

# SB0194S06 compared with SB0194S03

~~{Omitted text}~~ shows text that was in SB0194S03 but was omitted in SB0194S06

inserted text shows text that was not in SB0194S03 but was inserted into SB0194S06

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



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3 **LONG TITLE**

4 **General Description:**

5 This bill ~~{amends}~~ modifies provisions relating to ~~{elections}~~ the nomination of candidates by  
political parties.

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}~~ removes the ~~{lieutenant governor}~~ ability to ~~{create}~~ qualify as a ~~{written conflict~~  
12 of interest avoidance plan} nominee of a political party by gathering signatures;
- 12 ▶ ~~{modifies}~~ repeals provisions relating to ~~{filling an office vacancy}~~ qualified political parties,  
and other provisions enacted by 2014, S.B 54, Elections Amendments;
- 13 ▶ provides ~~{that if a vacancy in an elected office is filled}~~ for nominations by ~~{appointment}~~  
political parties by convention, ~~{the appointee shall be}~~ followed by a ~~{member of the same}~~ primary  
election only if the political party ~~{of which}~~ chooses to send more than one candidate to the ~~{prior}~~

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officeholder was } ballot as a { member at the time the prior officeholder was last elected or appointed }  
potential nominee; and

- 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;~~ }
- 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       ▶ { ~~permits the use of campaign funds for certain goods or services relating to security; and~~ }
- 28       ▶ makes technical and conforming changes.

### 15 Money Appropriated in this Bill:

16       None

### 17 Other Special Clauses:

18       None

### 19 Utah Code Sections Affected:

20       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}~~

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}~~

21       **20A-1-201.5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3**

22       **20A-1-502** ~~{(Effective 05/06/26)}~~, as last amended by Laws of Utah 2025, Chapter 448

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23 **20A-1-502.5 , as last amended by Laws of Utah 2025, Chapter 448**  
24 **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~~  
49 ~~Session, Chapter 16}~~  
~~{20A-1-509.1 (Effective 05/06/26), as last amended by Laws of Utah 2025, Second Special~~  
51 ~~Session, Chapter 2}~~  
~~{20A-1-509.2 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special~~  
53 ~~Session, Chapter 16}~~  
~~{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}~~  
25 **20A-1-1001 , as last amended by Laws of Utah 2025, First Special Session, Chapter 16**  
26 **20A-3a-106 , as last amended by Laws of Utah 2025, Chapters 381, 448**  
55 ~~{20A-3a-401 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special~~  
~~Session, Chapter 6}~~  
27 **20A-5-101 , as last amended by Laws of Utah 2025, Chapter 448**  
28 **20A-8-103 , as last amended by Laws of Utah 2025, Chapters 38, 448**  
29 **20A-9-101 , as last amended by Laws of Utah 2023, Chapters 15, 45**  
30 **20A-9-201 , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**  
31 **20A-9-201.5 , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**  
32 **20A-9-202 , as last amended by Laws of Utah 2025, Chapter 448**  
33 **20A-9-403 , as last amended by Laws of Utah 2025, Chapters 39, 448**  
34 **20A-9-407 , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**  
57 ~~{20A-9-408 (Effective 01/01/27), as last amended by Laws of Utah 2025, Second Special~~  
~~Session, Chapter 2}~~  
35 **20A-9-408.5 , as last amended by Laws of Utah 2021, Chapter 183**  
36 **20A-9-409 , as last amended by Laws of Utah 2025, First Special Session, Chapter 16**  
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}~~

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37 **20A-21-101 , as enacted by Laws of Utah 2022, Chapter 325**  
38 **63G-2-305 , as last amended by Laws of Utah 2025, First Special Session, Chapter 17**  
64 ~~{63I-2-220 (Effective 05/06/26), as last amended by Laws of Utah 2024, Forth Special  
Session, Chapter 2}~~

39 REPEALS:

40 **20A-9-405 , as last amended by Laws of Utah 2025, Chapter 38**  
41 **20A-9-406 , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**  
42 **20A-9-408 , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**  
43 **20A-9-408.1 , as enacted by Laws of Utah 2025, Chapter 448**  
44 **20A-9-408.2 , as enacted by Laws of Utah 2025, Chapter 448**  
45 **20A-9-408.3 , as enacted by Laws of Utah 2025, Chapter 448**  
46 **20A-9-410 , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2**  
47 **20A-9-411 , as enacted by Laws of Utah 2015, Chapter 296**

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}~~

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49 *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.**

- 75 (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:
- 80 (a) certified public accountant;  
81 (b) certified internal auditor;  
82 (c) certified fraud examiner;  
83 (d) certified management accountant; or  
84 (e) certified information systems auditor.

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85 (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.**

92 (1) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:

93 (a) candidates for county office; and

94 (b) candidates for local school board office who reside in that county.

95 (2) The ordinance required by Subsection (1) shall include:

96 (a) a requirement that each candidate for county office or local school board office report the  
97 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;

100 (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary  
101 contributions such as in-kind contributions and contributions of tangible things;

102 (c) a requirement that the financial reports identify:

103 (i) for each contribution, the name of the donor of the contribution, if known, and the amount of the  
104 contribution; and

105 (ii) for each expenditure, the name of the recipient and the amount of the expenditure;

106 (d) a requirement that a candidate for county office or local school board office deposit a contribution in  
107 a separate campaign account into a financial institution;

108 (e) a prohibition against a candidate for county office or local school board office depositing or  
109 mingling any contributions received into a personal or business account;

110 (f) a requirement that a candidate for county office who receives a contribution that is cash or a  
111 negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30  
112 days after receiving the contribution, disburse the amount of the contribution to:

113 (i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's  
114 general fund; or

115 (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal  
116 Revenue Code;

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- (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:
- 123 (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;
- 127 (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;
- 132 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
- 133 (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
- 135 (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
- 140 (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
- 143 (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.
- 146 (3)
- (a) As used in this Subsection (3), "account" means an account in a financial institution:
- 148 (i) that is not described in Subsection (2)(d); and
- 149 (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 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.

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- (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:
- 158 (i) since the last financial report was filed; or  
159 (ii) that has not been reported under a statute or ordinance that governs the account.
- 160 (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).
- 164 (5) A candidate for elective office in a county or local school board office:  
165 (a) shall deposit a contribution into a separate campaign account in a financial institution; and  
167 (b) may not deposit or mingle any contributions received into a personal or business account.
- 169 (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:
- 173 (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  
175 (b) no later than 30 days after the date of the regular general election.
- 176 (7)  
(a) The statement filed seven days before the regular general election shall include:  
177 (i) a list of each contribution received by the candidate, and the name of the donor, if known; and  
179 (ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.
- 181 (b) The statement filed 30 days after the regular general election shall include:  
182 (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  
184 (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.
- 187 (8)  
(a) As used in this Subsection (8), "account" means an account in a financial institution:  
189 (i) that is not described in Subsection (5)(a); and

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- 190 (ii) into which or from which a person who, as a candidate for an office, other than a county office  
for which the person filed a declaration of candidacy or federal office, or as a holder of an  
office, other than a county office for which the person filed a declaration of candidacy or federal  
office, deposits a contribution or makes an expenditure.
- 195 (b) A county office candidate and a local school board office candidate shall include on any campaign  
financial statement filed in accordance with Subsection (6) or (7):
- 197 (i) a contribution deposited into an account:
- 198 (A) since the last campaign finance statement was filed; or
- 199 (B) that has not been reported under a statute or ordinance that governs the account; or
- 201 (ii) an expenditure made from an account:
- 202 (A) since the last campaign finance statement was filed; or
- 203 (B) that has not been reported under a statute or ordinance that governs the account.
- 205 (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:
- 208 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's  
general fund; or
- 210 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal  
Revenue Code.
- 212 (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.
- 216 (11)
- (a) A candidate seeking appointment to fill a midterm vacancy in a county office or local school board  
office shall:
- 218 (i) comply with Subsections (5) and (9); and
- 219 (ii) file a signed campaign financial statement with the county clerk no later than the deadline  
described in Subsection (2)(g).
- 221 (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.
- 224 (12) Any individual who fails to comply with this section is guilty of an infraction.

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- 225 (13)
- (a) Counties may, by ordinance, enact requirements that:
- 226 (i) require greater disclosure of campaign contributions and expenditures; and
- 227 (ii) impose additional penalties.
- 228 (b) The requirements described in Subsection (13)(a) apply to a local school board office candidate who resides in that county.
- 230 (14) If a candidate fails to file an interim report due before the election, the county clerk:
- 231 (a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:
- 233 (i) that the candidate failed to timely file the report; and
- 234 (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
- 237 (b) impose a fine of \$100 on the candidate.
- 238 (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.
- 242 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may not replace the candidate.
- 244 (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.
- 247 (16) If a candidate is disqualified under Subsection (15)(a), the election official:
- 248 (a) shall:
- 249 (i) notify every opposing candidate for the county office that the candidate is disqualified;
- 251 (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;
- 255 (iii) post notice of the disqualification on the county's website; and
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- (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
- 258 (b) may not count any votes for that candidate.
- 259 (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.
- 263 (18) A candidate is not disqualified if:
- 264 (a) the candidate files the interim reports described in Subsection (14) no later than 24 hours after the applicable deadlines for filing the reports;
- 266 (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
- 269 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- 271 (19)
- (a) A report is considered timely filed if:
- 272 (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;
- 274 (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
- 276 (iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
- 278 (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.
- 281 (20)
- (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.
- 284 (b) In a civil action filed under Subsection (20)(a), the court shall award costs and attorney fees to the prevailing party.

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- 286 (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and  
Management Act, the county clerk shall:
- 288 (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
- 290 (b) make the campaign finance statement filed by a candidate available for public inspection by:
- 292 (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
- 294 (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;
- 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.

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- 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
- 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:
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- (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);
- 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;

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- 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:
- 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.

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- 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.
- 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

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- (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.
- 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)

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- (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)
- (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

## SB0194S03 compared with SB0194S06

- 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.
- 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.

## SB0194S03 compared with SB0194S06

- 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 (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

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- (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
- 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

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- 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.**
- 642 (1) Time is computed in this title as provided in this section.
- 643 (2) Except as provided in Subsection (3), or as otherwise expressly provided in this title:
- 644 (a) if a provision describes a time period in terms of a certain number of calendar days:
- 645 (i) the time period is calculated by consecutive days; and
- 646 (ii) the beginning and ending day of the time period is the calendar day on which the time period begins  
or ends;
- 648 (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
- 650 (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.
- 652 (3) A time period that relates to filing an action or document in court is calculated as provided in court  
rule.
- 654

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(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:

656 (a) Chapter 19, Utah Independent Redistricting Commission and Standards Act; and

657 (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.**

660 (1) As used in this section, "clerk" means an election officer other than the lieutenant governor.

662 (2) A clerk shall:

663 (a) comply with all of the following in relation to elections:

664 (i) federal and state law;

665 (ii) federal and state rules; and

666 (iii) the policies and direction of the lieutenant governor; and

667 (b) diligently learn and become familiar with the law, rules, policies, and direction described in Subsection (2)(a).

669 (3) A clerk may not:

670 (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:

673 (i) a candidate;

674 (ii) an individual seeking candidacy;

675 (iii) a ballot measure; or

676 (iv) a proposed ballot measure; or

677 (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.**

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

684 (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

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- interest by influencing, or being perceived to influence, the lieutenant governor's candidacy for an office;
- 688 (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:
- 691 (i) recusal from making the decision or taking the action; and
- 692 (ii) designating the person who will make the decision or take the action in the event of a recusal; and
- 694 (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:
- 696 (i) a description of the type of decision or action; and
- 697 (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.
- 699 (2) The lieutenant governor shall:
- 700 (a) forward a copy of the plan described in Subsection (1) to the Government Operations Interim Committee on or before September 1, 2026;
- 702 (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
- 704 (c) keep a copy of the plan available for public review on the lieutenant governor's website.
- 706 (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:
- 708 (a)
- (i) adopt the written conflict of interest risk avoidance plan used by the previous lieutenant governor; or
- 710 (ii) create a new written conflict of interest avoidance plan in accordance with the requirements described in Subsection (1);
- 712 (b) forward a copy of the plan described in Subsection (3)(a) to the Government Operations Interim Committee;
- 714 (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
- 716 (d) keep a copy of the plan available for public review on the lieutenant governor's website.
- 718 (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:
- 720 (a) forward a copy of the revised plan to the Government Operations Interim Committee;

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- 721 (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
- 724 (c) keep a copy of the revised plan available for public review on the lieutenant governor's website.
- 726 (5) The lieutenant governor shall comply with the written conflict of interest avoidance plan adopted or  
created by the lieutenant governor under this section.

