

# SB0194S03 compared with SB0194S02

~~{Omitted text}~~ shows text that was in SB0194S02 but was omitted in SB0194S03

inserted text shows text that was not in SB0194S02 but was inserted into SB0194S03

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**Election Modifications**  
2026 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Michael K. McKell**  
House Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to elections.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ enacts a temporary provision regarding the computation of time;
- 10 ▶ prohibits certain action by a county clerk;
- 11 ▶ requires the lieutenant governor to create a written conflict of interest avoidance plan;
- 12 ▶ modifies provisions relating to filling an office vacancy;
- 13 ▶ 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;
- 16 ▶ 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;
- 18 ▶ establishes the crime of electronic communications abuse of elections or elected office;

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- 19           ▶ 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;
- 22           ▶ 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;
- 24           ▶ 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;
- 27           ▶ ~~{ modifies a provision relating to the frequency of an elections audit performed by the Office of the Legislative Auditor General; }~~
- 29           ▶ permits the use of campaign funds for certain goods or services relating to security; and
- 30           ▶ makes technical and conforming changes.

### 29 Money Appropriated in this Bill:

30           None

### 31 Other Special Clauses:

32           This bill provides a special effective date.

### 33 Utah Code Sections Affected:

34           AMENDS:

35           **17-69-202 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

37           **17-70-403 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

39           **20A-1-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 6**

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41           **20A-1-104 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2025, Chapter 448

43           **20A-1-106 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 297

44           **20A-1-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 448

45           **20A-1-503 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 90, 448

46           **20A-1-504 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 90

47           **20A-1-508 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

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20A-1-509.1 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special Session,  
Chapter 2

51 20A-1-509.2 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session,  
Chapter 16

53 20A-1-513 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 448

54 20A-1-609 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapter 325

55 20A-3a-401 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session,  
Chapter 6

57 20A-9-408 (Effective 01/01/27), as last amended by Laws of Utah 2025, Second Special Session,  
Chapter 2

59 20A-11-104 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 447

60 20A-11-204 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 90, 448

62 20A-11-1303 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 90, 448

64 ~~{36-12-15.2 (Effective 05/06/26), as enacted by Laws of Utah 2023, Chapter 156}~~

64 63I-2-220 (Effective 05/06/26), as last amended by Laws of Utah 2024, Forth Special Session,  
Chapter 2

66 ENACTS:

67 20A-1-109 (Effective 05/06/26), Utah Code Annotated 1953

68 20A-1-608.1 (Effective 05/06/26), Utah Code Annotated 1953

69 20A-9-408.4 (Effective 05/06/26), Utah Code Annotated 1953

70

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

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

73 **17-69-202. Qualifications for a county auditor in a county of the first class.**

76 (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:

81 (a) certified public accountant;

82 (b) certified internal auditor;

83 (c) certified fraud examiner;

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- 84 (d) certified management accountant; or  
85 (e) certified information systems auditor.
- 86 (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.
- 90 Section 2. Section **17-70-403** is amended to read:  
91 **17-70-403. Campaign financial disclosure in county elections.**
- 93 (1) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:  
95 (a) candidates for county office; and  
96 (b) candidates for local school board office who reside in that county.
- 97 (2) The ordinance required by Subsection (1) shall include:  
98 (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;  
102 (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary  
contributions such as in-kind contributions and contributions of tangible things;  
105 (c) a requirement that the financial reports identify:  
106 (i) for each contribution, the name of the donor of the contribution, if known, and the amount of the  
contribution; and  
108 (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
- 109 (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;  
111 (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;  
113 (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:  
117 (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;
- 121 (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:
- 124 (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;
- 128 (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;
- 133 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
- 134 (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
- 136 (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
- 141 (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
- 144 (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.
- 147 (3)
- (a) As used in this Subsection (3), "account" means an account in a financial institution:
- 149 (i) that is not described in Subsection (2)(d); and
- 150 (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.

- 155 (b) The ordinance required by Subsection (1) shall include a requirement that a candidate for county  
office or local school board office include on a financial report filed in accordance with the  
ordinance a contribution deposited in or an expenditure made from an account:
- 159 (i) since the last financial report was filed; or
- 160 (ii) that has not been reported under a statute or ordinance that governs the account.
- 161 (4) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1),  
candidates for county office, other than community council office, and candidates for local school  
board office shall comply with the financial reporting requirements contained in Subsections (5)  
through (10).
- 165 (5) A candidate for elective office in a county or local school board office:
- 166 (a) shall deposit a contribution into a separate campaign account in a financial institution; and
- 168 (b) may not deposit or mingle any contributions received into a personal or business account.
- 170 (6) Each candidate for elective office in any county who is not required to submit a campaign financial  
statement to the lieutenant governor, and each candidate for local school board office, shall file a  
signed campaign financial statement with the county clerk:
- 174 (a) seven days before the date of the regular general election, reporting each contribution and each  
expenditure as of 10 days before the date of the regular general election; and
- 176 (b) no later than 30 days after the date of the regular general election.
- 177 (7)
- (a) The statement filed seven days before the regular general election shall include:
- 178 (i) a list of each contribution received by the candidate, and the name of the donor, if known; and
- 180 (ii) a list of each expenditure for political purposes made during the campaign period, and the  
recipient of each expenditure.
- 182 (b) The statement filed 30 days after the regular general election shall include:
- 183 (i) a list of each contribution received after the cutoff date for the statement filed seven days before the  
election, and the name of the donor; and
- 185 (ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the  
statement filed seven days before the election, and the recipient of each expenditure.
- 188 (8)

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- 190 (a) As used in this Subsection (8), "account" means an account in a financial institution:
- 191 (i) that is not described in Subsection (5)(a); and
- 192 (ii) into which or from which a person who, as a candidate for an office, other than a county office  
193 for which the person filed a declaration of candidacy or federal office, or as a holder of an  
194 office, other than a county office for which the person filed a declaration of candidacy or federal  
195 office, deposits a contribution or makes an expenditure.
- 196 (b) A county office candidate and a local school board office candidate shall include on any campaign  
197 financial statement filed in accordance with Subsection (6) or (7):
- 198 (i) a contribution deposited into an account:
- 199 (A) since the last campaign finance statement was filed; or
- 200 (B) that has not been reported under a statute or ordinance that governs the account; or
- 202 (ii) an expenditure made from an account:
- 203 (A) since the last campaign finance statement was filed; or
- 204 (B) that has not been reported under a statute or ordinance that governs the account.
- 206 (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:
- 209 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's  
general fund; or
- 211 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal  
Revenue Code.
- 213 (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.
- 217 (11)
- (a) A candidate seeking appointment to fill a midterm vacancy in a county office or local school board  
office shall:
- 219 (i) comply with Subsections (5) and (9); and
- 220 (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.
- 225 (12) Any individual who fails to comply with this section is guilty of an infraction.
- 226 (13)
- (a) Counties may, by ordinance, enact requirements that:
- 227 (i) require greater disclosure of campaign contributions and expenditures; and
- 228 (ii) impose additional penalties.
- 229 (b) The requirements described in Subsection (13)(a) apply to a local school board office candidate who resides in that county.
- 231 (14) If a candidate fails to file an interim report due before the election, the county clerk:
- 232 (a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:
- 234 (i) that the candidate failed to timely file the report; and
- 235 (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
- 238 (b) impose a fine of \$100 on the candidate.
- 239 (15)
- (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.
- 243 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may not replace the candidate.
- 245 (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.
- 248 (16) If a candidate is disqualified under Subsection (15)(a), the election official:
- 249 (a) shall:
- 250 (i) notify every opposing candidate for the county office that the candidate is disqualified;
- 252

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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;
- 256 (iii) post notice of the disqualification on the county's website; and
- 257 (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
- 259 (b) may not count any votes for that candidate.
- 260 (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.
- 264 (18) A candidate is not disqualified if:
- 265 (a) the candidate files the interim reports described in Subsection (14) no later than 24 hours after the applicable deadlines for filing the reports;
- 267 (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
- 270 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- 272 (19)
- (a) A report is considered timely filed if:
- 273 (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;
- 275 (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
- 277 (iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
- 279 (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.
- 282 (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.

285 (b) In a civil action filed under Subsection (20)(a), the court shall award costs and attorney fees to the prevailing party.

287 (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:

289 (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

291 (b) make the campaign finance statement filed by a candidate available for public inspection by:

293 (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

295 (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.

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

299 **20A-1-102. Definitions.**

As used in this title:

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

303 (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.

305 (3)

(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.

307 (b) "Ballot" does not include a record to tally multiple votes.

