

ELECTION AND CAMPAIGN AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions relating to elections and campaigns.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends notice requirements in the Utah Municipal Code;
- ▶ addresses provisions relating to a ballot voted by a voter who moves within a county;
- ▶ corrects an error relating to the deadline to file a request to prepare a written argument for or against a special local ballot proposition;
- ▶ modifies the filing fee for a vice presidential candidate;
- ▶ provides signature and form requirements for a nomination petition for municipal office;
- ▶ amends provisions relating to an address reported under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements;
- ▶ expands campaign coordination provisions to a political action committee and a political issues committee;
- ▶ extends the deadline for the lieutenant governor to review certain campaign disclosures;
- ▶ amends provisions relating to the use of public email for a political purpose;
- ▶ establishes a procedure for the selection of presidential electors for independent or write-in candidates; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35 **10-2-415**, as last amended by Laws of Utah 2019, Chapter 255
- 36 **10-2-708**, as last amended by Laws of Utah 2019, Chapter 255
- 37 **10-2a-210**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 38 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 39 **10-2a-213**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 40 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 41 **10-2a-214**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 42 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 43 **10-2a-215**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 44 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 45 **20A-2-307**, as last amended by Laws of Utah 2018, Chapter 206
- 46 **20A-7-402**, as last amended by Laws of Utah 2019, Chapters 203, 255 and last
- 47 amended by Coordination Clause, Laws of Utah 2019, Chapter 203
- 48 **20A-9-201 (Superseded 01/01/20)**, as last amended by Laws of Utah 2019, First
- 49 Special Session, Chapter 4
- 50 **20A-9-201 (Effective 01/01/20)**, as last amended by Laws of Utah 2019, First Special
- 51 Session, Chapter 4
- 52 **20A-9-202**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 53 **20A-9-203 (Superseded 01/01/20)**, as last amended by Laws of Utah 2019, Chapters
- 54 142, 255, and 305
- 55 **20A-9-203 (Effective 01/01/20)**, as last amended by Laws of Utah 2019, Chapters 142,
- 56 255, 258, and 305
- 57 **20A-9-403**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 58 **20A-9-406**, as last amended by Laws of Utah 2018, Chapter 274
- 59 **20A-9-503**, as last amended by Laws of Utah 2018, Chapter 11
- 60 **20A-11-101**, as last amended by Laws of Utah 2019, Chapters 155 and 165
- 61 **20A-11-206**, as last amended by Laws of Utah 2019, Chapter 74
- 62 **20A-11-305**, as last amended by Laws of Utah 2016, Chapter 16
- 63 **20A-11-403**, as last amended by Laws of Utah 2019, Chapter 74

64 **20A-11-508**, as last amended by Laws of Utah 2015, Chapter 204
65 **20A-11-512**, as last amended by Laws of Utah 2019, Chapter 74
66 **20A-11-601**, as last amended by Laws of Utah 2019, Chapters 176, 255, 284 and last
67 amended by Coordination Clause, Laws of Utah 2019, Chapter 176
68 **20A-11-603**, as last amended by Laws of Utah 2019, Chapters 74 and 116
69 **20A-11-703**, as last amended by Laws of Utah 2013, Chapter 420
70 **20A-11-801**, as last amended by Laws of Utah 2019, Chapters 116, 255, and 284
71 **20A-11-803**, as last amended by Laws of Utah 2019, Chapter 74
72 **20A-11-1205**, as last amended by Laws of Utah 2019, Chapter 203
73 **20A-11-1305**, as last amended by Laws of Utah 2018, Chapter 19
74 **20A-11-1503**, as last amended by Laws of Utah 2013, Chapter 420
75 **20A-11-1605**, as last amended by Laws of Utah 2019, Chapter 266
76 **20A-13-301**, as last amended by Laws of Utah 2019, Chapter 255
77 **20A-13-302**, as last amended by Laws of Utah 2001, Chapter 78
78 **20A-13-303**, as last amended by Laws of Utah 2001, Chapter 78
79 **20A-13-304**, as enacted by Laws of Utah 1995, Chapter 1
80 **36-11-103**, as last amended by Laws of Utah 2019, Chapter 339

81

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

83 Section 1. Section **10-2-415** is amended to read:

84 **10-2-415. Public hearing -- Notice.**

85 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the
86 requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
87 located in a county of the first class, the commission shall hold a public hearing within 30 days
88 after the day on which the commission receives the feasibility study or supplemental feasibility
89 study results.

90 (b) At the public hearing described in Subsection (1)(a), the commission shall:

91 (i) require the feasibility consultant to present the results of the feasibility study and, if
92 applicable, the supplemental feasibility study;

93 (ii) allow those present to ask questions of the feasibility consultant regarding the study

94 results; and

95 (iii) allow those present to speak to the issue of annexation.

96 (2) The commission shall publish notice of the public hearing described in Subsection
97 (1)(a):

98 (a) (i) at least once a week for two successive weeks before the public hearing in a
99 newspaper of general circulation within the area proposed for annexation, the surrounding 1/2
100 mile of unincorporated area, and the proposed annexing municipality;

101 (ii) if there is no newspaper of general circulation within the combined area described
102 in Subsection (2)(a)(i), at least two weeks before the day of the public hearing, by posting one
103 notice, and at least one additional notice per 2,000 population within the combined area, in
104 places within the combined area that are most likely to give notice of the public hearing to the
105 residents within, and the owners of real property located within, the combined area; or

106 (iii) by mailing notice to each residence within, and to each owner of real property
107 located within, the combined area described in Subsection (2)(a)(i);

108 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
109 before the day of the public hearing;

110 (c) in accordance with Section 45-1-101, for two weeks before the day of the public
111 hearing;

112 (d) by sending written notice of the public hearing to the municipal legislative body of
113 the proposed annexing municipality, the contact sponsor on the annexation petition, each entity
114 that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(c), the contact
115 person; ~~and~~

116 (e) if the municipality has a website, on the municipality's website for two weeks
117 before the day of the public hearing~~[-]; and~~

118 (f) on the county's website for two weeks before the day of the public hearing.

119 (3) The notice described in Subsection (2) shall:

120 (a) be entitled, "notice of annexation hearing";

121 (b) state the name of the annexing municipality;

122 (c) describe the area proposed for annexation; and

123 (d) specify the following sources where an individual may obtain a copy of the
124 feasibility study conducted in relation to the proposed annexation:

125 (i) if the municipality has a website, the municipality's website;

126 (ii) a municipality's physical address; and

127 (iii) a mailing address and telephone number.

128 (4) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has
129 expired with respect to a proposed annexation of an area located in a specified county, the
130 boundary commission shall hold a hearing on all protests that were filed with respect to the
131 proposed annexation.

132 (5) At least 14 days before the date of a hearing described in Subsection(4), the
133 commission chair shall publish notice of the hearing:

134 (a) (i) in a newspaper of general circulation within the area proposed for annexation;

135 (ii) if there is no newspaper of general circulation within the area proposed for
136 annexation, by posting one notice, and at least one additional notice per 2,000 population
137 within the area in places within the area that are most likely to give notice of the hearing to the
138 residents within, and the owners of real property located within, the area; or

139 (iii) mailing notice to each resident within, and each owner of real property located
140 within, the area proposed for annexation;

141 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days before
142 the day of the hearing;

143 (c) in accordance with Section 45-1-101, for 14 days before the day of the hearing;

144 [~~and~~]

145 (d) if the municipality has a website, on the municipality's website for two weeks
146 before the day of the public hearing; and

147 [~~(d)~~] (e) on the county's website for two weeks before the day of the public hearing.

148 (6) Each notice described in Subsection (5) shall state the date, time, and place of the
149 hearing;

150 (a) briefly summarize the nature of the protest; and

151 (b) state that a copy of the protest is on file at the commission's office.

152 (7) The commission may continue a hearing under Subsection (4) from time to time,
153 but no continued hearing may be held later than 60 days after the original hearing date.

154 (8) In considering protests, the commission shall consider whether the proposed
155 annexation:

156 (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
157 annexation policy plan of the proposed annexing municipality;
158 (b) conflicts with the annexation policy plan of another municipality; and
159 (c) if the proposed annexation includes urban development, will have an adverse tax
160 consequence on the remaining unincorporated area of the county.

161 (9) (a) The commission shall record each hearing under this section by electronic
162 means.

163 (b) A transcription of the recording under Subsection (9)(a), the feasibility study, if
164 applicable, information received at the hearing, and the written decision of the commission
165 shall constitute the record of the hearing.

166 Section 2. Section **10-2-708** is amended to read:

167 **10-2-708. Notice of disincorporation -- Publication and filing.**

168 When a municipality has been dissolved, the clerk of the court shall publish notice of
169 the dissolution:

170 (1) (a) in a newspaper of general circulation in the county in which the municipality is
171 located at least once a week for four consecutive weeks;

172 (b) if there is no newspaper of general circulation in the county in which the
173 municipality is located, by posting one notice, and at least one additional notice per 2,000
174 population of the county in places within the county that are most likely to give notice to the
175 residents within, and the owners of real property located within, the county, including the
176 residents and owners within the municipality that is dissolved; or

177 (c) by mailing notice to each residence within, and each owner of real property located
178 within, the county;

179 (2) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks;

180 (3) in accordance with Section 45-1-101, for four weeks; ~~and~~

181 (4) if the municipality has a website, on the municipality's website for four weeks; and

182 ~~[(4)]~~ (5) on the county's website for four weeks.

183 Section 3. Section **10-2a-210** is amended to read:

184 **10-2a-210. Incorporation election.**

185 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
186 the lieutenant governor shall schedule an incorporation election for the proposed municipality

187 described in the petition to be held on the date of the next regular general election described in
188 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
189 is at least 65 days after the day on which the lieutenant governor certifies the petition.

190 (b)(i) The lieutenant governor shall direct the county legislative body of the county in
191 which the proposed municipality is located to hold the election on the date that the lieutenant
192 governor schedules under Subsection (1)(a).

193 (ii) The county shall hold the election as directed by the lieutenant governor under
194 Subsection (1)(b)(i).

195 (2) The county clerk shall publish notice of the election:

196 (a) (i) in a newspaper of general circulation within the area proposed to be incorporated
197 at least once a week for three successive weeks before the election;

198 (ii) if there is no newspaper of general circulation in the area proposed to be
199 incorporated, at least three weeks before the day of the election, by posting one notice, and at
200 least one additional notice per 2,000 population of the area proposed to be incorporated, in
201 places within the area proposed to be incorporated that are most likely to give notice to the
202 voters within the area proposed to be incorporated; or

203 (iii) at least three weeks before the day of the election, by mailing notice to each
204 registered voter in the area proposed to be incorporated;

205 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
206 before the day of the election;

207 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;

208 [~~and~~]

209 (d) if the proposed municipality has a website, on the proposed municipality's website
210 for three weeks before the day of the election; and

211 [~~(d)~~] (e) on the county's website for three weeks before the day of the election.

212 (3) (a) The notice required by Subsection (2) shall contain:

213 (i) a statement of the contents of the petition;

214 (ii) a description of the area proposed to be incorporated as a municipality;

215 (iii) a statement of the date and time of the election and the location of polling places;

216 and

217 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in

218 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
219 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

220 (b) The last notice required to be published under Subsection (2)(a)(i) shall be
221 published at least one day, but no more than seven days, before the day of the election.

222 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice
223 may include a statement that specifies the following sources where a registered voter in area
224 proposed to be incorporated may view or obtain a copy the feasibility study:

225 (i) the lieutenant governor's website;

226 (ii) the physical address of the Office of the Lieutenant Governor; and

227 (iii) a mailing address and telephone number.

228 (4) An individual may not vote in an incorporation election under this section unless
229 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
230 boundaries of the proposed municipality.

231 (5) If a majority of those who vote in an incorporation election held under this section
232 cast votes in favor of incorporation, the area shall incorporate.

233 Section 4. Section **10-2a-213** is amended to read:

234 **10-2a-213. Determination of number of council members -- Determination of**
235 **election districts -- Hearings and notice.**

236 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
237 after the day on which the county conducts the canvass of the election under Section
238 10-2a-212:

239 (a) for the incorporation of a city:

240 (i) if the voters at the incorporation election choose the council-mayor form of
241 government, determine the number of council members that will constitute the city council of
242 the city; and

243 (ii) if the voters at the incorporation election vote to elect council members by district,
244 determine the number of council members to be elected by district and draw the boundaries of
245 those districts, which shall be substantially equal in population; and

246 (b) for the incorporation of any municipality:

247 (i) determine the initial terms of the mayor and members of the municipal council so
248 that:

249 (A) the mayor and approximately half the members of the municipal council are
250 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
251 successors to serve a full four-year term that coincides with the schedule established in
252 Subsection 10-3-205(1); and

253 (B) the remaining members of the municipal council are elected to serve an initial
254 term, of no less than one year, that allows the members' successors to serve a full four-year
255 term that coincides with the schedule established in Subsection 10-3-205(2); and

256 (ii) submit in writing to the county legislative body the results of the determinations
257 made by the sponsors under Subsections (1)(a) and (b)(i).