50 Section 1. Section 20A-1-201.5 is amended to read:

51 **20A-1-201.5. Primary election dates.**

- 52 (1) The regular primary election shall be held throughout the state on the fourth Tuesday of June of  
each even numbered year as provided in Section 20A-9-403[;] or 20A-9-407, [~~or 20A-9-408,~~]as  
applicable, to nominate persons for national, state, school board, and county offices.
- 56 (2) A municipal primary election shall be held, if necessary, on the second Tuesday following the first  
Monday in August before the regular municipal election to nominate persons for:
- 59 (a) municipal offices; or
- 60 (b) local school board office for a new school district or a reorganized new school district under Section  
53G-3-302.
- 62 (3) A presidential primary election shall be held throughout the state on the first Tuesday in March in  
the year in which a presidential election will be held.

64 Section 2. Section 20A-1-502 is amended to read:

65 **20A-1-502. ~~{(Effective 05/06/26)}~~Midterm vacancy in office of United States senator.**

- 731 (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:
- 735 (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:
- 737 (i) a municipal general election;
- 738 (ii) a presidential primary election;
- 739 (iii) a regular primary election; or
- 740 (iv) a regular general election;
- 741 (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;

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- 744 (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);
- 747 ~~[(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;]~~
- 751 ~~[(e)]~~ (d) ~~[for each qualified political party, ]~~ provides at least 21 calendar days, but no more than 28  
calendar days~~;~~
- 753 (i) ~~[for ]~~ ~~[the qualified]~~ a registered political party to select one candidate, using the convention process  
described in Section 20A-9-407, as a candidate for the ~~[qualified]~~ registered political party;~~[and]~~
- 756 ~~[(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;]~~
- 759 ~~[(f)]~~ (e) 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
- 762 ~~[(g)]~~ (f) requires an election officer to comply with the requirements of Chapter 16, Uniform Military  
and Overseas Voters Act.
- 764 (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:
- 767 (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
- 770 (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.
- 774 (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

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the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).

- 780 (3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:
- 782 (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
- 785 (b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).
- 787 (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: }~~
- 792 ~~{(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 }~~
- 797 ~~{(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. }~~
- 801 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:
- 803 (i) the vacancy is filled by election under Subsection (1) or (2); or
- 804 (ii) the six-year term for the senate office ends.
- 805 (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.
- 807 (6) A vacancy in the office of United States senator does not occur unless the senator:
- 808 (a) has left the office; or
- 809 (b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

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Section 3. Section 20A-1-502.5 is amended to read:

**20A-1-502.5. Midterm vacancy in office of United States representative.**

- (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of United States representative, 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:
- (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:
- (i) a municipal general election;
- (ii) a presidential primary election;
- (iii) a regular primary election; or
- (iv) a regular general election;
- (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;
- (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);
- ~~[(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;]~~
- ~~[(e)] (d) [for each qualified political party, ]provides at least 21 calendar days, but no more than 28 calendar days[;]~~
- ~~[(i)] for [the qualified] a registered 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]~~
- ~~[(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;]~~
- ~~[(f)] (e) 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~~
- ~~[(g)] (f) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.~~

## SB0194S03 compared with SB0194S06

- 171 (2) 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:
- 174 (a) 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
- 177 (b) 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.
- 181 (3) If the Legislature does not, under Subsection (2), 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).
- 187 (4) A special congressional election to fill a vacancy in the office of United States representative will  
not be held if the vacancy occurs fewer than 180 calendar days before the next regular general  
election.
- 190 (5) An individual who fills a vacancy under this section shall serve until the end of the current term in  
which the vacancy occurs.
- 192 (6) A vacancy in the office of United States representative does not occur unless the representative:
- 194 (a) has left the office; or
- 195 (b) submits an irrevocable letter of resignation to the governor or to the speaker of the United States  
House of Representatives.

197 Section 4. Section **20A-1-503** is amended to read:

198 **20A-1-503. ~~{(Effective 05/06/26)}~~Midterm vacancies in the Legislature.**

813 (1) As used in this section:

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

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

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

817

## SB0194S03 compared with SB0194S06

- (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.
- 820 (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:
- 824 ~~{(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}~~
- 830 ~~{(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.}~~
- 836 (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.
- 839 (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:
- 842 ~~{(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}~~
- 848 ~~{(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,~~

## SB0194S03 compared with SB0194S06

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

- 854 (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:
- 857 (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:
- 861 (A) a declaration of candidacy; or
- 862 (B) a certificate of nomination; and
- 863 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 864 (A) on the lieutenant governor's website; and
- 865 (B) to each registered political party.
- 866 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 867 (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
- 871 (ii) run in the regular general election if:
- 872 (A) nominated as a party candidate; or
- 873 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
- 875 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline ~~described in Subsection 20A-9-202(1)(b)]~~ for filing a declaration of candidacy 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.
- 881 (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).}~~

## SB0194S03 compared with SB0194S06

- 886 (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.
- 890 (b) An individual described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the individual:
- 892 (i)
- (A) currently holds the office of senator and is seeking appointment as a representative; or
- 894 (B) currently holds the office of representative and is seeking appointment as a senator;
- 896 (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
- 898 (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.
- 901 (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).
- 904 (8) A vacancy in the office of senator or representative of the Legislature does not occur unless the senator or representative:
- 906 (a) has left the office; or
- 907 (b) submits an irrevocable letter of resignation to:
- 908 (i) for a senator, the president of the Senate; or
- 909 (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.**
- 914 (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.

## SB0194S03 compared with SB0194S06

- 917 [~~(b) The governor shall fill the vacancy until the next regular general election by:~~]
- 918 [~~(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]~~
- 921 [~~(ii) for a State Board of Education vacancy, if the individual who is being replaced:]~~]
- 922 [~~(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;]~~]
- 926 [~~(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]~~]
- 930 [~~(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.]~~]
- 934 (b) The governor shall fill a vacancy described in Subsection (1)(a) until the next general election, as  
follows:
- 936 (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
- 942 (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.
- 948 (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.
- 951 (3)

## SB0194S03 compared with SB0194S06

(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:

954 (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

957 (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).

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

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

963 (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

965 (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.

968 (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).

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

973 (a) has left the office; or

974 (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.**

978 (1) As used in this section:

979 (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.

## SB0194S03 compared with SB0194S06

- 982 (ii) "County offices" does not include the office of county attorney, district attorney, or judge.
- 984 (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.
- 987 (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:
- 991 (i) for a county office with one chief deputy, the chief deputy;
- 992 (ii) for a county office with more than one chief deputy:
- 993 (A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or
- 995 (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
- 1000 (iii) for a county office without a chief deputy:
- 1001 (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;
- 1004 (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
- 1008 (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.
- 1013 (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).

## SB0194S03 compared with SB0194S06

- 1018 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a county office:
- 1020 (i) may not take an oath of office for the county office as a temporary manager;
- 1021 (ii) shall comply with Title 17, Chapter 63, Fiscal Authority and Processes, and the county's budget ordinances and policies;
- 1023 (iii) unless approved by the county legislative body, may not change the compensation of an employee;
- 1025 (iv) unless approved by the county legislative body, may not promote or demote an employee or change an employee's job title;
- 1027 (v) may terminate an employee only if the termination is conducted in accordance with:
- 1029 (A) personnel rules described in Subsection 17-75-602(2) that are approved by the county legislative body; and
- 1031 (B) applicable law;
- 1032 (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;
- 1035 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation; and
- 1037 (viii) if approved by the county legislative body, may receive a performance award after:
- 1039 (A) the county legislative body appoints an interim replacement under Subsection (3) or the governor appoints an interim replacement under Subsection (4); and
- 1041 (B) the interim replacement is sworn into office.
- 1042 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- 1044 (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).
- 1048 (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.
- 1051 (c)

## SB0194S03 compared with SB0194S06

[(†)] 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[+†]:

1054 [(A)] (i) to the county clerk; and

1055 [(B) the party liaison of the same political party of the prior office holder.-]

1056 (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.

1059 [(††)] (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:

1062 (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[-] ;

1064 [(†††)] (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

1073 [(†††)] (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.

1077 (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.

1085 [(††)] (4)

[(†)] 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:

## SB0194S03 compared with SB0194S06

- 1088 (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:
- 1091 [~~(A)~~] (i) informs the governor that the county legislative body has failed to appoint a replacement  
within the statutory time period; [~~and~~]
- 1093 (ii) states whether the prior officeholder is an officeholder described in Subsection (3)(d) or (e); and
- 1095 [~~(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
- 1098 [~~(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):
- 1100 (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
- 1103 (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.
- 1107 [~~(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.
- 1109 [~~(4)~~] (6)
- (a) The requirements of this Subsection [~~(4)~~] (6) apply to all county offices that become vacant if:
- 1111 (i) the vacant office has an unexpired term of two years or more; and
- 1112 (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.
- 1115 (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.
- 1119 (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of  
candidacy in accordance with:
- 1121 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

## SB0194S03 compared with SB0194S06

- 1123 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.
- 1125 (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.
- 1130 [~~(5)~~] (7)
- (a) The requirements of this Subsection [~~(5)~~] (7) apply to all county offices that become vacant if:
- 1132 (i) the vacant office has an unexpired term of two years or more; and
- 1133 (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.
- 1136 (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:
- 1139 (i) that the vacancy exists; and
- 1140 (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).
- 1142 (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:
- 1146 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 1148 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.
- 1150 (ii) The county central committee of each party shall:
- 1151 (A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
- 1153 (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.
- 1156 (d)

## SB0194S03 compared with SB0194S06

(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.

1161 (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).

1166 (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.

1169 (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.

1174 [~~(6)~~] (8)

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

1176 (i) if the vacant office has an unexpired term of two years or more; and

1177 (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.

1180 (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:

1182 (i) that the vacancy exists; and

1183 (ii) of the deadlines established under Subsection [~~(6)(d)~~] (8)(d).

1184 (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.

1188

## SB0194S03 compared with SB0194S06

- 1193 (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.
- 1196 (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.
- 1196 (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:
- 1199 (A) a registered political party is required to certify a name under Subsection [~~(6)(e)(i)~~] (8)(c)(i);
- 1201 (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
- 1204 (C) a write-in candidate is required to submit a declaration of candidacy under Subsection [~~(6)(e)(iii)~~] (8)(c)(iii).
- 1206 (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.
- 1209 (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.
- 1214 [~~(7)~~] (9)
- (a) The requirements of this Subsection [~~(7)~~] (9) apply to all county offices that become vacant if:
- 1216 (i) [~~if~~]the vacant office has an unexpired term of less than two years; or
- 1217 (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.
- 1219 [~~(b)~~]

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- (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:]~~
- 1222 [(A) ~~the county clerk; and]~~
- 1223 [(B) ~~the party liaison of the same political party as the prior office holder.]~~
- 1224 [(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.]~~
- 1226 [(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.]~~
- 1232 [(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.]~~
- 1235 [(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:]~~
- 1238 [(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]~~
- 1240 [(B) ~~contains the name of the individual submitted by the party liaison to fill the vacancy.]~~
- 1242 [(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.]~~
- 1245 (b) When the conditions described in Subsection (9)(a) are met:
- 1246 (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;
- 1249 (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

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

1254 ~~[(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.

1256 ~~[(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.

1259 ~~[(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.

1262 ~~[(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.

1265 (b) ~~[Nothing in this section may be construed to]~~ This section does not contradict or alter the provisions  
of Section 17-66-202.

1267 ~~[(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:

1271 (i) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and

1273 (ii) submit the conflict of interest disclosure statement to the county legislative body and the county  
clerk.

1275 (b) An individual described in Subsection ~~[(11)(a)]~~ (13)(a) is not required to comply with Subsection  
~~[(11)(a)]~~ (13)(a) if the individual:

1277 (i) currently holds an office described in Subsection (1)(a)(i);

1278 (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

1281 (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.

1285 ~~[(12)]~~ (14)

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(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~~:

1289 (i) the county legislative body appoints an interim replacement under Subsection (3); ~~or~~

1291 (ii) the governor appoints an interim replacement under Subsection (4);

1292 ~~[(ii)]~~ (iii) the county legislative body appoints an individual to fill a vacancy under Subsection (9)  
(b)(i); or

1294 (iv) the governor appoints an individual to fill a vacancy under Subsection ~~[(7)]~~ (9)(b)(ii).

1296 (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.

1299 ~~[(13)]~~ (15) A vacancy in a county office does not occur unless the individual occupying the office:

1301 (a) has left the office; or

1302 (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.**

1306 (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.

1310 (2)

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

1312 (i) the vacant office has an unexpired term of two years or more; and

1313 (ii) the vacancy occurs before the first day of the applicable declaration of candidacy filing period described in Section 20A-9-201.5.

1315 (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.

