middle Last

## SB0194 compared with SB0194S01

Utah Driver License or Utah Identification Card Number\_\_\_\_\_

Date of Birth \_\_\_\_\_

Street Address of Principal Place of Residence

---

City County State Zip Code

Tribal Identification Number or Alien Registration Number (optional)

---

Telephone Number (optional) \_\_\_\_\_

Email Address (optional) \_\_\_\_\_

Do you consent to receive communications from the political party with which you affiliate, and candidates for that political party, as follows (optional): At the email address you provided above? Yes  
No By text or phone call, at the phone number you provided above? Yes No

Last four digits of Social Security Number \_\_\_\_\_

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

---

City County State Zip Code

Political Party

(a listing of each registered political party, as defined in Section 20A-8-101 and maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

Unaffiliated (no political party preference) Other (Please specify) \_\_\_\_\_

I do swear

{

or affirm

}

, subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address.

Unless I have indicated above that I am preregistering to vote in a later election, I will be at least 18 years  
of age old

## SB0194 compared with SB0194S01

and will have resided in Utah for 30 calendar days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signed and sworn

---

Voter's Signature

\_\_\_\_\_ (month/day/year).

### PRIVACY INFORMATION

Voter registration records contain some information that is available to the public, such as your name, address, and year of birth. Your full date of birth, driver license number, state identification card number, and social security number are available only to an authorized government entity. Your email address and phone number are also only available to an authorized government entity, unless you have consented, above, to disclose them to the political party with which you choose to affiliate and candidates for that political party.**REQUEST FOR ADDITIONAL PRIVACY PROTECTION**In addition to the protections provided above, you may request that your voter registration record be withheld from public disclosure if you or someone you live with: is at risk of domestic violence; is a law enforcement officer; is a member of the military who is deployed away from home; is a public figure; or is protected by a court order. To make this request for additional privacy protection, you must prove that you qualify by submitting an at-risk voter request form, and any required proof, to the county clerk. 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.

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.

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

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

## **SB0194 compared with SB0194S01**

### **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

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

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

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

### **CITIZENSHIP AFFIDAVIT**

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

I hereby swear

and or

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

---

Signature of Applicant

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

## SB0194 compared with SB0194S01

NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE POLL WORKER, IN ACCORDANCE WITH THE REQUIREMENTS OF LAW.

FOR OFFICIAL USE ONLY

Type of I.D. \_\_\_\_\_

Voting Precinct \_\_\_\_\_

Voting I.D. Number \_\_\_\_\_

".

1998 (b) The voter registration form described in Subsection [(2)(a)](1)(a) shall include:

1999 (i) a section in substantially the following form:

"-----";

### BALLOT NOTIFICATIONS

Do you consent to receive communications about the status of your ballot and other official communications, by text, at the phone number you provided above? Yes No

and

2006 (ii) no later than November 5, 2025, the following, immediately after the question described in Subsection [(2)(b)(i)](1)(b)(i):

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

Mail a ballot to me.

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

2011 (c)

(i) Except as provided under Subsection [(2)(c)(ii)](1)(c)(ii), the county clerk shall retain a copy of each voter registration form in a permanent countywide alphabetical file, which may be electronic or some other recognized system.

2014 (ii) The county clerk may transfer a superseded voter registration form to the Division of Archives and Records Service created under Section 63A-12-101.

2016 [(3)] (d)

[fa] (i) Each county clerk shall retain lists of currently registered voters.

2017 [(fb)] (ii) The lieutenant governor shall maintain a list of registered voters in electronic form.

## SB0194 compared with SB0194S01

2019 [({e})] (iii) If there are any discrepancies between the two lists, the county clerk's list is the official list.

2021 [({d})] (iv) [The]Subject to Subsection (1)(d)(v), the lieutenant governor [and the county clerks]or a county clerk may charge the fees established under the authority of Subsection 63G-2-203(10) to [individuals who wish]a person who wishes to obtain a copy of the list of registered voters.

2025 (v) The fee to obtain an electronic copy of the list of registered voters may not exceed \$200.

2027 (e) The back of the voter registration form shall include the following statement:

2045 [({4})]

2046 (a) As used in this Subsektion (4), "qualified person" means:]

2049 [({i}) a government official or government employee acting in the government official's or government employee's capacity as a government official or a government employee;]

2051 [({ii}) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or independent contractor of a health care provider;]

2053 [({iii}) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or independent contractor of an insurance company;]

2055 [({iv}) a financial institution, as defined in Section 7-1-103, or an agent, employee, or independent contractor of a financial institution;]

2057 [({v}) a political party, or an agent, employee, or independent contractor of a political party;]

2059 [({vi}) a candidate for public office, or an employee, independent contractor, or volunteer of a candidate for public office;]

2061 [({A}) provides the year of birth only to a person described in Subsections (4)(a)(i) through (vi);]

2063 [({B}) verifies that the person described in Subsection (4)(a)(vii)(A) is a person described in Subsections (4)(a)(i) through (vi);]

2065 [({C}) ensures, using industry standard security measures, that the year of birth may not be accessed by a person other than a person described in Subsections (4)(a)(i) through (vi);]

2068 [({D}) verifies that each person described in Subsections (4)(a)(ii) through (iv) to whom the person provides the year of birth will only use the year of birth to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;]

2072

## SB0194 compared with SB0194S01

[~~(E) verifies that each person described in Subsection (4)(a)(i) to whom the person provides the year of birth will only use the year of birth in the person's capacity as a government official or government employee; and]~~]

2075 [~~(F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the year of birth will only use the year of birth for a political purpose of the political party or candidate for public office; or~~]

2078 [~~(viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining information under Subsection (4)(n) and (o):~~]

2080 [~~(A) provides the information only to another person described in Subsection (4)(a)(v) or (vi);~~]

2082 [~~(B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person described in Subsection (4)(a)(v) or (vi);~~]

2084 [~~(C) ensures, using industry standard security measures, that the information may not be accessed by a person other than a person described in Subsection (4)(a)(v) or (vi); and~~]

2087 [~~(D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the information will only use the information for a political purpose of the political party or candidate for public office.~~]

2090 [~~(b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when providing the list of registered voters to a qualified person under this section, include, with the list, the years of birth of the registered voters, if:~~]

2094 [~~(i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a qualified person; and~~]

2096 [~~(ii) the qualified person signs a document that includes the following:~~]

2097 [~~(A) the name, address, and telephone number of the person requesting the list of registered voters;~~]

2099 [~~(B) an indication of the type of qualified person that the person requesting the list claims to be;~~]

2101 [~~(C) a statement regarding the purpose for which the person desires to obtain the years of birth;~~]

2103 [~~(D) a list of the purposes for which the qualified person may use the year of birth of a registered voter that is obtained from the list of registered voters;~~]

2105 [~~(E) a statement that the year of birth of a registered voter that is obtained from the list of registered voters may not be provided or used for a purpose other than a purpose described under Subsection (4)(b)(ii)(D);~~]

## SB0194 compared with SB0194S01

2108 [({F}) a statement that if the person obtains the year of birth of a registered voter from the list of registered voters under false pretenses, or provides or uses the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law, is guilty of a class A misdemeanor and is subject to a civil fine;]}

2113 [({G}) an assertion from the person that the person will not provide or use the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law; and]

2116 [({H}) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.]

2118 [({e}) The lieutenant governor or a county clerk:]

2119 [({i}) may not disclose the year of birth of a registered voter to a person that the lieutenant governor or county clerk reasonably believes:]

2121 [({A}) is not a qualified person or a person described in Subsection (4)(l); or]

2122 [({B}) will provide or use the year of birth in a manner prohibited by law; and]

2123 [({ii}) may not disclose information under Subsections (4)(n) or (o) to a person that the lieutenant governor or county clerk reasonably believes:]

2125 [({A}) is not a person described in Subsection (4)(a)(v) or (vi); or]

2126 [({B}) will provide or use the information in a manner prohibited by law.]

2127 [({d}) The lieutenant governor or a county clerk may not disclose the voter registration form of a person, or information included in the person's voter registration form, whose voter registration form is classified as private under Subsection (4)(h) to a person other than:]

2131 [({i}) a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee; or]

2134 [({ii}) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for a political purpose.]

2136 [({e})

2137 [({i}) Except as provided in Subsection (4)(e)(ii), when disclosing a record or information under Subsection (4)(d)(ii), the lieutenant governor or county clerk shall exclude the information described in Subsection 63G-2-302(1)(j), other than the year of birth.]

2140 [({ii}) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the voter registration record of a protected individual, the lieutenant governor or county clerk shall comply with Subsections (4)(n) through (p).]

## SB0194 compared with SB0194S01

2143 [ (f) The lieutenant governor or a county clerk may not disclose a withholding request form, described in Subsections (7) and (8), submitted by an individual, or information obtained from that form, to a person other than a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee.]

2148 [ (g) A person is guilty of a class A misdemeanor if the person: ]

2149 [ (i) obtains from the list of registered voters, under false pretenses, the year of birth of a registered voter or information described in Subsection (4)(n) or (o); ]

2151 [ (ii) uses or provides the year of birth of a registered voter, or information described in Subsection (4) (n) or (o), that is obtained from the list of registered voters in a manner that is not permitted by law; ]

2154 [ (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses; ]

2156 [ (iv) uses or provides information obtained from a voter registration record described in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law; ]

2158 [ (v) unlawfully discloses or obtains a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8); or ]

2161 [ (vi) unlawfully discloses or obtains information from a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8). ]

2164 [ (h) The lieutenant governor or a county clerk shall classify the voter registration record of a voter as a private record if the voter: ]

2166 [ (i) submits a written application, created by the lieutenant governor, requesting that the voter's voter registration record be classified as private; ]

2168 [ (ii) requests on the voter's voter registration form that the voter's voter registration record be classified as a private record; or ]

2170 [ (iii) submits a withholding request form described in Subsection (7) and any required verification. ]

2172 [ (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter registration record, if the record is withheld under Subsection (7). ]

2176 [ (j) In addition to any criminal penalty that may be imposed under this section, the lieutenant governor may impose a civil fine against a person who violates a provision of this section, in an amount equal to the greater of: ]

2179 [ (i) the product of 30 and the square root of the total number of: ]

## SB0194 compared with SB0194S01

2180 [({A}) records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or]

2182 [({B}) records from which information is obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or]

2184 [({ii}) \$200.]

2185 [({k}) A qualified person may not obtain, provide, or use the year of birth of a registered voter, if the year of birth is obtained from the list of registered voters or from a voter registration record, unless the person:]

2188 [({i}) is a government official or government employee who obtains, provides, or uses the year of birth in the government official's or government employee's capacity as a government official or government employee;]

2191 [({ii}) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or uses the year of birth only to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;]

2195 [({iii}) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains, provides, or uses the year of birth for a political purpose of the political party or candidate for public office; or]

2198 [({iv}) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or uses the year of birth to provide the year of birth to another qualified person to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse.]

2202 [({l}) The lieutenant governor or a county clerk may provide a year of birth to a member of the media, in relation to an individual designated by the member of the media, in order for the member of the media to verify the identity of the individual.]

2205 [({m}) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose information from a voter registration record for a purpose other than a political purpose.]

2208 [({n}) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when providing the list of registered voters to a qualified person described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose record is withheld under Subsection (7), the information described in Subsection (4)(o), if:]

2213 [({i}) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and]

2215

## SB0194 compared with SB0194S01

[~~(ii)~~ the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that includes the following:]

2217 [~~(A)~~ the name, address, and telephone number of the person requesting the list of registered voters;]  
2219 [~~(B)~~ an indication of the type of qualified person that the person requesting the list claims to be;]  
2221 [~~(C)~~ a statement regarding the purpose for which the person desires to obtain the information;]  
2223 [~~(D)~~ a list of the purposes for which the qualified person may use the information;]  
2224 [~~(E)~~ a statement that the information may not be provided or used for a purpose other than a purpose described under Subsection (4)(n)(ii)(D);]  
2226 [~~(F)~~ a statement that if the person obtains the information under false pretenses, or provides or uses the information in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and is subject to a civil fine;]  
2229 [~~(G)~~ an assertion from the person that the person will not provide or use the information in a manner that is prohibited by law; and]  
2231 [~~(H)~~ notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.]

2233 [~~(e)~~ Except as provided in Subsection (4)(p), the information that the lieutenant governor or a county clerk is required to provide, under Subsection (4)(n), from the record of a protected individual is:]

2236 [~~(i)~~ a single hash code, generated from a string of data that includes both the voter's voter identification number and residential address;]  
2238 [~~(ii)~~ the voter's residential address;]  
2239 [~~(iii)~~ the voter's mailing address, if different from the voter's residential address;]  
2240 [~~(iv)~~ the party affiliation of the voter;]  
2241 [~~(v)~~ the precinct number for the voter's residential address;]  
2242 [~~(vi)~~ the voter's voting history; and]  
2243 [~~(vii)~~ a designation of which age group, of the following age groups, the voter falls within:]

2245 [~~(A)~~ 25 or younger;]  
2246 [~~(B)~~ 26 through 35;]  
2247 [~~(C)~~ 36 through 45;]  
2248 [~~(D)~~ 46 through 55;]  
2249 [~~(E)~~ 56 through 65;]  
2250 [~~(F)~~ 66 through 75; or]

## SB0194 compared with SB0194S01

2251 [({G}) 76 or older.]

2252 [({p}) The lieutenant governor or a county clerk may not disclose:]

2253 [({i}) information described in Subsection (4)(o) that, due to a small number of voters affiliated with a particular political party, or due to another reason, would likely reveal the identity of a voter if disclosed; or]

2256 [({ii}) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the county clerk determines that the nature of the address would directly reveal sensitive information about the voter.]

2259 [({q}) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide, or use the information described in Subsection (4)(n) or (o), except to the extent that the qualified person uses the information for a political purpose of a political party or candidate for public office.]

2263 [({5}) (2) When political parties not listed on the voter registration form qualify as registered political parties under Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the county clerks of the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include that political party.

2268 [({6}) (3) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:

2270 (a) review each voter registration form for completeness and accuracy; and

2271 (b) if the county clerk believes, based upon a review of the form, that an individual may be seeking to register or preregister to vote who is not legally entitled to register or preregister to vote, refer the form to the county attorney for investigation and possible prosecution.

2275 (4) Beginning on January 1, 2028, an individual who registers to vote using a federal voter registration form is limited to voting a federal ballot, unless the individual provides documentary proof of United States citizenship.

2278 [({7}) The lieutenant governor or a county clerk shall withhold from a person, other than a person described in Subsection (4)(a)(i), the voter registration record, and information obtained from the voter registration record, of a protected individual.]

2281 [({8})

(a) The lieutenant governor shall design and distribute a withholding request form for the purpose described in Subsections (1)(e)(i), (1)(e)(ii), (7), and this Subsection (8) to each election officer and to each agency that provides a voter registration form.]

## SB0194 compared with SB0194S01

2284 [({b}) An individual described in Subsection (1)(e)(i) is not required to provide verification, other than  
the individual's attestation and signature on the withholding request form, that the individual, or an  
individual who resides with the individual, is a victim of domestic violence or dating violence or is  
likely to be a victim of domestic violence or dating violence.]

2289 [({e}) The director of elections within the Office of the Lieutenant Governor shall make rules, in  
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing  
requirements for providing the verification described in Subsection (1)(e)(ii).]

2293 [({9}) An election officer or an employee of an election officer may not encourage an individual to  
submit, or discourage an individual from submitting, a withholding request form.]

2296 [({10})

2299 (a) The lieutenant governor shall make and execute a plan to provide notice to registered voters who are  
protected individuals, that includes the following information:]

2300 [({i}) that the voter's classification of the record as private remains in effect;]  
[({ii}) that certain non-identifying information from the voter's voter registration record may, under  
certain circumstances, be released to political parties and candidates for public office;]  
[({iii}) that the voter's name, driver license or identification card number, social security number,  
email address, phone number, and the voter's day, month, and year of birth will remain private  
and will not be released to political parties or candidates for public office;]  
[({iv}) that a county clerk will only release the information to political parties and candidates in a  
manner that does not associate the information with a particular voter; and]  
[({v}) that a county clerk may, under certain circumstances, withhold other information that the  
county clerk determines would reveal identifying information about the voter.]

2313 [({b}) The lieutenant governor may include in the notice described in this Subsection (10) a statement that  
a voter may obtain additional information on the lieutenant governor's website.]

2316 [({e}) The plan described in Subsection (10)(a) may include providing the notice described in Subsection  
(10)(a) by:]

2318 [({i}) publication on the Utah Public Notice Website, created in Section 63A-16-601;]  
[({ii}) publication on the lieutenant governor's website or a county's website;]  
[({iii}) posting the notice in public locations;]  
[({iv}) publication in a newspaper;]  
[({v}) sending notification to the voters by electronic means;]

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2323 [({vi}) sending notice by other methods used by government entities to communicate with citizens; or]  
2325 [({vii}) providing notice by any other method.]  
2326 [(d) The lieutenant governor shall provide the notice included in a plan described in this Subseetion (10)  
before June 16, 2023.]

2357 Section 14. Section **20A-2-108** is amended to read:

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

2331 (1) As used in this section, "qualifying form" means:

2332 (a) a driver license application form; or  
2333 (b) a state identification card application form.