258 (2) A newly incorporated town shall operate under the five-member council form of
259 government as defined in Section 10-3b-102.

260 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
261 sponsors shall hold a public hearing within the future municipality on the applicable issues
262 described in Subsections (1)(a) and (b)(i).

263 (4) The petition sponsors shall publish notice of the public hearing described in
264 Subsection (3):

265 (a) (i) in a newspaper of general circulation within the future municipality at least once
266 a week for two successive weeks before the public hearing;

267 (ii) if there is no newspaper of general circulation in the future municipality, at least
268 two weeks before the day of the public hearing, by posting one notice, and at least one
269 additional notice per 2,000 population of the future municipality, in places within the future
270 municipality that are most likely to give notice to the residents within, and the owners of real
271 property located within, the future municipality; or

272 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
273 residence within, and each owner of real property located within, the future municipality;

274 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
275 before the day of the public hearing;

276 (c) in accordance with Section 45-1-101, for at least two weeks before the day of the
277 public hearing; ~~and~~

278 (d) if the future municipality has a website, for two weeks before the day of the public
279 hearing; and

280 ~~[(d)]~~ (e) on the county's website for two weeks before the day of the public hearing.

281 (5) The last notice required to be published under Subsection (4)(a)(i) shall be
282 published at least three days before the day of the public hearing described in Subsection (3).

283 Section 5. Section **10-2a-214** is amended to read:

284 **10-2a-214. Notice of number of commission or council members to be elected and**
285 **of district boundaries -- Declaration of candidacy for municipal office.**

286 (1) Within 20 days after the day on which a county legislative body receives the
287 petition sponsors' determination under Subsection 10-2a-213(1)(b)(ii), the county clerk shall
288 publish, in accordance with Subsection (2), notice containing:

289 (a) the number of municipal council members to be elected for the new municipality;

290 (b) except as provided in Subsection (3), if some or all of the municipal council
291 members are to be elected by district, a description of the boundaries of those districts;

292 (c) information about the deadline for an individual to file a declaration of candidacy to
293 become a candidate for mayor or municipal council; and

294 (d) information about the length of the initial term of each of the municipal officers.

295 (2) The county clerk shall publish the notice described in Subsection (1):

296 (a) (i) in a newspaper of general circulation within the future municipality at least once
297 a week for two consecutive weeks;

298 (ii) if there is no newspaper of general circulation in the future municipality, by posting
299 one notice, and at least one additional notice per 2,000 population of the future municipality, in
300 places within the future municipality that are most likely to give notice to the residents in the
301 future municipality; or

302 (iii) by mailing notice to each residence in the future municipality;

303 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;

304 (c) in accordance with Section 45-1-101, for two weeks; ~~[and]~~

305 (d) if the future municipality has a website, on the future municipality's website for two
306 weeks; and

307 ~~[(d)]~~ (e) on the county's website for two weeks.

308 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
309 notice may include a statement that specifies the following sources where a resident of the
310 future municipality may view or obtain a copy the district:

- 311 (a) the county website;
- 312 (b) the physical address of the county offices; and
- 313 (c) a mailing address and telephone number.
- 314 (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
- 315 candidate for mayor or municipal council of a municipality incorporating under this part shall
- 316 file a declaration of candidacy with the clerk of the county in which the future municipality is
- 317 located and in accordance with:
- 318 (a) for an incorporation held on the date of a regular general election, the deadlines for
- 319 filing a declaration of candidacy under Section 20A-9-202; or
- 320 (b) for an incorporation held on the date of a municipal general election, the deadlines
- 321 for filing a declaration of candidacy under Section 20A-9-203.
- 322 Section 6. Section **10-2a-215** is amended to read:
- 323 **10-2a-215. Election of officers of new municipality -- Primary and final election**
- 324 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**
- 325 (1) For the election of municipal officers, the county legislative body shall:
- 326 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a
- 327 primary election; and
- 328 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
- 329 final election.
- 330 (2) Each election described in Subsection (1) shall be held:
- 331 (a) consistent with the petition sponsors' determination of the length of each council
- 332 member's initial term; and
- 333 (b) for the incorporation of a city:
- 334 (i) appropriate to the form of government chosen by the voters at the incorporation
- 335 election;
- 336 (ii) consistent with the voters' decision about whether to elect city council members by
- 337 district and, if applicable, consistent with the boundaries of those districts as determined by the
- 338 petition sponsors; and
- 339 (iii) consistent with the sponsors' determination of the number of city council members
- 340 to be elected.
- 341 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),

342 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

343 (i) regular primary election described in Subsection 20A-1-201.5(1); or

344 (ii) municipal primary election described in Section 20A-9-404.

345 (b) The county shall hold the primary election, if necessary, on the next election date
346 described in Subsection (3)(a) that is after the incorporation election conducted under Section
347 10-2a-210.

348 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
349 Subsection (1)(b):

350 (i) on the following election date that next follows the date of the incorporation
351 election held under Subsection 10-2a-210(1)(a);

352 (ii) a regular general election described in Section 20A-1-201; or

353 (iii) a regular municipal general election under Section 20A-1-202.

354 (b) The county shall hold the final election on the earliest of the next election date that
355 is listed in Subsection (4)(a)(i), (ii), or (iii):

356 (i) that is after a primary election; or

357 (ii) if there is no primary election, that is at least:

358 (A) 75 days after the incorporation election under Section 10-2a-210; and

359 (B) 65 days after the candidate filing period.

360 (5) The county clerk shall publish notice of an election under this section:

361 (a) (i) in accordance with Subsection (6), at least once a week for two consecutive
362 weeks before the election in a newspaper of general circulation within the future municipality;

363 (ii) if there is no newspaper of general circulation in the future municipality, at least
364 two weeks before the day of the election, by posting one notice, and at least one additional
365 notice per 2,000 population of the future municipality, in places within the future municipality
366 that are most likely to give notice to the voters within the future municipality; or

367 (iii) at least two weeks before the day of the election, by mailing notice to each
368 registered voter within the future municipality;

369 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
370 before the day of the election;

371 (c) in accordance with Section 45-1-101, for two weeks before the day of the election;

372 [and]

373 (d) if the future municipality has a website, on the future municipality's website for two
 374 weeks before the day of the election; and

375 ~~[(d)]~~ (e) on the county's website for two weeks before the day of the election.

376 (6) The last notice required to be published under Subsection (5)(a)(i) shall be
 377 published at least one day but no more than seven days before the day of the election.

378 (7) Until the municipality is incorporated, the county clerk:

379 (a) is the election officer for all purposes related to the election of municipal officers;

380 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
 381 related to the election of municipal officers for a new municipality that are not otherwise
 382 contrary to law;

383 (c) shall require and determine deadlines for municipal office candidates to file
 384 campaign financial disclosures in accordance with Section 10-3-208; and

385 (d) shall ensure that the ballot for the election includes each office that is required to be
 386 included in the election for officers of the newly incorporated municipality, including the term
 387 of each office.

388 (8) An individual who has filed as a candidate for an office described in this section
 389 shall comply with:

390 (a) the campaign finance disclosure requirements described in Section 10-3-208; and

391 (b) the requirements and deadlines established by the county clerk under this section.

392 (9) Notwithstanding Section 10-3-201, the officers elected at a final election described
 393 in Subsection (4)(a) shall take office:

394 (a) after taking the oath of office; and

395 (b) at noon on the first Monday following the day on which the election official
 396 transmits a certificate of nomination or election under the officer's seal to each elected
 397 candidate in accordance with Subsection 20A-4-304(4)(b).

398 Section 7. Section **20A-2-307** is amended to read:

399 **20A-2-307. County clerks' instructions to election judges.**

400 (1) Each county clerk shall instruct election judges to allow a voter to vote a regular
 401 ballot if:

402 (a) the voter has moved from one address within a [~~voting precinct~~] county to another
 403 address within the same [~~voting precinct~~] county; and

404 (b) the voter affirms the change of address orally or in writing before the election
405 judges.

406 (2) Each county clerk shall instruct election judges to allow an individual to vote a
407 provisional ballot if:

408 (a) the individual is not registered to vote, but is otherwise legally entitled to vote
409 under Section 20A-2-207;

410 (b) the voter's name does not appear on the official register; or

411 (c) the voter is challenged as provided in Section 20A-3-202.

412 Section 8. Section **20A-7-402** is amended to read:

413 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
414 **Preparation -- Statement on front cover.**

415 (1) The county or municipality that is subject to a ballot proposition shall prepare a
416 local voter information pamphlet that complies with the requirements of this part.

417 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality
418 that is subject to a special local ballot proposition shall provide a notice that complies with the
419 requirements of Subsection (2)(c)(ii) to the municipality's residents by:

420 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
421 municipality's residents, including the notice with a newsletter, utility bill, or other material;

422 (ii) posting the notice, until after the deadline described in Subsection (2)(d) has
423 passed, on:

424 (A) the Utah Public Notice Website created in Section 63F-1-701; and

425 (B) the home page of the municipality's website, if the municipality has a website; and

426 (iii) sending the notice electronically to each individual in the municipality for whom
427 the municipality has an email address.

428 (b) A county that is subject to a special local ballot proposition shall:

429 (i) send an electronic notice that complies with the requirements of Subsection
430 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

431 (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that
432 complies with the requirements of Subsection (2)(c)(ii) on:

433 (A) the Utah Public Notice Website created in Section 63F-1-701; and

434 (B) the home page of the county's website.

435 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)
436 or (b) shall:

437 (i) mail, send, or post the notice:

438 (A) not less than 90 days before the date of the election at which a special local ballot
439 proposition will be voted upon; or

440 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable
441 after the special local ballot proposition is approved to be voted upon in an election; and

442 (ii) ensure that the notice contains:

443 (A) the ballot title for the special local ballot proposition;

444 (B) instructions on how to file a request under Subsection (2)(d); and

445 (C) the deadline described in Subsection (2)(d).

446 (d) To prepare a written argument for or against a special local ballot proposition, an
447 eligible voter shall file a request with the election officer before 5 p.m. no later than ~~[55]~~ 64
448 days before the day of the election at which the special local ballot proposition is to be voted
449 on.

450 (e) If more than one eligible voter requests the opportunity to prepare a written
451 argument for or against a special local ballot proposition, the election officer shall make the
452 final designation in accordance with the following order of priority:

453 (i) sponsors have priority in preparing an argument regarding a special local ballot
454 proposition; and

455 (ii) members of the local legislative body have priority over others if a majority of the
456 local legislative body supports the written argument.

457 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no
458 later than ~~[67]~~ 60 days before the day of the election at which the ballot proposition is to be
459 voted on.

460 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in
461 favor of the special local ballot proposition.

462 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
463 proposition who submits a request under Subsection (2)(d) may prepare a written argument
464 against the special local ballot proposition.

465 (h) An eligible voter who submits a written argument under this section in relation to a

466 special local ballot proposition shall:

467 (i) ensure that the written argument does not exceed 500 words in length, not counting
468 the information described in Subsection (2)(h)(ii) or (iv);

469 (ii) list, at the end of the argument, at least one, but no more than five, names as
470 sponsors;

471 (iii) submit the written argument to the election officer before 5 p.m. no later than ~~[60]~~
472 55 days before the election day on which the ballot proposition will be submitted to the voters;

473 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
474 residential address; and

475 (v) submit with the written argument the eligible voter's name, residential address,
476 postal address, email address if available, and phone number.

477 (i) An election officer shall refuse to accept and publish an argument submitted after
478 the deadline described in Subsection (2)(h)(iii).

479 (3) (a) An election officer who timely receives the written arguments in favor of and
480 against a special local ballot proposition shall, within one business day after the day on which
481 the election office receives both written arguments, send, via mail or email:

482 (i) a copy of the written argument in favor of the special local ballot proposition to the
483 eligible voter who submitted the written argument against the special local ballot proposition;
484 and

485 (ii) a copy of the written argument against the special local ballot proposition to the
486 eligible voter who submitted the written argument in favor of the special local ballot
487 proposition.