1317 (c) All persons intending to become candidates for the vacant office shall:

1318 (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

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- 1320 (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
- 1323 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 1324 (d) If the vacancy occurs during the applicable declaration of candidacy filing period described in  
Section 20A-9-201.5:
- 1326 (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
- 1330 (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.
- 1332 (3)
- (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1334 (i) the vacant office has an unexpired term of two years or more; and
- 1335 (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.
- 1337 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 1338 (i) notify the public and each registered political party that the vacancy exists; and
- 1339 (ii) identify the date and time by which a person interested in becoming a candidate shall file a  
declaration of candidacy.
- 1341 (c) All persons intending to become candidates for the vacant office shall:
- 1342 (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
- 1346 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1347 (d) The county central committee of each party shall:
- 1348 (i) select a candidate or candidates from among those qualified candidates who have filed declarations  
of candidacy; and
- 1350 (ii) certify the name of the candidate or candidates to the county clerk:
- 1351 (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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- 1353 (B) electronically, before midnight no later than 60 calendar days before the day of the regular primary  
election.
- 1355 (4)
- (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1357 (i) the vacant office has an unexpired term of two years or more; and
- 1358 (ii) 75 calendar days or less remain before the regular primary election but more than 65 calendar  
days remain before the regular general election.
- 1360 (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.
- 1365 (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- 1367 (5)
- (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney  
becomes vacant and:
- 1369 (i) the vacant office has an unexpired term of less than two years; or
- 1370 (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.
- 1372 (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give  
notice of the vacancy to:
- 1374 (i) the county clerk; and
- 1375 ~~[(ii) the county central committee of the same political party of the prior officeholder.]~~
- 1376 (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.
- 1379 (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:
- 1382 (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[-] ;
- 1384

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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

1391 ~~[(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.

1394 (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.

1402 ~~[(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:

1404 (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:

1406 ~~[(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]

1408 (B) states whether the prior officeholder is an officeholder described in Subsection (5)(c) or (d); and

1410 ~~[(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

1413 ~~[(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):

1416 (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

1419

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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.

1423 [(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.

1425 (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:

1428 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and

1430 (b) submit the conflict of interest disclosure statement to the county legislative body and the county  
clerk.

1432 (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.

1437 (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.

1440 (8) A vacancy in the office described in Subsection (1) does not occur unless the [person] individual  
occupying the office:

1442 (a) has left the office; or

1443 (b) submits an irrevocable letter of resignation to the county legislative body.

1444 (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.**

1449 (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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- 1454 (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:
- 1457 (a) informs the attorney of the vacancy;
- 1458 (b) invites the attorney to apply for the vacancy; and
- 1459 (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.
- 1462 ~~[(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.]~~
- 1468 ~~[(ii) In multicounty prosecution districts, the clerk shall submit the applications to the county  
central committee of each county within the prosecution district.]~~
- 1470 ~~[(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).]~~
- 1474 ~~[(e) The county legislative body shall appoint one of the nominees to fill the vacant position.]~~
- 1476 ~~[(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.]~~
- 1479 ~~[(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:]~~
- 1482 ~~[(i) a letter informing the governor that the county legislative body has failed to appoint a person to fill  
the vacancy; and]~~
- 1484 ~~[(ii)~~
- ~~(A) the list of nominees, if any, submitted by the central committee of the political party; or]~~
- 1486

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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.]~~

1489 ~~[(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.]~~

1492 ~~(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:~~

1495 ~~(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:~~

1497 ~~(i) the county clerk shall:~~

1498 ~~(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~~

1501 ~~(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;~~

1505 ~~(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~~

1511 ~~(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~~

1517 ~~(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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- 1519 (B) for a multicounty prosecution district, the county legislative bodies shall jointly appoint one of the  
nominees to fill the vacant position; or
- 1521 (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:
- 1524 (i) the county clerk shall:
- 1525 (A) except as provided in Subsection (3)(b)(i)(B), submit the applications to the county legislative  
body; or
- 1527 (B) for a multicounty prosecution district, submit the applications to the county legislative bodies of  
each county within the multicounty prosecution district; and
- 1530 (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
- 1533 (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.
- 1536 (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.
- 1540 (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.
- 1544 (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:
- 1549 (a) states that the county legislative body or bodies have failed to timely appoint a person to fill the  
vacancy; and
- 1551 (b) includes the following:
- 1552 (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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- 1554 (A) if the applicable central committee or applicable central committees timely submitted at least three  
nominees, the names of the nominees; or
- 1556 (B) if the applicable central committee or applicable central committees failed to timely submit at least  
three nominees, the names of the applicants; or
- 1558 (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.
- 1560 (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.
- 1563 [(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:
- 1568 (i) appoint one of [them] the attorneys to be county or district attorney; or
- 1569 (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection  
[(4)(b)] (7)(b).
- 1571 (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.
- 1577 (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.
- 1582 (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
- 1587 (ii) provide the governor with a list of all the applicants.
- 1588 (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).
- 1591 [(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.
- 1593 [(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:
- 1596 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 1598 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 1600 [(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.
- 1605 (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.
- 1608 [(8)] (11) A vacancy in the office described in Subsection (1) does not occur until the [person] attorney occupying the office:
- 1610 (a) has left the office; or
- 1611 (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.**
- 1615 (1) As used in this section:
- 1616 (a)
- (i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.
- 1618 (ii) "Armed forces" includes the National Guard.
- 1619 (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.
- 1621 (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).
- 1623 (c) "Elected official reservist" means an elected official who is:
- 1624 (i) a member of the armed forces reserves component;
- 1625 (ii) a member of the National Guard; or
- 1626 (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.
- 1628 (d)
- (i) "Military leave" means the temporary absence from an office:
- 1629 (A) by an elected official reservist called to active, full-time duty in the armed forces; and
- 1631 (B) for a period of time that exceeds 30 calendar days and does not exceed 400 calendar days.
- 1633 (ii) "Military leave" includes the time an individual on leave, as described in Subsection (1)(d)(i), spends for:
- 1635 (A) out processing;
- 1636 (B) an administrative delay;
- 1637 (C) accrued leave; and
- 1638 (D) on rest and recuperation leave program of the armed forces.
- 1639 (e) "Political subdivision's governing body" means:
- 1640 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 1641 (ii) for a special district, the board of trustees of the special district;
- 1642 (iii) for a local school district, the local school board;
- 1643 (iv) for a special service district:
- 1644 (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
- 1647 (B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and
- 1649 (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body that governs the affairs of the political subdivision.
- 1651

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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.
- 1654 (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.
- 1656 (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.
- 1661 (b) An elected official reservist described in Subsection (3)(a) may:
- 1662 (i) if the period of active, full-time duty does not exceed 270 calendar days:
- 1663 (A) continue to carry out the elected official's duties if possible while on active, full-time duty; or
- 1665 (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
- 1668 (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:
- 1671 (A) written notice of the intent to take military leave and the expected duration of the military leave; and
- 1673 (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.
- 1677 (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.
- 1682 (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:
- 1685 (i) place the elected official in military leave status; and

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- 1686 (ii) appoint a temporary replacement in accordance with Subsection (8).  
1687 (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).  
1691 (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):  
1694 (i) the political subdivision's governing body may not appoint a temporary replacement under Subsection (8); and  
1696 (ii) the elected official reservist creates a vacancy in the elected official's office.  
1697 (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.  
1700 (7) An elected official reservist's military leave:  
1701 (a) begins:  
1702 (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:  
1703 (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;  
1705 (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  
1708 (C) the day on which the elected official begins active, full-time duty in the armed forces; or  
1710 (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  
1713 (b) ends the sooner of:  
1714 (i) the expiration of the elected official reservist's term of office; or  
1715 (ii) the day on which the elected official reservist ends active, full-time duty in the armed forces.  
1717 (8) A temporary replacement shall:  
1718 (a) meet the qualifications required to hold the office; and  
1719 (b) be appointed:  
1720 (i) when an elected official reservist:

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- 1721 (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or  
1722 (B) is placed in military leave status under Subsection (4)(b)(i); and  
1723 (ii) by the political subdivision's governing body:  
1724 (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  
1727 (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).  
1730 (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.  
1733 (b) An elected reservist may not exercise the powers or duties of the office while on military leave.  
1735 (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.  
1738 (10) The political subdivision's governing body shall establish:  
1739 (a) the distribution of the emoluments of the office between the elected official reservist and the  
temporary replacement; and  
1741 (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.  
1744 (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.**  
1748 (1) As used in this section:  
1749 (a) "Actor" means the same as that term is defined in Section 76-1-101.5.  
1750 (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:  
1752 (i) the administration or conduct of an election or a requirement or process relating to an election; or  
1754 (ii) a provision relating to:  
1755 (A) a voter or voting;

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- 1756 (B) a candidate for public office or candidacy for public office;  
1757 (C) an officeholder;  
1758 (D) campaigning or political fundraising;  
1759 (E) a person that participates in, or seeks to influence, an election; or  
1760 (F) a lobbyist or lobbying.
- 1761 (2) An actor commits electronic communications abuse of elections or elected office if the actor:  
1763 (a) commits a violation of a provision of Title 76, Chapter 12, Part 2, Electronic Communication Abuse;  
and  
1765 (b) commits the violation described in Subsection (2)(a):  
1766 (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;  
1770 (ii) with the intent to retaliate against, threaten, interfere with, or fraudulently influence a person in  
relation to an election process;  
1772 (iii) with the intent to interfere with or fraudulently influence a matter in relation to an election process;  
or  
1774 (iv) with the intent to retaliate against, threaten, interfere with, or fraudulently influence;  
1776 (A) a candidate in relation to the candidate's campaign or candidacy; or  
1777 (B) an officeholder in relation to a duty of the officeholder, an action as an officeholder, or inaction as  
an officeholder.
- 1779 (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.**  
1785 (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.

1787

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

1789 (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).

1793 (2) A person who violates Section 20A-1-608.1 is:

1794 (a) except as provided in Subsection (2)(b), guilty of a class A misdemeanor; or

1795 (b) guilty of a third degree felony for a second or subsequent violation.

1796 [~~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:

1798 (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;

1800 (b) take or hold the office to which the individual was elected; and

1801 (c) receive the emoluments of the office to which the individual was elected.

1802 [~~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.

1805 (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.

270 Section 5. Section 20A-1-1001 is amended to read:

271 **20A-1-1001. Definitions.**

As used in this part:

273 (1)

(a) "Clerk" means the lieutenant governor, a county clerk, municipal clerk, town clerk, city recorder, or municipal recorder.

275 (b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions Applicable to All Special Districts.

277 (2) "Local petition" means:

278 (a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local Initiatives - Procedures; or

280

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- (b) a manual or electronic local referendum petition described in Chapter 7, Part 6, Local Referenda - Procedures.
- 282 (3) "Petition" means one of the following written requests, signed by registered voters, appealing to an authority with respect to a particular cause:
- 284 (a) a local petition;
- 285 (b) a petition to consolidate two or more municipalities under Section 10-2-601;
- 286 (c) a petition for disincorporation of a municipality under Section 10-2-701;
- 287 (d) a petition to incorporate a proposed municipality under Section 10-2a-208;
- 288 (e) a petition to consolidate adjoining counties under Section 17-61-201;
- 289 (f) a petition to annex a portion of a county to an adjoining county under Section 17-61-301;
- 291 (g) a petition for the creation of a new county under Section 17-61-401;
- 292 (h) a petition for the removal of a county seat under Section 17-60-302;
- 293 (i) a petition for the adoption of an optional plan under Section 17-62-303;
- 294 (j) a petition for the repeal of an optional plan under Section 17-62-505;
- 295 (k) a petition to create a special district under Section 17B-1-203;
- 296 (l) a petition to withdraw an area from a special district under Section 17B-1-504;
- 297 (m) a petition to dissolve a special district under Section 17B-1-1303;
- 298 (n) a petition for issuance of local building authority bonds under Section 17D-2-502;
- 299 (o) a petition to become a registered political party under Section 20A-8-103;
- 300 (p) a nomination petition for municipal office under Section 20A-9-203;
- 301 [~~(q) a nomination petition for a regular primary election under Subsection 20A-9-403(3)(a) and Section 20A-9-405;~~]
- 303 [~~(r) a petition for a political party to qualify as a municipal political party under Section 20A-9-404;~~]
- 305 [~~(s) a petition for the nomination of a qualified political party under Section 20A-9-408;~~]
- 306 [~~(t) (r) a nomination petition for a candidate not affiliated with a political party under Section 20A-9-502;~~]
- 308 [~~(u) (s) a nomination petition to become a delegate to a ratification convention under Section 20A-15-103;~~]
- 310 [~~(v) (t) a petition to create a new school district under Section 53G-3-301;~~]
- 311 [~~(w) (u) a petition to consolidate school districts under Section 53G-3-401;~~]
- 312 [~~(x) (v) a petition to transfer a portion of a school district to another district under Section 53G-3-501;~~]

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- 314 [(y)] (w) a petition to determine whether a privatization project agreement should be approved under  
Section 73-10d-4; or
- 316 [(z)] (x) a statewide petition.
- 317 (4) "Statewide petition" means:
- 318 (a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2, Statewide  
Initiatives; or
- 320 (b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3, Statewide  
Referenda.
- 322 (5)
- 323 (a) "Substantially similar name" means:
- 326 (i) the given name, the surname, or both, provided by the individual with the individual's petition  
signature, contain only minor spelling differences when compared to the given name and  
surname shown on the official register;
- 330 (ii) the surname provided by the individual with the individual's petition signature exactly matches  
the surname shown on the official register, and the given names differ only because one of the  
given names shown is a commonly used abbreviation or variation of the other;
- 334 (iii) the surname provided by the individual with the individual's petition signature exactly matches  
the surname shown on the official register, and the given names differ only because one of the  
given names shown is accompanied by a first or middle initial or a middle name which is not  
shown on the other record; or
- 339 (iv) the surname provided by the individual with the individual's petition signature exactly matches  
the surname shown on the official register, and the given names differ only because one of the  
given names shown is an alphabetically corresponding initial that has been provided in the place  
of a given name shown on the other record.
- 339 (b) "Substantially similar name" does not include a name having an initial or a middle name provided  
by the individual with the individual's petition signature that does not match a different initial or  
middle name shown on the official register.