308 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

310 (a) an opinion question specifically authorized by the Legislature;

311 (b) a constitutional amendment;

312 (c) an initiative;

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- 313 (d) a referendum;
- 314 (e) a bond proposition;
- 315 (f) a judicial retention question;
- 316 (g) an incorporation of a city or town; or
- 317 (h) any other ballot question specifically authorized by the Legislature.
- 318 (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.
- 321 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.
- 323 (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.
- 325 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.
- 327 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.
- 329 (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.
- 331 (11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.
- 333 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.
- 335 (13) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.
- 337 (14) "Convention" means the political party convention at which party officers and delegates are selected.
- 339 (15) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- 341 (16) "Counting judge" means a poll worker designated to count the ballots during election day.
- 343 (17) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.
- 345 (18) "County officers" means those county officers that are required by law to be elected.
- 346 (19) "Date of the election" or "election day" or "day of the election":
- 347 (a) means the day that is specified in the calendar year as the day on which the election occurs; and

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- 349 (b) does not include:
- 350 (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or
- 352 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.
- 354 (20) "Elected official" means:
- 355 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate  
Voting Methods Pilot Project;
- 357 (b) a person who is considered to be elected to a municipal office in accordance with Subsection  
20A-1-206(1)(c)(ii); or
- 359 (c) a person who is considered to be elected to a special district office in accordance with Subsection  
20A-1-206(3)(b)(ii).
- 361 (21) "Election" means a regular general election, a municipal general election, a statewide special  
election, a local special election, a regular primary election, a municipal primary election, and a  
special district election.
- 364 (22) "Election Assistance Commission" means the commission established by the Help America Vote  
Act of 2002, Pub. L. No. 107-252.
- 366 (23) "Election cycle" means the period beginning on the first day on which individuals are eligible to  
file declarations of candidacy and ending when the canvass is completed.
- 368 (24) "Election judge" means a poll worker that is assigned to:
- 369 (a) preside over other poll workers at a polling place;
- 370 (b) act as the presiding election judge; or
- 371 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 372 (25) "Election material" includes:
- 373 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);
- 374 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);
- 375 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);
- 376 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:
- 377 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and
- 378 (ii) the batch log described in Subsection 20A-3a-401.1(5);
- 379 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);
- 380 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);
- 381 (g) the physical and electronic log of replicated ballots described in Subsection 20A-4-104(3);

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- 383 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;
- 384 (i) the record of voter database access described in Subsection 20A-5-905(2);
- 385 (j) the reports on military and overseas voters described in Section 20A-16-202;
- 386 (k) scanned copies of return envelopes;
- 387 (l) a copy of the final election results database described in Section 20A-5-802.5; and
- 388 (m) the materials used in the programming of the automatic tabulating equipment.
- 389 (26) "Election officer" means:
- 390 (a) the lieutenant governor, for all statewide ballots and elections;
- 391 (b) the county clerk for:
- 392 (i) a county ballot and election; and
- 393 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5;
- 395 (c) the municipal clerk for:
- 396 (i) a municipal ballot and election; and
- 397 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5;
- 399 (d) the special district clerk or chief executive officer for:
- 400 (i) a special district ballot and election; and
- 401 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5; or
- 403 (e) the business administrator or superintendent of a school district for:
- 404 (i) a school district ballot and election; and
- 405 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5.
- 407 (27) "Election official" means any election officer, election judge, or poll worker.
- 408 (28) "Election results" means:
- 409 (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
- 411 (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.
- 413 (29) "Election results database" means the following information generated by voting equipment:

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- 415 (a) one or more electronic files that contains a digital interpretation of each ballot that is counted in an  
election;
- 417 (b) a ballot image; and
- 418 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.
- 419 (30) "Election returns" means:
- 420 (a) the pollbook;
- 421 (b) the military and overseas absentee voter registration and voting certificates;
- 422 (c) one of the tally sheets;
- 423 (d) any unprocessed ballots;
- 424 (e) all counted ballots;
- 425 (f) all excess ballots;
- 426 (g) all unused ballots;
- 427 (h) all spoiled ballots;
- 428 (i) all ballot disposition forms, including any provisional ballot disposition forms;
- 429 (j) the final election results database described in Section 20A-5-802.5;
- 430 (k) all return envelopes;
- 431 (l) any provisional ballot envelopes; and
- 432 (m) the total votes cast form.
- 433 (31) "Electronic signature" means an electronic sound, symbol, or process attached to or logically  
associated with a record and executed or adopted by a person with the intent to sign the record.
- 436 (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 437 (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under  
Subsection 20A-2-505(4)(c)(i) or (ii).
- 439 (34) "Judicial office" means the office filled by any judicial officer.
- 440 (35) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- 442 (36) "Local election" means a regular county election, a regular municipal election, a municipal primary  
election, a local special election, a special district election, and a bond election.
- 445 (37) "Local political subdivision" means a county, a municipality, a special district, or a local school  
district.
- 447 (38) "Local special election" means a special election called by the governing body of a local political  
subdivision in which all registered voters of the local political subdivision may vote.

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- 450 (39) "Manual ballot" means a paper document produced by an election officer on which an individual  
records an individual's vote by directly placing a mark on the paper document using a pen or other  
marking instrument.
- 453 (40) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical  
record, that:
- 455 (a) is created via electronic or mechanical means; and
- 456 (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.
- 459 (41) "Municipal executive" means:
- 460 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 461 (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).
- 463 (42) "Municipal general election" means the election held in municipalities and, as applicable, special  
districts on the first Tuesday after the first Monday in November of each odd-numbered year for the  
purposes established in Section 20A-1-202.
- 466 (43) "Municipal legislative body" means the council of the city or town in any form of municipal  
government.
- 468 (44) "Municipal office" means an elective office in a municipality.
- 469 (45) "Municipal officers" means those municipal officers that are required by law to be elected.
- 471 (46) "Municipal primary election" means an election held to nominate candidates for municipal office.
- 473 (47) "Municipality" means a city or town.
- 474 (48) "Official ballot" means the ballots distributed by the election officer for voters to record their  
votes.
- 476 (49) "Official endorsement" means the information on the ballot that identifies:
- 477 (a) the ballot as an official ballot;
- 478 (b) the date of the election; and
- 479 (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
- 481 (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).
- 483 (50) "Official register" means the official record furnished to election officials by the election officer  
that contains the information required by Section 20A-5-401.

## SB0194S02 compared with SB0194S03

- 485 (51) "Political party" means an organization of registered voters that has qualified to participate in an  
election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.
- 488 (52)
- (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or  
counting votes.
- 490 (b) "Poll worker" includes election judges.
- 491 (c) "Poll worker" does not include a watcher.
- 492 (53) "Pollbook" means a record of the names of voters in the order that the voters appear to cast votes.
- 494 (54) "Polling place" means a building where voting is conducted.
- 495 (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter  
marks the voter's choice.
- 497 (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential  
Primary Election.
- 499 (57) "Primary convention" means the political party conventions held during the year of the regular  
general election.
- 501 (58) "Protective counter" means a separate counter, which cannot be reset, that:
- 502 (a) is built into a voting machine; and
- 503 (b) records the total number of movements of the operating lever.
- 504 (59) "Provider election officer" means an election officer who enters into a contract or interlocal  
agreement with a contracting election officer to conduct an election for the contracting election  
officer's local political subdivision in accordance with Section 20A-5-400.1.
- 508 (60) "Provisional ballot" means a ballot voted provisionally by a person:
- 509 (a) whose name is not listed on the official register at the polling place;
- 510 (b) whose legal right to vote is challenged as provided in this title; or
- 511 (c) whose identity was not sufficiently established by a poll worker.
- 512 (61) "Provisional ballot envelope" means an envelope printed in the form required by Section  
20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's  
legal right to vote.
- 515 (62)

## SB0194S02 compared with SB0194S03

- (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.
- 519 (b) "Public figure" does not include an individual:
- 520 (i) elected to public office; or
- 521 (ii) appointed to fill a vacancy in an elected public office.
- 522 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.
- 524 (64) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.
- 526 (65) "Registration form" means a form by which an individual may register to vote under this title.
- 528 (66) "Regular ballot" means a ballot that is not a provisional ballot.
- 529 (67) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.
- 532 (68) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.
- 535 (69) "Resident" means a person who resides within a specific voting precinct in Utah.
- 536 (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:
- 538 (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
- 540 (b) that includes the voter affidavit and a place for the voter's signature.
- 541 (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.
- 543 (72) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- 546 (73) "Special district officers" means those special district board members who are required by law to be elected.