2334 (2) The lieutenant governor and the Driver License Division shall design each qualifying form to include:

2336 (a)

2339 (i) the following question, which an applicant is required to answer: "Do you authorize the use of information in this form for voter registration purposes? YES        NO       "; and

(ii) no later than November 5, 2025, the following:

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

       Mail a ballot to me.

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

2343 (b) the following statement:

#### **"PRIVACY INFORMATION**

2344 Voter registration records contain some information that is available to the public, such as your name, address, and year of birth. Your full date of birth, driver license number, state identification card number, and social security number are available only to an authorized government entity. Your email address and phone number are also only available to an authorized government entity, unless you have consented, above, to disclose them to the political party with which you choose to affiliate and candidates for that political party.

#### **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

2381 In addition to the protections provided above, you may request that your voter registration record be withheld from public disclosure if you or someone you live with:

2383 • is at risk of domestic violence;

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2384     • is a law enforcement officer;  
2385     • is a member of the military who is deployed away from home;  
2386     • is a public figure; or  
2387     • is protected by a court order.  
2388     To make this request for additional privacy protection, you must prove that you qualify by  
2389     submitting an at-risk voter request form, and any required proof, to the county clerk."; and  
2390     [Voter registration records contain some information that is available to the public, such as your  
2391     name and address, some information that is available only to government entities, and some  
2392     information that is available only to certain third parties in accordance with the requirements of law.  
2393     Your driver license number, identification card number, social security number, email address,  
2394     full date of birth, and phone number are available only to government entities. Your year of birth is  
2395     available to political parties, candidates for public office, certain third parties, and their contractors,  
2396     employees, and volunteers, in accordance with the requirements of law.  
2397     You may request that all information on your voter registration records be withheld from all  
2398     persons other than government entities, political parties, candidates for public office, and their  
2399     contractors, employees, and volunteers, by indicating here:  
2400     \_\_\_\_ Yes, I request that all information on my voter registration records be withheld from  
2401     all persons other than government entities, political parties, candidates for public office, and their  
2402     contractors, employees, and volunteers.  
2403     REQUEST FOR ADDITIONAL PRIVACY PROTECTION  
2404     In addition to the protections provided above, you may request that identifying information on  
2405     your voter registration records be withheld from all political parties, candidates for public office,  
2406     and their contractors, employees, and volunteers, by submitting a withholding request form, and any  
2407     required verification, as described in the following paragraphs.  
2408     A person may request that identifying information on the person's voter registration records be  
2409     withheld from all political parties, candidates for public office, and their contractors, employees,  
2410     and volunteers, by submitting a withholding request form with this registration record, or to the  
2411     lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who  
2412     is or is likely to be, a victim of domestic violence or dating violence.  
2413     A person may request that identifying information on the person's voter registration records be  
2414     withheld from all political parties, candidates for public office, and their contractors, employees,

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and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order."; and]

2393 (c) a section in substantially the following form:

2394 "-----

### BALLOT NOTIFICATIONS

2396 Do you consent to receive communications about the status of your ballot and other official communications, by text, at the phone number you provided above? Yes No

2398 -----".

2399 (3) The lieutenant governor and the Driver License Division shall ensure that a qualifying form contains:

2401 (a) a place for an individual to swear or affirm the individual's citizenship, voting eligibility, and Utah residency, and that the information provided in the form is true;

2403 (b) a records disclosure that is similar to the records disclosure on a voter registration form described in Section 20A-2-104;

2405 (c) a statement that if an applicant declines to register or preregister to vote, the fact that the applicant has declined to register or preregister will remain confidential and will be used only for voter registration purposes;

2408 (d) a statement that if an applicant does register or preregister to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;[-and]

2411 (e) if the applicant answers "yes" to the question described in Subsection [(2)(a)] (2)(a)(i), a space where an individual may, if desired:

2413 (i) indicate the individual's desired political affiliation from a listing of each registered political party, as defined in Section 20A-8-101;

2415 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the individual desires to affiliate; or

2417 (iii) indicate that the individual does not wish to affiliate with a political party[-] ;

2418 (f) beginning on January 1, 2028, the following statement:

2422 (g) on the back of the form, the statement described in Subsection 20A-2-104(1)(e).

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2452       Section 15. Section **20A-2-204** is amended to read:

2453       **20A-2-204. Registering to vote when applying for or renewing a driver license or other**  
**qualifying form.**

2426       (1) As used in this section, "voter registration form" means, when an individual named on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described in Subsection 20A-2-108(2)(a)(i), the information on the qualifying form that can be used for voter registration purposes.

2430       (2)

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

2434       (b) A citizen who is a program participant in the Safe at Home Program created in Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a), but is eligible to register to vote by any other means described in this part.

2437       (3) The Driver License Division shall:

2438       (a) assist an individual in completing the voter registration form unless the individual refuses assistance;

2440       (b) electronically transmit each address change to the lieutenant governor on or before the first business day that is at least five calendar days after the day on which the division receives the address change; and

2443       (c) on or before the first business day that is at least five calendar days after the day on which the division receives a voter registration form, electronically transmit the form to the ~~Office of the Lieutenant Governor~~ lieutenant governor, including the following for the individual named on the form:

2447       (i) the name, date of birth, driver license or state identification card number, last four digits of the social security number, Utah residential address, place of birth, and signature;

2450       (ii) a mailing address, if different from the individual's Utah residential address;

2451       (iii) an email address and phone number, if available;

2452       (iv) the desired political affiliation, if indicated;

2453       ~~[*(v) an indication of whether the individual requested that the individual's voter registration record be classified as a private record under Subsection 20A-2-108(2)(b); and*~~]

2456

## SB0194 compared with SB0194S01

[{(vi)} (v) [a withholding] an at-risk voter request form described in [Subseetions 20A-2-104(7) and (8)] Subsection 20A-2-606(5) and any verification submitted with the form[.] ; and

2459 (vi) an indication regarding whether the individual provided proof of United States citizenship.

2461 (4) Upon receipt of an individual's voter registration form from the Driver License Division under Subsection (3), the lieutenant governor or county clerk shall:

2463 (a) enter the information into the statewide voter registration database;[and]

2464 (b) make a record of the indication described in Subsection (3)(c)(vi); and

2465 [(b)] (c) if the individual [requests on the individual's voter registration form that the individual's voter registration record be classified as a private record or the individual submits a withholding request form described in Subseetions 20A-2-104(7) and (8)] submits an at-risk voter request form described in Subsection 20A-2-606(5) and any required verification, classify the individual's voter registration record as a private record.

2471 (5) The county clerk of an individual whose information is entered into the statewide voter registration database under Subsection (4) shall:

2473 (a) ensure that the individual meets the qualifications to be registered or preregistered to vote; and

2475 (b)

2476 (i) if the individual meets the qualifications to be registered to vote:

2477 (A) ensure that the individual is assigned to the proper voting precinct; and

2478 (B) send the individual the notice described in Section 20A-2-304;[or]

2479 (ii) if the individual meets the qualifications to be preregistered to vote, process the form in accordance with the requirements of Section 20A-2-101.1[.] ;

2480 (iii) determine whether the individual has provided documentary proof of United States citizenship; and

2481 (iv) if the individual has not provided documentary proof of United States citizenship, notify the individual, in accordance with Subsection (8):

2482 (A) that the individual has not provided proof of United States citizenship;

2483 (B) that, beginning on January 1, 2028, if the individual fails to provide proof of United States citizenship, the individual will only be permitted to vote for federal offices; and

2484 (C) of the methods by which the individual may provide documentary proof of United States citizenship.

2485 (6)

## SB0194 compared with SB0194S01

(a) When the county clerk receives a correctly completed voter registration form under this section, the clerk shall:

(i) comply with the applicable provisions of this Subsection (6); or

(ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

(b) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days before the date of an election, the county clerk shall:

(i) accept the voter registration form;[-and]

(ii) beginning on January 1, 2028, comply with Subsection 20A-2-304(3);

[(iii)] unless the individual is preregistering to vote, and subject to Section 20A-3a-201.5:

(A) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and

(B) notify the individual that the individual is registered to vote in the upcoming election; and

[(iv)] if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(c) If the county clerk receives a correctly completed voter registration form under this section after the deadline described in Subsection (6)(b), the county clerk shall, unless the individual named in the form is preregistering to vote, and subject to Section 20A-3a-201.5:

(i) accept the application for registration of the individual;

(ii) process the voter registration form; and

(iii) unless the individual is preregistering to vote, and except as provided in Subsection 20A-2-207(6), inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(7)

(a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote, the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the registration form is incomplete, or because the individual does not meet the qualifications to be registered to vote.

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2525 (b) If a county clerk believes, based upon a review of a voter registration form, that an individual, who knows that the individual is not legally entitled to register or preregister to vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

2530 (8) A county clerk who provides notice under Subsection (5)(b)(iv) shall send the notice, in writing, to the individual:

2532 (a) by mail, at the most recent address the county clerk has for the individual; and

2533 (b) (i) by email, if the county clerk has an email address for the individual;

2534 (ii) by text to a phone number, if the county clerk has a phone number for the individual and has received consent from the individual to send text messages to the phone number.

2566 Section 16. Section **20A-2-206** is amended to read:

2567 **20A-2-206. Electronic registration -- Requesting to receive a ballot by mail.**

2540 (1) The lieutenant governor shall create and maintain an electronic system that is publicly available on the [Internet] internet for an individual to:

2542 (a) apply for voter registration or preregistration; or

2543 (b) ~~[beginning no later than July 1, 2025,]~~ request to receive a ballot by mail.

2544 (2) The electronic system described in Subsection (1) shall require, to register to vote, the applicant to:

2546 (a) enter the applicant's name, address, date of birth, driver license number or state identification card number, and any other information determined to be necessary by the lieutenant governor;

2549 (b) provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (5);

2551 (c) attest to the truth of the information provided; and

2552 (d) authorize the lieutenant governor's and county clerk's use of the applicant's:

2553 (i) driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration or preregistration purposes; or

2555 (ii) signature on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502, for voter registration or preregistration purposes.

2558 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system described in Subsection (1) is not required to complete a printed registration form.

2560

## SB0194 compared with SB0194S01

(4) A system created and maintained under this section shall provide to an individual who is registering to vote the notices concerning a voter's presentation of identification described in Subsection [20A-2-104(2)] 20A-2-104(1).

(5) The lieutenant governor shall, in relation to an individual who is registering to vote:

- (a) obtain a digital copy of the applicant's driver license signature or identification card signature from the Driver License Division; or
- (b) ensure that the applicant's signature is on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(6) The lieutenant governor shall send the information described in Subsections (2) and (5) to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304 after:

- (a) receiving all information from an applicant;[-and]
- (b) [({i})] receiving all information from the Driver License Division, if applicable; and
- [({ii})] (c) ensuring that the applicant's signature is on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of information submitted electronically under this section.

(8) If an individual applies to register under this section no later than 11 calendar days before the date of an election, the county clerk shall:

- (a) accept and process the voter registration form;
- (b) unless the individual named in the form is preregistering to vote, and subject to Section 20A-3a-201.5:

- (i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and
- (ii) notify the individual that the individual is registered to vote in the upcoming election; and
- (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(9) If an individual applies to register under this section after the deadline described in Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

- (a) accept the application for registration; and

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(b) except as provided in Subsection 20A-2-207(6), and subject to Section 20A-3a-201.5, if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, on election day, in accordance with Section 20A-2-207.

2596 (10) The lieutenant governor shall provide a means by which a registered voter shall sign the application form.

2598 (11) For an individual who is registering to vote or is already registered to vote, the electronic system described in Subsection (1) shall include the following:

2600 "Indicate below how you want to vote in upcoming elections:

2601  Mail a ballot to me.

2602  Do not mail a ballot to me. I will vote in person."

2632 Section 17. Section **20A-2-304** is amended to read:

2633 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

[Each] Subject to Section 20A-3a-201.5, a county clerk shall:

2607 (1) register to vote each individual who meets the requirements for registration and who:

2608 (a) submits a completed voter registration form to the county clerk;

2609 (b) submits a completed voter registration form, as defined in ~~[Section 20A-2-204]~~ Subsection 20A-2-204(1), to the Driver License Division;

2611 (c) submits a completed voter registration form to a public assistance agency or a discretionary voter registration agency; or

2613 (d) mails a completed voter registration form to the county clerk;[and]

2614 (2) within 30 calendar days after the day on which the county clerk processes a voter registration form, send a notice to the individual who submits the form that:

2616 (a)

(i) informs the individual that the individual's voter registration form has been accepted and that the individual is registered to vote;

2618 (ii) informs the individual of the procedure for designating or changing the individual's political affiliation;

2620 (iii) informs the individual of the procedure to cancel a voter registration;

2621 (iv) provides 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; and

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2624 (v) confirms that the individual has chosen to receive electronic ballot status notifications if the  
individual opted to receive electronic ballot status notifications on the voter registration form;

2627 (b) informs the individual that the individual's voter registration form has been rejected and the reason  
for the rejection; or

2629 (c)  
(i) informs the individual that the individual's voter registration form is being returned to the individual  
for further action because the form is incomplete; and  
2631 (ii) gives instructions to the individual on how to properly complete the form[.] ; and  
2632 (3) beginning on January 1, 2028, for each voter registration record of an individual who is limited to  
voting in a federal race only, indicate the limitation on the voter's voter registration record.

2664 Section 18. Section **20A-2-502** is amended to read:

2665 **20A-2-502. Statewide voter registration system -- Maintenance and update of system --**  
**Record security -- List of incarcerated felons -- Public document showing compliance by county**  
**clerks.**

2639 (1) The lieutenant governor shall:

2640 (a) develop, manage, and maintain a statewide voter registration system to be used by county clerks to  
maintain an updated statewide voter registration database in accordance with this section and rules  
made under Section 20A-2-507;

2643 (b) except as provided in Subsection (2)(c), regularly update the system with information relevant to  
voter registration, as follows:

2645 (i) on at least a weekly basis, information received from the Driver License Division in relation to:  
2647 (A) voter registration;  
2648 (B) a registered voter's change of address; or  
2649 (C) a registered voter's change of name;  
2650 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11) from the state  
registrar, regarding deceased individuals;  
2652 (iii) on at least a monthly basis, the information described in Subsection (3), received from the  
Department of Corrections regarding incarcerated individuals;  
2654 (iv) on at least a monthly basis, information received from other states, including information received  
under an agreement described in Subsection (2); and

2656

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- (v) within 31 calendar days after the day on which the lieutenant governor receives information relevant to voter registration, other than the information described in Subsections (1)(b)(i) through (iv);
- (c) regularly monitor the system to ensure that each county clerk complies with the requirements of this part and rules made under Section 20A-2-507;
- (d) establish matching criteria and security measures for identifying a change described in Subsection (1)(b) to ensure the accuracy of a voter registration record;
- (e) on at least a monthly basis:
  - (i) use the matching criteria and security measures described in Subsection (1)(d) to compare information in the database to identify duplicate data, contradictory data, and changes in data;
  - (ii) notify the applicable county clerk of the data identified; and
  - (iii) notify the county clerk of the county in which a voter's principal place of residence is located of a change in a registered voter's principal place of residence or name;
- (f) before April 1, 2026, develop a procedure to evaluate voter registration based on addresses to identify potential anomalies, including eight or more voters at a single-family home address;
- (g) develop procedures to investigate the validity of a voter registration when a ballot mailed by the county clerk is returned by the post office as undeliverable;
- (h) before June 1, 2026, register with the Systematic Alien Verification for Entitlements program, operated by the United States Department of Homeland Security; and
- (i) as part of maintaining the voter registration database, analyze the database at least 90 calendar days before the day of each regular primary election and each regular general election to ensure the accuracy of the voter registration record, and to inform county clerks of action needed, by identifying errors in the database, including errors based on:
  - (i) change of incarceration status;
  - (ii) the death of a voter;
  - (iii) duplicate voters;
  - (iv) identical identification numbers used by multiple voters; or
  - (v) other reasons identified by the lieutenant governor that would render a voter ineligible to vote.

(2)

- (a) Subject to Subsection (2)(b), the lieutenant governor may cooperate or enter into an agreement with a governmental entity or another state to share information and increase the accuracy of the database.

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2692 (b) For a record shared under Subsection (2)(a), the lieutenant governor shall ensure:

2693 (i) that the record is only used to maintain the accuracy of the database;

2694 (ii) compliance with Section 63G-2-206; and

2695 (iii) that the record is secure from unauthorized use by employing data encryption or another similar technology security system.

2697 (c) The lieutenant governor is not required to comply with an updating requirement described in Subsection (1)(b) to the extent that the person responsible to provide the information to the lieutenant governor fails to provide the information.

2700 (3)

2702 (a) The lieutenant governor shall maintain a current list of all incarcerated felons in Utah.

2703 (b) The Department of Corrections shall provide the lieutenant governor's office with:

2704 (i) the name and last-known address of each individual who:

2705 (A) was convicted of a felony in a Utah state court; and

2706 (B) is currently incarcerated for commission of a felony; and

2706 (ii) the name of each convicted felon who has been released from incarceration.