342 Section 6. Section 20A-3a-106 is amended to read:

343 **20A-3a-106. Rulemaking authority relating to conducting an election.**

The director of elections, within the Office of the Lieutenant Governor, may make rules,  
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing

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requirements for:

- 347 (1) a return envelope, to ensure uniformity and security of the envelopes;  
348 (2) complying with the signature comparison audit requirements described in Section 20A-3a-402.5; or  
350 (3) conducting and documenting the identity verification process described in Subsection  
20A-3a-401(7)(b)~~;~~~~or~~ .  
352 ~~[(4) establishing specific requirements and procedures for an election officer to:]~~  
353 ~~[(a) perform the signature comparison audits described in Subsection 20A-9-408(9)(e); or]~~  
355 ~~[(b) fulfill the chain of custody requirements described in Section 20A-9-408.3.]~~

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.**

- 1810 (1) This section governs ballots returned by mail, via a ballot drop box, or by other legal means.  
1812 (2) Poll workers shall process return envelopes containing manual ballots that are in the custody of the  
poll workers in accordance with this section.  
1814 (3) Poll workers shall examine a return envelope to make the determinations described in Subsection  
(4).  
1816 (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers determine:  
1818 (a) for an election held before January 1, 2029:  
1819 (i) ~~[that]~~ if the return envelope contains a four digit number on the portion of the return envelope for a  
voter to enter the last four digits of the voter's Utah driver license number, Utah state identification  
card number, or social security number, that the four digit number correctly identifies the last four  
digits of one of those numbers for the voter to whom the return envelope relates; or  
1824 (ii) if the return envelope does not contain ~~[the digits described in Subsection (4)(a)(i)]~~ a four digit  
number on the portion of the return envelope described in Subsection (4)(a)(i), that:  
1827 (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  
1830 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
alternative means; and  
1832 (iii) if the return envelope contains the correct four digit number under Subsection (4)(a)(i), that:  
1834 (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

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- 1837 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
alternative means;
- 1839 (b) for an election held on or after January 1, 2029:
- 1840 (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;
- 1843 [(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
- 1846 [(iii)] (C) for a voter described in Subsection 20A-3a-301(7), that the voter complied with Subsection  
20A-3a-301(7); and
- 1848 (ii) that:
- 1849 (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
- 1852 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
alternative means;
- 1854 (c) that the affidavit is sufficient;
- 1855 (d) that the voter is registered to vote in the correct precinct;
- 1856 (e) that the voter's right to vote the ballot has not been challenged;
- 1857 (f) that the voter has not already voted in the election; and
- 1858 (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.
- 1861 (5)
- (a) If the poll workers make all of the findings described in Subsection (4), the poll workers shall:
- 1863 (i) remove the manual ballot from the return envelope in a manner that does not destroy the  
affidavit on the return envelope;
- 1865 (ii) ensure that the ballot is not examined in connection with the return envelope; and
- 1866 (iii) place the ballot with the other ballots to be counted.
- 1867 (b) If the poll workers do not make all of the findings described in Subsection (4), the poll workers  
shall:
- 1869 (i) disallow the vote;

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- 1870 (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
- 1872 (iii) except as provided in Subsection (6), place the return envelope, unopened, with the other rejected  
return envelopes.
- 1874 (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).
- 1876 (7)
- (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:
- 1879 (i) contact the individual in accordance with Subsection (8); and
- 1880 (ii) inform the individual:
- 1881 (A) that the identification information provided on the return envelope is in question;
- 1883 (B) how the individual may resolve the issue; and
- 1884 (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).
- 1887 (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:
- 1892 (i) contact the individual in accordance with Subsection (8); and
- 1893 (ii) inform the individual:
- 1894 (A) that the individual's signature is in question;
- 1895 (B) how the individual may resolve the issue; and
- 1896 (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).
- 1899 (c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b) includes:
- 1901 (i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (7)  
(d) and a courtesy reply envelope;
- 1903

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- 1906 (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
- 1910 (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.
- 1911 (d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:
- 1912 (i) an attestation that the individual voted the ballot;
- 1914 (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;
- 1915 (iii) a space for the individual to sign the affidavit;
- 1918 (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
- 1923 (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 \_\_\_\_\_".
- 1926 (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.
- 1928 (f) An election officer who receives a signed affidavit under Subsection (7)(e) shall immediately:
- 1930 (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;
- 1932 (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
- 1934 (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the rules described in Subsection (13)(c).
- (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:

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- 1937 (i) the ballot is cured within one business day after the day on which the ballot is rejected; or  
1939 (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be cured.
- 1941 (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:
- 1945 (i) 30 calendar days after the day of the rejection; or  
1946 (ii) 30 calendar days after the day of the election.
- 1947 (c) The election officer may, when notifying an individual by phone under this Subsection (8), use auto-dial technology.
- 1949 (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:
- 1952 (a) receives a signed affidavit from the individual under Subsection (7); or  
1953 (b)
- 1954 (i) contacts the individual;  
(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;
- 1958 (iii) verifies the identity of the individual by:
- 1959 (A) requiring the individual to provide at least two types of personal identifying information for the individual; and
- 1961 (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
- 1964 (iv) documents the verification described in Subsection (9)(b)(iii), by recording:
- 1965 (A) the name and voter identification number of the individual contacted;  
1966 (B) the name of the individual who conducts the verification;  
1967 (C) the date and manner of the communication;  
1968 (D) the type of personal identifying information provided by the individual;  
1969 (E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and

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- 1971 (F) other information required by the lieutenant governor.
- 1972 (10)
- (a) The election officer shall retain and preserve:
- 1973 (i) the return envelopes in accordance with Subsection 20A-4-202(2); and
- 1974 (ii) the documents described in Subsection (9)(b)(iv) in accordance with Subsection 20A-4-202(3).
- 1976 (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).
- 1980 (11)
- (a) The election officer shall record the following in the database used in the verification process:
- 1982 (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
- 1984 (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.
- 1986 (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:
- 1989 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
- 1990 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do not correspond.
- 1992 (12) Willful failure to comply with this section constitutes willful neglect of duty under Section 20A-5-701.
- 1994 (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:
- 1997 (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);
- 1999 (b) training and certification requirements for election officers and employees of election officers regarding the criteria and processes described in Subsection (13)(a); and
- 2001 (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).
- 2004 (14)

## SB0194S03 compared with SB0194S06

(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:

- 2007 (i) a candidate in the election;
- 2008 (ii) an individual who represents the candidate's campaign;
- 2009 (iii) the sponsors of an initiative or referendum appearing on the ballot; or
- 2010 (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.

2013 (b) If an election officer discloses the information described in Subsection (14)(a), the election officer shall:

- 2015 (i) make the disclosure within two business days after the day on which the request is made;
- 2017 (ii) respond to each request in the order the requests were made; and
- 2018 (iii) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to one requestor over another.

2020 (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).

356 Section 7. Section 20A-5-101 is amended to read:

357 **20A-5-101. Notice of election.**

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

360 (a) designates the offices to be filled at the next year's regular general election;

361 (b) identifies the dates for filing a declaration of candidacy~~[-, and for submitting and certifying nomination petition signatures, as applicable,]~~ under Sections 20A-9-403~~[,]~~ and 20A-9-407~~[,]~~ and 20A-9-408] for those offices; and

364 (c) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

366 (2)

(a) No later than seven business days after the day on which the lieutenant governor transmits the written notice described in Subsection (1), each county clerk shall provide notice for the county, as a class A notice under Section 63G-30-102, for seven business days before the day of the election and in accordance with Subsection (3).

## SB0194S03 compared with SB0194S06

- 371 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a), showing a copy of  
the notice and the places where the notice was posted.
- 373 (3) The notice described in Subsection (2) shall:
- 374 (a) designate the offices to be voted on in that election; and
- 375 (b) identify the dates for filing a declaration of candidacy for those offices.
- 376 (4) Except as provided in Subsection (6), before each election, the election officer shall give printed  
notice of the following information:
- 378 (a) the date of election;
- 379 (b) the hours during which the polls will be open;
- 380 (c) the polling places for each voting precinct, early voting polling place, and election day voting  
center;
- 382 (d) the address of the Statewide Electronic Voter Information Website and, if available, the address of  
the election officer's website, with a statement indicating that the election officer will post on the  
website any changes to the location of a polling place and the location of any additional polling  
place;
- 386 (e) a phone number that a voter may call to obtain information regarding the location of a polling place;
- 388 (f) the qualifications for persons to vote in the election: and
- 389 (g) instructions regarding how an individual with a disability, who is not able to vote a manual ballot by  
mail, may obtain information on voting in an accessible manner.
- 391 (5) The election officer shall provide the notice described in Subsection (4) for the jurisdiction, as a  
class A notice under Section 63G-30-102, for at least seven business days before the day of the  
election.
- 394 (6) Instead of including the information described in Subsection (4) in the notice, the election officer  
may give printed notice that:
- 396 (a) is entitled "Notice of Election";
- 397 (b) includes the following: "A [indicate election type] will be held in [indicate the jurisdiction] on  
[indicate date of election]. Information relating to the election, including polling places, polling  
place hours, and qualifications of voters may be obtained from the following sources:"; and
- 401 (c) specifies the following sources where an individual may view or obtain the information described in  
Subsection (4):
- 403 (i) if the jurisdiction has a website, the jurisdiction's website;

## SB0194S03 compared with SB0194S06

- 404 (ii) the physical address of the jurisdiction offices; and  
405 (iii) a mailing address and telephone number.

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

407 **20A-8-103. Petition procedures -- Criminal penalty -- Removal of signature.**

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

## SB0194S03 compared with SB0194S06

- 437 "It is a class A misdemeanor for anyone to knowingly sign a political party registration petition  
signature sheet with any name other than the individual's own name or more than once for the  
442 same party or if the individual is not registered to vote in this state and does not intend to become  
443 registered to vote in this state before the petition is submitted to the lieutenant governor.";
- (f) contain the following statement directly under the statement described in Subsection (3)(e):
- "POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_\_, Lieutenant  
Governor:
- We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_\_ (name);  
Each signer says:  
I have personally signed this petition with a holographic signature;  
I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to  
the lieutenant governor;  
I am or desire to become a member of the political party; and  
My street address is written correctly after my name.";
- (g) be vertically divided into columns as follows:
- (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For  
Office Use Only," and be subdivided with a light vertical line down the middle;
- (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be  
legible to be counted)";
- (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";
- (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
- (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
- (vi) at the bottom of the sheet, contain the following statement: "Birth date or age information is not  
required, but it may be used to verify your identity with voter registration records. If you choose  
not to provide it, your signature may not be certified as a valid signature if you change your address  
before petition signatures are certified or if the information you provide does not match your voter  
registration records.";
- (h) have a final page bound to one or more signature sheets that are bound together that contains the  
following printed statement:
- "Verification  
State of Utah, County of \_\_\_\_\_

## SB0194S03 compared with SB0194S06

474 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

475 I am at least 18 years old;

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

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

482

483 \_\_\_\_\_  
(Signature) (Residence Address) (Date)"; and

484 (i) be bound to a cover sheet that:

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

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

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

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

493 (a) is at least 18 years old; and

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

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

498 (6) The lieutenant governor shall:

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

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

503 (c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 calendar days after the day on which the organization files the petition described in Subsection (2)(b).

506 (7)

## SB0194S03 compared with SB0194S06

- 510 (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.
- 515 (b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven calendar days to electronically submit a new name or emblem to the lieutenant governor.
- 517 (8) A registered political party may not change its name or emblem during the regular general election cycle.
- 518 (9)
- 519 (a) It is unlawful for an individual to:
- 520 (i) knowingly sign a political party registration petition:
- 521 (A) with any name other than the individual's own name;
- 522 (B) more than once for the same political party; or
- 523 (C) if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or
- 524 (ii) sign the verification of a political party registration petition signature sheet if the individual:
- 525 (A) has not witnessed the signing by those individuals whose names appear on the political party registration petition signature sheet; or
- 526 (B) knows that an individual whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
- 527 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.
- 528 (10)
- 529 (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the lieutenant governor, submitting to the lieutenant governor a statement requesting that the voter's signature be removed.
- 530 (b) A statement described in Subsection (10)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
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## SB0194S03 compared with SB0194S06

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

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

542 **20A-9-101. Definitions.**

As used in this chapter:

544 (1)

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

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

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

549 (ii) presidential elector;

550 (iii) any political party offices; and

551 (iv) municipal or special district offices.