488 (b) The eligible voter who submitted a timely written argument in favor of the special
489 local ballot proposition:

490 (i) may submit to the election officer a written rebuttal argument of the written
491 argument against the special local ballot proposition;

492 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
493 not counting the information described in Subsection (3)(h)(ii) or (iv); and

494 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
495 before the election day on which the special local ballot proposition will be submitted to the
496 voters.

497 (c) The eligible voter who submitted a timely written argument against the special local
498 ballot proposition:

499 (i) may submit to the election officer a written rebuttal argument of the written
500 argument in favor of the special local ballot proposition;

501 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
502 not counting the information described in Subsection (3)(h)(ii) or (iv); and

503 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
504 before the election day on which the special local ballot proposition will be submitted to the
505 voters.

506 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
507 relation to a special local ballot proposition that is submitted after the deadline described in
508 Subsection (3)(b)(iii) or (3)(c)(iii).

509 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot
510 proposition:

511 (i) an eligible voter may not modify a written argument or a written rebuttal argument
512 after the eligible voter submits the written argument or written rebuttal argument to the election
513 officer; and

514 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
515 modify a written argument or a written rebuttal argument.

516 (b) The election officer, and the eligible voter who submits a written argument or
517 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
518 modify a written argument or written rebuttal argument in order to:

519 (i) correct factual, grammatical, or spelling errors; and

520 (ii) reduce the number of words to come into compliance with the requirements of this
521 section.

522 (c) An election officer shall refuse to accept and publish a written argument or written
523 rebuttal argument in relation to a special local ballot proposition if the eligible voter who
524 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to
525 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

526 (5) In relation to a special local ballot proposition, an election officer may designate
527 another eligible voter to take the place of an eligible voter described in this section if the

528 original eligible voter is, due to injury, illness, death, or another circumstance, unable to
529 continue to fulfill the duties of an eligible voter described in this section.

530 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
531 included in a proposition information pamphlet under Section 20A-7-401.5:

532 (a) may, if a written argument against the standard local ballot proposition is included
533 in the proposition information pamphlet, submit a written rebuttal argument to the election
534 officer;

535 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
536 and

537 (c) shall submit the written rebuttal argument no later than 45 days before the election
538 day on which the standard local ballot proposition will be submitted to the voters.

539 (7) (a) A county or municipality that submitted a written argument against a standard
540 local ballot proposition that is included in a proposition information pamphlet under Section
541 20A-7-401.5:

542 (i) may, if a written argument in favor of the standard local ballot proposition is
543 included in the proposition information pamphlet, submit a written rebuttal argument to the
544 election officer;

545 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
546 and

547 (iii) shall submit the written rebuttal argument no later than 45 days before the election
548 day on which the ballot proposition will be submitted to the voters.

549 (b) If a county or municipality submits more than one written rebuttal argument under
550 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,
551 giving preference to a written rebuttal argument submitted by a member of a local legislative
552 body.

553 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
554 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

555 (b) Before an election officer publishes a local voter information pamphlet under this
556 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
557 Records Access and Management Act.

558 (c) An election officer who receives a written rebuttal argument described in this

559 section may not, before publishing the local voter information pamphlet described in this
560 section, disclose the written rebuttal argument, or any information contained in the written
561 rebuttal argument, to any person who may in any way be involved in preparing an opposing
562 rebuttal argument.

563 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
564 rebuttal argument after the written rebuttal argument is submitted to the election officer.

565 (b) The election officer, and the person who submits a written rebuttal argument, may
566 jointly agree to modify a written rebuttal argument in order to:

567 (i) correct factual, grammatical, or spelling errors; or

568 (ii) reduce the number of words to come into compliance with the requirements of this
569 section.

570 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
571 the person who submits the written rebuttal argument:

572 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
573 accordance with Subsection (9)(b); or

574 (ii) does not timely submit the written rebuttal argument to the election officer.

575 (d) An election officer shall make a good faith effort to negotiate a modification
576 described in Subsection (9)(b) in an expedited manner.

577 (10) An election officer may designate another person to take the place of a person who
578 submits a written rebuttal argument in relation to a standard local ballot proposition if the
579 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
580 person's duties.

581 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal
582 impact estimate and the legal impact statement prepared for each initiative under Section
583 20A-7-502.5.

584 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
585 include the following statement in bold type:

586 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
587 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
588 increase in the current tax rate."

589 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

590 (i) ensure that the written arguments are printed on the same sheet of paper upon which
591 the ballot proposition is also printed;

592 (ii) ensure that the following statement is printed on the front cover or the heading of
593 the first page of the printed written arguments:

594 "The arguments for or against a ballot proposition are the opinions of the authors.";

595 (iii) pay for the printing and binding of the local voter information pamphlet; and

596 (iv) not less than 15 days before, but not more than 45 days before, the election at
597 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
598 voter entitled to vote on the ballot proposition:

599 (A) a voter information pamphlet; or

600 (B) the notice described in Subsection (12)(c).

601 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the
602 election officer may summarize the ballot proposition in 500 words or less.

603 (ii) The summary shall state where a complete copy of the ballot proposition is
604 available for public review.

605 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
606 preaddressed return form that a person may use to request delivery of a voter information
607 pamphlet by mail.

608 (ii) The notice described in Subsection (12)(c)(i) shall include:

609 (A) the address of the Statewide Electronic Voter Information Website authorized by
610 Section 20A-7-801; and

611 (B) the phone number a voter may call to request delivery of a voter information
612 pamphlet by mail or carrier.

613 Section 9. Section **20A-9-201 (Superseded 01/01/20)** is amended to read:

614 **20A-9-201 (Superseded 01/01/20). Declarations of candidacy -- Candidacy for**
615 **more than one office or of more than one political party prohibited with exceptions --**
616 **General filing and form requirements -- Affidavit of impecuniosity.**

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

619 (a) be a United States citizen;

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

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

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

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

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

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

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

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

632 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
633 president or vice president of the United States and another office, if the individual resigns the
634 individual's candidacy for the other office after the individual is officially nominated for
635 president or vice president of the United States.

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

638 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
639 the individual filed a declaration of candidacy for another office in the same election year if the
640 individual withdraws as a candidate for the other office in accordance with Subsection
641 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

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

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

646 (ii) require the individual to state whether the individual meets those requirements; and

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

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

652 (i) a United States citizen;

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

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

656 (iv) a current resident of the county in which the individual is seeking office and either
657 has been a resident of that county for at least one year or was appointed and is currently serving
658 as county attorney and became a resident of the county within 30 days after appointment to the
659 office.

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

663 (i) a United States citizen;

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

666 (iii) a registered voter in the prosecution district in which the individual is seeking
667 office; and

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

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

675 (i) is a United States citizen;

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

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

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

681 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
682 53-13-103; and

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

685 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
686 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
687 Education member, the filing officer shall ensure:

688 (i) that the individual filing the declaration of candidacy also makes the conflict of
689 interest disclosure required by Section 20A-11-1603; and

690 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
691 individual provides the conflict of interest disclosure form to the lieutenant governor in
692 accordance with Section 20A-11-1603.

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

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

698 (a) inform the individual that:

699 (i) the individual's name will appear on the ballot as the individual's name is written on
700 the individual's declaration of candidacy;

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

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

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

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

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

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

712 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
713 Electronic Voter Information Website Program and inform the individual of the submission

714 deadline under Subsection 20A-7-801(4)(a);

715 (d) provide the candidate with a copy of the pledge of fair campaign practices

716 described under Section 20A-9-206 and inform the candidate that:

717 (i) signing the pledge is voluntary; and

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

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

720 (f) if the individual has filed for a partisan office, provide a certified copy of the

721 declaration of candidacy to the chair of the county or state political party of which the

722 individual is a member.

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

724 officer shall:

725 (a) accept the candidate's pledge; and

726 (b) if the candidate has filed for a partisan office, provide a certified copy of the

727 candidate's pledge to the chair of the county or state political party of which the candidate is a

728 member.

729 (7) (a) Except for a candidate for president or vice president of the United States, the

730 form of the declaration of candidacy shall:

731 (i) be substantially as follows:

732 "State of Utah, County of _____

733 I, _____, declare my candidacy for the office of _____, seeking the

734 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to

735 hold the office, both legally and constitutionally, if selected; I reside at _____

736 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not

737 knowingly violate any law governing campaigns and elections; if filing via a designated

738 agent, I will be out of the state of Utah during the entire candidate filing period; I will

739 file all campaign financial disclosure reports as required by law; and I understand that

740 failure to do so will result in my disqualification as a candidate for this office and

741 removal of my name from the ballot. The mailing address that I designate for receiving

742 official election notices is _____.

743

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

- 745 Notary Public (or other officer qualified to administer oath)."; and
- 746 (ii) require the candidate to state, in the sworn statement described in Subsection
- 747 (7)(a)(i):
- 748 (A) the registered political party of which the candidate is a member; or
- 749 (B) that the candidate is not a member of a registered political party.
- 750 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
- 751 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.
- 752 (8) (a) Except for [~~presidential candidates~~] a candidate for president or vice president
- 753 of the United States, the fee for filing a declaration of candidacy is:
- 754 (i) \$50 for candidates for the local school district board; and
- 755 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
- 756 person holding the office for all other federal, state, and county offices.
- 757 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
- 758 any candidate:
- 759 (i) who is disqualified; or
- 760 (ii) who the filing officer determines has filed improperly.
- 761 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
- 762 from candidates.
- 763 (ii) The lieutenant governor shall:
- 764 (A) apportion to and pay to the county treasurers of the various counties all fees
- 765 received for filing of nomination certificates or acceptances; and
- 766 (B) ensure that each county receives that proportion of the total amount paid to the
- 767 lieutenant governor from the congressional district that the total vote of that county for all
- 768 candidates for representative in Congress bears to the total vote of all counties within the
- 769 congressional district for all candidates for representative in Congress.
- 770 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
- 771 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
- 772 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
- 773 a financial statement filed at the time the affidavit is submitted.
- 774 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 775 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

776 statement filed under this section shall be subject to the criminal penalties provided under
777 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

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

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

783 "Affidavit of Impecuniosity

784 Individual Name

785 _____ Address _____

786 Phone Number _____

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

790 Date _____ Signature _____

791 Affiant

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

793 _____
794 (signature)

795 Name and Title of Officer Authorized to Administer Oath _____":

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

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

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

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

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

809 Section 10. Section **20A-9-201 (Effective 01/01/20)** is amended to read:

810 **20A-9-201 (Effective 01/01/20). Declarations of candidacy -- Candidacy for more**
811 **than one office or of more than one political party prohibited with exceptions -- General**
812 **filing and form requirements -- Affidavit of impecuniosity.**

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

815 (a) be a United States citizen;

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

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

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

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

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

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

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

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

828 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
829 president or vice president of the United States and another office, if the individual resigns the
830 individual's candidacy for the other office after the individual is officially nominated for
831 president or vice president of the United States.

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

834 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
835 the individual filed a declaration of candidacy for another office in the same election year if the
836 individual withdraws as a candidate for the other office in accordance with Subsection
837 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

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

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

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

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

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

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

852 (i) a United States citizen;

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

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

856 (iv) a current resident of the county in which the individual is seeking office and either
857 has been a resident of that county for at least one year or was appointed and is currently serving
858 as county attorney and became a resident of the county within 30 days after appointment to the
859 office.

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

863 (i) a United States citizen;

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

866 (iii) a registered voter in the prosecution district in which the individual is seeking
867 office; and

868 (iv) a current resident of the prosecution district in which the individual is seeking

869 office and either will have been a resident of that prosecution district for at least one year as of
870 the date of the election or was appointed and is currently serving as district attorney and
871 became a resident of the prosecution district within 30 days after receiving appointment to the
872 office.

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

875 (i) is a United States citizen;

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

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

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

881 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
882 53-13-103; and

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

885 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
886 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
887 Education member, the filing officer shall ensure:

888 (i) that the individual filing the declaration of candidacy also makes the conflict of
889 interest disclosure required by Section 20A-11-1603; and

890 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
891 individual provides the conflict of interest disclosure form to the lieutenant governor in
892 accordance with Section 20A-11-1603.

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

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

898 (a) inform the individual that:

899 (i) the individual's name will appear on the ballot as the individual's name is written on

900 the individual's declaration of candidacy;

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

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

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

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

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

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

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

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

917 (i) signing the pledge is voluntary; and

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

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

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

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

925 (a) accept the candidate's pledge; and

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

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

931 (i) be substantially as follows:
 932 "State of Utah, County of ____
 933 I, _____, declare my candidacy for the office of _____, seeking the
 934 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
 935 hold the office, both legally and constitutionally, if selected; I reside at _____
 936 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 937 knowingly violate any law governing campaigns and elections; if filing via a designated
 938 agent, I will be out of the state of Utah during the entire candidate filing period; I will
 939 file all campaign financial disclosure reports as required by law; and I understand that
 940 failure to do so will result in my disqualification as a candidate for this office and
 941 removal of my name from the ballot. The mailing address that I designate for receiving
 942 official election notices is _____.