2707 (4) The lieutenant governor shall seek to enter into an agreement with the federal courts to provide that, in exchange for receiving information from the state's voter registration list or from a list maintained by the Driver License Division to use in relation to federal juries, the federal courts will notify the lieutenant governor or a county clerk when an individual disclosed from one of the lists is disqualified from jury service due to a conviction or non-citizenship.

2713 (5) The lieutenant governor shall maintain on the lieutenant governor's website a document that:

2715 (a) describes the utilities and tools within the system that a county clerk is required to run;

2717 (b) describes the actions, if any, that a county clerk is required to take in relation to the results of running a utility or tool;

2719 (c) lists, by date, the recurring deadlines by which a county clerk must comply with Subsection (5)(a) or (b); and

2721 (d) indicates, by county:

2722 (i) whether the county clerk timely complies with each deadline described in Subsection (5)(c); and

2724 (ii) if the county clerk fails to timely comply with a deadline described in Subsection (5)(c), whether the county clerk subsequently complies with the deadline and the date on which the county clerk complies.

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2727 (6)

(a) The lieutenant governor shall, before January 1, 2028, conduct an audit of all voter registration records, with the assistance of the county clerks if requested by the lieutenant governor, to determine whether the lieutenant governor or a county clerk has documentary proof of United States citizenship for each individual registered to vote in Utah.

2732 (b) If the lieutenant governor discovers a voter registration record for which the lieutenant governor or a county clerk does not have documentary proof of United States citizenship, the lieutenant governor or a county clerk shall send written notice to the registered voter, at the most recent address that the lieutenant governor has for the voter:

2737 (i) that the lieutenant governor or county clerk does not have documentary proof of United States citizenship for the registered voter;

2739 (ii) that if the voter does not provide documentary proof of United States citizenship before January 1, 2028, the voter will only be permitted to vote for candidates for federal office, in elections held on or after January 1, 2028, until the voter provides documentary proof of United States citizenship; and

2743 (iii) of the methods by which an individual may provide documentary proof of United States citizenship.

2774 Section 19. Section **20A-2-504** is amended to read:

2775 **20A-2-504. Removing names from the official register -- General requirements -- Deceased individuals.**

2748 (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.

2750 (2) The county clerk shall remove a voter's name from the official register if:

2751 (a) the voter dies and the requirements of Subsection [3] (4) are met;

2752 (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;

2755 (c)

2756 (i) the county clerk obtains evidence that the voter's residence has changed;

2757 (ii) the county clerk mails notice to the voter as required under Section 20A-2-505;

2757 (iii) the county clerk:

2758 (A) receives no response from the voter; or

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2759 (B) does not receive information that confirms the voter's residence; and  
2760 (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;

2764 (d) the voter requests, in writing, that the voter's name be removed from the official register;

2766 (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

2769 (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.

2771 (3) 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.

2774 [(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[-] :  
(a) receives, from the lieutenant governor, the information described in Subsection (3) or  
26B-8-114(11) in relation to the voter; or  
(b) receives confirmation from the Office of Vital Records that the voter is deceased.  
[(4)] (5) No later than 90 calendar days before each primary election day and general election day[-] :  
(a) 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[-] ; and  
(b) the lieutenant governor shall compare the records that the lieutenant governor receives under  
Subsections (3) and 26B-8-114(11) to the official register to ensure that each county clerk complies  
with Subsection (4).

2816 Section 20. Section **20A-2-505** is amended to read:

2817 **20A-2-505. Removing names from the official register -- Determining and confirming change  
of residence.**

2790 (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:  
(a) confirms in writing that the voter has changed residence to a place outside the county; or  
(b)

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(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

2797 (ii) does not respond to the notice described in Subsection (3).

2798 (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:

2801 (i) change the official register to show the voter's new address; and

2802 (ii) send to the voter, by forwardable mail, the notice described in Subsection (3).

2803 (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.

2807 (3)

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

### "VOTER REGISTRATION NOTICE

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?

---

Street	City	County	State	Zip
--------	------	--------	-------	-----

2814 Street City County State Zip  
2815 What is your current phone number (optional)? \_\_\_\_\_

2816 What is your current email address (optional)? \_\_\_\_\_

2817 Do you consent to receive communications from the political party with which you affiliate, and candidates for that political party, as follows (optional):

2848 • At the email address you provided above? Yes No

2849 • By text or phone call, at the phone number you provided above? Yes No

2850 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

## SB0194 compared with SB0194S01

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:

2825 - 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

2827 - 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.

---

2831  
2832 Signature of Voter

### PRIVACY INFORMATION

2833  
2834 Voter registration records contain some information that is available to the public, such as your name, address, and year of birth. Your full date of birth, driver license number, state identification card number, and social security number are available only to an authorized government entity. Your email address and phone number are also only available to an authorized government entity, unless you have consented, above, to disclose them to the political party with which you choose to affiliate and candidates for that political party.

### REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2835 In addition to the protections provided above, you may request that your voter registration record be withheld from public disclosure if you or someone you live with:

2836 • is at risk of domestic violence;  
2837 • is a law enforcement officer;  
2838 • is a member of the military who is deployed away from home;  
2839 • is a public figure; or  
2840 • is protected by a court order.

2841 To make this request for additional privacy protection, you must prove that you qualify by submitting an at-risk voter request form, and any required proof, to the county clerk."

2842 [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.

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2858 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.

2858 You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

2861 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

### 2864 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2865 In addition to the protections provided above, you may request that identifying information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

2870 A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

2876 A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.]

2882 (b) The form described in Subsection (3)(a) shall also include:

2883 (i) a section in substantially the following form:

2884 "-----

### 2885 BALLOT NOTIFICATIONS

2886

## SB0194 compared with SB0194S01

2887

2888 Do you consent to receive communications about the status of your ballot and other official  
communications, by text, at the phone number you provided above? Yes No

2890 -----";

and

2892 (ii) no later than November 5, 2025, the following, immediately after the question described in  
Subsection (3)(b)(i):

2894 "Indicate below how you want to vote in upcoming elections:

2895  Mail a ballot to me.

2896  Do not mail a ballot to me. I will vote in person."

2897 (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.

2900 (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:

2903 (i) the voter requests, in writing, that the voter's name be removed; or

2904 (ii) the voter dies.

2905 (c)

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

2907 (ii) 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.

2911 (iii) An inactive voter may vote, sign petitions, and have all other privileges of a registered voter.

2913 (iv) A county is not required to:

2914 (A) send routine mailings to an inactive voter; or

2915 (B) count inactive voters when dividing precincts and preparing supplies.

2916 [(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.]

2919

## SB0194 compared with SB0194S01

[{(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.]

2923 [(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.]

2956 Section 21. Section 21 is enacted to read:

2957 **20A-2-508. Independent investigation of citizenship -- Identification of non-citizens -- Opportunity to challenge -- Provisional ballot option.**

2930 (1)

(a) An election officer shall, to the extent that the review can be conducted in a uniform, nondiscriminatory manner, conduct a review of the voter registration records to independently determine whether an individual who is registered to vote is not a citizen of the United States.

2934 (b) To conduct the review described in Subsection (1)(a), the election officer:

2935 (i) except as provided in Subsection (3), may not require an individual who registers to vote only in a federal race to provide documentary proof of United States citizenship; and

2938 (ii) shall use any tools lawfully available to the election officer, including:

2939 (A) the Systematic Alien Verification for Entitlements program, operated by the United States Department of Homeland Security;

2941 (B) information received from the federal courts under Subsection 20A-2-502(4); and

2943 (C) data collected by a state agency.

2944 (2) If, in accordance with Subsection (1), an election officer determines that an individual who is registered to vote is not a citizen of the United States, the election officer shall:

2946 (a) notify the individual, in writing, of the determination and the reason for the determination;

2948 (b) give the individual an opportunity to refute the determination; and

2949 (c) if the individual fails to refute the determination within a reasonable time frame specified by the election officer in the notification described in Subsection (2)(a), remove the individual from the list of registered voters.

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(3) Except as provided in Subsection (4), an individual described in Subsection (2) may not vote in an election unless, before voting, the individual provides documentary proof of United States citizenship to the election officer.

2955 (4) An individual described in Subsection (2) may cast a provisional ballot pending the resolution of a dispute under Subsection (2).

2957 (5) An election officer may not count a provisional ballot cast by an individual under Subsection (4) unless, on or before the last business day before the day on which the applicable canvass occurs, the individual provides documentary proof of citizenship to the election officer.

2961 (6) An election officer shall comply with Subsection 20A-2-204(5)(b)(iv) if the election officer discovers a voter registration record for which:

2963 (a) the county clerk does not make the determination described in Subsection (2); and

2964 (b) proof of United States citizenship has not been established, unless the individual has expressed an intent:

2966 (i) to not provide proof of United States citizenship; or

2967 (ii) to vote for federal offices only.

2968 (7) A county clerk who provides notice under Subsection (2) shall send the notice, in writing, to the individual:

2970 (a) by mail, at the most recent address the county clerk has for the individual; and

2971 (b)

2972 (i) by email, if the county clerk has an email address for the individual; or

2973 (ii) by text to a phone number, if the county clerk has a phone number for the individual and has received consent from the individual to send text messages to the phone number.

3004 Section 22. Section 22 is enacted to read:

3005 **20A-2-601. Definitions.**

3006 As used in this part:

2978 (1)

2979 (a) "At-risk voter" means:

2980 (i) a voter who is designated as an at-risk voter under Subsection 20A-2-606(2) or (6), regardless of whether the voter files a subsequent voter registration form after receiving the designation, unless the voter loses status as an at-risk voter;

2982 (A) under Subsection 20A-2-606(7)(b); or

## SB0194 compared with SB0194S01

2983 (B) by requesting that the lieutenant governor or county clerk remove the voter's status as an at-risk voter; or  
2985 (ii) a preregistered voter.

2986 (b) "At-risk voter," until the lieutenant governor takes the action described in Subsection 20A-2-602(2), includes a voter with a segregated record.

2988 (2)

2989 (a) "Candidate for public office" means an individual:  
2990 (i) who files a declaration of candidacy for a public office;  
2991 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or  
2994 (iii) who is employed by, under contract with, or a volunteer of, an individual described in Subsection (2)(a)(i) or (ii), who is authorized to act on behalf of the individual described in Subsection (2)(a)(i) or (ii) for political purposes.

2995 (b) "Candidate for public office" does not include:  
2997 (i) an individual described in Subsection (2)(a)(i) or (ii) who is eliminated as a candidate for:  
2999 (A) failure to qualify for the primary election ballot via signature gathering or convention;  
3000 (B) failure to advance to the general election; or  
3001 (C) any other reason provided by law; or  
3003 (ii) an individual who is employed by, under contract with, or a volunteer of, an individual described in Subsection (2)(b)(i).

3005 (3) "Dating violence" means the same as that term is defined in Section 78B-7-102 and the federal Violence Against Women Act of 1994, as amended.

3007 (4) "Domestic violence" means the same as that term is defined in Section 77-36-1 and the federal Violence Against Women Act of 1994, as amended.

3008 (5)

3009 (a) "Government entity" means:  
(i) the state; or  
(ii) a county, city, town, school district, special district, special service district, or other political subdivision of the state.

3011 (b) "Government entity" includes an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of an entity described in Subsection (5)(a).

3014 (6) "Government official" means:

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3015 (a) an elected or appointed officer of a government entity; or  
3016 (b) an employee of a government entity.  
3017 (7) "Political party" means the same as that term is defined in Section 20A-1-102.  
3018 (8) "Public office" means the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, state senator, state representative, state school board member, or an elective office of a local political subdivision.  
3021 (9) "Public registered voter" means a registered voter who is not an at-risk voter.  
3022 (10) "Qualified family member," when used in relation to a remotely-deployed member of the armed forces, means an individual who:  
3024 (a) resides with the remotely-deployed member of the armed forces; or  
3025 (b) would reside with the remotely-deployed member of the armed forces, but for the deployment.  
3027 (11) "Remotely-deployed member of the armed forces" means a member of the armed forces, as defined in Section 20A-1-513, who is deployed to a location where the member of the armed forces would not live but for the deployment.  
3030 (12) "Segregated record" means a voter registration record that was classified as a private record by a voter:  
3032 (a) via the method that existed before May 12, 2020; or  
3033 (b) via a method that existed on or after May 12, 2020, other than the method of submitting a withholding request form.  
3035 (13) "Standard voter data" means the following information from a voter registration record:  
3036 (a) the voter's full legal name;  
3037 (b) the voter's voter identification number and federal information processing series geographic code;  
3039 (c) the voter's year of birth;  
3040 (d) the voter's complete residential address, including the unit type and number;  
3041 (e) the voter's county of residence;  
3042 (f) the voter's mailing address, including the city;  
3043 (g) the voter's precinct, congressional district, state House of Representatives district, state Senate district, state school board district, local school board district, county council district, and city council district;  
3046 (h) the voter's party affiliation or status as unaffiliated;  
3047 (i) the voter's status as active or inactive;

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3048 (j) beginning on January 1, 2028, whether the voter is restricted to vote a federal ballot only;  
3050 (k) the last day on which the voter's voter registration record was updated; and  
3051 (l) subject to the provisions of Section 20A-5-410, the voter's voting history record for the preceding  
3053 eight years.  
(14) "Withheld status" means the status granted, before January 1, 2027, to the voter registration record  
3086 of a voter that prevented the disclosure of the voter registration record to a person other than an  
3087 official or employee of a government entity acting in the official's or employee's capacity as an  
3088 official or employee of a governmental entity.

3086 Section 23. Section 23 is enacted to read:

3087 **20A-2-602. Change of voter registration record privacy status -- Notice -- Redesignation of**  
**status -- New voter identification number.**

3060 (1) The lieutenant governor shall, on or before January 1, 2027, mail to each voter who has a segregated  
3063 record, at the last known address of the voter, a notice that includes the following information:  
(a) that the privacy status of the voter's voter registration record will change on July 1, 2027, and, unless  
3063 the voter applies for and receives designation as an at-risk voter before July 1, 2027, the voter will  
3066 be redesignated as a public registered voter on that date;  
(b) that, as a public registered voter, the following information from the voter's voter registration record  
3069 is public:  
(i) the voter's full legal name;  
(ii) the voter's voter identification number and federal information processing series geographic code;  
(iii) the voter's year of birth;  
(iv) the voter's complete residential address, including the unit type and number;  
(v) the voter's county of residence;  
(vi) the voter's mailing address, including the city;  
(vii) the voter's precinct, congressional district, state House of Representatives district, state Senate  
3079 district, state school board district, local school board district, county council district, and city  
3080 council district;  
(viii) the voter's party affiliation or status as unaffiliated;  
(ix) the voter's status as an active or inactive voter;  
(x) beginning on January 1, 2028, whether the voter is restricted to vote a federal ballot only;  
3083 (xi) the last day on which the voter's voter registration record was updated; and

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3084 (xii) the voter's voting history for the preceding eight years;  
3085 (c) that:  
3086 (i) the voter may apply for designation as an at-risk voter in accordance with Section 20A-2-606; and  
3088 (ii) if the voter is designated as an at-risk voter under Section 20A-2-606, the voter's entire voter  
3091 registration record will be withheld from all persons other than an authorized government entity;  
3092 (d) instructions on how the voter may apply for designation as an at-risk voter; and  
3092 (e) information on how the voter may obtain a copy of the at-risk voter request form, described in  
3094 Section 20A-2-606, online or by mail.  
3094 (2) Unless, before July 1, 2027, a voter with a segregated record is designated as an at-risk voter under  
3097 Section 20A-2-606, the lieutenant governor or a county clerk shall, on July 1, 2027, designate a  
3098 voter who has a segregated record as a public registered voter.  
3097 (3) On July 1, 2027, each county clerk shall, under the direction of the lieutenant governor:  
3098 (a) assign a new voter identification number to each registered voter in Utah; and  
3099 (b) ensure that the new voter identification number:  
3100 (i) is not the same as a number previously assigned to the registered voter; and  
3101 (ii) cannot be used, by the number alone, to identify the voter.  
3131 Section 24. Section 24 is enacted to read:  
3132 **20A-2-603. General request for voter registration records.**  
3132 Except as otherwise provided in this section or another express provision of law, upon  
3132 receiving a request from a person for voter registration records, the lieutenant governor or a  
3132 county clerk:  
3107 (1) shall disclose to the person the standard voter data from a public registered voter's voter registration  
3107 record; and  
3109 (2) may not disclose to the person:  
3110 (a) information from a public registered voter's voter registration record that is not standard voter data;  
3110 or  
3112 (b) any information from an at-risk voter's voter registration record.  
3142 Section 25. Section 25 is enacted to read:  
3143 **20A-2-603.5. Request by candidate for consensual disclosure of contact information.**  
3116 (1) As used in this section, "qualified candidate" means an individual who:  
3117 (a) is affiliated with a registered political party; and

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3118 (b) is a candidate who:

3119 (i) is seeking the nomination of the registered political party with whom the candidate is affiliated; or

3121 (ii) has obtained the nomination of the registered political party with whom the candidate is affiliated.

3123 (2) Subject to Subsections (3) and (4), and except as provided in Subsection (5), the lieutenant governor  
or a county clerk shall, upon the request of a qualified candidate, provide to the qualified candidate,  
for each public registered voter who is affiliated with the same registered political party as the  
qualified candidate:

3127 (a) subject to Subsection (6), the voter's phone number; and

3128 (b) subject to Subsection (6), the voter's email address.