## SB0194S02 compared with SB0194S03

- 548 (74) "Special election" means an election held as authorized by Section 20A-1-203.
- 549 (75) "Spoiled ballot" means each ballot that:
- 550 (a) is spoiled by the voter;
- 551 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 552 (c) lacks the official endorsement.
- 553 (76) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.
- 555 (77) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.
- 557 (78) "Ticket" means a list of:
- 558 (a) political parties;
- 559 (b) candidates for an office; or
- 560 (c) ballot propositions.
- 561 (79) "Transfer case" means the sealed box used to transport voted ballots to the counting center.
- 563 (80) "Vacancy" means:
- 564 (a) except as provided in Subsection (80)(b), the absence of an individual to serve in a position created by state constitution or state statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause; or
- 567 (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a candidate due to the candidate's death, resignation, or disqualification.
- 570 (81) "Valid voter identification" means:
- 571 (a) a form of identification that bears the name and photograph of the voter which may include:
- 573 (i) a currently valid Utah driver license;
- 574 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
- 576 (iii) a currently valid identification card that is issued by:
- 577 (A) the state; or
- 578 (B) a branch, department, or agency of the United States;
- 579 (iv) a currently valid Utah permit to carry a concealed weapon;
- 580 (v) a currently valid United States passport; or
- 581 (vi) a currently valid United States military identification card;
- 582

## SB0194S02 compared with SB0194S03

(b) one of the following identification cards, regardless of whether the card includes a photograph of the voter:

584 (i) a valid tribal identification card;

585 (ii) a Bureau of Indian Affairs card; or

586 (iii) a tribal treaty card; or

587 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

590 [~~(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;~~]

592 [~~(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;~~]

594 [~~(iii)~~] (i) a certified birth certificate;

595 [~~(iv)~~] (ii) a valid social security card;

596 [~~(v)~~] (iii) 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;

598 [~~(vi)~~] (iv) 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;

600 [~~(vii)~~] (v) a currently valid Utah hunting or fishing license;

601 [~~(viii)~~] (vi) certified naturalization documentation;

602 [~~(ix)~~] (vii) a currently valid license issued by an authorized agency of the United States;

604 [~~(x)~~] (viii) a certified copy of court records showing the voter's adoption or name change;

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

607 [~~(xii)~~] (x) a currently valid identification card issued by:

608 (A) a local government within the state;

609 (B) an employer for an employee; or

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

612 [~~(xiii)~~] (xi) a current Utah vehicle registration.

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

615 (83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

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

## SB0194S02 compared with SB0194S03

- 617 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 618 (84) "Voter" means an individual who:
- 619 (a) meets the requirements for voting in an election;
- 620 (b) meets the requirements of election registration;
- 621 (c) is registered to vote; and
- 622 (d) is listed in the official register.
- 623 (85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.
- 625 (86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.
- 627 (87) "Voting booth" means:
- 628 (a) the space or compartment within a polling place that is provided for the preparation of ballots,  
including the voting enclosure or curtain; or
- 630 (b) a voting device that is free standing.
- 631 (88) "Voting device" means any device provided by an election officer for a voter to vote a mechanical  
ballot.
- 633 (89) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3,  
Duties of the County and Municipal Legislative Bodies.
- 635 (90) "Watcher" means an individual who complies with the requirements described in Section  
20A-3a-801 to become a watcher for an election.
- 637 (91) "Write-in ballot" means a ballot containing any write-in votes.
- 638 (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in  
accordance with the procedures established in this title.
- 640 Section 4. Section **20A-1-104** is amended to read:
- 641 **20A-1-104. Computation of time.**
- 301 (1) Time is computed in this title as provided in this section.
- 302 (2) Except as provided in Subsection (3), or as otherwise expressly provided in this title:
- 303 (a) if a provision describes a time period in terms of a certain number of calendar days:
- 304 (i) the time period is calculated by consecutive days; and
- 305 (ii) the beginning and ending day of the time period is the calendar day on which the time period begins  
or ends;
- 307 (b) if a provision describes a time period in terms of a certain number of business days, only the  
business days are included in the calculation; and

## SB0194S02 compared with SB0194S03

- 309 (c) if a provision describes a time period in terms of a certain number of days rather than calendar days  
or business days, the days referred to mean calendar days.
- 311 (3) A time period that relates to filing an action or document in court is calculated as provided in court  
rule.
- 313 (4) Except in relation to the following chapters, if a deadline described in this title ends on a weekend or  
holiday, the deadline is extended to the next business day:
- 315 (a) Chapter 19, Utah Independent Redistricting Commission and Standards Act; and
- 316 (b) Chapter 20, Utah Independent Redistricting Commission.
- 658 Section 5. Section **20A-1-106** is amended to read:
- 659 **20A-1-106. Duties of a clerk -- Prohibited action.**
- 319 (1) As used in this section, "clerk" means an election officer other than the lieutenant governor.
- 321 (2) A clerk shall:
- 322 (a) comply with all of the following in relation to elections:
- 323 (i) federal and state law;
- 324 (ii) federal and state rules; and
- 325 (iii) the policies and direction of the lieutenant governor; and
- 326 (b) diligently learn and become familiar with the law, rules, policies, and direction described in  
Subsection (2)(a).
- 328 (3) A clerk may not:
- 329 (a) take an action in the clerk's capacity as a clerk that shows partiality or discrimination for or against  
the following with respect to an election that the clerk is involved in administering:
- 332 (i) a candidate;
- 333 (ii) an individual seeking candidacy;
- 334 (iii) a ballot measure; or
- 335 (iv) a proposed ballot measure; or
- 336 (b) knowingly solicit or accept a political contribution from an employee or volunteer over whom the  
clerk has authority.
- 679 Section 6. Section **6** is enacted to read:
- 680 **20A-1-109. Lieutenant governor conflict of interest avoidance plan -- Creation and  
presentation.**
- 341

## SB0194S02 compared with SB0194S03

- (1) The lieutenant governor shall, before August 31, 2026, create a written conflict of interest risk avoidance plan that:
- 343 (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;
- 347 (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:
- 350 (i) recusal from making the decision or taking the action; and
- 351 (ii) designating the person who will make the decision or take the action in the event of a recusal; and
- 353 (c) for each type of decision or action considered in relation to creating the plan that the lieutenant governor concludes does not constitute a conflict of interest:
- 355 (i) a description of the type of decision or action; and
- 356 (ii) an explanation of why the type of decision or action does not constitute a conflict of interest or the appearance of a conflict of interest.
- 358 (2) The lieutenant governor shall:
- 359 (a) forward a copy of the plan described in Subsection (1) to the Government Operations Interim Committee on or before September 1, 2026;
- 361 (b) if requested by the chairs of the Government Operations Interim Committee, present the plan to the committee at a meeting specified by the chairs of the committee; and
- 363 (c) keep a copy of the plan available for public review on the lieutenant governor's website.
- 365 (3) Beginning on January 1, 2029, when a new lieutenant governor first takes office, the lieutenant governor shall, within 90 days after first taking office:
- 367 (a)
- (i) adopt the written conflict of interest risk avoidance plan used by the previous lieutenant governor; or
- 369 (ii) create a new written conflict of interest avoidance plan in accordance with the requirements described in Subsection (1);
- 371 (b) forward a copy of the plan described in Subsection (3)(a) to the Government Operations Interim Committee;
- 373 (c) if requested by the chairs of the Government Operations Interim Committee, present the plan to the committee at a meeting specified by the chairs of the committee; and

## SB0194S02 compared with SB0194S03

- 375 (d) keep a copy of the plan available for public review on the lieutenant governor's website.  
377 (4) If, at any time during the lieutenant governor's term of office, the lieutenant governor revises the  
written conflict of interest avoidance plan, the lieutenant governor shall:  
379 (a) forward a copy of the revised plan to the Government Operations Interim Committee;  
380 (b) if requested by the chairs of the Government Operations Interim Committee, present the revised  
plan to the committee at a meeting specified by the chairs of the committee; and  
383 (c) keep a copy of the revised plan available for public review on the lieutenant governor's website.  
385 (5) The lieutenant governor shall comply with the written conflict of interest avoidance plan adopted or  
created by the lieutenant governor under this section.

728 Section 7. Section **20A-1-502** is amended to read:

729 **20A-1-502. Midterm vacancy in office of United States senator.**

- 390 (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:  
394 (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:  
396 (i) a municipal general election;  
397 (ii) a presidential primary election;  
398 (iii) a regular primary election; or  
399 (iv) a regular general election;  
400 (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;  
403 (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);  
406 (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;  
410 (e) for each qualified political party, provides at least 21 calendar days, but no more than 28 calendar  
days:

## SB0194S02 compared with SB0194S03

- 412 (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
- 415 (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;
- 418 (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
- 421 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and  
Overseas Voters Act.
- 423 (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:
- 426 (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
- 429 (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.
- 433 (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).
- 439 (3) A special congressional election to fill a vacancy in the office of United States senator will not be  
held if:
- 441 (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
- 444 (b) the vacancy occurs after August 1 of the year before the regular general election described in  
Subsection (3)(a).