943

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

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

946 (ii) require the candidate to state, in the sworn statement described in Subsection

947 (7)(a)(i):

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

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

950 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of

951 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

952 (8) (a) Except for [~~presidential candidates~~] a candidate for president or vice president

953 of the United States, the fee for filing a declaration of candidacy is:

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

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

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

959 (i) who is disqualified; or

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

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

962 from candidates.

963 (ii) The lieutenant governor shall:

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

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

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

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

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

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

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

983 "Affidavit of Impecuniosity

984 Individual Name

985 _____ Address _____

986 Phone Number _____

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

990 Date _____ Signature _____

991 Affiant

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

993

994

(signature)

995

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

996

(v) The filing officer shall provide to a person who requests an affidavit of

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impecuniosity a statement printed in substantially the following form, which may be included

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on the affidavit of impecuniosity:

999

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

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candidate who is found guilty of filing a false statement, in addition to being subject to criminal

1001

penalties, will be removed from the ballot."

1002

(vi) The filing officer may request that a person who makes a claim of impecuniosity

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under this Subsection (8)(d) file a financial statement on a form prepared by the election

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official.

1005

(9) An individual who fails to file a declaration of candidacy or certificate of

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nomination within the time provided in this chapter is ineligible for nomination to office.

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(10) A declaration of candidacy filed under this section may not be amended or

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modified after the final date established for filing a declaration of candidacy.

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Section 11. Section **20A-9-202** is amended to read:

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

1011

(1) (a) An individual seeking to become a candidate for an elective office that is to be

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filled at the next regular general election shall:

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(i) except as provided in Subsection (1)(c), file a declaration of candidacy in person

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with the filing officer on or after January 1 of the regular general election year, and, if

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applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

1016

(ii) pay the filing fee.

1017

(b) Unless expressly provided otherwise in this title, for a registered political party that

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is not a qualified political party, the deadline for filing a declaration of candidacy for an

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elective office that is to be filled at the next regular general election is:

1020

(i) in a year other than 2020, 5 p.m. on the first Monday after the third Saturday in

1021

April; or

1022

(ii) in 2020, before 5 p.m. April 27.

1023

(c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file

1024 a declaration of candidacy with the filing officer if:

1025 (i) the individual is located outside of the state during the entire filing period;

1026 (ii) the designated agent appears in person before the filing officer;

1027 (iii) the individual communicates with the filing officer using an electronic device that
1028 allows the individual and filing officer to see and hear each other; and

1029 (iv) the individual provides the filing officer with an email address to which the filing
1030 officer may send the individual the copies described in Subsection 20A-9-201(5).

1031 (d) Each county clerk who receives a declaration of candidacy from a candidate for
1032 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
1033 candidacy to the lieutenant governor within one business day after the candidate files the
1034 declaration of candidacy.

1035 (e) Each day during the filing period, each county clerk shall notify the lieutenant
1036 governor electronically or by telephone of candidates who have filed a declaration of candidacy
1037 with the county clerk.

1038 (f) Each individual seeking the office of lieutenant governor, the office of district
1039 attorney, or the office of president or vice president of the United States shall comply with the
1040 specific declaration of candidacy requirements established by this section.

1041 (2) (a) Each individual intending to become a candidate for the office of district
1042 attorney within a multicounty prosecution district that is to be filled at the next regular general
1043 election shall:

1044 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1045 creating the prosecution district on or after January 1 of the regular general election year, and
1046 before the individual circulates nomination petitions under Section 20A-9-405; and

1047 (ii) pay the filing fee.

1048 (b) The designated clerk shall provide to the county clerk of each county in the
1049 prosecution district a certified copy of each declaration of candidacy filed for the office of
1050 district attorney.

1051 (3) (a) Before the deadline described in Subsection (1)(b)(i) or (ii), each lieutenant
1052 governor candidate shall:

1053 (i) file a declaration of candidacy with the lieutenant governor;

1054 (ii) pay the filing fee; and

1055 (iii) submit a letter from a candidate for governor who has received certification for the
1056 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
1057 as a joint-ticket running mate.

1058 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

1059 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
1060 replace the disqualified candidate.

1061 (4) Before 5 p.m. no later than August 31, each registered political party shall:

1062 (a) certify the names of the political party's candidates for president and vice president
1063 of the United States to the lieutenant governor; or

1064 (b) provide written authorization for the lieutenant governor to accept the certification
1065 of candidates for president and vice president of the United States from the national office of
1066 the registered political party.

1067 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1068 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the
1069 last day for filing.

1070 (b) If an objection is made, the clerk or lieutenant governor shall:

1071 (i) mail or personally deliver notice of the objection to the affected candidate
1072 immediately; and

1073 (ii) decide any objection within 48 hours after it is filed.

1074 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1075 problem by amending the declaration or petition before 5 p.m. within three days after the day
1076 on which the objection is sustained or by filing a new declaration before 5 p.m. within three
1077 days after the day on which the objection is sustained.

1078 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1079 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1080 by a district court if prompt application is made to the court.

1081 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1082 of its discretion, agrees to review the lower court decision.

1083 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1084 filing a written affidavit with the clerk.

1085 (7) (a) Except for a candidate who is certified by a registered political party under

1086 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than
1087 August 31 of a general election year, each individual running as a candidate for vice president
1088 of the United States shall:

1089 (i) file a declaration of candidacy, in person or via a designated agent, on a form
1090 developed by the lieutenant governor, that:

1091 (A) contains the individual's name, address, and telephone number;

1092 (B) states that the individual meets the qualifications for the office of vice president of
1093 the United States;

1094 (C) names the presidential candidate, who has qualified for the general election ballot,
1095 with which the individual is running as a joint-ticket running mate;

1096 (D) states that the individual agrees to be the running mate of the presidential candidate
1097 described in Subsection (7)(a)(i)(C); and

1098 (E) contains any other necessary information identified by the lieutenant governor;

1099 (ii) pay the filing fee~~[, if applicable]~~; and

1100 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)
1101 that names the individual as a joint-ticket running mate as a vice presidential candidate.

1102 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
1103 candidacy.

1104 (c) A vice presidential candidate who fails to meet the requirements described in this
1105 Subsection (7) may not appear on the general election ballot.

1106 (8) An individual filing a declaration of candidacy for president or vice president of the
1107 United States shall pay a filing fee of \$500.

1108 Section 12. Section **20A-9-203 (Superseded 01/01/20)** is amended to read:

1109 **20A-9-203 (Superseded 01/01/20). Declarations of candidacy -- Municipal general**
1110 **elections.**

1111 (1) An individual may become a candidate for any municipal office if:

1112 (a) the individual is a registered voter; and

1113 (b) (i) the individual has resided within the municipality in which the individual seeks
1114 to hold elective office for the 12 consecutive months immediately before the date of the
1115 election; or

1116 (ii) the territory in which the individual resides was annexed into the municipality, the

1117 individual has resided within the annexed territory or the municipality the 12 consecutive
1118 months immediately before the date of the election.

1119 (2) (a) For purposes of determining whether an individual meets the residency
1120 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
1121 before the election, the municipality is considered to have been incorporated 12 months before
1122 the date of the election.

1123 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
1124 council position shall, if elected from a district, be a resident of the council district from which
1125 the candidate is elected.

1126 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
1127 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
1128 against the elective franchise may not hold office in this state until the right to hold elective
1129 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

1130 (3) (a) An individual seeking to become a candidate for a municipal office shall,
1131 regardless of the nomination method by which the individual is seeking to become a candidate:

1132 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
1133 Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
1134 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
1135 described in Section 10-3-301 and not later than the close of those office hours, between June 1
1136 and June 7 of any odd-numbered year; and

1137 (ii) pay the filing fee, if one is required by municipal ordinance.

1138 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
1139 declaration of candidacy with the city recorder or town clerk if:

1140 (i) the individual is located outside of the state during the entire filing period;

1141 (ii) the designated agent appears in person before the city recorder or town clerk;

1142 (iii) the individual communicates with the city recorder or town clerk using an
1143 electronic device that allows the individual and city recorder or town clerk to see and hear each
1144 other; and

1145 (iv) the individual provides the city recorder or town clerk with an email address to
1146 which the city recorder or town clerk may send the individual the copies described in
1147 Subsection (4).

- 1148 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 1149 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
- 1150 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
- 1151 the office hours described in Section 10-3-301 and not later than the close of those office
- 1152 hours, between June 1 and June 7 of any odd-numbered year~~[-and]~~ that includes signatures in
- 1153 support of the nomination petition of the lesser of at least:
- 1154 (A) 25 registered voters who reside in the municipality; or
- 1155 (B) 20% of the registered voters who reside in the municipality; and
- 1156 (ii) paying the filing fee, if one is required by municipal ordinance.
- 1157 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
- 1158 petition, the filing officer shall:
- 1159 (i) read to the prospective candidate or individual filing the petition the constitutional
- 1160 and statutory qualification requirements for the office that the candidate is seeking; and
- 1161 (ii) require the candidate or individual filing the petition to state whether the candidate
- 1162 meets those requirements.
- 1163 (b) If the prospective candidate does not meet the qualification requirements for the
- 1164 office, the filing officer may not accept the declaration of candidacy or nomination petition.
- 1165 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
- 1166 filing officer shall:
- 1167 (i) inform the candidate that the candidate's name will appear on the ballot as it is
- 1168 written on the declaration of candidacy;
- 1169 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
- 1170 for the office the candidate is seeking and inform the candidate that failure to comply will
- 1171 result in disqualification as a candidate and removal of the candidate's name from the ballot;
- 1172 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
- 1173 Electronic Voter Information Website Program and inform the candidate of the submission
- 1174 deadline under Subsection 20A-7-801(4)(a);
- 1175 (iv) provide the candidate with a copy of the pledge of fair campaign practices
- 1176 described under Section 20A-9-206 and inform the candidate that:
- 1177 (A) signing the pledge is voluntary; and
- 1178 (B) signed pledges shall be filed with the filing officer; and

1179 (v) accept the declaration of candidacy or nomination petition.

1180 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1181 officer shall:

1182 (i) accept the candidate's pledge; and

1183 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1184 candidate's pledge to the chair of the county or state political party of which the candidate is a
1185 member.

1186 (5) (a) The declaration of candidacy shall be in substantially the following form:

1187 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1188 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1189 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
1190 the legal qualifications required of candidates for this office. If filing via a designated agent, I
1191 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
1192 all campaign financial disclosure reports as required by law and I understand that failure to do
1193 so will result in my disqualification as a candidate for this office and removal of my name from
1194 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

1195 _____

1196 Subscribed and sworn to (or affirmed) before me by ____ on this
1197 _____(month\day\year).

1198 (Signed) _____ (Clerk or other officer qualified to administer oath)".

1199 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
1200 not sign the form described in Subsection (5)(a).

1201 (c) (i) A nomination petition shall be in substantially the following form:

1202 "NOMINATION PETITION

1203 The undersigned residents of (name of municipality), being registered voters, nominate
1204 (name of nominee) for the office of (name of office) for the (length of term of office)."

1205 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1206 individuals signing the petition and each individual's address and phone number.

1207 (6) If the declaration of candidacy or nomination petition fails to state whether the
1208 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
1209 for the four-year term.

1210 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
1211 voters.

1212 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1213 print the candidate's name on the ballot.

1214 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
1215 clerk shall:

1216 (a) publish a list of the names of the candidates as they will appear on the ballot:

1217 (i) (A) in at least two successive publications of a newspaper of general circulation in
1218 the municipality;

1219 (B) if there is no newspaper of general circulation in the municipality, by posting one
1220 copy of the list, and at least one additional copy of the list per 2,000 population of the
1221 municipality, in places within the municipality that are most likely to give notice to the voters
1222 in the municipality; or

1223 (C) by mailing notice to each registered voter in the municipality;

1224 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;

1225 (iii) in accordance with Section 45-1-101, for seven days; and

1226 (iv) if the municipality has a website, on the municipality's website for seven days; and

1227 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1228 the ballot.

1229 (9) Except as provided in Subsection (10)(c), an individual may not amend a
1230 declaration of candidacy or nomination petition filed under this section after the candidate
1231 filing period ends.

1232 (10) (a) A declaration of candidacy or nomination petition that an individual files under
1233 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
1234 five days after the last day for filing.