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

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

556 (4)

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

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

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

560 (ii) the office of presidential elector;

561 (iii) any political party offices;

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

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

564 [~~(5) "Electronic candidate qualification process" means:~~]

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

## SB0194S03 compared with SB0194S06

- 568 [~~(i) Section 20A-9-403;~~]
- 569 [~~(ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and~~]
- 570 [~~(iii) Section 20A-21-201; and~~]
- 571 [~~(b) as it relates to a qualified political party, the process, for gathering signatures electronically to seek  
the nomination of a registered political party, described in:~~]
- 573 [~~(i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);~~]
- 574 [~~(ii) Section 20A-9-408; and~~]
- 575 [~~(iii) Section 20A-21-201.~~]
- 576 [~~(6)~~] (5) "Federal office" means an elective office for United States Senator and United States  
Representative.
- 578 [~~(7)~~] (6) "Filing officer" means:
- 579 (a) the lieutenant governor, for:
- 580 (i) the office of United States Senator and United States Representative; and
- 581 (ii) all constitutional offices;
- 582 (b) for the office of a state senator, state representative, or the state school board, the lieutenant  
governor or the applicable clerk described in Subsection (7)(c) or (d);
- 584 (c) the county clerk, for county offices and local school district offices;
- 585 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 586 (e) the city or town clerk, for municipal offices; or
- 587 (f) the special district clerk, for special district offices.
- 588 [~~(8)~~] (7) "Local government office" includes county offices, municipal offices, and special district  
offices and other elective offices selected by the voters from a political division entirely within one  
county.
- 591 [~~(9) "Manual candidate qualification process" means the process for gathering signatures to seek the  
nomination of a registered political party, using paper signature packets that a signer physically  
signs.~~]
- 594 [~~(10)~~] (8)
- (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from  
more than one county.
- 596 (b) "Multicounty office" does not mean:
- 597 (i) a county office;

## SB0194S03 compared with SB0194S06

- 598 (ii) a federal office;
- 599 (iii) the office of justice or judge of any court of record or not of record;
- 600 (iv) the office of presidential elector;
- 601 (v) any political party offices; or
- 602 (vi) any municipal or special district offices.
- 603 ~~[(11)]~~ (9) "Municipal office" means an elective office in a municipality.
- 604 ~~[(12)]~~ (10)
- (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.
- 606 (b) "Political division" includes a county, a city, a town, a special district, a school district, a legislative district, and a county prosecution district.
- 608 ~~[(13) "Qualified political party" means a registered political party that:]~~
- 609 ~~[(a)~~
- ~~(i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or]~~
- 611 ~~[(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;]~~
- 613 ~~[(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;]~~
- 615 ~~[(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:]~~
- 618 ~~[(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or]~~
- 620 ~~[(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and]~~
- 622 ~~[(d)~~
- ~~(i) if the registered political party is a continuing political party, no later than 5 p.m. on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or]~~

## SB0194S03 compared with SB0194S06

- 627 [(ii) if the registered political party is not a continuing political party, certifies at the time that the  
registered political party files the petition described in Section 20A-8-103 that, for the next election,  
the registered political party intends to nominate the registered political party's candidates in  
accordance with the provisions of Section 20A-9-406.]
- 632 [(14) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered  
political party, means:]
- 634 [(a) when using the manual candidate qualification process, a holographic signature collected physically  
on a nomination petition described in Subsection 20A-9-405(3); or]
- 637 [(b) when using the electronic candidate qualification process:]
- 638 [(i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or]
- 639 [(ii) a holographic signature collected electronically under Subsection 20A-21-201(6)(c)(ii)(B).]
- 641 [(15)] (11) "Special district office" means an elected office in a special district.

### Section 10. Section 20A-9-201 is amended to read:

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

- 646 (1) Before filing a declaration of candidacy for election to any office, an individual shall:
- 647 (a) be a United States citizen;
- 648 (b) meet the legal requirements of that office; and
- 649 (c) if seeking a registered political party's nomination as a candidate for elective office, state:
- 651 (i) the registered political party of which the individual is a member; or
- 652 (ii) that the individual is not a member of a registered political party.
- 653 (2)
- (a) Except as provided in Subsection (2)(b), an individual may not:
- 654 (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any  
election year;
- 656 (ii) appear on the ballot as the candidate of more than one political party; or
- 657 (iii) file a declaration of candidacy for a registered political party of which the individual is not  
a member, except to the extent that the registered political party permits otherwise in the  
registered political party's bylaws.
- 660 (b)

## SB0194S03 compared with SB0194S06

- (i) An individual may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the individual resigns the individual's candidacy for the other office after the individual is officially nominated for president or vice president of the United States.
- 665 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.
- 667 (iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.
- 672 (iv) For the 2026 election year only, an individual who files a declaration of candidacy to seek the nomination of a qualified political party for constitutional office, multicounty office, or county office:
- 675 (A) may also be a candidate for United States representative;
- 676 (B) may, if the individual desires to use the signature-gathering process to qualify for the primary election ballot for the office of United States representative, file a notice of intent to gather signatures for, and gather signatures for, that office; and
- 680 (C) shall, before filing a declaration of candidacy for the office of United States representative, withdraw as a candidate for the constitutional office, multicounty office, or county office for which the individual filed a declaration of candidacy.
- 684 (3)
- (a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:
- 686 (i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking;
- 688 (ii) require the individual to state whether the individual meets the requirements described in Subsection (3)(a)(i);
- 690 (iii) if the declaration of candidacy is for a county office, inform the individual that an individual who holds a county elected office may not, at the same time, hold a municipal elected office; and
- 693

## SB0194S03 compared with SB0194S06

(iv) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.

697 (b)

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

700 (A) a United States citizen;

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

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

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

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

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

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

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

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

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

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

722 (c)

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

725 (A) a United States citizen;

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

## SB0194S03 compared with SB0194S06

- 728 (C) a registered voter in the prosecution district in which the individual is seeking office; and  
730 (D) a current resident of the prosecution district in which the individual is seeking office and either  
will have been a resident of that prosecution district for at least one year before the date of  
the election or was appointed and is currently serving as district attorney or county attorney  
and became a resident of the prosecution district within 30 calendar days after receiving  
appointment to the office.
- 736 (ii) An individual filing a declaration of candidacy for the office of district attorney shall submit with  
the individual's declaration:
- 738 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good standing;  
740 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the status  
of the individual's application; or  
742 (C) an affidavit describing how the individual intends to comply with the requirements for office of  
district attorney described in Subsection (3)(c)(i), prior to taking office.
- 745 (iii) In addition to the requirements described in Subsection (3)(c)(ii), an individual shall also provide  
the filing officer with the individual's license number with:
- 747 (A) the Utah State Bar, if the individual is a member; or  
748 (B) any other state bar association, if the individual is a member.
- 749 (d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall  
ensure that the individual filing the declaration:
- 751 (i) is a United States citizen;  
752 (ii) is a registered voter in the county in which the individual seeks office;  
753 (iii)  
(A) has successfully met the standards and training requirements established for law enforcement  
officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or  
756 (B) has met the waiver requirements in Section 53-6-206;  
757 (iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and  
759 (v) before the date of the election, will have been a resident of the county in which the individual seeks  
office for at least one year.
- 761 (e)  
(i) An individual filing a declaration of candidacy for the office of attorney general shall submit with  
the individual's declaration:

## SB0194S03 compared with SB0194S06

- 763 (A) a letter from the Utah Supreme Court, affirming that the individual is an attorney in good  
standing;
- 765 (B) proof of the individual's application with the Utah State Bar, with an affidavit describing the  
status of the individual's application; or
- 767 (C) an affidavit describing how the individual intends to comply with the requirements for office of  
attorney general, described in Article VII, Sec. 3, Utah Constitution, prior to taking office.
- 770 (ii) In addition to the requirements described in Subsection (3)(e)(i), an individual shall also provide the  
filing officer with the individual's license number with:
- 772 (A) the Utah State Bar, if the individual is a member; or
- 773 (B) any other state bar association, if the individual is a member.
- 774 (iii) An individual filing the declaration of candidacy for the office of attorney general shall also make  
the conflict of interest disclosure described in Section 20A-11-1603.
- 777 (f) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state  
auditor, state treasurer, state legislator, or State Board of Education member, the filing officer shall  
ensure that the individual filing the declaration of candidacy also makes the conflict of interest  
disclosure described in Section 20A-11-1603.
- 782 (4) If an individual who files a declaration of candidacy does not meet the qualification requirements  
for the office the individual is seeking, the filing officer may not accept the individual's declaration  
of candidacy.
- 785 (5) If an individual who files a declaration of candidacy meets the requirements described in Subsection  
(3), the filing officer shall:
- 787 (a) inform the individual that:
- 788 (i) subject to Section 20A-6-109, the individual's name will appear on the ballot as the individual's  
name is written on the individual's declaration of candidacy;
- 790 (ii) the individual may be required to comply with state or local campaign finance disclosure laws; and
- 792 (iii) the individual is required to file a financial statement before the individual's political convention  
under:
- 794 (A) Section 20A-11-204 for a candidate for constitutional office;
- 795 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 796 (C) local campaign finance disclosure laws, if applicable;
- 797

## SB0194S03 compared with SB0194S06

- (b) except for a presidential candidate, provide the individual with a copy of the current campaign financial disclosure laws for the office the individual is seeking and inform the individual that failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;
- 801 (c)
- (i) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 804 (ii) inform the individual that the individual must provide the filing officer with an email address that the individual actively monitors:
- 806 (A) to receive a communication from a filing officer or an election officer; and
- 807 (B) if the individual wishes to display a candidate profile on the Statewide Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 811 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act; and
- 814 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 815 (d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
- 817 (i) signing the pledge is voluntary; and
- 818 (ii) signed pledges shall be filed with the filing officer;
- 819 (e) accept the individual's declaration of candidacy; and
- 820 (f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.
- 823 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- 825 (a) accept the candidate's pledge; and
- 826 (b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- 829 (7)
- (a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:

## SB0194S03 compared with SB0194S06

831 (i) be substantially as follows:

832 "State of Utah, County of \_\_\_\_\_

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

843 \_\_\_\_\_

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

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

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

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

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

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

853 (8)

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

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

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

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

860 (i) who is disqualified; or

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

862 (c)

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

864 (ii) The lieutenant governor shall:

## SB0194S03 compared with SB0194S06

- 865 (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of  
nomination certificates or acceptances; and
- 867 (B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor  
from the congressional district that the total vote of that county for all candidates for representative  
in Congress bears to the total vote of all counties within the congressional district for all candidates  
for representative in Congress.
- 872 (d)
- (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment  
of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of  
impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement  
filed at the time the affidavit is submitted.
- 877 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 878 (iii)
- (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this  
section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and  
any other applicable criminal provision.
- 882 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be considered an offense  
under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).
- 885 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the  
following form:
- 887 "Affidavit of Impecuniosity
- 888 Individual Name \_\_\_\_\_ Address \_\_\_\_\_
- 890 Phone Number \_\_\_\_\_
- 891 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law for  
false statements, that, owing to my poverty, I am unable to pay the filing fee required by law.
- 894 Date \_\_\_\_\_ Signature \_\_\_\_\_
- Affiant
- 896 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)
- 897 \_\_\_\_\_
- 898 (signature)
- 899 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_".

## SB0194S03 compared with SB0194S06

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

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

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

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

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

913 Section 11. Section 20A-9-201.5 is amended to read:

914 **20A-9-201.5. Declaration of candidacy filing period for a registered political party.**

For a [qualified] registered political party:

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

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

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

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

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

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

925 Section 12. Section 20A-9-202 is amended to read:

926 **20A-9-202. Declarations of candidacy for regular general elections.**

927 (1)

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

929 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person with the filing  
officer on or after January 1 of the regular general election year~~[-and, if applicable, before the  
individual circulates nomination petitions under Section 20A-9-405]; and~~

## SB0194S03 compared with SB0194S06

- 933 (ii) pay the filing fee.
- 934 ~~[(b) Unless expressly provided otherwise in this title, for a registered political party that is not a~~  
~~qualified political party, the deadline for filing a declaration of candidacy for an elective office~~  
~~that is to be filled at the next regular general election is 5 p.m. on the first Monday after the fourth~~  
~~Saturday in April.]~~
- 938 ~~[(e)]~~ (b) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file a  
declaration of candidacy with the filing officer if:
- 940 (i) the individual is located outside of the state during the entire filing period;
- 941 (ii) the designated agent appears in person before the filing officer;
- 942 (iii) the individual communicates with the filing officer using an electronic device that allows the  
individual and filing officer to see and hear each other; and
- 944 (iv) the individual provides the filing officer with an email address to which the filing officer may send  
the individual the copies described in Subsection 20A-9-201(5).
- 946 ~~[(d)]~~ (c) Each county clerk who receives a declaration of candidacy from a candidate for multicounty  
office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the  
lieutenant governor within one business day after the candidate files the declaration of candidacy.
- 950 ~~[(e)]~~ (d) Each business day during the filing period, each county clerk shall notify the lieutenant  
governor electronically or by telephone of candidates who have filed a declaration of candidacy with  
the county clerk.
- 953 ~~[(f)]~~ (e) Each individual seeking the office of lieutenant governor, the office of district attorney, or the  
office of president or vice president of the United States shall comply with the specific declaration  
of candidacy requirements established by this section.
- 956 (2)
- (a) Each individual intending to become a candidate for the office of district attorney within a  
multicounty prosecution district that is to be filled at the next regular general election shall:
- 959 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the  
prosecution district on or after January 1 of the regular general election year~~[-and before the~~  
~~individual circulates nomination petitions under Section 20A-9-405]; and~~
- 963 (ii) pay the filing fee.
- 964 (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a  
certified copy of each declaration of candidacy filed for the office of district attorney.