## SB0194S02 compared with SB0194S03

- 446 (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:
- 451 (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 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
- 456 (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.
- 460 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:
- 462 (i) the vacancy is filled by election under Subsection (1) or (2); or
- 463 (ii) the six-year term for the senate office ends.
- 464 (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.
- 466 (6) A vacancy in the office of United States senator does not occur unless the senator:
- 467 (a) has left the office; or
- 468 (b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

811 Section 8. Section **20A-1-503** is amended to read:

812 **20A-1-503. Midterm vacancies in the Legislature.**

472 (1) As used in this section:

473 (a) "Filing deadline" means the final date for filing:

474 (i) a declaration of candidacy as provided in Section 20A-9-202; and

475 (ii) a certificate of nomination as provided in Section 20A-9-503.

476

## SB0194S02 compared with SB0194S03

- (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.
- 479 (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:
- 483 (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 which the prior officeholder was a member when last elected or appointed, if the individual meets the qualifications for office; or
- 489 (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 nominated by the House of Representatives, who meet 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.
- 495 (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.
- 498 (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:
- 501 (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
- 507 (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 nominated by the Senate, who meet the qualifications for office, regardless

## SB0194S02 compared with SB0194S03

of whether the individual is a member of a particular registered political party or is unaffiliated with a registered political party.

- 513 (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:
- 516 (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:
- 520 (A) a declaration of candidacy; or
- 521 (B) a certificate of nomination; and
- 522 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 523 (A) on the lieutenant governor's website; and
- 524 (B) to each registered political party.
- 525 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 526 (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
- 530 (ii) run in the regular general election if:
- 531 (A) nominated as a party candidate; or
- 532 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
- 534 (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.
- 540 (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).

## SB0194S02 compared with SB0194S03

- 545 (6)
- (a) Except as provided in Subsection (6)(b), an individual seeking appointment to fill a vacancy described in this section shall, no later than the deadline for the individual to file an interim report under Subsection 20A-11-303(3)(a), make a complete conflict of interest disclosure on the website described in Section 20A-11-1602.5.
- 549 (b) An individual described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the individual:
- 551 (i)
- (A) currently holds the office of senator and is seeking appointment as a representative; or
- 553 (B) currently holds the office of representative and is seeking appointment as a senator;
- 555 (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
- 557 (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.
- 560 (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).
- 563 (8) A vacancy in the office of senator or representative of the Legislature does not occur unless the senator or representative:
- 565 (a) has left the office; or
- 566 (b) submits an irrevocable letter of resignation to:
- 567 (i) for a senator, the president of the Senate; or
- 568 (ii) for a representative, the speaker of the House of Representatives.
- 910 Section 9. Section **20A-1-504** is amended to read:
- 911 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, state auditor, State Board of Education member, and lieutenant governor.**
- 573 (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.

## SB0194S02 compared with SB0194S03

- 576 [~~(b) The governor shall fill the vacancy until the next regular general election by:]~~
- 577 [~~(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]~~
- 580 [~~(ii) for a State Board of Education vacancy, if the individual who is being replaced:]~~
- 581 [~~(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;]~~
- 585 [~~(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]~~
- 589 [~~(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.]~~
- 593 (b) The governor shall fill a vacancy described in Subsection (1)(a) until the next general election, as  
follows:
- 595 (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
- 601 (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.
- 607 (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.
- 610 (3)

## SB0194S02 compared with SB0194S03

(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:

613 (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

616 (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).

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

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

622 (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

624 (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.

627 (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).

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

632 (a) has left the office; or

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

975 Section 10. Section **20A-1-508** is amended to read:

976 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager -- Interim  
replacement.**

637 (1) As used in this section:

638 (a)

(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.

## SB0194S02 compared with SB0194S03

- 641 (ii) "County offices" does not include the office of county attorney, district attorney, or judge.
- 643 (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.
- 646 (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 replacement under Subsection (4), the following shall temporarily discharge the duties of the county office as a temporary manager:
- 650 (i) for a county office with one chief deputy, the chief deputy;
- 651 (ii) for a county office with more than one chief deputy:
- 652 (A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or
- 654 (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
- 659 (iii) for a county office without a chief deputy:
- 660 (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;
- 663 (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
- 667 (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.
- 672 (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).

## SB0194S02 compared with SB0194S03

- 677 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a  
county office:
- 679 (i) may not take an oath of office for the county office as a temporary manager;
- 680 (ii) shall comply with Title 17, Chapter 63, Fiscal Authority and Processes, and the county's budget  
ordinances and policies;
- 682 (iii) unless approved by the county legislative body, may not change the compensation of an employee;
- 684 (iv) unless approved by the county legislative body, may not promote or demote an employee or change  
an employee's job title;
- 686 (v) may terminate an employee only if the termination is conducted in accordance with:
- 688 (A) personnel rules described in Subsection 17-75-602(2) that are approved by the county legislative  
body; and
- 690 (B) applicable law;
- 691 (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;
- 694 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation;  
and
- 696 (viii) if approved by the county legislative body, may receive a performance award after:
- 698 (A) the county legislative body appoints an interim replacement under Subsection (3) or the governor  
appoints an interim replacement under Subsection (4); and
- 700 (B) the interim replacement is sworn into office.
- 701 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- 703 (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).
- 707 (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.
- 710 (c)

## SB0194S02 compared with SB0194S03

[(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[+tø]:

713 [(A)] (i) to the county clerk; and

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

715 (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.

718 [(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:

721 (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[-] ;

723 [(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 whom 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

732 [(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.

736 (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.

744 [(d)] (4)

[(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:

## SB0194S02 compared with SB0194S03

- 747 (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:
- 750 [~~(A)~~] (i) informs the governor that the county legislative body has failed to appoint a replacement  
within the statutory time period;~~and~~
- 752 (ii) states whether the prior officeholder is an officeholder described in Subsection (3)(d) or (e); and
- 754 [~~(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
- 757 [~~(i)~~] (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):
- 759 (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
- 762 (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.
- 766 [~~(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.
- 768 [~~(4)~~] (6)
- (a) The requirements of this Subsection [~~(4)~~] (6) apply to all county offices that become vacant if:
- 770 (i) the vacant office has an unexpired term of two years or more; and
- 771 (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.
- 774 (b)
- (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.
- 778 (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of  
candidacy in accordance with:
- 780 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

## SB0194S02 compared with SB0194S03

- 782 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.
- 784 (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.
- 789 [~~(5)~~] (7)
- (a) The requirements of this Subsection [~~(5)~~] (7) apply to all county offices that become vacant if:
- 791 (i) the vacant office has an unexpired term of two years or more; and
- 792 (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.
- 795 (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:
- 798 (i) that the vacancy exists; and
- 799 (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).
- 801 (c)
- (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:
- 805 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 807 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.
- 809 (ii) The county central committee of each party shall:
- 810 (A) select a candidate or candidates from among those qualified candidates who have filed declarations  
of candidacy; and
- 812 (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.
- 815 (d)

## SB0194S02 compared with SB0194S03

(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.

820 (ii)

(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 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).

825 (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.

828 (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.

833 [~~(6)~~] (8)

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

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

836 (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.

839 (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:

841 (i) that the vacancy exists; and

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

843 (c)

(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.

847

## SB0194S02 compared with SB0194S03

- (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.
- 852 (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.
- 855 (d)
- (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:
- 858 (A) a registered political party is required to certify a name under Subsection [~~(6)(e)(i)~~] (8)(c)(i);
- 860 (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
- 863 (C) a write-in candidate is required to submit a declaration of candidacy under Subsection [~~(6)(e)(iii)~~] (8)(c)(iii).
- 865 (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.
- 868 (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.
- 873 [~~(7)~~] (9)
- (a) The requirements of this Subsection [~~(7)~~] (9) apply to all county offices that become vacant if:
- 875 (i) [~~if~~]the vacant office has an unexpired term of less than two years; or
- 876 (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.
- 878 [~~(b)~~]

## SB0194S02 compared with SB0194S03

- (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:]~~
- 881       ~~[(A) the county clerk; and]~~
- 882       ~~[(B) the party liaison of the same political party as the prior office holder.]~~
- 883       ~~[(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.]~~
- 885       ~~[(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 at least 40 calendar days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.]~~
- 891       ~~[(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 vacancy, appoint the individual to serve out the unexpired term.]~~
- 894       ~~[(e)~~
- ~~(i) If the county legislative body fails to appoint an individual to fill the vacancy in accordance with Subsection (7)(b)(iv), the county clerk shall send to the governor a letter that:]~~
- 897       ~~[(A) informs the governor that the county legislative body has failed to appoint an individual to fill the vacancy within the statutory time period; and]~~
- 899       ~~[(B) contains the name of the individual submitted by the party liaison to fill the vacancy.]~~
- 901       ~~[(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 vacancy.]~~
- 904       (b) When the conditions described in Subsection (9)(a) are met:
- 905       (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;
- 908       (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

## SB0194S02 compared with SB0194S03

vacancy for the remainder of the term, using the same procedures described in Subsection (4) for appointing an interim replacement; and

913 ~~[(4)]~~ (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.