1235 (b) If a person files an objection, the clerk shall:

1236 (i) mail or personally deliver notice of the objection to the affected candidate
1237 immediately; and

1238 (ii) decide any objection within 48 hours after the objection is filed.

1239 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
1240 days after the day on which the clerk sustains the objection, correct the problem for which the

1241 objection is sustained by amending the candidate's declaration of candidacy or nomination
1242 petition, or by filing a new declaration of candidacy.

1243 (d) (i) The clerk's decision upon objections to form is final.

1244 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1245 prompt application is made to the district court.

1246 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1247 of its discretion, agrees to review the lower court decision.

1248 (11) A candidate who qualifies for the ballot under this section may withdraw as a
1249 candidate by filing a written affidavit with the municipal clerk.

1250 Section 13. Section **20A-9-203 (Effective 01/01/20)** is amended to read:

1251 **20A-9-203 (Effective 01/01/20). Declarations of candidacy -- Municipal general**
1252 **elections.**

1253 (1) An individual may become a candidate for any municipal office if:

1254 (a) the individual is a registered voter; and

1255 (b) (i) the individual has resided within the municipality in which the individual seeks
1256 to hold elective office for the 12 consecutive months immediately before the date of the
1257 election; or

1258 (ii) the territory in which the individual resides was annexed into the municipality, the
1259 individual has resided within the annexed territory or the municipality the 12 consecutive
1260 months immediately before the date of the election.

1261 (2) (a) For purposes of determining whether an individual meets the residency
1262 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
1263 before the election, the municipality is considered to have been incorporated 12 months before
1264 the date of the election.

1265 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
1266 council position shall, if elected from a district, be a resident of the council district from which
1267 the candidate is elected.

1268 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
1269 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
1270 against the elective franchise may not hold office in this state until the right to hold elective
1271 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

1272 (3) (a) An individual seeking to become a candidate for a municipal office shall,
1273 regardless of the nomination method by which the individual is seeking to become a candidate:

1274 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
1275 Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
1276 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
1277 described in Section 10-3-301 and not later than the close of those office hours, between June 1
1278 and June 7 of any odd-numbered year; and

1279 (ii) pay the filing fee, if one is required by municipal ordinance.

1280 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
1281 declaration of candidacy with the city recorder or town clerk if:

1282 (i) the individual is located outside of the state during the entire filing period;

1283 (ii) the designated agent appears in person before the city recorder or town clerk;

1284 (iii) the individual communicates with the city recorder or town clerk using an
1285 electronic device that allows the individual and city recorder or town clerk to see and hear each
1286 other; and

1287 (iv) the individual provides the city recorder or town clerk with an email address to
1288 which the city recorder or town clerk may send the individual the copies described in
1289 Subsection (4).

1290 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1291 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
1292 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
1293 the office hours described in Section 10-3-301 and not later than the close of those office
1294 hours, between June 1 and June 7 of any odd-numbered year[~~;~~and] that includes signatures in
1295 support of the nomination petition of the lesser of at least:

1296 (A) 25 registered voters who reside in the municipality; or

1297 (B) 20% of the registered voters who reside in the municipality; and

1298 (ii) paying the filing fee, if one is required by municipal ordinance.

1299 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
1300 petition, the filing officer shall:

1301 (i) read to the prospective candidate or individual filing the petition the constitutional

1302 and statutory qualification requirements for the office that the candidate is seeking;

1303 (ii) require the candidate or individual filing the petition to state whether the candidate
1304 meets the requirements described in Subsection (4)(a)(i); and

1305 (iii) inform the candidate or the individual filing the petition that an individual who
1306 holds a municipal elected office may not, at the same time, hold a county elected office.

1307 (b) If the prospective candidate does not meet the qualification requirements for the
1308 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1309 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1310 filing officer shall:

1311 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1312 written on the declaration of candidacy;

1313 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
1314 for the office the candidate is seeking and inform the candidate that failure to comply will
1315 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1316 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1317 Electronic Voter Information Website Program and inform the candidate of the submission
1318 deadline under Subsection 20A-7-801(4)(a);

1319 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1320 described under Section 20A-9-206 and inform the candidate that:

1321 (A) signing the pledge is voluntary; and

1322 (B) signed pledges shall be filed with the filing officer; and

1323 (v) accept the declaration of candidacy or nomination petition.

1324 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1325 officer shall:

1326 (i) accept the candidate's pledge; and

1327 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1328 candidate's pledge to the chair of the county or state political party of which the candidate is a
1329 member.

1330 (5) (a) The declaration of candidacy shall be in substantially the following form:

1331 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1332 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1333 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet

1334 the legal qualifications required of candidates for this office. If filing via a designated agent, I
1335 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
1336 all campaign financial disclosure reports as required by law and I understand that failure to do
1337 so will result in my disqualification as a candidate for this office and removal of my name from
1338 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

1339 _____

1340 Subscribed and sworn to (or affirmed) before me by ____ on this
1341 _____(month\day\year).

1342 (Signed) _____ (Clerk or other officer qualified to administer oath)".

1343 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
1344 not sign the form described in Subsection (5)(a).

1345 (c) (i) A nomination petition shall be in substantially the following form:

1346 "NOMINATION PETITION

1347 The undersigned residents of (name of municipality), being registered voters, nominate
1348 (name of nominee) for the office of (name of office) for the (length of term of office)."

1349 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1350 individuals signing the petition and each individual's address and phone number.

1351 (6) If the declaration of candidacy or nomination petition fails to state whether the
1352 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
1353 for the four-year term.

1354 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
1355 voters.

1356 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1357 print the candidate's name on the ballot.

1358 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
1359 clerk shall:

1360 (a) publish a list of the names of the candidates as they will appear on the ballot:

1361 (i) (A) in at least two successive publications of a newspaper of general circulation in
1362 the municipality;

1363 (B) if there is no newspaper of general circulation in the municipality, by posting one
1364 copy of the list, and at least one additional copy of the list per 2,000 population of the

1365 municipality, in places within the municipality that are most likely to give notice to the voters
1366 in the municipality; or

1367 (C) by mailing notice to each registered voter in the municipality;

1368 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;

1369 (iii) in accordance with Section 45-1-101, for seven days; and

1370 (iv) if the municipality has a website, on the municipality's website for seven days; and

1371 (b) notify the lieutenant governor of the names of the candidates as they will appear on

1372 the ballot.

1373 (9) Except as provided in Subsection (10)(c), an individual may not amend a

1374 declaration of candidacy or nomination petition filed under this section after the candidate

1375 filing period ends.

1376 (10) (a) A declaration of candidacy or nomination petition that an individual files under

1377 this section is valid unless a person files a written objection with the clerk before 5 p.m. within

1378 five days after the last day for filing.

1379 (b) If a person files an objection, the clerk shall:

1380 (i) mail or personally deliver notice of the objection to the affected candidate

1381 immediately; and

1382 (ii) decide any objection within 48 hours after the objection is filed.

1383 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three

1384 days after the day on which the clerk sustains the objection, correct the problem for which the

1385 objection is sustained by amending the candidate's declaration of candidacy or nomination

1386 petition, or by filing a new declaration of candidacy.

1387 (d) (i) The clerk's decision upon objections to form is final.

1388 (ii) The clerk's decision upon substantive matters is reviewable by a district court if

1389 prompt application is made to the district court.

1390 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

1391 of its discretion, agrees to review the lower court decision.

1392 (11) A candidate who qualifies for the ballot under this section may withdraw as a

1393 candidate by filing a written affidavit with the municipal clerk.

1394 Section 14. Section **20A-9-403** is amended to read:

1395 **20A-9-403. Regular primary elections.**

1396 (1) (a) Candidates for elective office that are to be filled at the next regular general
1397 election shall be nominated in a regular primary election by direct vote of the people in the
1398 manner prescribed in this section. The regular primary election is held on the date specified in
1399 Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a
1400 regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to
1401 participate in a regular general election as a write-in candidate under Section 20A-9-601.

1402 (b) Each registered political party that chooses to have the names of the registered
1403 political party's candidates for elective office featured with party affiliation on the ballot at a
1404 regular general election shall comply with the requirements of this section and shall nominate
1405 the registered political party's candidates for elective office in the manner described in this
1406 section.

1407 (c) A filing officer may not permit an official ballot at a regular general election to be
1408 produced or used if the ballot denotes affiliation between a registered political party or any
1409 other political group and a candidate for elective office who is not nominated in the manner
1410 prescribed in this section or in Subsection 20A-9-202(4).

1411 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1412 even-numbered year in which a regular general election will be held.

1413 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
1414 shall:

1415 (i) either declare the registered political party's intent to participate in the next regular
1416 primary election or declare that the registered political party chooses not to have the names of
1417 the registered political party's candidates for elective office featured on the ballot at the next
1418 regular general election; and

1419 (ii) if the registered political party participates in the upcoming regular primary
1420 election, identify one or more registered political parties whose members may vote for the
1421 registered political party's candidates and whether individuals identified as unaffiliated with a
1422 political party may vote for the registered political party's candidates.

1423 (b) (i) A registered political party that is a continuing political party shall file the
1424 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1425 November 30 of each odd-numbered year.

1426 (ii) An organization that is seeking to become a registered political party under Section

1427 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
1428 political party files the petition described in Section 20A-8-103.

1429 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
1430 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
1431 office on the regular primary ballot of the registered political party listed on the declaration of
1432 candidacy only if the individual is certified by the appropriate filing officer as having submitted
1433 a set of nomination petitions that was:

1434 (i) circulated and completed in accordance with Section 20A-9-405; and

1435 (ii) signed by at least 2% of the registered political party's members who reside in the
1436 political division of the office that the individual seeks.

1437 (b) (i) A candidate for elective office shall submit nomination petitions to the
1438 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
1439 in March.

1440 (ii) A candidate may supplement the candidate's submissions at any time on or before
1441 the filing deadline.

1442 (c) (i) The lieutenant governor shall determine for each elective office the total number
1443 of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting
1444 the aggregate number of individuals residing in each elective office's political division who
1445 have designated a particular registered political party on the individuals' voter registration
1446 forms on or before November 15 of each odd-numbered year.

1447 (ii) The lieutenant governor shall publish the determination for each elective office no
1448 later than November 30 of each odd-numbered year.

1449 (d) The filing officer shall:

1450 (i) verify signatures on nomination petitions in a transparent and orderly manner, no
1451 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

1452 (ii) for all qualifying candidates for elective office who submit nomination petitions to
1453 the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline
1454 described in Subsection 20A-9-202(1)(b)(i) or (ii);

1455 (iii) consider active and inactive voters eligible to sign nomination petitions;

1456 (iv) consider an individual who signs a nomination petition a member of a registered
1457 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that

1458 registered political party as the individual's party membership on the individual's voter
1459 registration form; and

1460 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1461 petition signatures, or use statistical sampling procedures to verify submitted nomination
1462 petition signatures in accordance with rules made under Subsection (3)(f).

1463 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1464 lieutenant governor may appear on the regular primary ballot of a registered political party
1465 without submitting nomination petitions if the candidate files a declaration of candidacy and
1466 complies with Subsection 20A-9-202(3).

1467 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1468 director of elections, within the Office of the Lieutenant Governor, may make rules that:

1469 (i) provide for the use of statistical sampling procedures that:

1470 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1471 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1472 submission, using widely recognized statistical sampling techniques; and

1473 (ii) provide for the transparent, orderly, and timely submission, verification, and
1474 certification of nomination petition signatures.

1475 (g) The county clerk shall:

1476 (i) review the declarations of candidacy filed by candidates for local boards of
1477 education to determine if more than two candidates have filed for the same seat;

1478 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1479 local board of education seat on the nonpartisan section of the ballot if more than two
1480 candidates have filed for the same seat; and

1481 (iii) determine the order of the local board of education candidates' names on the ballot
1482 in accordance with Section 20A-6-305.

1483 (4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
1484 governor shall provide to the county clerks:

1485 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
1486 county, and county offices who have received certifications under Subsection (3), along with
1487 instructions on how those names shall appear on the primary election ballot in accordance with
1488 Section 20A-6-305; and

1489 (ii) a list of unopposed candidates for elective office who have been nominated by a
1490 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
1491 unopposed candidates from the primary election ballot.

1492 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1493 joint-ticket running mates shall appear jointly on the primary election ballot.

1494 (c) After the county clerk receives the certified list from the lieutenant governor under
1495 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1496 substantially the following form:

1497 "Notice is given that a primary election will be held Tuesday, June ____,
1498 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1499 local school board positions listed on the primary ballot. The polling place for voting precinct
1500 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1501 Attest: county clerk."