## SB0194S03 compared with SB0194S06

- 967 (3)
- (a) Before the deadline described in Subsection (1)(b), each lieutenant governor candidate shall:
- 969 (i) file a declaration of candidacy with the lieutenant governor;
- 970 (ii) pay the filing fee; and
- 971 (iii) submit a letter from a candidate for governor who has received certification for the primary-  
election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-  
ticket running mate.
- 974 (b)
- (i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 975 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to replace the  
disqualified candidate.
- 977 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 978 (a) certify the names of the political party's candidates for president and vice president of the United  
States to the lieutenant governor; or
- 980 (b) provide written authorization for the lieutenant governor to accept the certification of candidates for  
president and vice president of the United States from the national office of the registered political  
party.
- 983 (5)
- (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the  
clerk or lieutenant governor no later than 5 p.m. on the last business day that is at least 10 calendar  
days before the deadline described in Subsection [~~20A-9-409(4)(e)~~] 20A-9-409(2)(c).
- 987 (b) If an objection is made, the clerk or lieutenant governor shall:
- 988 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- 990 (ii) decide any objection within 48 hours after it is filed.
- 991 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by:
- 993 (i) amending the declaration or petition no later than 5 p.m. on the first business day that is at least  
three calendar days after the day on which the objection is sustained; or
- 996 (ii) filing a new declaration no later than 5 p.m. on the first business day that is at least three calendar  
days after the day on which the objection is sustained.
- 998 (d)
- (i) The clerk's or lieutenant governor's decision upon objections to form is final.

## SB0194S03 compared with SB0194S06

- 999 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district  
court if prompt application is made to the court.
- 1001 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion,  
agrees to review the lower court decision.
- 1003 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written  
affidavit with the clerk.
- 1005 (7)
- (a) Except for a candidate who is certified by a registered political party under Subsection (4), and  
except as provided in Section 20A-9-504, before 5 p.m. no later than August 31 of a general election  
year, each individual running as a candidate for vice president of the United States shall:
- 1009 (i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the  
lieutenant governor, that:
- 1011 (A) contains the individual's name, address, and telephone number;
- 1012 (B) states that the individual meets the qualifications for the office of vice president of the United  
States;
- 1014 (C) names the presidential candidate, who has qualified for the general election ballot, with which the  
individual is running as a joint-ticket running mate;
- 1016 (D) states that the individual agrees to be the running mate of the presidential candidate described in  
Subsection (7)(a)(i)(C); and
- 1018 (E) contains any other necessary information identified by the lieutenant governor;
- 1019 (ii) pay the filing fee; and
- 1020 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C) that names  
the individual as a joint-ticket running mate as a vice presidential candidate.
- 1023 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of candidacy.
- 1025 (c) A vice presidential candidate who fails to meet the requirements described in this Subsection (7)  
may not appear on the general election ballot.
- 1027 (8) An individual filing a declaration of candidacy for president or vice president of the United States  
shall pay a filing fee of \$500.

Section 13. Section 20A-9-403 is amended to read:

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

1031 (1)

## SB0194S03 compared with SB0194S06

- 1038 ~~[(a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section.]~~The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.
- 1043 ~~[(b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.]~~
- 1047 ~~[(c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).]~~
- 1049 ~~[(d)]~~ (a) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.
- 1051 (2)
- 1055 (a) Each registered political party, in a statement filed with the lieutenant governor, shall~~[:]~~
- 1060 ~~[(i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and]~~
- 1063 ~~[(ii)]~~ if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.
- (b)
- (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.

## SB0194S03 compared with SB0194S06

(ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.

1067 [(3)

(a) ~~Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a nomination petition that was:]~~

1072 [(i) ~~circulated and completed in accordance with Section 20A-9-405; and]~~

1073 [(ii) ~~signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.]~~

1075 [(b)

(i) ~~A candidate for elective office shall, in accordance with Section 20A-9-408.3, submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on March 31.]~~

1078 [(ii) ~~A candidate may supplement the candidate's submissions at any time on or before the filing deadline.]~~

1080 [(e)

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

1086 [(ii) ~~The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.]~~

1088 [(d) ~~The filing officer shall:]~~

1089 [(i) ~~except as otherwise provided in Section 20A-21-201, and in accordance with Section 20A-9-408.3, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 calendar days after the day on which a candidate submits the signatures to the filing officer;]~~

1093

## SB0194S03 compared with SB0194S06

- 1096 [~~(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);]~~
- 1097 [~~(iii) consider active and inactive voters eligible to sign nomination petitions;]~~
- 1097 [~~(iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and]~~
- 1101 [~~(v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).]~~
- 1106 [~~(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).]~~
- 1110 [~~(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:]~~
- 1113 [~~(i) provide for the use of statistical sampling procedures that:]~~
- 1114 [~~(A) filing officers are required to use to verify signatures under Subsection (3)(d); and]~~
- 1116 [~~(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and]~~
- 1118 [~~(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.]~~
- 1120 [~~(g)] (3) The county clerk shall:~~
- 1121 [~~(i)] (a) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;~~
- 1123 [~~(ii)] (b) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and~~
- 1126 [~~(iii)] (c) place the local board of education candidates' names on the ballot in accordance with Sections 20A-6-109 and 20A-6-110.~~

## SB0194S03 compared with SB0194S06

- 1128 (4)
- (a) Before the deadline described in Subsection [~~20A-9-409(4)(e)~~] 20A-9-409(2)(c), the lieutenant governor shall provide to the county clerks:
- 1130 (i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Sections 20A-6-109 and 20A-6-110; and
- 1134 (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.
- 1137 (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.
- 1139 (c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4) (a), the county clerk shall post or publish a primary election notice in substantially the following form:
- 1142 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_, \_\_\_\_ (year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."
- 1147 (5)
- (a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:
- 1149 (i) nominated for that office by the candidate's registered political party; or
- 1150 (ii) for a nonpartisan local school board position, nominated for that office.
- 1151 (b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.
- 1155 (c)
- (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 1156

## SB0194S03 compared with SB0194S06

- (A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
- 1159 (B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.
- 1163 (ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.
- 1166 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.
- 1170 (7) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.
- 1173 Section 14. Section 20A-9-407 is amended to read:
- 1174 **20A-9-407. Convention process to seek the nomination of a registered political party.**
- 1176 (1) This section describes the requirements for a member of a [qualified] registered political party who is seeking the nomination of a [qualified] registered political party for an elective office through the [qualified] registered political party's convention process.
- 1179 (2) [~~Notwithstanding Subsection 20A-9-201(7)(a), the~~] The form of the declaration of candidacy for a member of a [qualified] registered political party who is nominated by, or who is seeking the nomination of, the [qualified] registered political party under this section shall be substantially as described in Section 20A-9-408.5.
- 1183 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a [qualified] registered political party who, under this section, is seeking the nomination of the [qualified] registered political party for an elective office that is to be filled at the next general election, shall:

1187

## SB0194S03 compared with SB0194S06

- (a) 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
- 1190 (b) pay the filing fee.
- 1191 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a [qualified] registered political party who, under this section, is seeking the nomination of the [qualified] registered political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election, shall:
- 1195 (a) file a declaration of candidacy with the county clerk designated in the interlocal agreement creating the prosecution district during the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and
- 1198 (b) pay the filing fee.
- 1199 (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.
- 1205 (6)
- [~~(a)~~] A [qualified] registered political party that nominates a candidate under this section shall:
- 1207 (a) for each office for which the registered political party will have two or more candidates on the regular primary election ballot for the party, certify the names of the candidates to the county clerk before the deadline described in Subsection \*\*\*\*\*; and
- 1211 (b) for each office for which the registered political party will not participate in the regular primary election, certify the name of the candidate who will appear on the general election ballot for the party before August 31. [~~certify the name of the candidate to the lieutenant governor before the deadline described in Subsection 20A-9-202(1)(b).~~]
- 1216 [~~(b) The lieutenant governor shall include, in the primary ballot certification or, for a race where a primary is not held because the candidate is unopposed, in the general election ballot certification, the name of each candidate nominated by a qualified political party under this section.~~]
- 1220 (7) A registered political party
- 1221

## SB0194S03 compared with SB0194S06

[~~(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.~~]

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.**

2025            (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.

2028            (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.

2032            (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:

2036            (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:

2041            (i) the name of the member who will attempt to become a candidate for a registered political party under this section;

2043            (ii) the name of the registered political party for which the member is seeking nomination;

2045            (iii) the office for which the member is seeking to become a candidate;

2046            (iv) the address and telephone number of the member; and

2047            (v) other information required by the lieutenant governor;

2048            (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

2051            (c) pay the filing fee.

2052

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- (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:
- 2056 (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:
- 2060 (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
- 2062 (ii) the name of the registered political party for which the member is seeking nomination;
- 2064 (iii) the office for which the member is seeking to become a candidate;
- 2065 (iv) the address and telephone number of the member; and
- 2066 (v) other information required by the lieutenant governor;
- 2067 (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
- 2070 (c) pay the filing fee.
- 2071 (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.
- 2077 (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.
- 2080 (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.
- 2083 (8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:
- 2085 (a) complying with the requirements described in this section; and
- 2086

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- (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 ~~§~~ → of the qualified political party ← ~~§~~ files a notice of intent to gather signatures and ending at the applicable deadline described in Subsection (12), in the following amounts:
- 2090 (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;
- 2093 (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;
- 2097 (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;
- 2100 (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;
- 2103 (v) for a State Board of Education race, the lesser of:
- 2104 (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
- 2107 (B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and
- 2109 (vi) for a county office race, ~~§~~ → [the lesser of:]
- 2110 [~~(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]
- 2113 [~~(B)~~] ← ~~§~~ signatures of [~~3%~~ ~~§~~ → 1.5%] 3% ← ~~§~~ of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.
- 2117 (9)
- (a) This Subsection (9) applies only to the manual candidate qualification process.

2118

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- (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:
- 2121 (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
- 2124 (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election officer before the applicable deadline described in Subsection (12).
- 2126 (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:
- 2132 (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;
- 2134 (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;
- 2136 (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
- 2140 (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.
- 2142 (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.
- 2147 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 2149 (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.
- 2153 (e)

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- 2157 (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.
- 2159 (ii) An individual who conducts an audit of signature comparisons under this section may not audit the individual's own work.
- 2160 (iii) The election officer shall:
- 2162 (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to determine the accuracy of the comparisons made;
- 2163 (B) record the individuals who conducted the audit;
- 2164 (C) record the audit results;
- 2166 (D) provide additional training or staff reassignments, as needed, based on the results of an audit described in Subsection (9)(e)(i); and
- 2167 (E) record any remedial action taken.
- 2168 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 2174 (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:
- 2175 (i) certifies signatures equal to 110% of the applicable signature threshold; or
- 2177 (ii) has reviewed all signatures submitted for the candidate before reaching an amount equal to 110% of the applicable signature threshold.
- 2179 (10)
- 2183 (a) This Subsection (10) applies only to the electronic candidate qualification process.
- 2184 (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:
- 2186 (i) in accordance with Section 20A-21-201; and
- (ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

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- (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:
- 2191 (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
- 2193 (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.
- 2195 (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.
- 2198 (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:
- 2201 (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and
- 2203 (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).
- 2206 (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.
- 2213 (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.
- 2217 (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

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14 calendar days before the day on which the qualified political party's convention for the office begins.

- 2221 (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:
- 2224 (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
- 2227 (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:

- 2238 (1) contract with another county clerk to fulfill the responsibilities described in:
- 2239 (a) Subsection 20A-9-403(3)(d);
- 2240 (b) Subsection 20A-9-405(10)(c);
- 2241 (c) Subsections 20A-9-408(9)(c), (d)(iii), and (f);
- 2242 (d) Subsections 20A-9-408(10)(c) and (11)(c); and
- 2243 (e) Subsections 20A-9-408.3(2) through (3) and (5) through (7);
- 2244 (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
- 2247 (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).