915 ~~[(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.

918 ~~[(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.

921 ~~[(10)]~~ (12)

(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.

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

926 ~~[(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:

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

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

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

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

937 (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

940 (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.

944 ~~[(12)]~~ (14)

## SB0194S02 compared with SB0194S03

(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~~:

948 (i) the county legislative body appoints an interim replacement under Subsection (3);~~or~~

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

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

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

955 (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.

958 [~~(13)~~] (15) A vacancy in a county office does not occur unless the individual occupying the office:

960 (a) has left the office; or

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

1303 Section 11. Section **20A-1-509.1** is amended to read:

1304 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.**

965 (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.

969 (2)

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

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

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

974 (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.

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

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

## SB0194S02 compared with SB0194S03

- 979 (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
- 982 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 983 (d) If the vacancy occurs during the applicable declaration of candidacy filing period described in  
Section 20A-9-201.5:
- 985 (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
- 989 (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.
- 991 (3)
- (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney  
becomes vacant and:
- 993 (i) the vacant office has an unexpired term of two years or more; and
- 994 (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.
- 996 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 997 (i) notify the public and each registered political party that the vacancy exists; and
- 998 (ii) identify the date and time by which a person interested in becoming a candidate shall file a  
declaration of candidacy.
- 1000 (c) All persons intending to become candidates for the vacant office shall:
- 1001 (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
- 1005 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1006 (d) The county central committee of each party shall:
- 1007 (i) select a candidate or candidates from among those qualified candidates who have filed declarations  
of candidacy; and
- 1009 (ii) certify the name of the candidate or candidates to the county clerk:
- 1010 (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

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- 1012 (B) electronically, before midnight no later than 60 calendar days before the day of the regular primary  
election.
- 1014 (4)
- (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1016 (i) the vacant office has an unexpired term of two years or more; and
- 1017 (ii) 75 calendar days or less remain before the regular primary election but more than 65 calendar  
days remain before the regular general election.
- 1019 (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.
- 1024 (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- 1026 (5)
- (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1028 (i) the vacant office has an unexpired term of less than two years; or
- 1029 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days or less  
remain before the next regular general election.
- 1031 (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give  
notice of the vacancy to:
- 1033 (i) the county clerk; and
- 1034 [~~(ii) the county central committee of the same political party of the prior officeholder.-]~~
- 1035 (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.
- 1038 (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:
- 1041 (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[-] ;~~
- 1043

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~~[(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

1050 ~~[(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.

1053 (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.

1061 ~~[(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:

1063 (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:

1065 ~~[(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]

1067 (B) states whether the prior officeholder is an officeholder described in Subsection (5)(c) or (d); and

1069 ~~[(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

1072 ~~[(g)]~~ (ii) ~~[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)-] (5)(e)(i):

1075 (A) 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

1078

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(B) 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.

1082 ~~[(h)]~~ (f) ~~[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.

1084 (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:

1087 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and

1089 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

1091 (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.

1096 (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.

1099 (8) A vacancy in the office described in Subsection (1) does not occur unless the ~~[person]~~ individual occupying the office:

1101 (a) has left the office; or

1102 (b) submits an irrevocable letter of resignation to the county legislative body.

1103 (9) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

1446 Section 12. Section **20A-1-509.2** is amended to read:

1447 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than 15 attorneys.**

1108 (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.

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- 1113 (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:
- 1116 (a) informs the attorney of the vacancy;
- 1117 (b) invites the attorney to apply for the vacancy; and
- 1118 (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.
- 1121 ~~[(3)~~
- (a)
- (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.]~~
- 1127 ~~[(ii) In multicounty prosecution districts, the clerk shall submit the applications to the county  
central committee of each county within the prosecution district.]~~
- 1129 ~~[(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).]~~
- 1133 ~~[(c) The county legislative body shall appoint one of the nominees to fill the vacant position.]~~
- 1135 ~~[(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.]~~
- 1138 ~~[(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:]~~
- 1141 ~~[(i) a letter informing the governor that the county legislative body has failed to appoint a person to fill  
the vacancy; and]~~
- 1143 ~~[(ii)~~
- (A) ~~the list of nominees, if any, submitted by the central committee of the political party; or]~~
- 1145

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~~[(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.]~~

1148 ~~[(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.]~~

1151 (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 are registered voters in the county or district, have applied for the vacancy:

1154 (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:

1156 (i) the county clerk shall:

1157 (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

1160 (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;

1164 (ii)

(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

1170 (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

1176 (iii)

(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

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- 1178 (B) for a multicounty prosecution district, the county legislative bodies shall jointly appoint one of the  
nominees to fill the vacant position; or
- 1180 (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:
- 1183 (i) the county clerk shall:
- 1184 (A) except as provided in Subsection (3)(b)(i)(B), submit the applications to the county legislative  
body; or
- 1186 (B) for a multicounty prosecution district, submit the applications to the county legislative bodies of  
each county within the multicounty prosecution district; and
- 1189 (ii)  
(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
- 1192 (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.
- 1195 (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.
- 1199 (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.
- 1203 (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:
- 1208 (a) states that the county legislative body or bodies have failed to timely appoint a person to fill the  
vacancy; and
- 1210 (b) includes the following:
- 1211 (i) for a vacancy where the prior officeholder was a member of a registered political party when the  
prior officeholder last took office:

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- 1213 (A) if the applicable central committee or applicable central committees timely submitted at least three  
nominees, the names of the nominees; or
- 1215 (B) if the applicable central committee or applicable central committees failed to timely submit at least  
three nominees, the names of the applicants; or
- 1217 (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.
- 1219 (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.
- 1222 [~~(4)~~] (7)
- (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:
- 1227 (i) appoint one of [~~them~~] the attorneys to be county or district attorney; or
- 1228 (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection  
[~~(4)(b)~~] (7)(b).
- 1230 (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.
- 1236 (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.
- 1241 (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:

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- (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
- 1246 (ii) provide the governor with a list of all the applicants.
- 1247 (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).
- 1250 [~~(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.
- 1252 [~~(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:
- 1255 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 1257 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 1259 [~~(7)~~] (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.
- 1264 (b) The county clerk shall post the electronic statement described in Subsection [~~(7)(a)~~] (10)(a) no later than two business days after the day on which the county clerk receives the statement.
- 1267 [~~(8)~~] (11) A vacancy in the office described in Subsection (1) does not occur until the [~~person~~] attorney occupying the office:
- 1269 (a) has left the office; or
- 1270 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1612 Section 13. Section **20A-1-513** is amended to read:
- 1613 **20A-1-513. Temporary absence in elected office of a political subdivision for military service.**
- 1274 (1) As used in this section:
- 1275 (a)
- (i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.
- 1277 (ii) "Armed forces" includes the National Guard.
- 1278 (b)

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- (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.
- 1280 (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).
- 1282 (c) "Elected official reservist" means an elected official who is:
- 1283 (i) a member of the armed forces reserves component;
- 1284 (ii) a member of the National Guard; or
- 1285 (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.
- 1287 (d)
- (i) "Military leave" means the temporary absence from an office:
- 1288 (A) by an elected official reservist called to active, full-time duty in the armed forces; and
- 1290 (B) for a period of time that exceeds 30 calendar days and does not exceed 400 calendar days.
- 1292 (ii) "Military leave" includes the time an individual on leave, as described in Subsection (1)(d)(i), spends for:
- 1294 (A) out processing;
- 1295 (B) an administrative delay;
- 1296 (C) accrued leave; and
- 1297 (D) on rest and recuperation leave program of the armed forces.
- 1298 (e) "Political subdivision's governing body" means:
- 1299 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 1300 (ii) for a special district, the board of trustees of the special district;
- 1301 (iii) for a local school district, the local school board;
- 1302 (iv) for a special service district:
- 1303 (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
- 1306 (B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and
- 1308 (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body that governs the affairs of the political subdivision.
- 1310