3129 (3) A qualified candidate that receives information under Subsection (2)(a) or (b), or an authorized  
agent of the qualified candidate:

3131 (a) shall ensure, using industry standard security measures, that the information may not be accessed by  
a person other than the qualified candidate or an authorized agent of the qualified candidate;

3134 (b) may only use the information to communicate with an individual in relation to the qualified  
candidate's candidacy or for a political purpose;

3136 (c) may not:

3137 (i) use or share the information for a purpose other than a purpose described in Subsection (3)(b); or

3139 (ii) grant access to the information to a person other than an authorized agent of the qualified candidate;  
and

3141 (d) notwithstanding Subsection (3)(a) or (b), may not grant access to the information or share the  
information with a person whom the qualified candidate or the agent of the qualified candidate  
believes:

3144 (i) will use or share the information in a manner other than a manner described in Subsection (3)(b); or

3146 (ii) will not comply with Subsection (3)(a), (b), or (c).

3147 (4) Before providing the information described in Subsection (2)(a) or (b) to an individual claiming to  
be a qualified candidate:

3149 (a) the lieutenant governor or county clerk shall verify that the individual requesting the information is a  
qualified candidate of the registered political party to which the information sought relates; and

3152 (b) the qualified candidate requesting the information under Subsection (2)(a) shall sign a request form  
that includes:

3154 (i) the name, address, and telephone number of the qualified candidate who is seeking the information;

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3156 (ii) the qualified candidate's name, address, and telephone number;

3157 (iii) a statement that the qualified candidate is a qualified candidate for the registered political party to which the information sought relates and has presented to the lieutenant governor or the county clerk valid verification that the qualified candidate is the qualified candidate whom the qualified candidate claims to be;

3161 (iv) a statement that the qualified candidate will comply with the requirements described in Subsection (3);

3163 (v) a statement that the qualified candidate, or an agent of the qualified candidate, will not provide or use the information in a manner that is prohibited by law;

3165 (vi) a statement that obtaining the information under false pretenses, or providing or using the information in a manner that is prohibited by law, is punishable as a class A misdemeanor and by a civil fine; and

3168 (vii) notice that if a person makes a false statement in the request form, the person is punishable by law under Section 76-8-504.

3170 (5) The lieutenant governor or a county clerk may not disclose the information described in Subsection (2)(a) or (b) to an individual requesting the information under this section if the lieutenant governor or county clerk has probable cause to believe that the individual:

3173 (a) is not a qualified candidate of the registered political party or an agent of the qualified candidate; or

3175 (b) will use or share the information in a manner prohibited by law.

3176 (6)

3178 (a) A qualified candidate who is affiliated with the same political party as the public registered voter to whom the information described in Subsection (2)(a) or (b) relates:

3178 (i) will receive the public registered voter's phone number, under Subsection (2)(a), only if the voter consents, on the voter's voter registration form, to receive notifications from the political party and the political party's candidates by text to the phone number indicated on the form; and

3182 (ii) will receive the public registered voter's email address, under Subsection (2)(b), only if the voter consents, on the voter's voter registration form, to receive notifications from the political party and the political party's candidates at the email address indicated on the form.

3186 (b) If an at-risk voter consents, on the voter's voter registration form, to provide the political party with which the voter chooses to affiliate, and the party's candidates, with the voter's phone number or email address, the county clerk or the lieutenant governor:

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3190 (i) may not provide the phone number or email address to the qualified candidate; and  
3191 (ii) shall notify the at-risk voter that the voter must contact the political party, or a candidate of the  
political party, directly to provide the voter's phone number or email address to the political party or  
to the candidate or to consent to receive communications from the political party or the candidate.

3224 Section 26. Section **26** is enacted to read:

3225 **20A-2-604. Request for voter registration records by political party -- Confirmation of**  
**political party affiliation.**

3198 (1) Except as otherwise provided in this section or another express provision of law, upon receiving  
a request from a political party for voter registration records, the lieutenant governor or a county  
clerk:

3201 (a) for each public registered voter who is not affiliated with the political party:

3202 (i) shall provide to the political party the voter's standard voter data; and

3203 (ii) may not provide to the political party any information from the public registered voter's voter  
registration record that is not standard voter data;

3205 (b) for each public registered voter who is affiliated with the political party:

3206 (i) shall, subject to Subsections (2) and (3), and except as provided in Subsection (4), provide to the  
political party:

3208 (A) subject to Subsection (5), the voter's phone number;

3209 (B) subject to Subsection (5), the voter's email address; and

3210 (C) the voter's standard voter data; and

3211 (ii) may not provide to the political party any information relating to the voter other than the  
information provided in accordance with Subsection (1)(b)(i);

3213 (c) may not provide to the political party any information from an at-risk voter's voter registration  
record;

3215 (d) shall provide the following information to the political party:

3216 (i) for the entire state:

3217 (A) the total number of at-risk voters in the state; and

3218 (B) the total number of at-risk voters in the state who are affiliated with the political party; and

3220 (ii) for each state House of Representatives district in the state:

3221 (A) the total number of at-risk voters in the district; and

3222 (B) the total number of at-risk voters in the district who are affiliated with the political party.

## SB0194 compared with SB0194S01

3224 (2) A political party, or an agent of a political party, that receives information under Subsection (1)(b)(i)  
(A) or (B):

3226 (a) shall ensure, using industry standard security measures, that the information may not be accessed by  
a person other than the political party or an authorized agent of the political party;

3229 (b) may only use the information:

3230 (i) to communicate with an individual who is affiliated with the political party in relation to the business  
of the political party or for a political purpose;

3232 (ii) to verify that the voter is a member of the political party; or

3233 (iii) to conduct demographic or other analysis for a political purpose;

3234 (c) may not:

3235 (i) use or share the information for a purpose other than a purpose described in Subsection (2)(b); or

3237 (ii) grant access to the information to a person other than an authorized agent of the political party;

3239 (d) notwithstanding Subsection (2)(a) or (b), may not grant access to the information or share the  
information with a person whom the political party believes:

3241 (i) will use or share the information in a manner other than a manner described in Subsection (2)(b); or

3243 (ii) will not comply with Subsection (2)(a), (b), or (c); and

3244 (e) may limit access by an authorized agent to only the portion of the information needed for the  
authorized agent to fulfill a purpose for which the authorized agent is:

3246 (i) permitted by law to use the information; and

3247 (ii) authorized by the state political party to use the information.

3248 (3) Before providing the information described in Subsection (1)(b)(i)(A) or (B) to a political party:

3250 (a) the lieutenant governor or county clerk shall verify that the individual requesting the information on  
behalf of the political party is an authorized agent of the political party; and

3253 (b) the individual requesting the information under Subsection (3)(a) shall sign a request form that  
includes:

3255 (i) the name, address, and telephone number of the political party that is seeking the information;

3257 (ii) the individual's name, address, and telephone number;

3258 (iii) a statement that the individual is an authorized agent of the political party and has presented to the  
lieutenant governor or the county clerk valid verification that the individual is an authorized agent of  
the political party;

3261

## SB0194 compared with SB0194S01

- (iv) a statement that the political party and the individual will comply with the requirements described in Subsection (2);
- 3263 (v) a statement that the political party, or an agent of the political party, will not provide or use the information obtained from the list of registered voters in a manner that is prohibited by law;
- 3266 (vi) a statement that obtaining the information under false pretenses, or providing or using the information in a manner that is prohibited by law, is punishable as a class A misdemeanor and by a civil fine; and
- 3269 (vii) notice that if a person makes a false statement in the request form, the person is punishable by law under Section 76-8-504.
- 3271 (4) The lieutenant governor or a county clerk may not disclose the information described in Subsection (1)(b)(i)(A) or (B) to a person requesting the information under this section if the lieutenant governor or county clerk has probable cause to believe that the person:
  - 3274 (a) is not a political party or an agent of the political party; or
  - 3275 (b) will use or share the information in a manner prohibited by law.
- 3276 (5)
  - (a) A political party with which a public registered voter chooses to affiliate:
    - 3277 (i) will receive the public registered voter's phone number, under Subsection (1)(b)(i)(A), only if the voter consents, on the voter's voter registration form, to receive notifications from the political party and candidates for that political party by text to the phone number indicated on the form; and
    - 3281 (ii) will receive the public registered voter's email address, under Subsection (1)(b)(i)(B), only if the voter consents, on the voter's voter registration form, to receive notifications from the political party and candidates for that political party at the email address indicated on the form.
  - 3285 (b) If an at-risk voter consents, on the voter's voter registration form, to provide the political party with which the voter chooses to affiliate with the voter's phone number or email address, the county clerk or the lieutenant governor:
    - 3288 (i) may not provide the phone number or email address to the political party; and
    - 3289 (ii) shall notify the at-risk voter that the voter must contact the political party directly to provide the voter's phone number or email address to the political party or to consent to receive communications from the political party.

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(6) The lieutenant governor will provide a political party with the capability, on the lieutenant governor's website, to verify that an individual is affiliated with the political party by entering only the individual's name and address.

3324 Section 27. Section **27** is enacted to read:

**20A-2-605. Request for voter registration records by a government official.**

(1) Except as otherwise provided in this section or another express provision of law, upon request by a government official acting in the government official's capacity as a government official, the lieutenant governor or a county clerk:

(a) shall disclose to the government official the information in a voter registration record necessary to permit the government official to fulfill an official duty imposed by law on the government official; and

(b) may not disclose to the government official the information in a voter registration record that is not necessary to permit the government official to fulfill an official duty imposed by law on the government official.

(2) A government official who receives information under Subsection (1)(a):

(a) shall ensure, using industry standard security measures, that the information may not be accessed by a person other than the government official or the government entity that the government official represents;

(b) may only use the information to the extent necessary to fulfill a duty of the government official; and

(c) may not disclose the information to a person other than a person needing the information to fulfill a duty of the government official or the government entity that the government official represents.

(3) Before providing the information described in Subsection (1)(a) to a government official:

(a) the lieutenant governor or county clerk shall verify that:

(i) the person requesting the information is a government official; and

(ii) it is necessary to provide the information requested to permit the government official to fulfill an official duty imposed by law on the government official; and

(b) the government official requesting the information shall sign a request form that includes:

(i) the name, address, and telephone number of the government official;

(ii) the government official's position or title;

(iii) a description of the information requested;

## SB0194 compared with SB0194S01

- (iv) a description of the official duty imposed by law on the government official that requires the requested information;
- (v) a statement that the government official will ensure, using industry standard security measures, that the information may not be accessed by a person other than the government official or the government entity that the government official represents;
- (vi) a statement that the government official will only use the information to the extent necessary to fulfill an official duty imposed by law on the government official;
- (vii) an assertion that the government official will not provide or use the information obtained from the voter registration records in a manner that is prohibited by law;
- (viii) a statement that obtaining the information under false pretenses, or providing or using the information from the voter registration records in a manner that is prohibited by law, is punishable as a class A misdemeanor and a civil fine; and
- (ix) notice that if the person signing the request form makes a false statement in the request form, the person is punishable by law under Section 76-8-504.

(4) The lieutenant governor or a county clerk may not disclose the information under this section if the lieutenant governor or county clerk reasonably believes that the person:

- (a) is not a government official;
- (b) does not need the information requested to fulfill an official duty imposed by law on the government official; or
- (c) will provide or use the information in a manner prohibited by law.

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

**20A-2-606. At-risk registered voter -- Application -- Designation -- Change of status.**

(1) Except to the extent expressly authorized in this part or otherwise expressly provided by law, the lieutenant governor or a county clerk may not disclose an at-risk voter's voter registration record, or any information from an at-risk voter's voter registration record.

(2) On January 1, 2027, each county clerk shall designate as an at-risk voter each voter whose voter registration record had withheld status on December 31, 2026, for one of the following reasons:

- (a) the voter:
  - (i) submitted a withholding request form:
  - (A) with the individual's voter registration record; or
  - (B) directly to the lieutenant governor or a county clerk; and

## SB0194 compared with SB0194S01

3362 (ii) indicated on the form that the voter, or an individual who resides with the voter, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence; or

3365 (b) the voter:

3366 (i) submitted a withholding request form:

3367 (A) with the individual's voter registration record;

3368 (B) to the lieutenant governor; or

3369 (C) to a county clerk; and

3370 (ii) indicated on the form and provided verification that the voter, or an individual who resides with the voter, is a law enforcement officer, a member of the armed forces as defined in Section 20A-1-513, a public figure, or protected by a protective order or protection order.

3374 (3)

3376 (a) The lieutenant governor shall design and distribute an at-risk voter request form to each election officer and to each agency that provides a voter registration form.

3376 (b) 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, establishing requirements for providing the proof described in Subsections (5)(a)(ii), (b)(ii), and (c)(ii).

3380 (4) The following may not encourage an individual to submit, or discourage an individual from submitting, an at-risk voter request form:

3382 (a) an election officer;

3383 (b) an agency described in Subsection (3)(a); or

3384 (c) an employee of a person described in Subsection (4)(a) or (b).

3385 (5) A voter may apply for designation as an at-risk voter by submitting, either with the voter's voter registration form, or separately to the lieutenant governor or a county clerk:

3387 (a)

3390 (i) an at-risk voter request form indicating that the voter, or an individual who resides with the voter, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence; and

3390 (ii) in accordance with any rules made under Subsection (3)(b), proof of the indication described in Subsection (5)(a)(i) in the form of a sworn affidavit where the voter swears to the following statement: "I am applying for designation as an at-risk voter because either myself, or someone who

## SB0194 compared with SB0194S01

resides with me, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence.";

3396

(b)

- (i) an at-risk voter request form indicating that the voter, or an individual who resides with the voter, is a law enforcement officer, a public figure, or protected by a protective order or protection order; and
- (ii) in accordance with any rules made under Subsection (3)(b), proof of the indication described in Subsection (5)(b)(i); or

3401

(c)

- (i) an at-risk voter request form indicating that the voter is, or is a qualified family member of, a remotely-deployed member of the armed forces; and

3403

- (ii) in accordance with any rules made under Subsection (3)(b), proof of the indication described in Subsection (5)(c)(i).

3405

- (6) Beginning on January 1, 2027, a county clerk or the lieutenant governor shall, in addition to the voters designated as at-risk voters under Subsection (2), designate a voter as an at-risk voter if the voter:

3408

(a)

- (i) is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence;

3410

- (ii) is, or resides with an individual who is, a law enforcement officer, a public figure, or protected by a protective order or protection order; or

3412

- (iii) is, or is a qualified family member of, a remotely-deployed member of the armed forces; and

3414

- (b) complies with Subsection (5).

3415

- (7) A county clerk shall, beginning in 2030, and every five years after 2030, before July 15:

3416

- (a) mail to each voter who, for at least the last year, has been designated as an at-risk voter:

3418

- (i) notice that the voter is designated as an at-risk voter and the grounds for the designation;

3420

- (ii) a list of the grounds for designating a voter as an at-risk voter;

3421

- (iii) an inquiry regarding whether the voter still qualifies as an at-risk voter; and

3422

- (iv) a self-addressed envelope, with postage prepaid, for the voter to mail the voter's response to the inquiry described in Subsection (7)(a)(iii); and

3424

- (b) remove the designation of a voter as an at-risk voter if the voter responds that the voter no longer qualifies as an at-risk voter.

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3455       Section 29. Section **29** is enacted to read:

3456       **20A-2-607. Applicability and enforcement -- Transition.**

3457       **(1) This part does not govern or restrict the release of a voter registration record:**

3458       **(a) to an election officer or an employee of an election officer;**

3459       **(b) for a government purpose relating to maintaining the voter registration list or the administration of**  
**an election;**

3460       **(c) to the federal government to comply with, or verify compliance with, the requirements of law;**

3461       **(d) pursuant to an order of a court with jurisdiction; or**

3462       **(e) to a federal, state, or local law enforcement agency for a legitimate law enforcement purpose.**

3463       **(2) It is unlawful for a person to:**

3464       **(a) obtain information from the list of registered voters under false pretenses;**

3465       **(b) obtain or use information from the list of registered voters in a manner that is not permitted by law;**

3466       **or**

3467       **(c) knowingly disclose information from the list of registered voters in a manner that is not permitted by**  
**law.**

3468       **(3)**

3469       **(a) A violation of Subsection (2)(a) is a class A misdemeanor.**

3470       **(b) A violation of Subsection (2)(b) or (c) is a class B misdemeanor.**

3471       **(4) Beginning on January 1, 2027, and ending on March 1, 2027, a response to a request for the voter**  
**registration list, a voter registration record, or information from the list or record, may be delayed**  
**until the earlier of:**

3472       **(a) the first business day after the day on which the new software system that will be implemented by**  
**the lieutenant governor on January 1, 2027, is fully functioning; or**

3473       **(b) March 1, 2027.**

3474       Section 30. Section **30** is enacted to read:

3475       ****20A-3a-201.5. Proof of citizenship required for state elections -- Separate federal ballots for****  
**registered voters who do not provide proof of citizenship.**

3476       **(1) Except as provided in Subsection (2), beginning on January 1, 2028, for an election that includes a**  
**race for federal office:**

3477       **(a) an election officer shall:**

3478       **(i) for each precinct, produce a standard ballot; and**

## SB0194 compared with SB0194S01

3459 (ii) for each congressional district, produce a federal ballot;

3460 (b) only a voter who has, at the time of voter registration or before voting, provided documentary proof  
of United States citizenship may vote a standard ballot; and

3462 (c) a voter who has not provided documentary proof of United States citizenship, at the time of voter  
registration or before voting, may only vote a federal ballot.