1502 (5) (a) A candidate who, at the regular primary election, receives the highest number of
1503 votes cast for the office sought by the candidate is:

1504 (i) nominated for that office by the candidate's registered political party; or

1505 (ii) for a nonpartisan local school board position, nominated for that office.

1506 (b) If two or more candidates are to be elected to the office at the regular general
1507 election, those party candidates equal in number to positions to be filled who receive the
1508 highest number of votes at the regular primary election are the nominees of the candidates'
1509 party for those positions.

1510 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1511 (A) no individual other than the candidate receives a certification under Subsection (3)
1512 for the regular primary election ballot of the candidate's registered political party for a
1513 particular elective office; or

1514 (B) for an office where more than one individual is to be elected or nominated, the
1515 number of candidates who receive certification under Subsection (3) for the regular primary
1516 election of the candidate's registered political party does not exceed the total number of
1517 candidates to be elected or nominated for that office.

1518 (ii) A candidate who is unopposed for an elective office in the regular primary election
1519 of a registered political party is nominated by the party for that office without appearing on the

1520 primary election ballot.

1521 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
 1522 office that represents more than one county, the governor, lieutenant governor, and attorney
 1523 general shall, at a public meeting called by the governor and in the presence of the candidates
 1524 involved, select the nominee by lot cast in whatever manner the governor determines.

1525 (b) When a tie vote occurs in any primary election for any county office, the district
 1526 court judges of the district in which the county is located shall, at a public meeting called by
 1527 the judges and in the presence of the candidates involved, select the nominee by lot cast in
 1528 whatever manner the judges determine.

1529 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
 1530 primary election provided for by this section, and all expenses necessarily incurred in the
 1531 preparation for or the conduct of that primary election shall be paid out of the treasury of the
 1532 county or state, in the same manner as for the regular general elections.

1533 (8) An individual may not file a declaration of candidacy for a registered political party
 1534 of which the individual is not a member, except to the extent that the registered political party
 1535 permits otherwise under the registered political party's bylaws.

1536 Section 15. Section **20A-9-406** is amended to read:

1537 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1538 The following provisions apply to a qualified political party:

1539 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each
 1540 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
 1541 political parties whose members may vote for the qualified political party's candidates and
 1542 whether unaffiliated voters may vote for the qualified political party's candidates;

1543 (2) the following provisions [~~of Subsections 20A-9-403(1) through (4)(a), Subsection~~
 1544 ~~20A-9-403(5)(c), and Section 20A-9-405]~~ do not apply to a nomination for the qualified
 1545 political party[;]:

1546 (a) Subsections 20A-9-403 (1) through (3)(b) and (3)(d) through (4)(a);

1547 (b) Subsection 20A-9-403(5)(c); and

1548 (c) Section 20A-9-405;

1549 (3) an individual may only seek the nomination of the qualified political party by using
 1550 a method described in Section 20A-9-407, Section 20A-9-408, or both;

- 1551 (4) the qualified political party shall comply with the provisions of Sections
1552 20A-9-407, 20A-9-408, and 20A-9-409;
- 1553 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(f), or (2)(a), each election officer
1554 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
1555 by a qualified political party:
- 1556 (a) under the qualified political party's name, if any; or
1557 (b) under the title of the qualified registered political party as designated by the
1558 qualified political party in the certification described in Subsection (1), or, if none is
1559 designated, then under some suitable title;
- 1560 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
1561 paper ballots in regular general elections, that each candidate who is nominated by the qualified
1562 political party is listed by party;
- 1563 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
1564 the party designation of each candidate who is nominated by the qualified political party is
1565 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;
- 1566 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
1567 the party designation of each candidate who is nominated by the qualified political party is
1568 displayed adjacent to the candidate's name on an electronic ballot;
- 1569 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
1570 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1571 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1572 multicounty office, or county office;
- 1573 (10) an individual who is nominated by, or seeking the nomination of, the qualified
1574 political party is not required to comply with Subsection 20A-9-201(1)(c);
- 1575 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1576 to have each of the qualified political party's candidates for elective office appear on the
1577 primary ballot of the qualified political party with an indication that each candidate is a
1578 candidate for the qualified political party;
- 1579 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
1580 on the list provided by the lieutenant governor to the county clerks:
- 1581 (a) the names of all candidates of the qualified political party for federal, constitutional,

1582 multicounty, and county offices; and

1583 (b) the names of unopposed candidates for elective office who have been nominated by
1584 the qualified political party and instruct the county clerks to exclude such candidates from the
1585 primary-election ballot;

1586 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
1587 elective office in the regular primary election of the qualified political party is nominated by
1588 the party for that office without appearing on the primary ballot; and

1589 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
1590 20A-9-405, the qualified political party is entitled to have the names of its candidates for
1591 elective office featured with party affiliation on the ballot at a regular general election.

1592 Section 16. Section **20A-9-503** is amended to read:

1593 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1594 (1) (a) Except as provided in Subsection (1)(b), after the certificate of nomination has
1595 been certified, executed, and acknowledged by the county clerk, the candidate shall:

1596 (i) between the second Friday in March and the close of normal office hours on the
1597 third Thursday in March of the year in which the regular general election will be held:

1598 (A) file the petition in person with the lieutenant governor, if the office the candidate
1599 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate
1600 seeks is a county office; and

1601 (B) pay the filing fee; or

1602 (ii) not later than the close of normal office hours on June 15 of any odd-numbered
1603 year:

1604 (A) file the petition in person with the municipal clerk, if the candidate seeks an office
1605 in a city or town, or the local district clerk, if the candidate seeks an office in a local district;
1606 and

1607 (B) pay the filing fee.

1608 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1609 declaration of candidacy for president of the United States.

1610 (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an
1611 agent to file a declaration of candidacy with the appropriate filing officer if:

1612 (A) the individual is located outside of the state during the entire filing period;

1613 (B) the designated agent appears in person before the filing officer; and
1614 (C) the individual communicates with the filing officer using an electronic device that
1615 allows the individual and filing officer to see and hear each other.

1616 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
1617 read the constitutional and statutory requirements for candidacy to the candidate.

1618 (b) If the candidate states that he does not meet the requirements, the filing officer may
1619 not accept the petition.

1620 (3) (a) [~~Persons~~] An individual filing a certificate of nomination for president or vice
1621 president of the United States under this section shall pay a filing fee of \$500.

1622 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
1623 president or vice president of the United States:

1624 (i) may file the certificate of nomination between the second Friday in March and the
1625 close of normal office hours on August 15 of the year in which the regular general election will
1626 be held; and

1627 (ii) may use a designated agent to file the certificate of nomination.

1628 (c) An agent designated under Subsection (1)(b)(ii) or described in Subsection
1629 (3)(b)(ii) may not sign the certificate of nomination form.

1630 Section 17. Section **20A-11-101** is amended to read:

1631 **20A-11-101. Definitions.**

1632 As used in this chapter:

1633 (1) (a) "Address" means the number and street where an individual resides or where a
1634 reporting entity has its principal office.

1635 (b) "Address" does not include a post office box.

1636 (2) "Agent of a reporting entity" means:

1637 (a) a person acting on behalf of a reporting entity at the direction of the reporting
1638 entity;

1639 (b) a person employed by a reporting entity in the reporting entity's capacity as a
1640 reporting entity;

1641 (c) the personal campaign committee of a candidate or officeholder;

1642 (d) a member of the personal campaign committee of a candidate or officeholder in the
1643 member's capacity as a member of the personal campaign committee of the candidate or

1644 officeholder; or

1645 (e) a political consultant of a reporting entity.

1646 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1647 amendments, and any other ballot propositions submitted to the voters that are authorized by
1648 the Utah Code Annotated 1953.

1649 (4) "Candidate" means any person who:

1650 (a) files a declaration of candidacy for a public office; or

1651 (b) receives contributions, makes expenditures, or gives consent for any other person to
1652 receive contributions or make expenditures to bring about the person's nomination or election
1653 to a public office.

1654 (5) "Chief election officer" means:

1655 (a) the lieutenant governor for state office candidates, legislative office candidates,
1656 officeholders, political parties, political action committees, corporations, political issues
1657 committees, state school board candidates, judges, and labor organizations, as defined in
1658 Section 20A-11-1501; and

1659 (b) the county clerk for local school board candidates.

1660 (6) (a) "Contribution" means any of the following when done for political purposes:

1661 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1662 value given to the filing entity;

1663 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1664 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1665 anything of value to the filing entity;

1666 (iii) any transfer of funds from another reporting entity to the filing entity;

1667 (iv) compensation paid by any person or reporting entity other than the filing entity for
1668 personal services provided without charge to the filing entity;

1669 (v) remuneration from:

1670 (A) any organization or its directly affiliated organization that has a registered lobbyist;

1671 or

1672 (B) any agency or subdivision of the state, including school districts;

1673 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

1674 (vii) in-kind contributions.

1675 (b) "Contribution" does not include:

1676 (i) services provided by individuals volunteering a portion or all of their time on behalf
1677 of the filing entity if the services are provided without compensation by the filing entity or any
1678 other person;

1679 (ii) money lent to the filing entity by a financial institution in the ordinary course of
1680 business; or

1681 (iii) goods or services provided for the benefit of a [~~candidate or political party~~]
1682 political entity at less than fair market value that are not authorized by or coordinated with the
1683 [~~candidate or political party~~] political entity.

1684 (7) "Coordinated with" means that goods or services provided for the benefit of a
1685 [~~candidate or political party~~] political entity are provided:

1686 (a) with the [~~candidate's or political party's~~] political entity's prior knowledge, if the
1687 [~~candidate or political party~~] political entity does not object;

1688 (b) by agreement with the [~~candidate or political party~~] political entity;

1689 (c) in coordination with the [~~candidate or political party~~] political entity; or

1690 (d) using official logos, slogans, and similar elements belonging to a [~~candidate or~~
1691 ~~political party~~] political entity.

1692 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1693 organization that is registered as a corporation or is authorized to do business in a state and
1694 makes any expenditure from corporate funds for:

1695 (i) the purpose of expressly advocating for political purposes; or

1696 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
1697 proposition.

1698 (b) "Corporation" does not mean:

1699 (i) a business organization's political action committee or political issues committee; or

1700 (ii) a business entity organized as a partnership or a sole proprietorship.

1701 (9) "County political party" means, for each registered political party, all of the persons
1702 within a single county who, under definitions established by the political party, are members of
1703 the registered political party.

1704 (10) "County political party officer" means a person whose name is required to be
1705 submitted by a county political party to the lieutenant governor in accordance with Section

1706 20A-8-402.

1707 (11) "Detailed listing" means:

1708 (a) for each contribution or public service assistance:

1709 (i) the name and address of the individual or source making the contribution or public
1710 service assistance, except to the extent that the name or address of the individual or source is
1711 unknown;

1712 (ii) the amount or value of the contribution or public service assistance; and

1713 (iii) the date the contribution or public service assistance was made; and

1714 (b) for each expenditure:

1715 (i) the amount of the expenditure;

1716 (ii) the person or entity to whom it was disbursed;

1717 (iii) the specific purpose, item, or service acquired by the expenditure; and

1718 (iv) the date the expenditure was made.

1719 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
1720 for membership in the corporation, to a corporation without receiving full and adequate
1721 consideration for the money.

1722 (b) "Donor" does not include a person that signs a statement that the corporation may
1723 not use the money for an expenditure or political issues expenditure.

1724 (13) "Election" means each:

1725 (a) regular general election;

1726 (b) regular primary election; and

1727 (c) special election at which candidates are eliminated and selected.

1728 (14) "Electioneering communication" means a communication that:

1729 (a) has at least a value of \$10,000;

1730 (b) clearly identifies a candidate or judge; and

1731 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
1732 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
1733 identified candidate's or judge's election date.

1734 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
1735 agent of a reporting entity on behalf of the reporting entity:

1736 (i) any disbursement from contributions, receipts, or from the separate bank account

1737 required by this chapter;

1738 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1739 or anything of value made for political purposes;

1740 (iii) an express, legally enforceable contract, promise, or agreement to make any
1741 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1742 value for political purposes;

1743 (iv) compensation paid by a filing entity for personal services rendered by a person
1744 without charge to a reporting entity;

1745 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1746 committee; or

1747 (vi) goods or services provided by the filing entity to or for the benefit of another
1748 reporting entity for political purposes at less than fair market value.

1749 (b) "Expenditure" does not include:

1750 (i) services provided without compensation by individuals volunteering a portion or all
1751 of their time on behalf of a reporting entity;

1752 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1753 business; or

1754 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
1755 candidates for office or officeholders in states other than Utah.

1756 (16) "Federal office" means the office of president of the United States, United States
1757 Senator, or United States Representative.