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- (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.
- 1313 (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.
- 1315 (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.
- 1320 (b) An elected official reservist described in Subsection (3)(a) may:
- 1321 (i) if the period of active, full-time duty does not exceed 270 calendar days:
- 1322 (A) continue to carry out the elected official's duties if possible while on active, full-time duty; or
- 1324 (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
- 1327 (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:
- 1330 (A) written notice of the intent to take military leave and the expected duration of the military leave; and
- 1332 (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.
- 1336 (4)
- (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.
- 1341 (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:
- 1344 (i) place the elected official in military leave status; and

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- 1345 (ii) appoint a temporary replacement in accordance with Subsection (8).  
1346 (5)  
(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).
- 1350 (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):
- 1353 (i) the political subdivision's governing body may not appoint a temporary replacement under Subsection (8); and
- 1355 (ii) the elected official reservist creates a vacancy in the elected official's office.
- 1356 (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.
- 1359 (7) An elected official reservist's military leave:
- 1360 (a) begins:
- 1361 (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:
- 1362 (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;
- 1364 (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
- 1367 (C) the day on which the elected official begins active, full-time duty in the armed forces; or
- 1369 (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
- 1372 (b) ends the sooner of:
- 1373 (i) the expiration of the elected official reservist's term of office; or
- 1374 (ii) the day on which the elected official reservist ends active, full-time duty in the armed forces.
- 1376 (8) A temporary replacement shall:
- 1377 (a) meet the qualifications required to hold the office; and
- 1378 (b) be appointed:
- 1379 (i) when an elected official reservist:

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- 1380 (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or  
1381 (B) is placed in military leave status under Subsection (4)(b)(i); and  
1382 (ii) by the political subdivision's governing body:
- 1383 (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
- 1386 (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).
- 1389 (9)
- (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.
- 1392 (b) An elected reservist may not exercise the powers or duties of the office while on military leave.
- 1394 (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.
- 1397 (10) The political subdivision's governing body shall establish:
- 1398 (a) the distribution of the emoluments of the office between the elected official reservist and the  
temporary replacement; and
- 1400 (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.
- 1403 (11) This section does not apply to an elected official who is not an elected official reservist.
- 1745 Section 14. Section **14** is enacted to read:
- 1746 **20A-1-608.1. Electronic communications abuse of elections or elected office.**
- 1407 (1) As used in this section:
- 1408 (a) "Actor" means the same as that term is defined in Section 76-1-101.5.
- 1409 (b) "In relation to an election process" means anything governed by this title, or another provision of  
law that governs a matter addressed by this title, including:
- 1411 (i) the administration or conduct of an election or a requirement or process relating to an election; or
- 1413 (ii) a provision relating to:
- 1414 (A) a voter or voting;

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- 1415 (B) a candidate for public office or candidacy for public office;  
1416 (C) an officeholder;  
1417 (D) campaigning or political fundraising;  
1418 (E) a person that participates in, or seeks to influence, an election; or  
1419 (F) a lobbyist or lobbying.
- 1420 (2) An actor commits electronic communications abuse of elections or elected office if the actor:  
1422 (a) commits a violation of a provision of Title 76, Chapter 12, Part 2, Electronic Communication Abuse;  
and  
1424 (b) commits the violation described in Subsection (2)(a):  
1425 (i) by obtaining, using, or disseminating information obtained, directly or indirectly, from a voter  
registration record, a petition, a declaration of candidacy, a financial disclosure, a conflict of interest  
disclosure, or another source of information obtained, stored, provided, or disclosed under this title  
or in relation to elections;  
1429 (ii) with the intent to retaliate against, threaten, interfere with, or fraudulently influence a person in  
relation to an election process;  
1431 (iii) with the intent to interfere with or fraudulently influence a matter in relation to an election process;  
or  
1433 (iv) with the intent to retaliate against, threaten, interfere with, or fraudulently influence;  
1435 (A) a candidate in relation to the candidate's campaign or candidacy; or  
1436 (B) an officeholder in relation to a duty of the officeholder, an action as an officeholder, or inaction as  
an officeholder.
- 1438 (3) If an actor can, for the same conduct, be charged under this section or under Title 76, Chapter 12,  
Part 2, Electronic Communication Abuse, the actor shall be charged under this section, unless a  
charge under Title 76, Chapter 12, Part 2, Electronic Communication Abuse, carries a more serious  
penalty.
- 1783 Section 15. Section **20A-1-609** is amended to read:  
1784 **20A-1-609. Omnibus penalties.**  
1444 (1)  
(a) Except as provided in Subsection (1)(b), (1)(c), or (2), a person who violates any provision of this  
title is guilty of a class B misdemeanor.

1446

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(b) Subsection (1)(a) does not apply to a provision of this title for which another penalty is expressly stated.

1448 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or referendum,  
falsely making the statement described in Subsection 20A-7-203(3)(d)(xx), 20A-7-303(3)(d)(xx),  
20A-7-503(3)(d)(xx), or 20A-7-603(3)(d)(xx).

1452 (2) A person who violates Section 20A-1-608.1 is:

1453 (a) except as provided in Subsection (2)(b), guilty of a class A misdemeanor; or

1454 (b) guilty of a third degree felony for a second or subsequent violation.

1455 [~~2~~] (3) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual convicted of any  
offense under this title may not:

1457 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office  
during the election cycle in which the violation occurred;

1459 (b) take or hold the office to which the individual was elected; and

1460 (c) receive the emoluments of the office to which the individual was elected.

1461 [~~3~~] (4)

(a) Any individual convicted of any offense under this title forfeits the right to vote at any election  
unless the right to vote is restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

1464 (b) Any person may challenge the right to vote of a person described in Subsection [~~3~~](a) (4)(a) by  
following the procedures and requirements of Section 20A-3a-803.

1807 Section 16. Section **20A-3a-401** is amended to read:

1808 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition  
-- Notice -- Disclosures relating to unresolved ballots.**

1469 (1) This section governs ballots returned by mail, via a ballot drop box, or by other legal means.

1471 (2) Poll workers shall process return envelopes containing manual ballots that are in the custody of the  
poll workers in accordance with this section.

1473 (3) Poll workers shall examine a return envelope to make the determinations described in Subsection  
(4).

1475 (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers determine:

1477 (a) for an election held before January 1, 2029:

1478 (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

## SB0194S02 compared with SB0194S03

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]

- 1483 (ii) if the return envelope does not contain ~~[the digits described in Subsection (4)(a)(i)]~~ a four digit  
1486 number on the portion of the return envelope described in Subsection (4)(a)(i), that:  
1489 (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  
1491 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
1493 alternative means; and  
1491 (iii) if the return envelope contains the correct four digit number under Subsection (4)(a)(i), that:  
1493 (A) in accordance with the rules made under Subsection (13), the signature on the affidavit of the return  
1496 envelope is reasonably consistent with the individual's signature in the voter registration records; or  
1498 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
1499 alternative means;  
1498 (b) for an election held on or after January 1, 2029:  
1499 (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;  
1502 [(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  
1505 [(iii)] (C) for a voter described in Subsection 20A-3a-301(7), that the voter complied with Subsection  
20A-3a-301(7); and  
1507 (ii) that:  
1508 (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  
1511 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
alternative means;  
1513 (c) that the affidavit is sufficient;  
1514 (d) that the voter is registered to vote in the correct precinct;  
1515 (e) that the voter's right to vote the ballot has not been challenged;  
1516 (f) that the voter has not already voted in the election; and

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- 1517 (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.
- 1520 (5)
- 1522 (a) If the poll workers make all of the findings described in Subsection (4), the poll workers shall:
- 1524 (i) remove the manual ballot from the return envelope in a manner that does not destroy the  
affidavit on the return envelope;
- 1525 (ii) ensure that the ballot is not examined in connection with the return envelope; and
- 1526 (iii) place the ballot with the other ballots to be counted.
- 1528 (b) If the poll workers do not make all of the findings described in Subsection (4), the poll workers  
shall:
- 1529 (i) disallow the vote;
- 1531 (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
- 1533 (iii) except as provided in Subsection (6), place the return envelope, unopened, with the other rejected  
return envelopes.
- 1535 (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).
- 1538 (7)
- 1539 (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:
- 1540 (i) contact the individual in accordance with Subsection (8); and
- 1542 (ii) inform the individual:
- 1543 (A) that the identification information provided on the return envelope is in question;
- 1544 (B) how the individual may resolve the issue; and
- 1545 (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).
- 1546 (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:

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- 1551 (i) contact the individual in accordance with Subsection (8); and  
1552 (ii) inform the individual:  
1553 (A) that the individual's signature is in question;  
1554 (B) how the individual may resolve the issue; and  
1555 (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).
- 1558 (c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b) includes:  
1560 (i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (7)  
(d) and a courtesy reply envelope;  
1562 (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  
1565 (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.
- 1569 (d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:  
1570 (i) an attestation that the individual voted the ballot;  
1571 (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;  
1573 (iii) a space for the individual to sign the affidavit;  
1574 (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  
1577 (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 \_\_\_\_\_".
- 1582 (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.
- 1585 (f) An election officer who receives a signed affidavit under Subsection (7)(e) shall immediately:

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- 1587 (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;
- 1589 (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
- 1591 (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the rules described in  
Subsection (13)(c).
- 1593 (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:
- 1596 (i) the ballot is cured within one business day after the day on which the ballot is rejected; or
- 1598 (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be  
cured.
- 1600 (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:
- 1604 (i) 30 calendar days after the day of the rejection; or
- 1605 (ii) 30 calendar days after the day of the election.
- 1606 (c) The election officer may, when notifying an individual by phone under this Subsection (8), use auto-  
dial technology.
- 1608 (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:
- 1611 (a) receives a signed affidavit from the individual under Subsection (7); or
- 1612 (b)
- (i) contacts the individual;
- 1613 (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;
- 1617 (iii) verifies the identity of the individual by:
- 1618

## SB0194S02 compared with SB0194S03

- (A) requiring the individual to provide at least two types of personal identifying information for the individual; and
- 1620 (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
- 1623 (iv) documents the verification described in Subsection (9)(b)(iii), by recording:
- 1624 (A) the name and voter identification number of the individual contacted;
- 1625 (B) the name of the individual who conducts the verification;
- 1626 (C) the date and manner of the communication;
- 1627 (D) the type of personal identifying information provided by the individual;
- 1628 (E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and
- 1630 (F) other information required by the lieutenant governor.
- 1631 (10)
- (a) The election officer shall retain and preserve:
- 1632 (i) the return envelopes in accordance with Subsection 20A-4-202(2); and
- 1633 (ii) the documents described in Subsection (9)(b)(iv) in accordance with Subsection 20A-4-202(3).
- 1635 (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).
- 1639 (11)
- (a) The election officer shall record the following in the database used in the verification process:
- 1641 (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
- 1643 (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.
- 1645 (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:
- 1648 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
- 1649 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do not correspond.
- 1651

## SB0194S02 compared with SB0194S03

(12) Willful failure to comply with this section constitutes willful neglect of duty under Section 20A-5-701.

1653 (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:

1656 (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);

1658 (b) training and certification requirements for election officers and employees of election officers regarding the criteria and processes described in Subsection (13)(a); and

1660 (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).

1663 (14)

(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:

1666 (i) a candidate in the election;

1667 (ii) an individual who represents the candidate's campaign;

1668 (iii) the sponsors of an initiative or referendum appearing on the ballot; or

1669 (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.

1672 (b) If an election officer discloses the information described in Subsection (14)(a), the election officer shall:

1674 (i) make the disclosure within two business days after the day on which the request is made;

1676 (ii) respond to each request in the order the requests were made; and

1677 (iii) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to one requestor over another.

1679 (c) 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).

2022 Section 17. Section **20A-9-408** is amended to read:

2023 **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party**  
**-- Removal of signature.**

## SB0194S02 compared with SB0194S03

- 1684 (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.
- 1687 (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.
- 1691 (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:
- 1695 (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:
- 1700 (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
- 1702 (ii) the name of the registered political party for which the member is seeking nomination;
- 1704 (iii) the office for which the member is seeking to become a candidate;
- 1705 (iv) the address and telephone number of the member; and
- 1706 (v) other information required by the lieutenant governor;
- 1707 (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
- 1710 (c) pay the filing fee.
- 1711 (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:
- 1715 (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:

## SB0194S02 compared with SB0194S03

- 1719 (i) the name of the member who will attempt to become a candidate for a registered political party  
under this section;
- 1721 (ii) the name of the registered political party for which the member is seeking nomination;
- 1723 (iii) the office for which the member is seeking to become a candidate;
- 1724 (iv) the address and telephone number of the member; and
- 1725 (v) other information required by the lieutenant governor;
- 1726 (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
- 1729 (c) pay the filing fee.
- 1730 (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.
- 1736 (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.
- 1739 (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.
- 1742 (8) A member of a qualified political party may seek the nomination of the qualified political party for  
an elective office by:
- 1744 (a) complying with the requirements described in this section; and
- 1745 (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:
- 1749 (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;

1752

## SB0194S02 compared with SB0194S03

- (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;
- 1756 (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;
- 1759 (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;
- 1762 (v) for a State Board of Education race, the lesser of:
- 1763 (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
- 1766 (B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and
- 1768 (vi) for a county office race, the lesser of:
- 1769 (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
- 1772 (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.
- 1776 (9)
- (a) This Subsection (9) applies only to the manual candidate qualification process.
- 1777 (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:
- 1780 (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
- 1783 (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election officer before the applicable deadline described in Subsection (12).

## SB0194S02 compared with SB0194S03

- 1785 (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:
- 1791 (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;
- 1793 (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;
- 1795 (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
- 1799 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.
- 1801 (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.
- 1806 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in  
Subsection 20A-1-1003(2).
- 1808 (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.
- 1812 (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.
- 1816 (ii) An individual who conducts an audit of signature comparisons under this section may not audit the  
individual's own work.
- 1818 (iii) The election officer shall:
- 1819

## SB0194S02 compared with SB0194S03

- (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to determine the accuracy of the comparisons made;
- 1821 (B) record the individuals who conducted the audit;
- 1822 (C) record the audit results;
- 1823 (D) provide additional training or staff reassignments, as needed, based on the results of an audit described in Subsection (9)(e)(i); and
- 1825 (E) record any remedial action taken.
- 1826 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 1827 (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:
- 1833 (i) certifies signatures equal to 110% of the applicable signature threshold; or
- 1834 (ii) has reviewed all signatures submitted for the candidate before reaching an amount equal to 110% of the applicable signature threshold.
- 1836 (10)
- (a) This Subsection (10) applies only to the electronic candidate qualification process.
- 1838 (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:
- 1842 (i) in accordance with Section 20A-21-201; and
- 1843 (ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).
- 1845 (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:
- 1850 (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
- 1852

## SB0194S02 compared with SB0194S03

(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.

1854 (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.

1857 (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:

1860 (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and

1862 (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).

1865 (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.

1872 (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.

1876 (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.

1880 (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:

1883 (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

1886

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- (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.

2233 Section 18. Section **18** is enacted to read:

2234 **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 shall:

1897 (1) contract with another county clerk to fulfill the responsibilities described in:

1898 (a) Subsection 20A-9-403(3)(d);

1899 (b) Subsection 20A-9-405(10)(c);

1900 (c) Subsections 20A-9-408(9)(c), (d)(iii), and (f);

1901 (d) Subsections 20A-9-408(10)(c) and (11)(c); and

1902 (e) Subsections 20A-9-408.3(2) through (3) and (5) through (7);

1903 (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 other county clerk described in Subsection (1); and

1906 (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 other county clerk described in Subsection (1).

2250 Section 19. Section **20A-11-104** is amended to read:

2251 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.**

1912 (1)

(a) As used in this chapter, "personal use expenditure" means an expenditure that:

1913 (i)

(A) is not excluded from the definition of personal use expenditure by Subsection (2); and

1915

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- (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
- 1919 (ii) would likely cause the candidate or officeholder to recognize the expenditure as taxable income under federal or state law.
- 1921 (b) "Personal use expenditure" includes:
- 1922 (i) a mortgage, rent, utility, or vehicle payment;
- 1923 (ii) a household food item or supply;
- 1924 (iii) a clothing expense, except:
- 1925 (A) clothing bearing the candidate's name or campaign slogan or logo that is used in the candidate's campaign;
- 1927 (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
- 1930 (C) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or officeholder;
- 1932 (iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;
- 1934 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 1935 (vi) a salary payment made to:
- 1936 (A) a candidate or officeholder; or
- 1937 (B) a person who has not provided a bona fide service to a candidate or officeholder;
- 1939 (vii) a vacation;
- 1940 (viii) a vehicle expense;
- 1941 (ix) a meal expense;
- 1942 (x) a travel expense;
- 1943 (xi) a payment of an administrative, civil, or criminal penalty;
- 1944 (xii) a satisfaction of a personal debt;
- 1945 (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
- 1947 (xiv) a membership fee for a professional or service organization; and
- 1948 (xv) a payment in excess of the fair market value of the item or service purchased.