3464 (2) Beginning on January 1, 2028, a voter who has not, at the time of registration or before voting,  
provided documentary proof of United States citizenship may cast a standard ballot as a provisional  
ballot, but an election officer may only count votes for federal office cast using the standard ballot  
unless the voter provides documentary proof of United States citizenship within 10 calendar days  
after the day of the election.

3469 (3) Beginning on January 1, 2028, except as otherwise provided in Section 20A-2-508:

3470 (a) an election officer may not require a voter to provide documentary proof of United States citizenship  
to vote a federal ballot; and

3472 (b) a voter who has previously provided documentary proof of United States citizenship to an election  
officer is not required to provide documentary proof of citizenship when the voter subsequently  
registers to vote.

3504 Section 31. Section **20A-3a-202** is amended to read:

3505 **20A-3a-202. Conducting election in person and by mail -- Mailing ballots to voters --**

3478 **Exceptions.**

3478 (1)

3483 (a) Except as otherwise provided for an election conducted entirely by mail under Section 20A-7-609.5,  
3484 an election officer shall administer an election primarily by mail, in accordance with this section.

3481 (b) An individual who did not provide valid voter identification at the time the voter registered to vote  
3483 shall provide valid voter identification before voting.

3483 (2) An election officer who administers an election:

3484 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before election day and no  
3485 later than seven calendar days before election day, mail to the applicable voters, in accordance with  
3486 Subsection 20A-3a-202.5(3), and subject to Subsection 20A-3a-202.5(4):

3488 (i) a manual ballot;

3489 (ii) a return envelope;

3490

## SB0194 compared with SB0194S01

- (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;
- 3493 (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
- 3496 (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;
- 3498 (b) may not mail a ballot under this section to:
  - 3499 (i) an inactive voter, unless the inactive voter requests a manual ballot;[or]
  - 3500 (ii) a voter whom the election officer is prohibited from sending a ballot under Subsection 20A-3a-202.5(4); or
- 3502 (iii) for an election held on or after January 1, 2028, a voter who is only eligible to vote a federal ballot, if the election does not include a race for federal office;
- 3504 (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;
- 3507 (d) shall provide a method of accessible voting to a voter with a disability who is not able to vote by mail; and
- 3509 (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.

3511 (3)

- (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to the address:
  - 3513 (i) provided at the time of registration or updated by the voter after the time of registration; or
  - 3515 (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.
- 3517 (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.
- 3520 (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.

## **SB0194 compared with SB0194S01**

(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:

3525 "WARNING

3526 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.

3532 NOTICE

3533 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].".

3538 (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:

3540 "WARNING

3541 If you have a valid Utah driver license or a valid Utah state identification card, failure to provide the last four digits of your license or card number will result in your ballot not being counted.

3544 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:

3547 • a currently valid identification card that is issued by the state or a branch, department, or agency of the United States;

3549 • a currently valid Utah permit to carry a concealed weapon;

3550 • a currently valid United States passport;

3551 • a currently valid United States military identification card; or

3552 • a currently valid tribal identification card, Bureau of Indian Affairs card, or tribal treaty card.

3554 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

## SB0194 compared with SB0194S01

view this information] or by calling [insert a phone number that a voter may call to access this information]."

3559 (4) The return envelope shall include:

3560 (a) the name, official title, and post office address of the election officer on the front of the envelope;

3562 (b) 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;

3565 (c) the following statement:

3566 "IMPORTANT: See the warning and notice enclosed with your ballot.";

3567 (d) 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

3569 (e) a printed affidavit in substantially the following form:

3570 "County of \_\_\_\_ State of \_\_\_\_

3571 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.

3574 \_\_\_\_\_  
3575 Signature of Voter

### 3576 WARNING

3577 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."

3580 (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:

3582 (a) mail a ballot to the voter;

3583 (b) instruct the voter to enclose a copy of the voter's valid voter identification in the return envelope; and

3585 (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.

3588 (6) An election officer who administers an election shall:

3589 (a)

## SB0194 compared with SB0194S01

- (i) before the election, obtain the signatures of each voter qualified to vote in the election; or
- (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
- (b) maintain the signatures on file in the election officer's office.

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

(8) A county that administers an election:

- (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;
- (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;
- (c) may reduce the early voting period described in Section 20A-3a-601, if:
  - (i) the county clerk conducts early voting on at least four days;
  - (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
  - (iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604; and
- (d) is not required to pay return postage for a return envelope.

(9) A return envelope shall be designed in a manner that the information described in Subsections (4)(b) and (d), and the voter's signature, is covered from view after the return envelope is sealed.

(10) A county clerk shall, at least 90 calendar days before an election administered by the county clerk, contact local post offices to:

- (a) coordinate the handling of mail-in ballots for the upcoming election; and
- (b) take measures to ensure that:
  - (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
  - (ii) ballots are delivered in an expeditious manner to optimize the timely receipt of ballots.

Section 32. Section **20A-3a-401** is amended to read:

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

## SB0194 compared with SB0194S01

3627 (1) This section governs ballots returned by mail, via a ballot drop box, or by other legal means.

3629 (2) Poll workers shall process return envelopes containing manual ballots that are in the custody of the poll workers in accordance with this section.

3631 (3) Poll workers shall examine a return envelope to make the determinations described in Subsection (4).

3633 (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers determine:

3635 (a) for an election held before January 1, 2029:

3636 (i) [that] if the return envelope contains a four digit number on the portion of the return envelope for a voter to enter the last four digits of the voter's Utah driver license number, Utah state identification card number, or social security number, that the four digit number correctly identifies the last four digits of one of those numbers for the voter to whom the return envelope relates; [or]

3641 (ii) if the return envelope does not contain [the digits described in Subsection (4)(a)(i)] a four digit number on the portion of the return envelope described in Subsection (4)(a)(i), that:

3644 (A) in accordance with the rules made under Subsection (13), the signature on the affidavit of the return envelope is reasonably consistent with the individual's signature in the voter registration records; or

3647 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by alternative means; and

3649 (iii) if the return envelope contains the correct four digit number under Subsection (4)(a)(i), that:

3651 (A) in accordance with the rules made under Subsection (13), the signature on the affidavit of the return envelope is reasonably consistent with the individual's signature in the voter registration records; or

3654 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by alternative means;

3656 (b) for an election held on or after January 1, 2029:

3657 (i) (A) that the return envelope contains the last four digits of the voter's Utah driver license number, Utah state identification card number, or social security number;

3660 [(ii)] (B) if the return envelope does not contain the digits described in Subsection (4)(b)(i), that the voter included in the return envelope a copy of the identification described in Subsection 20A-3a-204(2)(c)(ii); or

3663 [(iii)] (C) for a voter described in Subsection 20A-3a-301(7), that the voter complied with Subsection 20A-3a-301(7); and

## SB0194 compared with SB0194S01

3665 (ii) that:

3666 (A) in accordance with the rules made under Subsection (13), the signature on the affidavit of the return  
envelope is reasonably consistent with the individual's signature in the voter registration records; or

3669 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
alternative means;

3671 (c) that the affidavit is sufficient;

3672 (d) that the voter is registered to vote in the correct precinct;

3673 (e) that the voter's right to vote the ballot has not been challenged;

3674 (f) that the voter has not already voted in the election; and

3675 (g) for a voter who has not yet provided valid voter identification with the voter's voter registration,  
whether the voter has provided valid voter identification with the return envelope.

3678 (5)

3679 (a) [If] Subject to Sections 20A-2-508 and 20A-3a-201.5, if the poll workers make all of the findings  
described in Subsection (4), the poll workers shall:

3680 (i) remove the manual ballot from the return envelope in a manner that does not destroy the  
affidavit on the return envelope;

3682 (ii) ensure that the ballot is not examined in connection with the return envelope; and

3683 (iii) place the ballot with the other ballots to be counted.

3684 (b) If the poll workers do not make all of the findings described in Subsection (4), the poll workers  
shall:

3686 (i) disallow the vote;

3687 (ii) except as provided in Subsection (6), without opening the return envelope, record the ballot as  
"rejected" and state the reason for the rejection; and

3689 (iii) except as provided in Subsection (6), place the return envelope, unopened, with the other rejected  
return envelopes.

3691 (6) A poll worker may open a return envelope, if necessary, to determine compliance with Subsection  
(4)(b)(ii), (4)(b)(iii), or (4)(g).

3693 (7)

3694 (a) If the poll workers reject an individual's ballot because the poll workers determine that the return  
envelope does not comply with Subsection (4), the election officer shall:

3696 (i) contact the individual in accordance with Subsection (8); and

## SB0194 compared with SB0194S01

- 3697 (ii) inform the individual:
  - 3698 (A) that the identification information provided on the return envelope is in question;
  - 3700 (B) how the individual may resolve the issue; and
  - 3701 (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).
- 3704 (b) If, under Subsection [(4)(a)(ii)(A)] (4)(a) or (b), the poll workers reject an individual's ballot because the poll workers determine, in accordance with rules made under Subsection (13), that the signature on the return envelope is not reasonably consistent with the individual's signature in the voter registration records, the election officer shall:
  - 3709 (i) contact the individual in accordance with Subsection (8); and
  - 3710 (ii) inform the individual:
    - 3711 (A) that the individual's signature is in question;
    - 3712 (B) how the individual may resolve the issue; and
    - 3713 (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).
  - 3716 (c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b) includes:
    - 3718 (i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (7)
      - (d) and a courtesy reply envelope;
    - 3720 (ii) when communicating the notice electronically, a link to a copy of the affidavit described in Subsection (7)(d) or information on how to obtain a copy of the affidavit; or
    - 3723 (iii) when communicating the notice by phone, either during a direct conversation with the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in Subsection (7)
      - (d), either in person from the clerk's office, by mail, or electronically.
  - 3727 (d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:
    - 3728 (i) an attestation that the individual voted the ballot;
    - 3729 (ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;
    - 3731 (iii) a space for the individual to sign the affidavit;

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- (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the information in the affidavit and the individual's signature on the affidavit for voter identification purposes; and
- 3735 (v) a check box accompanied by language in substantially the following form: "I am a voter with a qualifying disability under the Americans with Disabilities Act that impacts my ability to sign my name consistently. I can provide appropriate documentation upon request. To discuss accommodations, I can be contacted at \_\_\_\_\_".
- 3740 (e) In order for an individual described in Subsection (7)(a) or (b) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (7)(d) to the election officer.
- 3743 (f) An election officer who receives a signed affidavit under Subsection (7)(e) shall immediately:
- 3745 (i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section 20A-2-502;
- 3747 (ii) if the election officer receives the affidavit no later than noon on the last business day before the day on which the canvass begins, count the individual's ballot; and
- 3749 (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the rules described in Subsection (13)(c).
- 3751 (8)
  - (a) The election officer shall, within two business days after the day on which an individual's ballot is rejected, notify the individual of the rejection and the reason for the rejection, by phone, mail, email, or, if consent is obtained, text message, unless:
    - 3754 (i) the ballot is cured within one business day after the day on which the ballot is rejected; or
    - 3756 (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be cured.
  - 3758 (b) If an individual's ballot is rejected for a reason described in Subsection (8)(a)(ii), the election officer shall notify the individual of the rejection and the reason for the rejection by phone, mail, email, or, if consent is obtained, text message, within the later of:
    - 3762 (i) 30 calendar days after the day of the rejection; or
    - 3763 (ii) 30 calendar days after the day of the election.
  - 3764 (c) The election officer may, when notifying an individual by phone under this Subsection (8), use auto-dial technology.

## SB0194 compared with SB0194S01

3766 (9) An election officer may not count the ballot of an individual whom the election officer contacts under Subsection (7) or (8) unless, no later than noon on the last business day before the day on which the canvass begins, the election officer:

3769 (a) receives a signed affidavit from the individual under Subsection (7); or

3770 (b)

3771 (i) contacts the individual;

3775 (ii) if the election officer has reason to believe that an individual, other than the voter to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is unlawful to sign a ballot affidavit for another person, even if the person gives permission;

3776 (iii) verifies the identity of the individual by:

3778 (A) requiring the individual to provide at least two types of personal identifying information for the individual; and

3781 (B) comparing the information provided under Subsection (9)(b)(iii)(A) to records relating to the individual that are in the possession or control of an election officer; and

3782 (iv) documents the verification described in Subsection (9)(b)(iii), by recording:

3783 (A) the name and voter identification number of the individual contacted;

3784 (B) the name of the individual who conducts the verification;

3785 (C) the date and manner of the communication;

3786 (D) the type of personal identifying information provided by the individual;

3788 (E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and

3789 (F) other information required by the lieutenant governor.

3789 (10)

3790 (a) The election officer shall retain and preserve:

3791 (i) the return envelopes in accordance with Subsection 20A-4-202(2); and

3793 (ii) the documents described in Subsection (9)(b)(iv) in accordance with Subsection 20A-4-202(3).

3797 (b) If the election officer complies with Subsection (10)(a)(ii) by including the documentation in the voter's voter registration record, the election officer shall make, retain, and preserve a record of the name and voter identification number of each voter contacted under Subsection (9)(b).

3797 (11)

3797 (a) The election officer shall record the following in the database used in the verification process:

## SB0194 compared with SB0194S01

3799 (i) any initial rejection of a ballot under Subsection (5)(b), within one business day after the day on  
which the election officer rejects the ballot; and

3801 (ii) any resolution of a rejection of a ballot under Subsection (9), within one business day after the  
day on which the ballot rejection is resolved.

3803 (b) An election officer shall include, in the canvass report, a final report of the disposition of all rejected  
and resolved ballots, including, for ballots rejected, the following:

3806 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and

3807 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do  
not correspond.

3809 (12) Willful failure to comply with this section constitutes willful neglect of duty under Section  
20A-5-701.

3811 (13) The director of elections within the Office of the Lieutenant Governor shall make rules, in  
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

3814 (a) criteria and processes for use by poll workers in determining if a signature corresponds with the  
signature on file for the voter under Subsection (4)(a)(ii)(A);

3816 (b) training and certification requirements for election officers and employees of election officers  
regarding the criteria and processes described in Subsection (13)(a); and

3818 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Secs. 12131  
through 12165, an alternative means of verifying the identity of an individual who checks the box  
described in Subsection (7)(d)(v).

3821 (14)

3824 (a) Upon request, and subject to Subsections (14)(b) and (c), an election officer may disclose the name  
and address of a voter whose ballot has been rejected and not yet resolved with:

3825 (i) a candidate in the election;

3826 (ii) an individual who represents the candidate's campaign;

3827 (iii) the sponsors of an initiative or referendum appearing on the ballot; or

3827 (iv) for a ballot proposition appearing on the ballot, an individual who represents a political issues  
committee, as defined in Section 20A-11-101, if the political issues committee supports or  
opposes the ballot proposition.

3830 (b) If an election officer discloses the information described in Subsection (14)(a), the election officer  
shall:

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3832 (i) make the disclosure within two business days after the day on which the request is made;

3834 (ii) respond to each request in the order the requests were made; and

3835 (iii) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to  
one requestor over another.

3837 (c)

3838 (i) [A] Before January 1, 2027, a disclosure described in this Subsection (14) may not include the  
name or address of a [protected individual, as defined in Subsection 20A-2-104(1)] voter with a  
segregated record, as defined in Section 20A-2-601.

3841 (ii) Beginning on January 1, 2027, a disclosure described in this Subsection (14) may not include any  
information relating to an at-risk voter, as defined in Section 20A-2-601.

3873       Section 33. Section **20A-5-410** is amended to read:

3874       **20A-5-410. Election officer to provide voting history information and status -- Restrictions.**

3847 (1) As used in this section, "voting history record" means the following information relating to a  
registered voter:

3849 (a) the information [in the voter's voter registration record] described in Subsections 20A-2-601(a)  
through (k), in relation to the voter, other than the information classified as private under Subsection  
63G-2-302(1)(j);

3852 (b) the voter's privacy status;

3853 [e) the voter's status as active or inactive;]

3854 [d) the voter's voter identification number;]

3855 [e) the voter's federal information processing system code;]

3856 [f) the voter's precinct;]

3857 [g) each political district in which the voter is a resident;]

3858 [h) (c) a list of elections in which the voter voted;

3859 [i) (d) whether the voter voted in person on election day;

3860 [j) (e) whether the voter voted in person before election day;

3861 [k) (f) whether the voter returned a mailed ballot;

3862 [l) (g) whether the voter's ballot was mailed to an alternate address; and

3863 [m) (h) the date on which the voter voted or on which the voter returned a mailed ballot.