1758 (17) "Filing entity" means the reporting entity that is required to file a financial
1759 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1760 (18) "Financial statement" includes any summary report, interim report, verified
1761 financial statement, or other statement disclosing contributions, expenditures, receipts,
1762 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
1763 Retention Elections.

1764 (19) "Governing board" means the individual or group of individuals that determine the
1765 candidates and committees that will receive expenditures from a political action committee,
1766 political party, or corporation.

1767 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal

1768 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
1769 metro township.

1770 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or
1771 10-2a-404.

1772 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

1773 (23) "Individual" means a natural person.

1774 (24) "In-kind contribution" means anything of value, other than money, that is accepted
1775 by or coordinated with a filing entity.

1776 (25) "Interim report" means a report identifying the contributions received and
1777 expenditures made since the last report.

1778 (26) "Legislative office" means the office of state senator, state representative, speaker
1779 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
1780 whip of any party caucus in either house of the Legislature.

1781 (27) "Legislative office candidate" means a person who:

1782 (a) files a declaration of candidacy for the office of state senator or state representative;

1783 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
1784 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

1785 assistant whip of any party caucus in either house of the Legislature; or

1786 (c) receives contributions, makes expenditures, or gives consent for any other person to
1787 receive contributions or make expenditures to bring about the person's nomination, election, or
1788 appointment to a legislative office.

1789 (28) "Loan" means any of the following provided by a person that benefits a filing
1790 entity if the person expects repayment or reimbursement:

1791 (a) an expenditure made using any form of payment;

1792 (b) money or funds received by the filing entity;

1793 (c) the provision of a good or service with an agreement or understanding that payment
1794 or reimbursement will be delayed; or

1795 (d) use of any line of credit.

1796 (29) "Major political party" means either of the two registered political parties that
1797 have the greatest number of members elected to the two houses of the Legislature.

1798 (30) "Officeholder" means a person who holds a public office.

1799 (31) "Party committee" means any committee organized by or authorized by the
1800 governing board of a registered political party.

1801 (32) "Person" means both natural and legal persons, including individuals, business
1802 organizations, personal campaign committees, party committees, political action committees,
1803 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

1804 (33) "Personal campaign committee" means the committee appointed by a candidate to
1805 act for the candidate as provided in this chapter.

1806 (34) "Personal use expenditure" has the same meaning as provided under Section
1807 20A-11-104.

1808 (35) (a) "Political action committee" means an entity, or any group of individuals or
1809 entities within or outside this state, a major purpose of which is to:

1810 (i) solicit or receive contributions from any other person, group, or entity for political
1811 purposes; or

1812 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
1813 vote for or against any candidate or person seeking election to a municipal or county office.

1814 (b) "Political action committee" includes groups affiliated with a registered political
1815 party but not authorized or organized by the governing board of the registered political party
1816 that receive contributions or makes expenditures for political purposes.

1817 (c) "Political action committee" does not mean:

1818 (i) a party committee;

1819 (ii) any entity that provides goods or services to a candidate or committee in the regular
1820 course of its business at the same price that would be provided to the general public;

1821 (iii) an individual;

1822 (iv) individuals who are related and who make contributions from a joint checking
1823 account;

1824 (v) a corporation, except a corporation a major purpose of which is to act as a political
1825 action committee; or

1826 (vi) a personal campaign committee.

1827 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
1828 by another person on behalf of and with the knowledge of the reporting entity, to provide
1829 political advice to the reporting entity.

1830 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
1831 where the person:

1832 (i) has already been paid, with money or other consideration;

1833 (ii) expects to be paid in the future, with money or other consideration; or

1834 (iii) understands that the person may, in the discretion of the reporting entity or another
1835 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
1836 money or other consideration.

1837 (37) "Political convention" means a county or state political convention held by a
1838 registered political party to select candidates.

1839 (38) "Political entity" means a candidate, a political party, a political action committee,
1840 or a political issues committee.

1841 [~~(38)~~] (39) (a) "Political issues committee" means an entity, or any group of individuals
1842 or entities within or outside this state, a major purpose of which is to:

1843 (i) solicit or receive donations from any other person, group, or entity to assist in
1844 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
1845 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1846 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1847 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1848 proposed ballot proposition or an incorporation in an incorporation election; or

1849 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1850 ballot or to assist in keeping a ballot proposition off the ballot.

1851 (b) "Political issues committee" does not mean:

1852 (i) a registered political party or a party committee;

1853 (ii) any entity that provides goods or services to an individual or committee in the
1854 regular course of its business at the same price that would be provided to the general public;

1855 (iii) an individual;

1856 (iv) individuals who are related and who make contributions from a joint checking
1857 account;

1858 (v) a corporation, except a corporation a major purpose of which is to act as a political
1859 issues committee; or

1860 (vi) a group of individuals who:

1861 (A) associate together for the purpose of challenging or supporting a single ballot
1862 proposition, ordinance, or other governmental action by a county, city, town, local district,
1863 special service district, or other local political subdivision of the state;

1864 (B) have a common liberty, property, or financial interest that is directly impacted by
1865 the ballot proposition, ordinance, or other governmental action;

1866 (C) do not associate together, for the purpose described in Subsection [~~(38)~~]
1867 (39)(b)(vi)(A), via a legal entity;

1868 (D) do not receive funds for challenging or supporting the ballot proposition,
1869 ordinance, or other governmental action from a person other than an individual in the group;
1870 and

1871 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
1872 [~~(38)~~] (39)(b)(vi)(A).

1873 [~~(39)~~] (40) (a) "Political issues contribution" means any of the following:

1874 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1875 anything of value given to a political issues committee;

1876 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1877 issues donation to influence the approval or defeat of any ballot proposition;

1878 (iii) any transfer of funds received by a political issues committee from a reporting
1879 entity;

1880 (iv) compensation paid by another reporting entity for personal services rendered
1881 without charge to a political issues committee; and

1882 (v) goods or services provided to or for the benefit of a political issues committee at
1883 less than fair market value.

1884 (b) "Political issues contribution" does not include:

1885 (i) services provided without compensation by individuals volunteering a portion or all
1886 of their time on behalf of a political issues committee; or

1887 (ii) money lent to a political issues committee by a financial institution in the ordinary
1888 course of business.

1889 [~~(40)~~] (41) (a) "Political issues expenditure" means any of the following when made by
1890 a political issues committee or on behalf of a political issues committee by an agent of the
1891 reporting entity:

1892 (i) any payment from political issues contributions made for the purpose of influencing
1893 the approval or the defeat of:

1894 (A) a ballot proposition; or

1895 (B) an incorporation petition or incorporation election;

1896 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
1897 the express purpose of influencing the approval or the defeat of:

1898 (A) a ballot proposition; or

1899 (B) an incorporation petition or incorporation election;

1900 (iii) an express, legally enforceable contract, promise, or agreement to make any
1901 political issues expenditure;

1902 (iv) compensation paid by a reporting entity for personal services rendered by a person
1903 without charge to a political issues committee; or

1904 (v) goods or services provided to or for the benefit of another reporting entity at less
1905 than fair market value.

1906 (b) "Political issues expenditure" does not include:

1907 (i) services provided without compensation by individuals volunteering a portion or all
1908 of their time on behalf of a political issues committee; or

1909 (ii) money lent to a political issues committee by a financial institution in the ordinary
1910 course of business.

1911 [~~(41)~~] (42) "Political purposes" means an act done with the intent or in a way to
1912 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
1913 for or against any:

1914 (a) candidate or a person seeking a municipal or county office at any caucus, political
1915 convention, or election; or

1916 (b) judge standing for retention at any election.

1917 [~~(42)~~] (43) (a) "Poll" means the survey of a person regarding the person's opinion or
1918 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
1919 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
1920 person or by telephone, facsimile, Internet, postal mail, or email.

1921 (b) "Poll" does not include:

1922 (i) a ballot; or

1923 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1924 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1925 (B) all individuals in the focus group are present during the interview.

1926 [~~(43)~~] (44) "Primary election" means any regular primary election held under the
1927 election laws.

1928 [~~(44)~~] (45) "Publicly identified class of individuals" means a group of 50 or more
1929 individuals sharing a common occupation, interest, or association that contribute to a political
1930 action committee or political issues committee and whose names can be obtained by contacting
1931 the political action committee or political issues committee upon whose financial statement the
1932 individuals are listed.

1933 [~~(45)~~] (46) "Public office" means the office of governor, lieutenant governor, state
1934 auditor, state treasurer, attorney general, state school board member, state senator, state
1935 representative, speaker of the House of Representatives, president of the Senate, and the leader,
1936 whip, and assistant whip of any party caucus in either house of the Legislature.

1937 [~~(46)~~] (47) (a) "Public service assistance" means the following when given or provided
1938 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
1939 communicate with the officeholder's constituents:

1940 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
1941 money or anything of value to an officeholder; or

1942 (ii) goods or services provided at less than fair market value to or for the benefit of the
1943 officeholder.

1944 (b) "Public service assistance" does not include:

1945 (i) anything provided by the state;

1946 (ii) services provided without compensation by individuals volunteering a portion or all
1947 of their time on behalf of an officeholder;

1948 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1949 business;

1950 (iv) news coverage or any publication by the news media; or

1951 (v) any article, story, or other coverage as part of any regular publication of any
1952 organization unless substantially all the publication is devoted to information about the
1953 officeholder.

1954 [~~(47)~~] (48) "Receipts" means contributions and public service assistance.

1955 [~~(48)~~] (49) "Registered lobbyist" means a person [~~registered~~] licensed under Title 36,

1956 Chapter 11, Lobbyist Disclosure and Regulation Act.

1957 [~~(49)~~] (50) "Registered political action committee" means any political action

1958 committee that is required by this chapter to file a statement of organization with the Office of

1959 the Lieutenant Governor.

1960 [~~(50)~~] (51) "Registered political issues committee" means any political issues

1961 committee that is required by this chapter to file a statement of organization with the Office of

1962 the Lieutenant Governor.

1963 [~~(51)~~] (52) "Registered political party" means an organization of voters that:

1964 (a) participated in the last regular general election and polled a total vote equal to 2%

1965 or more of the total votes cast for all candidates for the United States House of Representatives

1966 for any of its candidates for any office; or

1967 (b) has complied with the petition and organizing procedures of Chapter 8, Political

1968 Party Formation and Procedures.

1969 [~~(52)~~] (53) (a) "Remuneration" means a payment:

1970 (i) made to a legislator for the period the Legislature is in session; and

1971 (ii) that is approximately equivalent to an amount a legislator would have earned

1972 during the period the Legislature is in session in the legislator's ordinary course of business.

1973 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1974 (i) the legislator's primary employer in the ordinary course of business; or

1975 (ii) a person or entity in the ordinary course of business:

1976 (A) because of the legislator's ownership interest in the entity; or

1977 (B) for services rendered by the legislator on behalf of the person or entity.

1978 [~~(53)~~] (54) "Reporting entity" means a candidate, a candidate's personal campaign

1979 committee, a judge, a judge's personal campaign committee, an officeholder, a party

1980 committee, a political action committee, a political issues committee, a corporation, or a labor

1981 organization, as defined in Section 20A-11-1501.

1982 [~~(54)~~] (55) "School board office" means the office of state school board.

1983 [~~(55)~~] (56) (a) "Source" means the person or entity that is the legal owner of the

1984 tangible or intangible asset that comprises the contribution.

1985 (b) "Source" means, for political action committees and corporations, the political
1986 action committee and the corporation as entities, not the contributors to the political action
1987 committee or the owners or shareholders of the corporation.

1988 [~~(56)~~] (57) "State office" means the offices of governor, lieutenant governor, attorney
1989 general, state auditor, and state treasurer.

1990 [~~(57)~~] (58) "State office candidate" means a person who:

1991 (a) files a declaration of candidacy for a state office; or

1992 (b) receives contributions, makes expenditures, or gives consent for any other person to
1993 receive contributions or make expenditures to bring about the person's nomination, election, or
1994 appointment to a state office.

1995 [~~(58)~~] (59) "Summary report" means the year end report containing the summary of a
1996 reporting entity's contributions and expenditures.

1997 [~~(59)~~] (60) "Supervisory board" means the individual or group of individuals that
1998 allocate expenditures from a political issues committee.

1999 Section 18. Section **20A-11-206** is amended to read:

2000 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

2001 (1) A state office candidate who fails to file a financial statement before the deadline is
2002 subject to a fine imposed in accordance with Section 20A-11-1005.