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- 1949 (2) As used in this chapter, "personal use expenditure" does not include an expenditure made:
- 1951 (a) for a political purpose;
- 1952 (b) for candidacy for public office;
- 1953 (c) to fulfill a duty or activity of an officeholder;
- 1954 (d) for a donation to a registered political party;
- 1955 (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;
- 1958 (f) to return all or a portion of a contribution to a contributor;
- 1959 (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
- 1961 (i)
- (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or
- 1963 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 1964 (ii) a food expense, including food or beverages:
- 1965 (A) served at a campaign event;
- 1966 (B) served at a charitable event;
- 1967 (C) consumed, or provided to others, by a candidate while the candidate is engaged in campaigning;
- 1969 (D) consumed, or provided to others, by an officeholder while the officeholder is acting in the capacity of an officeholder; or
- 1971 (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;
- 1973 (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;
- 1976 (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);
- 1979 (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);
- 1982

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- (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);
- 1985 (vii) a payment for a service provided by an attorney or accountant;
- 1986 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 1987 (ix) a gift;
- 1988 (x) a payment for the following items in connection with an office space:
- 1989 (A) rent;
- 1990 (B) utilities;
- 1991 (C) a supply; or
- 1992 (D) furnishing;
- 1993 (xi) a booth at a meeting or event;
- 1994 (xii) educational material; or
- 1995 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of an officeholder;
- 1997 (h) to purchase or mail informational material, a survey, or a greeting card;
- 1998 (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;
- 2001 (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
- 2003 (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
- 2005 (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;
- 2008 (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]~~
- 2012 (n) to pay childcare expenses of:
- 2013 (i) a candidate while the candidate is engaging in campaign activity; or
- 2014 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder~~[-]~~ ; or
- 2016

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(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:

2020 (i) a security system for use at the candidate's or officeholder's home, place of business, or campaign office; or

2022 (ii) security services while the candidate or officeholder is traveling to or from, or attending:

2024 (A) a campaign event; or

2025 (B) for an officeholder, an event relating to an activity or duty of the officeholder.

2026 (3)

(a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:

2028 (i) evaluating a financial statement to identify a personal use expenditure; and

2029 (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.

2032 (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:

2034 (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and

2036 (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.

2038 (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) [~~in~~] into the General Fund.

2381 Section 20. Section **20A-11-204** is amended to read:

2382 **20A-11-204. State office candidate and state officeholder -- Financial reporting requirements -- Interim reports.**

2043 (1) As used in this section:

2044 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1) (a) or (c).

2046 (b) "Received" means:

2047 (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;

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- 2049 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is  
negotiated;
- 2051 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign,  
the earlier of:
- 2053 (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;
- 2056 (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
- 2059 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 2060 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state  
office candidate.
- 2062 (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:
- 2065 (a)
- (i) seven calendar days before the candidate's political convention; or
- 2066 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 2067 (b) seven calendar days before the regular primary election date;
- 2068 (c) September 30; and
- 2069 (d) seven calendar days before the regular general election date.
- 2070 (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the  
state office candidate:
- 2072 (a) shall file an interim report:
- 2073 (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 Subsection~~  
~~20A-1-504(1)(a); or~~ ] ;
- 2077 (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
- 2080

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~~[(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

- 2087 (b) is not required to file an interim report at the times described in Subsection (2).
- 2088 (4) Each interim report shall include the following information:
- 2089 (a) the net balance of the last summary report, if any;
- 2090 (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;
- 2092 (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;
- 2094 (d) a detailed listing of:
- 2095 (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
- 2097 (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;
- 2100 (e) for each nonmonetary contribution:
- 2101 (i) the fair market value of the contribution with that information provided by the contributor; and
- 2103 (ii) a specific description of the contribution;
- 2104 (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;
- 2106 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2107 (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;
- 2110 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2111 (i) beginning balance;
- 2112 (ii) total contributions and public service assistance received during the period since the last statement;
- 2114 (iii) total contributions and public service assistance received to date;
- 2115 (iv) total expenditures during the period since the last statement; and

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- 2116 (v) total expenditures to date; and
- 2117 (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.
- 2120 (5)
- (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.
- 2122 (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.
- 2466 Section 21. Section **20A-11-1303** is amended to read:
- 2467 **20A-11-1303. School board office candidate and school board officeholder -- Financial  
reporting requirements -- Interim reports.**
- 2128 (1)
- (a) As used in this section, "received" means:
- 2129 (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;
- 2131 (ii) for a contribution that is a check or other negotiable instrument, that the check or other  
negotiable instrument is negotiated;
- 2133 (iii) for a direct deposit made into a campaign account by a person not associated with the  
campaign, the earlier of:
- 2135 (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;
- 2138 (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
- 2141 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 2142 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the  
school board office candidate.
- 2144 (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).

## SB0194S02 compared with SB0194S03

- 2146 (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:
- 2149 (i) May 15;
- 2150 (ii) seven calendar days before the regular primary election date;
- 2151 (iii) September 30; and
- 2152 (iv) seven calendar days before the regular general election date.
- 2153 (2) If a school board office candidate is a school board office candidate seeking appointment for a  
midterm vacancy, the school board office candidate:
- 2155 (a) shall file an interim report:
- 2156 (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~~]
- 2159 (ii) for a vacancy described in Subsection [~~20A-1-504(1)(b)(ii)(C):~~] 20A-1-504(1)(b)(i),
- 2161 [~~(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
- 2164 [~~(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~~  
~~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
- 2171 (b) is not required to file an interim report at the times described in Subsection (1)(c).
- 2172 (3) Each interim report shall include the following information:
- 2173 (a) the net balance of the last summary report, if any;
- 2174 (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;
- 2176 (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;
- 2178 (d) a detailed listing of:

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- 2179 (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
- 2181 (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;
- 2184 (e) for each nonmonetary contribution:
- 2185 (i) the fair market value of the contribution with that information provided by the contributor; and
- 2187 (ii) a specific description of the contribution;
- 2188 (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;
- 2190 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2191 (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;
- 2194 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2195 (i) beginning balance;
- 2196 (ii) total contributions during the period since the last statement;
- 2197 (iii) total contributions to date;
- 2198 (iv) total expenditures during the period since the last statement; and
- 2199 (v) total expenditures to date; and
- 2200 (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.
- 2203 (4)
- 2205 (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.
- 2205 (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.
- 2208 ~~{Section 21. Section 36-12-15.2 is amended to read: }~~
- 2209 **36-12-15.2. Elections audit.**
- 2210 (1) As used in this section, "office" means the Office of the Legislative Auditor General.
- 2211

## SB0194S02 compared with SB0194S03

- (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[-] :
- 2216 (a) in accordance with this section; and
- 2217 (b) under the direction of the Legislative Audit Subcommittee.
- 2218 (3) The audit may include the entire election process for the elections held in an even-numbered year, including:
- 2220 (a) procedures and practices that occur before or after the beginning of the year to prepare for the elections; and
- 2222 (b) procedures, practices, and standards relating to:
- 2223 (i) voter registration;
- 2224 (ii) candidate filing and selection;
- 2225 (iii) the preparation, printing, distribution, handling, examining, counting, and all other handling of ballots; and
- 2227 (iv) the entire election process, including the regular primary election, the regular general election, and the determination of election results.
- 2229 (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.
- 2232 (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.
- 2234 (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.
- 2237 (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.
- 2241 (8) To conduct an audit described in this section, the office has the full authority described in Section 36-12-15, including:
- 2243 (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;

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- 2246 (b) full access to closely observe, examine, and copy ballots, ballot envelopes, vote tallies, canvassing records, and voter registration records;
- 2248 (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;
- 2251 (d) full access to all staff, including full-time, part-time, and volunteer staff;
- 2252 (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;
- 2255 (f) the right to, within the scope of the audit, attend any meeting, including a closed meeting;
- 2257 (g) the right to, within the scope of the audit, closely observe and examine any work or other process; and
- 2259 (h) all other authority described in Section 36-12-15.
- 2260 (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.
- 2263 (10) In conducting an audit described in this section, the office:
- 2264 (a) shall preserve the right of a voter to a secret ballot;
- 2265 (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
- 2268 (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.
- 2271 (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.
- 2549 Section 22. Section **63I-2-220** is amended to read:
- 2550 **63I-2-220. Repeal dates: Title 20A.**
- 2275 [~~(1) Section 20A-7-103.1, Constitutional amendments proposed during specified timeframe -- Analysis -- Arguments -- Publication, is repealed July 1, 2025.]~~
- 2277 [~~(2) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is repealed January 1, 2026.]~~

## SB0194S02 compared with SB0194S03

Subsection 20A-1-104(4), relating to the extension of a deadline that falls on a weekend or holiday, is repealed on May 5, 2027.

2555 Section 23. **Effective date.**

Effective Date.

2280 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

2281 (2) The actions affecting Section 20A-9-408 (Effective 01/01/27) take effect on January 1, 2027.

2-15-26 7:46 PM