3864 (2)

## SB0194 compared with SB0194S01

- (a) Each election officer shall maintain, in the election officer's office, a voting history record of those voters registered to vote in the election officer's jurisdiction.
- (b) The voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act, except:
  - (i) as it relates to a voter whose voter registration record is classified as private under Subsection 63G-2-302(1)(k) or (l);[~~or~~]
  - (ii) a record or information described in Subsection [63G-2-302(1)(n).] 63G-2-302(1)(m) or (n); or
  - (iii) as provided in Subsection (3).

(3)

- (a) When an election officer reports voting history for an election, the election officer shall, for each [voter whose voter registration is classified as private under Subsektion 20A-2-104(4)(h), report the following, for that election only,] at-risk voter, as defined in Section 20A-2-601, without disclosing the identity of the at-risk voter, report, for that election only, only the following information:
  - (i) for voting by mail, the information described in Subsection (4)(a);
  - (ii) for early voting, the date the individual voted; and
  - (iii) for voting on election day, the date the individual voted.
- (b) In relation to the information of [a voter whose voter registration is classified as private under Subsektion 20A-2-104(4)(h)] an at-risk voter, as defined in Section 20A-2-601, a report described in Subsection (3)(a) may not disclose, by itself or in conjunction with any other public information, the identity or any other personal identifying information of the voter.

(4) Subject to Subsection (5), the election officer shall ensure that the voting history record kept by the election officer for each voting precinct contains:

- (a) for voting by mail:
  - (i) the date that the manual ballot was mailed to the voter; and
  - (ii) the date that the voted manual ballot was received by the election officer;
- (b) for early voting:
  - (i) the name and address of each individual who participated in early voting; and
  - (ii) the date the individual voted; and
- (c) for voting on election day, the name and address of each individual who voted on election day.

(5) Subsection (4) does not authorize the disclosure of the information described in Subsection (4) beyond the extent expressly provided in Subsections (2) and (3).

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3898 (6)

(a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the election officer shall ensure that the information required to be disclosed under this section is recorded and made available to the public no later than one business day after the day on which the election officer receives the information.

3903 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements established in any ordinance, the election officer shall, subject to Subsection 20A-2-104(1)(c)(v), make copies of the voting history record available to the public, in accordance with this section, for the actual cost of production or copying.

3936 Section 34. Section **20A-6-105** is amended to read:

3937 **20A-6-105. Provisional ballot envelopes.**

3909 (1) Each election officer shall ensure that provisional ballot envelopes are printed in substantially the following form:

3911 (a)

(i) the envelope shall include the following statement:

3912 "AFFIRMATION

3913 Are you a citizen of the United States of America? Yes No

3914 Will you be 18 years old on or before election day? Yes No

3915 If you checked "no" in response to either of the two above questions, do not complete this form.";

3917 (ii) beginning on January 1, 2028, the envelope shall include the following statement:

3922 (iii) the envelope shall include the following:

3923 "Name of Voter \_\_\_\_\_

3924 First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

3925 Driver License or Identification Card Number \_\_\_\_\_

3926 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

3927 Date of Birth \_\_\_\_\_

3928 Street Address of Principal Place of Residence \_\_\_\_\_

3929 \_\_\_\_\_

3930 City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## SB0194 compared with SB0194S01

3960 Tribal Identification Number or Alien Registration Number (optional)

3933 Telephone Number (optional) \_\_\_\_\_

3934 Email Address (optional) \_\_\_\_\_

3964 Do you consent to receive communications from the political party with which you affiliate, and candidates for that political party, as follows (optional):

3966 • At the email address you provided above? Yes No

3967 • By text or phone call, at the phone number you provided above? Yes No

3939 Last four digits of Social Security Number \_\_\_\_\_

3940 Last former address at which I was registered to vote (if known)

3941 \_\_\_\_\_

3942 City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3943 Voting Precinct (if known) \_\_\_\_\_

3944 I, (please print your full name) \_\_\_\_\_ do solemnly swear or affirm:

3946 That I am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in this precinct; and

3949 Subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 calendar days immediately before this election.

3953 Signed \_\_\_\_\_

3955 Dated \_\_\_\_\_

3957 In accordance with Section 20A-3a-506, wilfully providing false information above is a class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

### 3959 PRIVACY INFORMATION

3989 Voter registration records contain some information that is available to the public, such as your name, address, and year of birth. Your full date of birth, driver license number, state identification card number, and social security number are available only to an authorized government entity. Your email address and phone number are also only available to an authorized government entity,

## SB0194 compared with SB0194S01

unless you have consented, above, to disclose them to the political party with which you choose to affiliate and candidates for that political party.

### 3995 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3996 In addition to the protections provided above, you may request that your voter registration record be withheld from public disclosure if you or someone you live with:

- 3998 • is at risk of domestic violence;
- 3999 • is a law enforcement officer;
- 4000 • is a member of the military who is deployed away from home;
- 4001 • is a public figure; or
- 4002 • is protected by a court order.

4003 To make this request for additional privacy protection, you must prove that you qualify by submitting an at-risk voter request form, and any required proof, to the county clerk.

4005 [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.

3980 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.

3984 You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

3987 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

### 3990 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3991 In addition to the protections provided above, you may request that identifying information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

## SB0194 compared with SB0194S01

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

4002 A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.]

### 4008 CITIZENSHIP AFFIDAVIT

4009 Name:

4010 Name at birth, if different:

4011 Place of birth:

4012 Date of birth:

4013 Date and place of naturalization (if applicable):

4014 I hereby swear [and] or affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

---

4017 4018 Signature of Applicant

4019 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to \$2,500."; and

4022 (iv) on or with the form on the envelope, the statement described in Subsection 20A-2-104(1)(e);

4024 (b) the following statement shall appear after the [statement described in] provisions required under Subsection (1)(a):

### 4026 "BALLOT NOTIFICATIONS

4027 Do you consent to receive communications about the status of your ballot and other official communications, by text, at the phone number you provided above? Yes No "; and

## SB0194 compared with SB0194S01

4030 (c) no later than November 5, 2025, after the statement described in Subsection (1)(b), the following:  
4032 "Indicate below how you want to vote in upcoming elections:

4033  Mail a ballot to me.

4034  Do not mail a ballot to me. I will vote in person."

4035 (2) The provisional ballot envelope shall include:

4036 (a) a unique number;

4037 (b) a detachable part that includes the unique number;

4038 (c) a telephone number, internet address, or other indicator of a means, in accordance with Section  
20A-6-105.5, where the voter can find out if the provisional ballot was counted; and

4041 (d) an insert containing written instructions on how a voter may sign up to receive ballot status  
notifications via the ballot tracking system described in Section 20A-3a-401.5.

4072 Section 20A-9-408 is amended to read:

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

4046 (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.

4049 (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.

4053 (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:

4057 (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:

4062 (i) the name of the member who will attempt to become a candidate for a registered political party  
under this section;

4064 (ii) the name of the registered political party for which the member is seeking nomination;

## SB0194 compared with SB0194S01

4066 (iii) the office for which the member is seeking to become a candidate;

4067 (iv) the address and telephone number of the member; and

4068 (v) other information required by the lieutenant governor;

4069 (b) except as provided in Subsection 20A-9-202(1)(c), 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

4072 (c) pay the filing fee.

4073 (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:

4077 (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:

4081 (i) the name of the member who will attempt to become a candidate for a registered political party  
under this section;

4083 (ii) the name of the registered political party for which the member is seeking nomination;

4085 (iii) the office for which the member is seeking to become a candidate;

4086 (iv) the address and telephone number of the member; and

4087 (v) other information required by the lieutenant governor;

4088 (b) except as provided in Subsection 20A-9-202(1)(c), 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

4091 (c) pay the filing fee.

4092 (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.

4098 (6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also  
includes the name of each candidate nominated by a qualified political party under this section.

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4101 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by  
a qualified political party under this section, designate the qualified political party that nominated  
the candidate.

4104 (8) A member of a qualified political party may seek the nomination of the qualified political party for  
an elective office by:

4106 (a) complying with the requirements described in this section; and

4107 (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:

4111 (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;

4114 (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;

4118 (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;

4121 (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;

4124 (v) for a State Board of Education race, the lesser of:

4125 (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

4128 (B) 3% of the registered voters of the qualified political party who are residents of the applicable State  
Board of Education district; and

4130 (vi) for a county office race, the lesser of:

4131 (A) 2,000 signatures of 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; or

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4134 (B) signatures of [3%] 1.5% 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.

4138 (9)  
(a) This Subsection (9) applies only to the manual candidate qualification process.

4139 (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:

4142 (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

4145 (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election officer before the  
applicable deadline described in Subsection (12).

4147 (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:

4153 (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;

4155 (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;

4157 (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

4161 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

4163 (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.

4168

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- (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 4170 (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.
- 4174 (e)
  - (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.
  - 4178 (ii) An individual who conducts an audit of signature comparisons under this section may not audit the individual's own work.
  - 4180 (iii) The election officer shall:
    - (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to determine the accuracy of the comparisons made;
    - 4183 (B) record the individuals who conducted the audit;
    - 4184 (C) record the audit results;
    - 4185 (D) provide additional training or staff reassignments, as needed, based on the results of an audit described in Subsection (9)(e)(i); and
    - 4187 (E) record any remedial action taken.
  - 4188 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 4189 (f) An election officer who certifies signatures under Subsection (9)(c) or 20A-9-403(3)(d) 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:
  - 4195 (i) certifies signatures equal to 110% of the applicable signature threshold; or
  - 4196 (ii) has reviewed all signatures submitted for the candidate before reaching an amount equal to 110% of the applicable signature threshold.
- 4198 (10)
  - (a) This Subsection (10) applies only to the electronic candidate qualification process.

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(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:

4204 (i) in accordance with Section 20A-21-201; and

4205 (ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

4207 (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:

4212 (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

4214 (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.

4216 (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.

4219 (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:

4222 (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and

4224 (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).

4227 (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.

4234

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(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.

4238 (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.

4242 (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:

4245 (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

4248 (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.

4283 Section 36. Section **36** is enacted to read:

**20A-9-408.4. Incumbent county clerk required to contract for certain services relating to a race for reelection.**

In relation to a race in which an incumbent county clerk is running for reelection, the incumbent county clerk:

4288 (1) shall contract with another county clerk to fulfill the responsibilities described in:

4289 (a) Subsection 20A-9-403(3)(d);

4290 (b) Subsection 20A-9-405(10)(c);

4291 (c) Subsections 20A-9-408(9)(c), (d)(iii), and (f);

4292 (d) Subsections 20A-9-408(10)(c), (11)(c); and

4293 (e) Subsections 20A-9-408.3(2) through (3) and (5) through (7);

4294 (2) no later than one business day after the day on which the incumbent county clerk receives a signature packet for the race, deliver the signature packet to the county clerk described in Subsection (1); and

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4297 (3) on the same business day on which the incumbent county clerk receives a document requesting the removal of a signature from a signature packet for the race, electronically send a clear image of the document to the county clerk described in Subsection (1).

4300 Section 37. Section **20A-11-104** is amended to read:

4301 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.**

4257 (1)

4258 (a) As used in this chapter, "personal use expenditure" means an expenditure that:

(i)

(A) is not excluded from the definition of personal use expenditure by Subsection (2); and

4260 (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or

4264 (ii) would likely cause the candidate or officeholder to recognize the expenditure as taxable income under federal or state law.

4266 (b) "Personal use expenditure" includes:

4267 (i) a mortgage, rent, utility, or vehicle payment;

4268 (ii) a household food item or supply;

4269 (iii) a clothing expense, except:

4270 (A) clothing bearing the candidate's name or campaign slogan or logo that is used in the candidate's campaign;

4272 (B) clothing bearing the logo or name of a jurisdiction, district, government organization, government entity, caucus, or political party that the officeholder represents or of which the officeholder is a member; or

4275 (C) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or officeholder;

4277 (iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;

4279 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;

4280 (vi) a salary payment made to:

4281 (A) a candidate or officeholder; or

4282 (B) a person who has not provided a bona fide service to a candidate or officeholder;

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4284 (vii) a vacation;

4285 (viii) a vehicle expense;

4286 (ix) a meal expense;

4287 (x) a travel expense;

4288 (xi) a payment of an administrative, civil, or criminal penalty;

4289 (xii) a satisfaction of a personal debt;

4290 (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;

4292 (xiv) a membership fee for a professional or service organization; and

4293 (xv) a payment in excess of the fair market value of the item or service purchased.

4294 (2) As used in this chapter, "personal use expenditure" does not include an expenditure made:

4296 (a) for a political purpose;

4297 (b) for candidacy for public office;

4298 (c) to fulfill a duty or activity of an officeholder;

4299 (d) for a donation to a registered political party;

4300 (e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;

4303 (f) to return all or a portion of a contribution to a contributor;

4304 (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:

4306 (i)

4308 (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or

4309 (B) for motor fuel or special fuel, as defined in Section 59-13-102;

4310 (ii) a food expense, including food or beverages:

4311 (A) served at a campaign event;

4312 (B) served at a charitable event;

4314 (C) consumed, or provided to others, by a candidate while the candidate is engaged in campaigning;

4316 (D) consumed, or provided to others, by an officeholder while the officeholder is acting in the capacity of an officeholder; or

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- (E) provided as a gift to an individual who works on a candidate's campaign or who assists an officeholder in the officeholder's capacity as an officeholder;
- 4318 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses incidental to the travel;
- 4321 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of the travel by the individual is to assist the candidate with the candidate's campaign, including an expense described in Subsection (2)(g)(iii);
- 4324 (v) a travel expense of an officeholder, if the primary purpose of the travel is related to an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
- 4327 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose of the travel by the individual is to assist the officeholder in an activity or duty of an officeholder, including an expense described in Subsection (2)(g)(iii);
- 4330 (vii) a payment for a service provided by an attorney or accountant;
- 4331 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 4332 (ix) a gift;
- 4333 (x) a payment for the following items in connection with an office space:
  - 4334 (A) rent;
  - 4335 (B) utilities;
  - 4336 (C) a supply; or
  - 4337 (D) furnishing;
- 4338 (xi) a booth at a meeting or event;
- 4339 (xii) educational material; or
- 4340 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of an officeholder;
- 4342 (h) to purchase or mail informational material, a survey, or a greeting card;
- 4343 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
- 4346 (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;

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- (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
- 4350 (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community;
- 4353 (m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2), including related travel expenses and other expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv) or (vi);[~~or~~]
- 4357 (n) to pay childcare expenses of:
  - (i) a candidate while the candidate is engaging in campaign activity; or
  - 4359 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder~~[.]~~ ; or
  - 4361 (o) by a candidate or officeholder to purchase reasonably necessary goods, other than weapons, or services, for the purpose of protecting the security of the candidate or officeholder, the candidate's or officeholder's family, or the candidate's or officeholder's staff, which may include:
    - (i) a security system for use at the candidate's or officeholder's home, place of business, or campaign office; or
    - 4367 (ii) security services while the candidate or officeholder is traveling to or from, or attending:
      - (A) a campaign event; or
      - 4370 (B) for an officeholder, an event relating to an activity or duty of the officeholder.
  - 4371 (3)
    - (a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:
      - 4373 (i) evaluating a financial statement to identify a personal use expenditure; and
      - 4374 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to believe a candidate or officeholder has made a personal use expenditure.
    - 4377 (b) Following the proceeding, the lieutenant governor may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:
      - 4379 (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and
      - 4381 (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.

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(c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) [~~in~~] into the General Fund.

4431       Section 38. Section **20A-11-204** is amended to read:

4432       **20A-11-204. State office candidate and state officeholder -- Financial reporting requirements**

4388       **-- Interim reports.**

4389       (1) As used in this section:

4390       (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1) (a) or (c).

4391       (b) "Received" means:

4392       (i) for a cash contribution, that the cash is given to a state office candidate or a member of the state office candidate's personal campaign committee;

4393       (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated;

4394       (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

4395       (A) the day on which the state office candidate or a member of the state office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

4396       (B) the day on which the state office candidate or a member of the state office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or

4397       (C) 31 calendar days after the day on which the direct deposit occurs; or

4398       (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.

4399       (2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

4400       (a)

4401       (i) seven calendar days before the candidate's political convention; or

4402       (ii) for an unaffiliated candidate, the fourth Saturday in March;

4403       (b) seven calendar days before the regular primary election date;

4404       (c) September 30; and

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4414 (d) seven calendar days before the regular general election date.

4415 (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the state office candidate:

4417 (a) shall file an interim report:

4418 (i) for a vacancy described in Subsection 20A-1-504(1)(b)(i), no later than three business days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint[~~in accordance with Subseection 20A-1-504(1)(a); or~~];

4422 (ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii), no later than three business days before the day on which the Senate meets to consider the governor's nomination; or

4425 [(ii)] (iii) if a state office candidate decides to seek the appointment with less than three business days before the [day on which the political party meets] applicable day described in Subsection (3)(a)(i) or (ii), or the political party or the Senate schedules the [meeting to declare a nominee] applicable meeting described in Subsection (3)(a)(i) or (ii) less than three business days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the political party or the Senate meets; and

4432 (b) is not required to file an interim report at the times described in Subsection (2).