1224 **Section 15. Section 20A-9-408.5 is amended to read:**

1225 **20A-9-408.5. Declaration of candidacy form for a registered political party.**

The declaration of candidacy form described in [Sections] Section 20A-9-407 [and

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~~20A-9-408~~]shall:

1228 (1) be substantially as follows:

1229 "State of Utah, County of \_\_\_\_

1230 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
\_\_\_\_ as a candidate for the \_\_\_\_ party. I do solemnly swear, under penalty of perjury, that:  
I will meet the qualifications to hold the office, both legally and constitutionally, if selected;  
I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No.  
\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will file all  
campaign financial disclosure reports as required by law; and I understand that failure to do  
so will result in my disqualification as a candidate for this office and removal of my name  
from the ballot. The mailing address that I designate for receiving official election notices is

1239 \_\_\_\_\_.

1240 Subscribed and sworn before me this \_\_\_\_\_(month\day\year). Notary Public (or other  
officer qualified to administer oath)."; and

1242 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

1243 (a) the registered political party of which the candidate is a member; or

1244 (b) that the candidate is not a member of a registered political party. [~~and~~]

1245 [~~(3) direct the candidate to indicate whether the candidate is seeking the nomination using:~~]

1246 [~~(a) the convention process described in Section 20A-9-407;~~]

1247 [~~(b) the signature-gathering process described in Section 20A-9-408; or~~]

1248 [~~(c) both processes described in Subsections (3)(a) and (b).]~~

1249 Section 16. Section 20A-9-409 is amended to read:

1250 **20A-9-409. Primary election provisions relating to a registered political party.**

1251 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.

1252 [~~(2)~~]

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

1256

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- 1260 [(b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.]
- 1264 [(e) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.]
- 1268 [(d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.]
- 1271 [(3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-62-201 or 17-62-202, a qualified political party shall participate in the primary election for a county commission office if:]
- 1272 [(a) there is more than one:]
- 1273 [(i) open position as defined in Section 17-62-201; or]
- 1274 [(ii) midterm vacancy as defined in Section 17-62-201; and]
- 1277 [(b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.]
- 1278 [(4)] (2)
- 1281 (a) As used in this Subsection [(4)] (2), a candidate is "unopposed" if:
- 1286 (i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
- 1288 (ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.
- 1289 (b) Before the deadline described in Subsection [(4)(e)] (2)(c), the lieutenant governor shall:
- 1289 (i) provide to the county clerks:
- 1289 (A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with

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

- 1294 (B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and
- 1296 (ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.
- 1298 (c) The deadline described in Subsection [~~(4)(b)~~] (2)(b) is 5 p.m. on the first Wednesday after the fourth Saturday in April.

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.**

2253 (1)

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

2254 (i)

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

2256 (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

2260 (ii) would likely cause the candidate or officeholder to recognize the expenditure as taxable income under federal or state law.

2262 (b) "Personal use expenditure" includes:

2263 (i) a mortgage, rent, utility, or vehicle payment;

2264 (ii) a household food item or supply;

2265 (iii) a clothing expense, except:

2266 (A) clothing bearing the candidate's name or campaign slogan or logo that is used in the candidate's campaign;

2268 (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

2271 (C) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or officeholder;

2273 (iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;

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- 2275 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 2276 (vi) a salary payment made to:
- 2277 (A) a candidate or officeholder; or
- 2278 (B) a person who has not provided a bona fide service to a candidate or officeholder;
- 2280 (vii) a vacation;
- 2281 (viii) a vehicle expense;
- 2282 (ix) a meal expense;
- 2283 (x) a travel expense;
- 2284 (xi) a payment of an administrative, civil, or criminal penalty;
- 2285 (xii) a satisfaction of a personal debt;
- 2286 (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
- 2288 (xiv) a membership fee for a professional or service organization; and
- 2289 (xv) a payment in excess of the fair market value of the item or service purchased.
- 2290 (2) As used in this chapter, "personal use expenditure" does not include an expenditure made:
- 2292 (a) for a political purpose;
- 2293 (b) for candidacy for public office;
- 2294 (c) to fulfill a duty or activity of an officeholder;
- 2295 (d) for a donation to a registered political party;
- 2296 (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;
- 2299 (f) to return all or a portion of a contribution to a contributor;
- 2300 (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
- 2302 (i)
- (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or
- 2304 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 2305 (ii) a food expense, including food or beverages:
- 2306 (A) served at a campaign event;
- 2307 (B) served at a charitable event;

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- 2308 (C) consumed, or provided to others, by a candidate while the candidate is engaged in campaigning;
- 2310 (D) consumed, or provided to others, by an officeholder while the officeholder is acting in the capacity of an officeholder; or
- 2312 (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;
- 2314 (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;
- 2317 (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);
- 2320 (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);
- 2323 (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);
- 2326 (vii) a payment for a service provided by an attorney or accountant;
- 2327 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 2328 (ix) a gift;
- 2329 (x) a payment for the following items in connection with an office space:
- 2330 (A) rent;
- 2331 (B) utilities;
- 2332 (C) a supply; or
- 2333 (D) furnishing;
- 2334 (xi) a booth at a meeting or event;
- 2335 (xii) educational material; or
- 2336 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of an officeholder;
- 2338 (h) to purchase or mail informational material, a survey, or a greeting card;
- 2339 (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;

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- 2342 (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
- 2344 (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
- 2346 (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;
- 2349 (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]~~
- 2353 (n) to pay childcare expenses of:
- 2354 (i) a candidate while the candidate is engaging in campaign activity; or
- 2355 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder~~[-]~~ ; or
- 2357 (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:
- 2361 (i) a security system for use at the candidate's or officeholder's home, place of business, or campaign office; or
- 2363 (ii) security services while the candidate or officeholder is traveling to or from, or attending:
- 2365 (A) a campaign event; or
- 2366 (B) for an officeholder, an event relating to an activity or duty of the officeholder.
- 2367 (3)
- (a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:
- 2369 (i) evaluating a financial statement to identify a personal use expenditure; and
- 2370 (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.
- 2373 (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:
- 2375 (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and
- 2377

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

2379 (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.**

2384 (1) As used in this section:

2385 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1) (a) or (c).

2387 (b) "Received" means:

2388 (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;

2390 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated;

2392 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

2394 (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;

2397 (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

2400 (C) 31 calendar days after the day on which the direct deposit occurs; or

2401 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.

2403 (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:

2406 (a)

(i) seven calendar days before the candidate's political convention; or

2407 (ii) for an unaffiliated candidate, the fourth Saturday in March;

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- 2408 (b) seven calendar days before the regular primary election date;
- 2409 (c) September 30; and
- 2410 (d) seven calendar days before the regular general election date.
- 2411 (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the state office candidate:
- 2413 (a) shall file an interim report:
- 2414 (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 ]~~ ;
- 2418 (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
- 2421 ~~[(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
- 2428 (b) is not required to file an interim report at the times described in Subsection (2).
- 2429 (4) Each interim report shall include the following information:
- 2430 (a) the net balance of the last summary report, if any;
- 2431 (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;
- 2433 (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;
- 2435 (d) a detailed listing of:
- 2436 (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
- 2438 (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;
- 2441 (e) for each nonmonetary contribution:

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- 2442 (i) the fair market value of the contribution with that information provided by the contributor; and  
2444 (ii) a specific description of the contribution;  
2445 (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;  
2447 (g) for each nonmonetary expenditure, the fair market value of the expenditure;  
2448 (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;  
2451 (i) a summary page in the form required by the lieutenant governor that identifies:  
2452 (i) beginning balance;  
2453 (ii) total contributions and public service assistance received during the period since the last statement;  
2455 (iii) total contributions and public service assistance received to date;  
2456 (iv) total expenditures during the period since the last statement; and  
2457 (v) total expenditures to date; and  
2458 (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.  
2461 (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.  
2463 (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.**

- 2469 (1)  
(a) As used in this section, "received" means:  
2470 (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;  
2472 (ii) for a contribution that is a check or other negotiable instrument, that the check or other  
negotiable instrument is negotiated;

2474

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- (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:
- 2476 (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;
- 2479 (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
- 2482 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 2483 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.
- 2485 (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).
- 2487 (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:
- 2490 (i) May 15;
- 2491 (ii) seven calendar days before the regular primary election date;
- 2492 (iii) September 30; and
- 2493 (iv) seven calendar days before the regular general election date.
- 2494 (2) If a school board office candidate is a school board office candidate seeking appointment for a midterm vacancy, the school board office candidate:
- 2496 (a) shall file an interim report:
- 2497 (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~~]
- 2500 (ii) for a vacancy described in Subsection [~~20A-1-504(1)(b)(ii)(C):~~] 20A-1-504(1)(b)(i),
- 2502 [~~(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
- 2505

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~~[(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

- 2512 (b) is not required to file an interim report at the times described in Subsection (1)(c).
- 2513 (3) Each interim report shall include the following information:
- 2514 (a) the net balance of the last summary report, if any;
- 2515 (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;
- 2517 (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;
- 2519 (d) a detailed listing of:
- 2520 (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
- 2522 (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;
- 2525 (e) for each nonmonetary contribution:
- 2526 (i) the fair market value of the contribution with that information provided by the contributor; and
- 2528 (ii) a specific description of the contribution;
- 2529 (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;
- 2531 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2532 (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;
- 2535 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2536 (i) beginning balance;
- 2537 (ii) total contributions during the period since the last statement;
- 2538 (iii) total contributions to date;
- 2539 (iv) total expenditures during the period since the last statement; and

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- 2540 (v) total expenditures to date; and
- 2541 (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.
- 2544 (4)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar  
days before the required filing date of the report.
- 2546 (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.

1300 Section 17. Section 20A-21-101 is amended to read:

1301 **20A-21-101. Definitions.**

As used in this chapter:

- 1303 (1) "Approved device" means a device described in Subsection 20A-21-201(4).
- 1304 [~~(2) "Candidate qualification process" means the process, described in Section 20A-9-403 or  
20A-9-408, of gathering signatures to seek the nomination of a registered political party.~~]
- 1307 [~~(3) "Electronic candidate qualification process" means the same as that term is defined in Section  
20A-9-101.~~]
- 1309 [~~(4)~~ (2) "Electronic initiative process" means the same as that term is defined in Section 20A-7-101.
- 1311 [~~(5)~~ (3) "Electronic referendum process" means the same as that term is defined in Section 20A-7-101.
- 1313 [~~(6) "Manual candidate qualification process" means the same as that term is defined in Section  
20A-9-101.~~]
- 1315 [~~(7)~~ (4) "Petition" means:
- 1316 (a) as it relates to the electronic initiative process or the electronic referendum process, the electronic  
record that an individual signs to indicate the individual is in favor of placing the initiative or  
referendum on the ballot; or
- 1319 (b) as it relates to electronic candidate qualification process, the electronic record that an individual  
signs to indicate the individual is in favor of placing an individual's name on the ballot to run for a  
particular elective office.
- 1322 [~~(8)~~ (5) "Signature" means:
- 1323

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(a) as it relates to a signature gathered for an initiative or referendum, the same as that term is defined in Section 20A-7-101; or

1325 (b) as it relates to a signature gathered for the candidate qualification process, the same as that term is defined in Section 20A-9-101.

1327 [(9)] (6) "Website" means:

1328 (a) as it relates to the electronic initiative process or the electronic referendum process, the website designated by the lieutenant governor for collecting the signatures and other information relating to the electronic initiative process or the electronic referendum process; or

1332 (b) as it relates to the electronic candidate qualification process, a website designated by the lieutenant governor for collecting the signatures and other information relating to the electronic candidate qualification process.