4433 (4) Each interim report shall include the following information:

4434 (a) the net balance of the last summary report, if any;

4435 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

4437 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

4439 (d) a detailed listing of:

4440 (i) for a state office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or

4442 (ii) for a state officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

4445 (e) for each nonmonetary contribution:

4446 (i) the fair market value of the contribution with that information provided by the contributor; and

4448 (ii) a specific description of the contribution;

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4449 (f) a detailed listing of each expenditure made since the last summary report that has not been reported  
in detail on a prior interim report;

4451 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

4452 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all  
receipts since the last summary report minus all expenditures since the last summary report;

4455 (i) a summary page in the form required by the lieutenant governor that identifies:

4456 (i) beginning balance;

4457 (ii) total contributions and public service assistance received during the period since the last statement;

4459 (iii) total contributions and public service assistance received to date;

4460 (iv) total expenditures during the period since the last statement; and

4461 (v) total expenditures to date; and

4462 (j) the name of a political action committee for which the state office candidate or state officeholder is  
designated as an officer who has primary decision-making authority under Section 20A-11-601.

4465 (5)

4467 (a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar  
days before the required filing date of the report.

(b) Any negotiable instrument or check received by a state office candidate or state officeholder more  
than five calendar days before the required filing date of a report required by this section shall be  
included in the interim report.

4516 Section 39. Section **20A-11-1303** is amended to read:

4517 **20A-11-1303. School board office candidate and school board officeholder -- Financial  
reporting requirements -- Interim reports.**

4473 (1)

4474 (a) As used in this section, "received" means:

4476 (i) for a cash contribution, that the cash is given to a school board office candidate or a member of  
the school board office candidate's personal campaign committee;

4478 (ii) for a contribution that is a check or other negotiable instrument, that the check or other  
negotiable instrument is negotiated;

4480 (iii) for a direct deposit made into a campaign account by a person not associated with the  
campaign, the earlier of:

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(A) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

4483 (B) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or

4486 (C) 31 calendar days after the day on which the direct deposit occurs; or

4487 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.

4489 (b) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

4491 (c) Except as provided in Subsection (2), each school board office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

4494 (i) May 15;

4495 (ii) seven calendar days before the regular primary election date;

4496 (iii) September 30; and

4497 (iv) seven calendar days before the regular general election date.

4498 (2) If a school board office candidate is a school board office candidate seeking appointment for a midterm vacancy, the school board office candidate:

4500 (a) shall file an interim report:

4501 (i) for a vacancy described in Subsection [20A-1-504(1)(b)(ii)(A) or (B)] 20A-1-504(1)(b)(ii), no later than three business days before the day on which the Senate meets to consider the school board office candidate's nomination;[or]

4504 (ii) for a vacancy described in Subsection [20A-1-504(1)(b)(ii)(C):] 20A-1-504(1)(b)(i),

4506 [(A)] no later than three business days before the day on which the political party of the party for which the school board office candidate seeks nomination meets to declare a nominee for the governor to appoint; or

4509 [(B)] (iii) if the school board office candidate decides to seek the appointment with less than three business days before the [day on which the political party meets] applicable day described in Subsection (2)(a)(i) or (ii), or the political party or the Senate schedules the [meeting to declare a

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~~nominee] applicable meeting described in Subsection (2)(a)(i) or (ii) less than three business days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the political party or the Senate meets; and~~

- 4516     (b) is not required to file an interim report at the times described in Subsection (1)(c).
- 4517     (3) Each interim report shall include the following information:
  - 4518         (a) the net balance of the last summary report, if any;
  - 4519         (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  - 4521         (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  - 4523         (d) a detailed listing of:
    - 4524             (i) for a school board office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
    - 4526             (ii) for a school board officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
  - 4529         (e) for each nonmonetary contribution:
    - 4530             (i) the fair market value of the contribution with that information provided by the contributor; and
    - 4532             (ii) a specific description of the contribution;
  - 4533         (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  - 4535         (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - 4536         (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
- 4539         (i) a summary page in the form required by the lieutenant governor that identifies:
  - 4540             (i) beginning balance;
  - 4541             (ii) total contributions during the period since the last statement;
  - 4542             (iii) total contributions to date;
  - 4543             (iv) total expenditures during the period since the last statement; and
  - 4544             (v) total expenditures to date; and

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(j) the name of a political action committee for which the school board office candidate or school board officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

4548 (4)

(a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar days before the required filing date of the report.

4550 (b) Any negotiable instrument or check received by a school board office candidate or school board officeholder more than five calendar days before the required filing date of a report required by this section shall be included in the interim report.

4599 Section 40. Section **20A-11-1604** is amended to read:

4600 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**

4556 (1)

(a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.

4562 (b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.

4567 (c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.

4572 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:

4574 (a) on the official record of the action taken, for a state constitutional officer;

4575 (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or

4577

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- (c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.
- (3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
  - (a)
    - (i) no sooner than January 1 each year, and before January 11 each year; or
    - (ii) if the state constitutional officer takes office after January 10, within 10 calendar days after the day on which the state constitutional officer takes office; and
  - (b) each time the state constitutional officer changes employment.
- (4) A legislator shall make a complete conflict of interest disclosure on the website:
  - (a)
    - (i) no sooner than January 1 each year, and before January 11 each year; or
    - (ii) if the legislator takes office after January 10, within 10 calendar days after the day on which the legislator takes office; and
  - (b) each time the legislator changes employment.
- (5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:
  - (a)
    - (i) no sooner than January 1 each year, and before January 11 each year; or
    - (ii) if the member takes office after January 10, within 10 calendar days after the day on which the member takes office; and
  - (b) each time the member changes employment.
- (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
  - (a) the regulated officeholder's name;
  - (b) subject to Subsection (7):
    - (i) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year; and
    - (ii) for each employer described in this Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
    - (c) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:
      - (i) the name of the entity;

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4607 (ii) a brief description of the type of business or activity conducted by the entity; and  
4608 (iii) the regulated officeholder's position in the entity;

4609 (d) in accordance with Subsection (8), for each individual from whom, or entity from which, the  
regulated officeholder has received \$5,000 or more in income during the preceding year:

4612 (i) the name of the individual or entity; and  
4613 (ii) a brief description of the type of business or activity conducted by the individual or entity;

4615 (e) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market  
value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but  
excluding funds that are managed by a third party, including blind trusts, managed investment  
accounts, and mutual funds:

4619 (i) the name of the entity; and  
4620 (ii) a brief description of the type of business or activity conducted by the entity;

4621 (f) for each entity not listed in Subsections (6)(c) through (e) in which the regulated officeholder  
currently serves, or served in the preceding year, in a paid leadership capacity or in a paid or unpaid  
position on a board of directors:

4624 (i) the name of the entity or organization;  
4625 (ii) a brief description of the type of business or activity conducted by the entity; and  
4626 (iii) the type of position held by the regulated officeholder;

4627 (g) at the option of the regulated officeholder, a description of any real property in which the regulated  
officeholder holds an ownership or other financial interest that the regulated officeholder believes  
may constitute a conflict of interest, including a description of the type of interest held by the  
regulated officeholder in the property;

4631 (h) subject to Subsection (7):

4632 (i) the name of the regulated officeholder's spouse; and  
4633 (ii) the name of each of the regulated officeholder's spouse's current employers and each of the  
regulated officeholder's spouse's employers during the preceding year, if the regulated officeholder  
believes the employment may constitute a conflict of interest;

4637 (i) the name of any adult residing in the regulated officeholder's household who is not related to the  
officeholder by blood;

4639

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- (j) for each adult described in Subsection (6)(i), a brief description of the adult's employment or occupation, if the regulated officeholder believes the adult's presence in the regulated officeholder's household may constitute a conflict of interest;
- 4642 (k) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;
- 4644 (l) the date the form was completed;
- 4645 (m) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and
- 4647 (n) the signature of the regulated officeholder.
- 4648 (7)
  - (a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated officeholder or regulated officeholder's spouse is an at-risk government employee, as that term is defined in Subsection [63G-2-303(1)(a)] 63G-2-303(2)(a), the regulated officeholder may request the filing officer to redact from the conflict of interest disclosure:
    - 4653 (i) the regulated officeholder's employment information under Subsection (6)(b); and
    - 4654 (ii) the regulated officeholder's spouse's name and employment information under Subsection (6)(h).
  - 4656 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact the disclosures made under Subsection (6)(b) or (h) before the filing officer makes the conflict of interest disclosure available for public inspection.
  - 4659 (8) In making the disclosure described in Subsection (6)(d), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(d) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(d) in relation to the regulated officeholder's individual customers or clients.
  - 4666 (9) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
  - 4668 (10) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.

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(11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.

4672 (12)

(a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

4674 (b) In addition to the criminal penalty described in Subsection (12)(a), the lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).

4723 Section 41. Section **36-12-15.2** is amended to read:

### **36-12-15.2. Elections audit.**

4679 (1) As used in this section, "office" means the Office of the Legislative Auditor General.

4680 (2) In addition to other audits performed by the office, the office shall, [each even-numbered year, in accordance with this section and under the direction of the Legislative Audit Subcommittee] as frequently as determined necessary by the office or the Legislative Audit Subcommittee, conduct a comprehensive performance audit of the state's election system and controls[.] :

4685 (a) in accordance with this section; and

4686 (b) under the direction of the Legislative Audit Subcommittee.

4687 (3) The audit may include the entire election process for the elections held in an even-numbered year, including:

4689 (a) procedures and practices that occur before or after the beginning of the year to prepare for the elections; and

4691 (b) procedures, practices, and standards relating to:

4692 (i) voter registration;

4693 (ii) candidate filing and selection;

4694 (iii) the preparation, printing, distribution, handling, examining, counting, and all other handling of ballots; and

4696 (iv) the entire election process, including the regular primary election, the regular general election, and the determination of election results.

4698 (4) The audit extends to the functions of all persons involved in the election process, including the Office of the Lieutenant Governor, each county clerk's office, and each board of canvassers.

4701

## SB0194 compared with SB0194S01

(5) At a minimum, the office shall conduct a survey to audit the work of the Office of the Lieutenant Governor and each county election office.

4703 (6) Based on the results of the survey described in Subsection (5), the office shall conduct a more comprehensive audit of the jurisdictions or practices that, in the opinion of the office, present the highest risk.

4706 (7) In addition to auditing the jurisdictions and practices described in Subsection (6), the office may audit any other jurisdictions or entities, or any practices or procedures, that the office determines necessary to ensure the success of a comprehensive performance audit of the election system.

4710 (8) To conduct an audit described in this section, the office has the full authority described in Section 36-12-15, including:

4712 (a) full access to closely observe, examine, and copy all records, documents, recordings, and other information the office determines to be useful in conducting an audit described in this section;

4715 (b) full access to closely observe, examine, and copy ballots, ballot envelopes, vote tallies, canvassing records, and voter registration records;

4717 (c) full access to closely observe and examine all facilities, storage areas, and equipment, and to closely observe, examine, or copy all materials, that the office determines to be useful in conducting an audit described in this section;

4720 (d) full access to all staff, including full-time, part-time, and volunteer staff;

4721 (e) full access to closely observe, examine, and copy all records and information relating to election audits that are conducted by the Office of the Lieutenant Governor, a county clerk, or any other person;

4724 (f) the right to, within the scope of the audit, attend any meeting, including a closed meeting;

4726 (g) the right to, within the scope of the audit, closely observe and examine any work or other process; and

4728 (h) all other authority described in Section 36-12-15.

4729 (9) As with any audit conducted under the authority described in Section 36-12-15, all officials and staff shall fully assist, and cooperate with, the office in conducting an audit described in this section.

4732 (10) In conducting an audit described in this section, the office:

4733 (a) shall preserve the right of a voter to a secret ballot;

4734 (b) shall, when examining election returns, allow the election officer or a designee of the election officer to be present to ensure the chain of custody of the election returns; and

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4737 (c) may not, while votes are being counted, communicate in any manner, directly or indirectly, by word or sign, the progress of the vote, the current result of the vote count, or any other information about the vote count.

4740 (11) An election officer, or an election officer's designee, who is present under Subsection (10)(b) may not interfere with the performance of the audit.

4788 Section 42. Section **63G-2-202** is amended to read:

4789 **63G-2-202. Access to private, controlled, and protected documents.**

4745 (1) Except as provided in Subsection (11)(a), a governmental entity:

4746 (a) shall, upon request, disclose a private record to:

4747 (i) the subject of the record;

4748 (ii) the parent or legal guardian of an unemancipated minor who is the subject of the record;

4750 (iii) the legal guardian of a legally incapacitated individual who is the subject of the record;

4752 (iv) any other individual who:

4753 (A) has a power of attorney from the subject of the record;

4754 (B) submits a notarized release from the subject of the record or the individual's legal representative dated no more than 90 days before the date the request is made; or

4757 (C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a health care provider, as defined in Section 26B-8-501, if releasing the record or information in the record is consistent with normal professional practice and medical ethics; or

4761 (v) any person to whom the record must be provided pursuant to:

4762 (A) court order as provided in Subsection (7); or

4763 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; and

4765 (b) may disclose a private record described in Subsections 63G-2-302(1)(j) through (n), without complying with Section 63G-2-206, to another governmental entity for a purpose related to administering:

4768 (i) the voter registration list; or

4769 (ii) ~~[the administration of]~~ an election.

4770 (2)

4771 (a) Upon request, a governmental entity shall disclose a controlled record to:

(i) a physician, physician assistant, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of:

## SB0194 compared with SB0194S01

4773 (A) a release from the subject of the record that is dated no more than 90 days [~~prior to~~] before the date  
the request is made; and

4775 (B) a signed acknowledgment of the terms of disclosure of controlled information as provided by  
Subsection (2)(b); and

4777 (ii) any person to whom the record must be disclosed pursuant to:

4778 (A) a court order as provided in Subsection (7); or

4779 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers.

4781 (b) A person who receives a record from a governmental entity in accordance with Subsection (2)(a)(i)  
may not disclose controlled information from that record to any person, including the subject of the  
record.

4784 (3) If there is more than one subject of a private or controlled record, the portion of the record that  
pertains to another subject shall be segregated from the portion that the requester is entitled to  
inspect.

4787 (4) Upon request, and except as provided in Subsection (11)(b), a governmental entity shall disclose a  
protected record to:

4789 (a) the person that submitted the record;

4790 (b) any other individual who:

4791 (i) has a power of attorney from all persons, governmental entities, or political subdivisions whose  
interests were sought to be protected by the protected classification; or

4794 (ii) submits a notarized release from all persons, governmental entities, or political subdivisions  
whose interests were sought to be protected by the protected classification or from their legal  
representatives dated no more than 90 days [~~prior to~~] before the date the request is made;

4798 (c) any person to whom the record must be provided pursuant to:

4799 (i) a court order as provided in Subsection (7); or

4800 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; or

4802 (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116(5).

4804 (5) Except as provided in Subsection (1)(b), a governmental entity may disclose a private, controlled,  
or protected record to another governmental entity, political subdivision, state, the United States, or  
a foreign government only as provided by Section 63G-2-206.

4807 (6) Before releasing a private, controlled, or protected record, the governmental entity shall obtain  
evidence of the requester's identity.

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4809 (7) A governmental entity shall disclose a record pursuant to the terms of a court order signed by a  
judge from a court of competent jurisdiction, [provided that] if:

4811 (a) the record deals with a matter in controversy over which the court has jurisdiction;

4812 (b) the court has considered the merits of the request for access to the record;

4813 (c) the court has considered and, where appropriate, limited the requester's use and further disclosure of  
the record in order to protect:

4815 (i) privacy interests in the case of private or controlled records;

4816 (ii) business confidentiality interests in the case of records protected under Subsection 63G-2-305(1),  
(2), (40)(a)(ii), or (40)(a)(vi); and

4818 (iii) privacy interests or the public interest in the case of other protected records;

4819 (d) to the extent the record is properly classified private, controlled, or protected, the interests favoring  
access, considering limitations thereon, are greater than or equal to the interests favoring restriction  
of access; and

4822 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection 63G-2-201(3)(b),  
the court has authority independent of this chapter to order disclosure.

4825 (8)

4828 (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or authorize disclosure  
of private or controlled records for research purposes if the governmental entity:

4831 (i) determines that the research purpose cannot reasonably be accomplished without use or  
disclosure of the information to the researcher in individually identifiable form;

4832 (ii) determines that:

4833 (A) the proposed research is bona fide; and

4835 (B) the value of the research is greater than or equal to the infringement upon personal privacy;

4837 (iii)

4839 (A) requires the researcher to assure the integrity, confidentiality, and security of the records; and

4840 (B) requires the removal or destruction of the individual identifiers associated with the records as soon  
as the purpose of the research project has been accomplished;

4842 (iv) prohibits the researcher from:

4844 (A) disclosing the record in individually identifiable form, except as provided in Subsection (8)(b); or

4846 (B) using the record for purposes other than the research approved by the governmental entity; and

4848

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- (v) secures from the researcher a written statement of the researcher's understanding of and agreement to the conditions of this Subsection (8) and the researcher's understanding that violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution under Section 63G-2-801.

4849 (b) A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.

4853 (c) A governmental entity may require indemnification as a condition of permitting research under this Subsection (8).

4855 (d) A governmental entity may not disclose or authorize disclosure of a private record for research purposes as described in this Subsection (8) if the private record is a record described in Subsection 63G-2-302(1)(x).

4858 (9)

- (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity may disclose to persons other than those specified in this section records that are:
  - (i) private under Section 63G-2-302; or
  - (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.
- (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the disclosure to persons other than those specified in this section of records that are:
  - (i) private under Section 63G-2-302;
  - (ii) controlled under Section 63G-2-304; or
  - (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.
- (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected under Section 63G-2-305 to persons other than those specified in this section.

4873 (10)

- (a) A private record described in Subsection 63G-2-302(2)(f) may only be disclosed as provided in Subsection (1)(a)(v).

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4875 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed as provided in  
Subsection (4)(c) or Section 26B-6-212.

4877 (11) (a) A private, protected, or controlled record described in Section 26B-1-506 shall be disclosed as  
required under:  
(i) Subsections 26B-1-506(1)(b) and (2); and  
(ii) Subsections 26B-1-507(1) and (6).

4881 (b) A record disclosed under Subsection (11)(a) shall retain its character as private, protected, or  
controlled.

4929 Section 43. Section **63G-2-301** is amended to read:

4930 **63G-2-301. Public records.**

4885 (1) As used in this section:

4886 (a) "Business address" means a single address of a governmental agency designated for the public to  
contact an employee or officer of the governmental agency.

4888 (b) "Business email address" means a single email address of a governmental agency designated for the  
public to contact an employee or officer of the governmental agency.

4891 (c) "Business telephone number" means a single telephone number of a governmental agency  
designated for the public to contact an employee or officer of the governmental agency.

4894 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

4895 (2) The following records are public except to the extent they contain information expressly permitted  
to be treated confidentially under the provisions of Subsections 63G-2-201(3)(b) and (6)(a):

4898 (a) laws;

4899 (b) the name, gender, gross compensation, job title, job description, business address, business email  
address, business telephone number, number of hours worked per pay period, dates of employment,  
and relevant education, previous employment, and similar job qualifications of a current or former  
employee or officer of the governmental entity, excluding:

4904 (i) undercover law enforcement personnel; and

4905 (ii) investigative personnel if disclosure could reasonably be expected to impair the effectiveness of  
investigations or endanger any individual's safety;

4907 (c) final opinions, including concurring and dissenting opinions, and orders that are made by a  
governmental entity in an administrative, adjudicative, or judicial proceeding except that if the

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proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected;

- 4912 (d) final interpretations of statutes or rules by a governmental entity unless classified as protected as provided in Subsection 63G-2-305(17) or (18);
- 4914 (e) information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act, including the records of all votes of each member of the governmental entity;
- 4918 (f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this chapter;
- 4920 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of:
  - 4925 (i) titles or encumbrances to real property;
  - 4926 (ii) restrictions on the use of real property;
  - 4927 (iii) the capacity of persons to take or convey title to real property; or
  - 4928 (iv) tax status for real and personal property;
- 4929 (h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;
- 4931 (i) data on individuals that would otherwise be private under this chapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public;
- 4934 (j) documentation of the compensation that a governmental entity pays to a contractor or private provider;
- 4936 (k) summary data;
- 4937 [ (l) ~~voter registration records, including an individual's voting history, except for a voter registration record or those parts of a voter registration record that are classified as private under Subseetions 63G-2-302(1)(j) through (n) or withheld under Subsection 20A-2-104(7);~~ ]
- 4941 (l) standard voter data, as defined in Section 20A-2-601, in the voter registration record of a public registered voter, as defined in Section 20A-2-601;

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4943 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email address, if available, where that elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials;

4946 (n) for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly as required in Section 53G-7-1203;

4949 (o) annual audited financial statements of the Utah Educational Savings Plan described in Section 53H-10-210; and

4951 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.

4953 (3) The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302, 63G-2-304, or 63G-2-305:

4956 (a) administrative staff manuals, instructions to staff, and statements of policy;

4957 (b) records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;

4959 (c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;

4961 (d) contracts entered into by a governmental entity;

4962 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;

4964 (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);

4967 (g) chronological logs and initial contact reports;

4968 (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;

4971 (i) empirical data contained in drafts if:

4972 (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and

4974 (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;

4976 (j) drafts that are circulated to anyone other than:

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- 4977 (i) a governmental entity;
- 4978 (ii) a political subdivision;
- 4979 (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;
- 4982 (iv) a government-managed corporation; or
- 4983 (v) a contractor or private provider;
- 4984 (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
- 4986 (l) original data in a computer program if the governmental entity chooses not to disclose the program;
- 4988 (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants [prior to] before service;
- 4990 (n) search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants [prior to] before trial;
- 4992 (o) records that would disclose information relating to formal charges or disciplinary actions against a past or present governmental entity employee if:
  - 4994 (i) the disciplinary action has been completed and all time periods for administrative appeal have expired; and
  - 4996 (ii) the charges on which the disciplinary action was based were sustained;
- 4997 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral production on government lands;
- 5000 (q) final audit reports;
- 5001 (r) occupational and professional licenses;
- 5002 (s) business licenses;
- 5003 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by a governmental entity, but not including records that initiate employee discipline; and
- 5007 (u)
  - (i) records that disclose a standard, regulation, policy, guideline, or rule regarding the operation of a correctional facility or the care and control of inmates committed to the custody of a correctional facility; and

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5010 (ii) records that disclose the results of an audit or other inspection assessing a correctional facility's  
5011 compliance with a standard, regulation, policy, guideline, or rule described in Subsection (3)(u)(i).

5013 (4) The list of public records in this section is not exhaustive and should not be used to limit access to  
5014 records.

5061 Section 44. Section **63G-2-302** is amended to read:

### **63G-2-302. Private records.**

5017 (1) The following records are private:

5018 (a) records concerning an individual's eligibility for unemployment insurance benefits, social services,  
5019 welfare benefits, or the determination of benefit levels;

5020 (b) records containing data on individuals describing medical history, diagnosis, condition, treatment,  
5021 evaluation, or similar medical data;

5022 (c) records of publicly funded libraries that when examined alone or with other records identify a  
5023 patron;

5024 (d) records received by or generated by or for:

5025 (i) the Independent Legislative Ethics Commission, except for:

5026 (A) the commission's summary data report that is required under legislative rule; and

5028 (B) any other document that is classified as public under legislative rule; or

5029 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record  
5030 is classified as public under legislative rule;

5031 (e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission,  
5032 except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch  
5033 Ethics Complaints;

5034 (f) records received or generated for a Senate confirmation committee concerning character,  
5035 professional competence, or physical or mental health of an individual:

5036 (i) if, [prior to] before the meeting, the chair of the committee determines release of the records:

5038 (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or

5040 (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and

5042 (ii) after the meeting, if the meeting was closed to the public;

5043 (g) employment records concerning a current or former employee of, or applicant for employment with,  
5044 a governmental entity that would disclose that individual's home address, home telephone number,  
5045 social security number, insurance coverage, marital status, or payroll deductions;

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5047 (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as  
private according to the requirements of that section;

5049 (i) that part of a record indicating a person's social security number or federal employer identification  
number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302,  
61-1-4, or 61-2f-203;

5052 (j) that part of a voter registration record[-] :  
5053 (i) identifying a voter's:  
5054 [ (i) (A) driver license or identification card number;  
5055 [ (ii) (B) social security number, or last four digits of the social security number;  
5056 [ (iii) (C) email address;  
5057 [ (iv) (D) date day and month of birth; or  
5058 [ (v) (E) phone number;  
5059 (ii) submitted by the voter as proof of United States citizenship;  
5060 (iii) indicating whether the voter has provided proof of United States citizenship; or  
5061 (iv) indicating whether the voter is restricted to voting a federal ballot;

5062 (k) a voter registration record that is classified as a private record by the lieutenant governor or a county  
clerk under Subsection 20A-2-101.1(5)(a)[, 20A-2-104(4)(h), or 20A-2-204(4)(b)] or 20A-2-204(4)  
(c);

5065 (l) a voter registration record [~~that is withheld under Subsection 20A-2-104(7)~~ of an at-risk voter, as  
defined in Section 20A-2-601];

5067 (m) the following forms and supporting verification:  
5068 (i) a withholding request form used, before January 1, 2027, to request that a voter's voter registration  
be withheld as a private record, and any verification submitted in support of the form; and  
5071 (ii) an at-risk voter request form described in [Subseetions 20A-2-104(7) and (8)] Subsection  
20A-2-606(5) and any verification submitted in support of the form;

5073 (n) a record or information regarding whether a voter returned a ballot with postage attached;

5075 (o) a record that:  
5076 (i) contains information about an individual;  
5077 (ii) is voluntarily provided by the individual; and  
5078 (iii) goes into an electronic database that:

5079

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(A) is designated by and administered under the authority of the [Chief Information Officer] chief information officer; and

5081 (B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;

5084 (p) information provided to the [Commissioner of Insurance] commissioner of insurance under:

5086 (i) Subsection 31A-23a-115(3)(a);

5087 (ii) Subsection 31A-23a-302(4); or

5088 (iii) Subsection 31A-26-210(4);

5089 (q) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

5091 (r) information provided by an offender that is:

5092 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry; and

5094 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);

5095 (s) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;

5098 (t) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;

5102 (u) an email address provided by a military or overseas voter under Section 20A-16-501;

5103 (v) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

5105 (w) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:

5107 (i) the commission's summary data report that is required in Section 63A-15-202; and

5108 (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission;

5110 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or threat;

5112 (y) a criminal background check or credit history report conducted in accordance with Section 63A-3-201;

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5114 (z) a record described in Subsection 53-5a-104(7);  
5115 (aa) on a record maintained by a county for the purpose of administering property taxes, an individual's:  
5117 (i) email address;  
5118 (ii) phone number; or  
5119 (iii) personal financial information related to a person's payment method;  
5120 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral,  
abatement, or relief under:  
5122 (i) Title 59, Chapter 2, Part 11, Exemptions; or  
5123 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;  
5124 (cc) a record provided by the State Tax Commission in response to a request under Subsection  
59-1-403(4)(y)(iii);  
5126 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare  
case, as described in Subsection 36-33-103(3);  
5128 (ee) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;  
5130 (ff) a record relating to a request by a state elected official or state employee who has been threatened to  
the Division of Technology Services to remove personal identifying information from the open web  
under Section 63A-16-109;  
5133 (gg) a record including confidential information as that term is defined in Section 67-27-106; and  
5135 (hh) a record or notice received or generated under Title 53, Chapter 30, Security Improvements Act,  
relating to:  
5137 (i) an application for certification described in Section 53-30-201; or  
5138 (ii) a security improvement, including a building permit application or building permit for a security  
improvement described in Section 53-30-301.  
5140 (2) The following records are private if properly classified by a governmental entity:  
5141 (a) records concerning a current or former employee of, or applicant for employment with a  
governmental entity, including performance evaluations and personal status information such  
as race, religion, or disabilities, but not including records that are public under Subsection  
63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);  
5146 (b) records describing an individual's finances, except that the following are public:  
5147 (i) records described in Subsection 63G-2-301(2);  
5148

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- (ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or
- 5150 (iii) records that must be disclosed in accordance with another statute;
- 5151 (c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;
- 5153 (d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;
- 5155 (e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;
- 5159 (f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 5163 (g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:
  - 5166 (i) depict the commission of an alleged crime;
  - 5167 (ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
  - 5169 (iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
  - 5171 (iv) contain an officer-involved critical incident as defined in Subsection 76-2-408(1)(f); or
  - 5173 (v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.
- 5175 (3)
  - (a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.
  - 5177 (b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:
  - 5180 (i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or

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5182 (ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.

5184 (c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

5233 Section 45. Section **63G-2-303** is amended to read:

**63G-2-303. Private information concerning certain government employees.**

5190 (1) As used in this section:

5191 (a) "At-risk government employee" means a current or former:

5192 (i) peace officer as specified in Section 53-13-102;

5193 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court commissioner;

5195 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

5196 (iv) judge authorized by Armed Forces, Title 10, United States Code;

5197 (v) federal prosecutor;

5198 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;

5199 (vii) law enforcement official as defined in Section 53-5a-311;

5200 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or

5201 (ix) state or local government employee who, because of the unique nature of the employee's regular work assignments or because of one or more recent credible threats directed to or against the employee, would be at immediate and substantial risk of physical harm if the employee's personal information is disclosed.

5205 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an at-risk government employee who is living with the employee.

5207 (c) "Personal information" means the employee's or the employee's family member's home address, home telephone number, personal mobile telephone number, personal pager number, personal email address, social security number, insurance coverage, marital status, or payroll deductions.

5211 (2)

5213 (a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may file a written application that:

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- (i) gives notice of the employee's status as an at-risk government employee to each agency of a government entity holding a record or a part of a record that would disclose the employee's personal information; and
- (ii) requests that the government agency classify those records or parts of records as private.

(b) An at-risk government employee desiring to file an application under this section may request assistance from the government agency to identify the individual records containing personal information.

(c) Each government agency shall develop a form that:

- (i) requires the at-risk government employee to designate each specific record or part of a record containing the employee's personal information that the applicant desires to be classified as private;
- (ii) affirmatively requests that the government entity holding those records classify them as private;
- (iii) informs the employee that by submitting a completed form the employee may not receive official announcements affecting the employee's property, including notices about proposed municipal annexations, incorporations, or zoning modifications; and
- (iv) contains a place for the signature required under Subsection (2)(d).

(d) A form submitted by an employee under Subsection (2)(c) shall be signed by the highest ranking elected or appointed official in the employee's chain of command certifying that the employee submitting the form is an at-risk government employee.

(3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully satisfy the requirements of this section by:

- (a) providing a method for the assessment roll and index and the tax roll and index that will block public access to the home address, home telephone number, situs address, and [Social Security] social security number; and
- (b) providing the at-risk government employee requesting the classification with a disclaimer informing the employee that the employee may not receive official announcements affecting the employee's property, including notices about proposed annexations, incorporations, or zoning modifications.

(4) A government agency holding records of an at-risk government employee classified as private under this section may release the record or part of the record if:

- (a) the employee or former employee gives written consent;
- (b) a court orders release of the records; or

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(c) the government agency receives a certified death certificate for the employee or former employee[; or] .

5250 [ (d) as it relates to the employee's voter registration record:]

5251 [ (i) the person to whom the record or part of the record is released is a qualified person under Subsection 20A-2-104(4)(n); and]

5253 [ (ii) the government agency's release of the record or part of the record complies with the requirements of Subsection 20A-2-104(4)(o).]

5255 (5)

5259 (a) If the government agency holding the private record receives a subpoena for the records, the government agency shall attempt to notify the at-risk government employee or former employee by mailing a copy of the subpoena to the employee's last-known mailing address together with a request that the employee either:

5260 (i) authorize release of the record; or

5261 (ii) within 10 days of the date that the copy and request are mailed, deliver to the government agency holding the private record a copy of a motion to quash filed with the court who issued the subpoena.

5263 (b) The government agency shall comply with the subpoena if the government agency has:

5265 (i) received permission from the at-risk government employee or former employee to comply with the subpoena;

5267 (ii) not received a copy of a motion to quash within 10 days of the date that the copy of the subpoena was mailed; or

5269 (iii) received a court order requiring release of the records.

5270 (6)

5272 (a) Except as provided in Subsection (6)(b), a form submitted under this section remains in effect until the earlier of:

5274 (i) four years after the date the employee signs the form, regardless of whether [or not] the employee's employment terminates before the end of the four-year period; and

5276 (ii) one year after the government agency receives official notice of the death of the employee.

5277 (b) A form submitted under this section may be rescinded at any time by:

5278 (i) the at-risk government employee who submitted the form; or

5278 (ii) if the at-risk government employee is deceased, a member of the employee's immediate family.

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5326                   Section 46. **Effective date.**

5281                   Effective Date.

5282                   (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

5283                   (2) The actions affecting the following sections take effect on January 1, 2027:

5284                   (a) Section 20A-1-102 (Effective 01/01/27);

5285                   (b) Section 20A-2-101.1 (Effective 01/01/27);

5286                   (c) Section 20A-2-104 (Effective 01/01/27);

5287                   (d) Section 20A-2-108 (Effective 01/01/27);

5288                   (e) Section 20A-2-204 (Effective 01/01/27);

5289                   (f) Section 20A-2-206 (Effective 01/01/27);

5290                   (g) Section 20A-2-304 (Effective 01/01/27);

5291                   (h) Section 20A-2-505 (Effective 01/01/27);

5292                   (i) Section 20A-2-603 (Effective 01/01/27);

5293                   (j) Section 20A-2-603.5 (Effective 01/01/27);

5294                   (k) Section 20A-2-604 (Effective 01/01/27);

5295                   (l) Section 20A-2-605 (Effective 01/01/27);

5296                   (m) Section 20A-2-606 (Effective 01/01/27);

5297                   (n) Section 20A-2-607 (Effective 01/01/27);

5298                   (o) Section 20A-5-410 (Effective 01/01/27);

5299                   (p) Section 20A-6-105 (Effective 01/01/27);

5300                   (q) Section 20A-9-408 (Effective 01/01/27);

5301                   (r) Section 63G-2-301 (Effective 01/01/27);

5302                   (s) Section 63G-2-302 (Effective 01/01/27); and

5302                   (t) Section 63G-2-303 (Effective 01/01/27).

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