1335 Section 18. Section 63G-2-305 is amended to read:

1336 **63G-2-305. Protected records.**

The following records are protected if properly classified by a governmental entity:

1338 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;

1340 (2) commercial information or nonindividual financial information obtained from a person if:

1342 (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

1345 (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

1347 (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;

1349 (3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

1353 (4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);

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- 1356 (5) test questions and answers to be used in future license, certification, registration, employment, or  
academic examinations;
- 1358 (6) records, the disclosure of which would impair governmental procurement proceedings or give an  
unfair advantage to any person proposing to enter into a contract or agreement with a governmental  
entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right  
of a person to have access to, after the contract or grant has been awarded and signed by all parties:
- 1363 (a) a bid, proposal, application, or other information submitted to or by a governmental entity in  
response to:
- 1365 (i) an invitation for bids;
- 1366 (ii) a request for proposals;
- 1367 (iii) a request for quotes;
- 1368 (iv) a grant; or
- 1369 (v) other similar document; or
- 1370 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 1371 (7) information submitted to or by a governmental entity in response to a request for information,  
except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a  
person to have access to the information, after:
- 1374 (a) a contract directly relating to the subject of the request for information has been awarded and signed  
by all parties; or
- 1376 (b)
- (i) a final determination is made not to enter into a contract that relates to the subject of the request for  
information; and
- 1378 (ii) at least two years have passed after the day on which the request for information is issued;
- 1380 (8) records that would identify real property or the appraisal or estimated value of real or personal  
property, including intellectual property, under consideration for public acquisition before any rights  
to the property are acquired unless:
- 1383 (a) public interest in obtaining access to the information is greater than or equal to the governmental  
entity's need to acquire the property on the best terms possible;
- 1385 (b) the information has already been disclosed to persons not employed by or under a duty of  
confidentiality to the entity;
- 1387

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- 1390 (c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;
- 1393 (d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or
- 1396 (e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;
- 1400 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:
- 1403 (a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or
- 1406 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- 1409 (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
- 1411 (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
- 1413 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- 1415 (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- 1419 (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
- 1422 (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;
- 1423 (11) records the disclosure of which would jeopardize the life or safety of an individual;

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- (12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
- 1426 (13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;
- 1430 (14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Health and Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- 1435 (15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
- 1438 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
- 1440 (17) records that are subject to the attorney client privilege;
- 1441 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;
- 1444 (19)
- (a)
- (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and
- 1446 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and
- 1449 (b)
- (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:
- 1451 (A) members of a legislative body;
- 1452 (B) a member of a legislative body and a member of the legislative body's staff; or
- 1453 (C) members of a legislative body's staff; and
- 1454

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- (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;
- 1456 (20)
- (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and
- 1461 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;
- 1466 (21) a research request from a legislator to a legislative staff member and research findings prepared in response to the request;
- 1468 (22) drafts, unless otherwise classified as public;
- 1469 (23) records concerning a governmental entity's strategy about:
- 1470 (a) collective bargaining; or
- 1471 (b) imminent or pending litigation;
- 1472 (24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 1475 (25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- 1478 (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
- 1481 (27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- 1483 (28) records of an institution of higher education defined in Section 53H-1-101 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open

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and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

- 1489 (29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;
- 1493 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
- 1496 (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- 1500 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;
- 1502 (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- 1505 (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- 1508 (35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
- 1513 (36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
- 1516 (37) the name of a donor or a prospective donor to a governmental entity, including an institution of higher education defined in Section 53H-1-101, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

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- 1520 (a) the donor requests anonymity in writing;
- 1521 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified  
protected by the governmental entity under this Subsection (37); and
- 1523 (c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit  
to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors,  
and has no regulatory or legislative authority over the donor, a member of the donor's immediate  
family, or any entity owned or controlled by the donor or the donor's immediate family;
- 1528 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 1529 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
- 1531 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher education  
defined in Section 53H-1-101, which have been developed, discovered, disclosed to, or received by  
or on behalf of faculty, staff, employees, or students of the institution:
- 1535 (a) unpublished lecture notes;
- 1536 (b) unpublished notes, data, and information:
- 1537 (i) relating to research; and
- 1538 (ii) of:
- 1539 (A) the institution of higher education defined in Section 53H-1-101; or
- 1540 (B) a sponsor of sponsored research;
- 1541 (c) unpublished manuscripts;
- 1542 (d) creative works in process;
- 1543 (e) scholarly correspondence; and
- 1544 (f) confidential information contained in research proposals;
- 1545 (g) this Subsection (40) may not be construed to prohibit disclosure of public information required  
pursuant to Subsection 53H-14-202(2)(a) or (b); and
- 1547 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 1548 (41)
- (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal  
the name of a particular legislator who requests a legislative audit prior to the date that audit is  
completed and made public; and
- 1551 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the  
Legislative Auditor General is a public document unless the legislator asks that the records in the

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custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

- 1557 (42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:
- 1559 (a) a production facility; or
- 1560 (b) a magazine;
- 1561 (43) information contained in the statewide database of the Division of Aging and Adult Services created by Section 26B-6-210;
- 1563 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child Welfare Services;
- 1565 (45) information regarding National Guard operations or activities in support of the National Guard's federal mission;
- 1567 (46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- 1570 (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;
- 1572 (48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:
- 1576 (a) the safety of the general public; or
- 1577 (b) the security of:
- 1578 (i) governmental property;
- 1579 (ii) governmental programs; or
- 1580 (iii) the property of a private person who provides the Division of Emergency Management information;
- 1582 (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

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- 1586 (50) as provided in Section 26B-2-709:
- 1587 (a) information or records held by the Department of Health and Human Services related to a complaint  
regarding a provider, program, or facility which the department is unable to substantiate; and
- 1590 (b) information or records related to a complaint received by the Department of Health and Human  
Services from an anonymous complainant regarding a provider, program, or facility;
- 1593 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under  
Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone  
number, if:
- 1596 (a) the individual is required to provide the information in order to comply with a law, ordinance, rule,  
or order of a government entity; and
- 1598 (b) the subject of the record has a reasonable expectation that this information will be kept confidential  
due to:
- 1600 (i) the nature of the law, ordinance, rule, or order; and
- 1601 (ii) the individual complying with the law, ordinance, rule, or order;
- 1602 (52) the portion of the following documents that contains a candidate's residential or mailing address,  
if the candidate provides to the filing officer another address or phone number where the candidate  
may be contacted:
- 1605 (a) a declaration of candidacy[~~, a nomination petition,~~] or a certificate of nomination, described in  
Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, [~~20A-9-405, 20A-9-408,~~]20A-9-408.5,  
20A-9-502, or 20A-9-601; or
- 1608 (b) an affidavit of impecuniosity, described in Section 20A-9-201[~~; or~~] ;
- 1609 [~~(c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;~~]
- 1610 (53) the name, home address, work addresses, and telephone numbers of an individual that is engaged  
in, or that provides goods or services for, medical or scientific research that is:
- 1612 (a) conducted within the state system of higher education, as described in Section 53H-1-102; and
- 1614 (b) conducted using animals;
- 1615 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation  
Commission concerning an individual commissioner's vote, in relation to whether a judge meets  
or exceeds minimum performance standards under Subsection 78A-12-203(4), and information  
disclosed under Subsection 78A-12-203(5)(e);
- 1619

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- (55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;
- 1623 (56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63L-11-202;
- 1626 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 1627 (58) in accordance with Section 73-10-33:
- 1628 (a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or
- 1630 (b) an outline of an emergency response plan in possession of the state or a county or municipality;
- 1632 (59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:
- 1634 (a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;
- 1640 (b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;
- 1647 (c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;
- 1650 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or
- 1652 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;
- 1654

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- (60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health and Human Services, to discover Medicaid fraud, waste, or abuse;
- 1657 (61) information provided to the Department of Health and Human Services or the Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);
- 1660 (62) a record described in Section 63G-12-210;
- 1661 (63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;
- 1663 (64) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101, except for recordings that:
- 1668 (a) depict the commission of an alleged crime;
- 1669 (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- 1671 (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- 1673 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 1675 (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;
- 1677 (65) a record pertaining to the search process for a president of an institution of higher education described in Section 53H-3-302;
- 1679 (66) an audio recording that is:
- 1680 (a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;
- 1683 (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:
- 1686 (i) is responding to an individual needing resuscitation or with a life-threatening condition; and

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- 1688 (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for  
treating an individual with a life-threatening condition; and
- 1690 (c) intended and used for purposes of training emergency responders how to improve their response to  
an emergency situation;
- 1692 (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the  
Research and General Counsel Subcommittee, the Budget Subcommittee, or the Legislative Audit  
Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;
- 1696 (68) work papers as defined in Section 31A-2-204;
- 1697 (69) a record made available to Adult Protective Services or a law enforcement agency under Section  
61-1-206;
- 1699 (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- 1701 (71) a record described in Section 31A-37-503;
- 1702 (72) any record created by the Division of Professional Licensing as a result of Subsection  
58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 1704 (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an  
amusement ride;
- 1706 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political  
petition, or on a request to withdraw a signature from a political petition, including a petition or  
request described in the following titles:
- 1709 (a) Title 10, Utah Municipal Code;
- 1710 (b) Title 17, Counties;
- 1711 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 1712 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 1713 (e) Title 20A, Election Code;
- 1714 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter  
registration record;
- 1716 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described  
in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision  
collected or held under, or in relation to, Title 20A, Election Code;
- 1719 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims  
Guidelines for Prosecutors Act;

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- 1721 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 1722 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited  
under Section 63G-26-103;
- 1724 (80) an image taken of an individual during the process of booking the individual into jail, unless:
- 1726 (a) the individual is convicted of a criminal offense based upon the conduct for which the individual  
was incarcerated at the time the image was taken;
- 1728 (b) a law enforcement agency releases or disseminates the image:
- 1729 (i) after determining that the individual is a fugitive or an imminent threat to an individual or to  
public safety and releasing or disseminating the image will assist in apprehending the individual or  
reducing or eliminating the threat; or
- 1732 (ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal  
investigation or criminal proceeding for the purpose of identifying or locating an individual in  
connection with the criminal investigation or criminal proceeding;
- 1736 (c) a judge orders the release or dissemination of the image based on a finding that the release or  
dissemination is in furtherance of a legitimate law enforcement interest; or
- 1738 (d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;
- 1740 (81) a record:
- 1741 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 1742 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative  
from another state or the federal government as provided in Section 63M-14-205; and
- 1745 (c) the disclosure of which would:
- 1746 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River  
system;
- 1748 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best  
terms and conditions regarding the use of water in the Colorado River system; or
- 1751 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of  
water in the Colorado River system;
- 1753 (82) any part of an application described in Section 63N-16-201 that the Governor's Office of Economic  
Opportunity determines is nonpublic, confidential information that if disclosed would result in  
actual economic harm to the applicant, but this Subsection (82) may not be used to restrict access to  
a record evidencing a final contract or approval decision;

## SB0194S03 compared with SB0194S06

- 1758 (83) the following records of a drinking water or wastewater facility:
- 1759 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
- 1761 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the drinking water or  
wastewater facility uses to secure, or prohibit access to, the records described in Subsection (83)(a);
- 1764 (84) a statement that an employee of a governmental entity provides to the governmental entity as part  
of the governmental entity's personnel or administrative investigation into potential misconduct  
involving the employee if the governmental entity:
- 1767 (a) requires the statement under threat of employment disciplinary action, including possible  
termination of employment, for the employee's refusal to provide the statement; and
- 1770 (b) provides the employee assurance that the statement cannot be used against the employee in any  
criminal proceeding;
- 1772 (85) any part of an application for a Utah Fits All Scholarship account described in Section 53F-6-402  
or other information identifying a scholarship student as defined in Section 53F-6-401;
- 1775 (86) a record:
- 1776 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 1777 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning  
the claim, including a representative from another state or the federal government; and
- 1780 (c) the disclosure of which would:
- 1781 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
- 1783 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions  
regarding the use of water in the Great Salt Lake; or
- 1785 (iii) give an advantage to another person including another state or to the federal government in  
negotiations regarding the use of water in the Great Salt Lake;
- 1787 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified  
as public as described in Subsection 13-2-11(4);
- 1789 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 1790 (a) concerning a claim to the use of waters;
- 1791 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative  
from another state, a tribe, the federal government, or other government entity as provided in Title  
73, Chapter 10g, Part 7, Utah Water Agent; and
- 1795 (c) the disclosure of which would:

## SB0194S03 compared with SB0194S06

- 1796 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 1797 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use  
of water; or
- 1799 (iii) give an advantage to another state, a tribe, the federal government, or other government entity in  
negotiations regarding the use of water; and
- 1801 (89) a record created or maintained for an investigation of the Prosecutor Conduct Commission, created  
in Section 63M-7-1102, that contains any personal identifying information of a prosecuting attorney,  
including:
- 1804 (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor  
Conduct Commission; or
- 1806 (b) a finding by the Prosecutor Conduct Commission.

1807 **Section 19. Repealer.**

This Bill Repeals:

- 1808 This bill repeals:
- 1809 **Section 20A-9-405, Nomination petitions for regular primary elections.**
- 1810 **Section 20A-9-406, Qualified political party -- Requirements and exemptions.**
- 1811 **Section 20A-9-408, Signature-gathering process to seek the nomination of a qualified**
- 1812 **political party -- Removal of signature.**
- 1813 **Section 20A-9-408.1, Candidate nomination document -- Access - Limitations -- Storage.**
- 1814 **Section 20A-9-408.2, Tracking signatures on candidate nomination petition.**
- 1815 **Section 20A-9-408.3, Submission of candidate signature packet -- Requirements for**
- 1816 **submission -- Signature packet chain of custody and storage.**
- 1817 **Section 20A-9-410, Rulemaking authority.**
- 1818 **Section 20A-9-411, Signing multiple nomination petitions.**

2549 ~~{Section 22. Section 63I-2-220 is amended to read: }~~

2550 **63I-2-220. Repeal dates: Title 20A.**

- 2551 ~~[(1) Section 20A-7-103.1, Constitutional amendments proposed during specified timeframe -- Analysis  
-- Arguments -- Publication, is repealed July 1, 2025.]~~
- 2553 ~~[(2) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is repealed January  
1, 2026.]~~

## SB0194S03 compared with SB0194S06

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.

1819

Section 20. **Effective date.**

Effective Date.

2556

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

2557

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

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