2003 (2) If a state office candidate fails to file an interim report described in Subsections
2004 20A-11-204(1)(b) through (d), the lieutenant governor may send an electronic notice to the
2005 state office candidate and the political party of which the state office candidate is a member, if
2006 any, that states:

2007 (a) that the state office candidate failed to timely file the report; and

2008 (b) that, if the state office candidate fails to file the report within 24 hours after the
2009 deadline for filing the report, the state office candidate will be disqualified and the political
2010 party will not be permitted to replace the candidate.

2011 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the
2012 county clerk and other appropriate election officials that the state office candidate is
2013 disqualified if the state office candidate fails to file an interim report described in Subsections
2014 20A-11-204(1)(b) through (d) within 24 hours after the deadline for filing the report.

2015 (b) The political party of a state office candidate who is disqualified under Subsection

2016 (3)(a) may not replace the state office candidate.

2017 (4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election
2018 official shall:

2019 (i) remove the state office candidate's name from the ballot; or

2020 (ii) if removing the state office candidate's name from the ballot is not practicable,
2021 inform the voters by any practicable method that the state office candidate has been
2022 disqualified and that votes cast for the state office candidate will not be counted.

2023 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
2024 relation to an absentee voter, including a military or overseas absentee voter, by including with
2025 the absentee ballot a written notice directing the voter to a public website that will inform the
2026 voter whether a candidate on the ballot is disqualified.

2027 (5) A state office candidate is not disqualified if:

2028 (a) the state office candidate timely files the reports described in Subsections
2029 20A-11-204(1)(b) through (d) no later than 24 hours after the applicable deadlines for filing the
2030 reports;

2031 (b) the reports are completed, detailing accurately and completely the information
2032 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2033 and

2034 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
2035 an amended report or the next scheduled report.

2036 (6) (a) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the
2037 lieutenant governor shall review each filed summary report to ensure that:

2038 (i) each state office candidate that is required to file a summary report has filed one;
2039 and

2040 (ii) each summary report contains the information required by this part.

2041 (b) If it appears that any state office candidate has failed to file the summary report
2042 required by law, if it appears that a filed summary report does not conform to the law, or if the
2043 lieutenant governor has received a written complaint alleging a violation of the law or the
2044 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
2045 violation or receipt of a written complaint, notify the state office candidate of the violation or
2046 written complaint and direct the state office candidate to file a summary report correcting the

2047 problem.

2048 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary
2049 report within seven days after receiving notice from the lieutenant governor described in this
2050 Subsection (6).

2051 (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B
2052 misdemeanor.

2053 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
2054 attorney general.

2055 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
2056 governor shall impose a civil fine of \$100 against a state office candidate who violates
2057 Subsection (6)(c)(i).

2058 Section 19. Section **20A-11-305** is amended to read:

2059 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

2060 (1) A legislative office candidate who fails to file a financial statement before the
2061 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2062 (2) If a legislative office candidate fails to file an interim report described in
2063 Subsections 20A-11-303(1)(b)(ii) through (iv), the lieutenant governor may send an electronic
2064 notice to the legislative office candidate and the political party of which the legislative office
2065 candidate is a member, if any, that states:

2066 (a) that the legislative office candidate failed to timely file the report; and

2067 (b) that, if the legislative office candidate fails to file the report within 24 hours after
2068 the deadline for filing the report, the legislative office candidate will be disqualified and the
2069 political party will not be permitted to replace the candidate.

2070 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and
2071 inform the county clerk and other appropriate election officials that the legislative office
2072 candidate is disqualified if the legislative office candidate fails to file an interim report
2073 described in Subsections 20A-11-303(1)(b)(ii) through (iv) within 24 hours after the deadline
2074 for filing the report.

2075 (b) The political party of a legislative office candidate who is disqualified under
2076 Subsection (3)(a) may not replace the legislative office candidate.

2077 (4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the

2078 election officer shall:

2079 (i) remove the legislative office candidate's name from the ballot; or

2080 (ii) if removing the legislative office candidate's name from the ballot is not

2081 practicable, inform the voters by any practicable method that the legislative office candidate

2082 has been disqualified and that votes cast for the legislative office candidate will not be counted.

2083 (b) An election official may fulfill the requirement described in Subsection (4)(a) in

2084 relation to an absentee voter, including a military or overseas absentee voter, by including with

2085 the absentee ballot a written notice directing the voter to a public website that will inform the

2086 voter whether a candidate on the ballot is disqualified.

2087 (5) A legislative office candidate is not disqualified if:

2088 (a) the legislative office candidate files the reports described in Subsections

2089 20A-11-303(1)(b)(ii) through (iv) no later than 24 hours after the applicable deadlines for filing

2090 the reports;

2091 (b) the reports are completed, detailing accurately and completely the information

2092 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;

2093 and

2094 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in

2095 an amended report or the next scheduled report.

2096 (6) (a) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the

2097 lieutenant governor shall review each filed summary report to ensure that:

2098 (i) each legislative office candidate that is required to file a summary report has filed

2099 one; and

2100 (ii) each summary report contains the information required by this part.

2101 (b) If it appears that any legislative office candidate has failed to file the summary

2102 report required by law, if it appears that a filed summary report does not conform to the law, or

2103 if the lieutenant governor has received a written complaint alleging a violation of the law or the

2104 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a

2105 violation or receipt of a written complaint, notify the legislative office candidate of the

2106 violation or written complaint and direct the legislative office candidate to file a summary

2107 report correcting the problem.

2108 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary

2109 report within seven days after receiving notice from the lieutenant governor described in this
2110 Subsection (6).

2111 (ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a
2112 class B misdemeanor.

2113 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
2114 attorney general.

2115 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
2116 governor shall impose a civil fine of \$100 against a legislative office candidate who violates
2117 Subsection (6)(c)(i).

2118 Section 20. Section **20A-11-403** is amended to read:

2119 **20A-11-403. Failure to file -- Penalties.**

2120 (1) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the
2121 lieutenant governor shall review each filed summary report to ensure that:

2122 (a) each officeholder that is required to file a summary report has filed one; and

2123 (b) each summary report contains the information required by this part.

2124 (2) If it appears that any officeholder has failed to file the summary report required by
2125 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
2126 governor has received a written complaint alleging a violation of the law or the falsity of any
2127 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
2128 violation has occurred:

2129 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

2130 (b) within five days of discovery of a violation or receipt of a written complaint, notify
2131 the officeholder of the violation or written complaint and direct the officeholder to file a
2132 summary report correcting the problem.

2133 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
2134 within seven days after receiving notice from the lieutenant governor under this section.

2135 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
2136 misdemeanor.

2137 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
2138 attorney general.

2139 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant

2140 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
2141 (3)(a).

2142 (4) Within [~~30~~] 60 days after a deadline for the filing of an interim report by an
2143 officeholder under Subsection 20A-11-204(2), 20A-11-303(1)(c), or 20A-11-1303(1)(d), the
2144 lieutenant governor shall review each filed interim report to ensure that each interim report
2145 contains the information required for the report.

2146 (5) If it appears that any officeholder has failed to file an interim report required by
2147 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
2148 governor has received a written complaint alleging a violation of the law or the falsity of any
2149 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
2150 violation has occurred:

2151 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

2152 (b) within five days after the day on which the violation is discovered or a written
2153 complaint is received, notify the officeholder of the violation or written complaint and direct
2154 the officeholder to file an interim report correcting the problem.

2155 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
2156 within seven days after the day on which the officeholder receives notice from the lieutenant
2157 governor under this section.

2158 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
2159 misdemeanor.

2160 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
2161 attorney general.

2162 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
2163 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
2164 (6)(a).

2165 Section 21. Section **20A-11-508** is amended to read:

2166 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

2167 (1) (a) Each registered political party that fails to file a financial statement by the
2168 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2169 (b) Each registered political party that fails to file an interim report described in
2170 Subsections 20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.

2171 (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the
2172 attorney general.

2173 (2) Within [~~30~~] 60 days after a deadline for the filing of a summary report required by
2174 this part, the lieutenant governor shall review each filed report to ensure that:

2175 (a) each political party that is required to file a report has filed one; and

2176 (b) each report contains the information required by this part.

2177 (3) If it appears that any political party has failed to file a report required by law, if it
2178 appears that a filed report does not conform to the law, or if the lieutenant governor has
2179 received a written complaint alleging a violation of the law or the falsity of any report, the
2180 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
2181 complaint, notify the political party of the violation or written complaint and direct the political
2182 party to file a summary report correcting the problem.

2183 (4) (a) It is unlawful for any political party to fail to file or amend a summary report
2184 within seven days after receiving notice from the lieutenant governor under this section.

2185 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
2186 misdemeanor.

2187 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2188 attorney general.

2189 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2190 governor shall impose a civil fine of \$1,000 against a political party that violates Subsection
2191 (4)(a).

2192 Section 22. Section **20A-11-512** is amended to read:

2193 **20A-11-512. County political party -- Criminal penalties -- Fines.**

2194 (1) A county political party that fails to file an interim report described in Subsections
2195 20A-11-511(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance with
2196 Section 20A-11-1005, which the chief election officer shall deposit in the General Fund.

2197 (2) Within [~~30~~] 60 days after a deadline for the filing of the January 10 statement
2198 required by Section 20A-11-510, the lieutenant governor shall review each filed statement to
2199 ensure that:

2200 (a) a county political party officer who is required to file a statement has filed one; and

2201 (b) each statement contains the information required by Section 20A-11-510.

2202 (3) If it appears that any county political party officer has failed to file a financial
2203 statement before the deadline, if it appears that a filed financial statement does not conform to
2204 the law, or if the lieutenant governor has received a written complaint alleging a violation of
2205 the law or the falsity of any financial statement, the lieutenant governor shall, within five days
2206 after the day on which the lieutenant governor discovers the violation or receives the written
2207 complaint, notify the county political party officer of the violation or written complaint and
2208 direct the county political party officer to file a financial statement correcting the problem.

2209 (4) (a) A county political party that fails to file or amend a financial statement within
2210 seven days after the day on which the county political party receives notice from the lieutenant
2211 governor under this section is subject to a fine of the lesser of:

2212 (i) 10% of the total contributions received, and the total expenditures made, by the
2213 county political party during the reporting period for the financial statement that the county
2214 political party failed to file or amend; or

2215 (ii) \$1,000.

2216 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
2217 the General Fund.

2218 Section 23. Section **20A-11-601** is amended to read:

2219 **20A-11-601. Political action committees -- Registration -- Name or acronym used**
2220 **by political action committee -- Criminal penalty for providing false information or**
2221 **accepting unlawful contribution.**

2222 (1) (a) A political action committee shall file an initial statement of organization with
2223 the lieutenant governor's office no later than 5 p.m. seven days after the day on which the
2224 political action committee:

2225 (i) receives contributions totaling at least \$750; or

2226 (ii) distributes expenditures for political purposes totaling at least \$750.

2227 (b) Unless the political action committee has filed a notice of dissolution under
2228 Subsection (7), after filing an initial statement of organization, a political action committee
2229 shall file an updated statement of organization with the lieutenant governor's office each year
2230 after the year in which the political action committee files an initial statement of organization:

2231 (i) before 5 p.m. on January 10; or

2232 (ii) electronically, before midnight on January 10.

2233 (c) After filing an initial statement of organization, a political action committee shall,
2234 before January 10 each year after the year in which the political action committee files an initial
2235 statement of organization, file an updated statement of organization with the lieutenant
2236 governor's office.

2237 (2) A statement of organization described in Subsection (1) shall include:

2238 (a) the full name of the political action committee, a second name, if any, and an
2239 acronym, if any;

2240 (b) the address and phone number of the political action committee;

2241 (c) the name, address, telephone number, title, and occupation of:

2242 (i) the two officers described in Subsection (5) and the treasurer of the political action
2243 committee;

2244 (ii) all other officers, advisory members, and governing board members of the political
2245 action committee; and

2246 (iii) each individual or entity represented by, or affiliated with, the political action
2247 committee; and

2248 (d) other relevant information requested by the lieutenant governor.

2249 (3) (a) A political action committee may not use a name or acronym:

2250 (i) other than a name or acronym disclosed in the political action committee's latest
2251 statement of organization;

2252 (ii) that is the same, or deceptively similar to, the name or acronym of another political
2253 action committee; or

2254 (iii) that is likely to mislead a potential donor regarding the individuals or entities
2255 represented by, or affiliated with, the political action committee.

2256 (b) Within seven days after the day on which a political action committee files an
2257 initial statement of organization, the lieutenant governor's office shall:

2258 (i) review the statement and determine whether a name or acronym used by the
2259 political action committee violates Subsection (3)(a)(ii) or (iii); and

2260 (ii) if the lieutenant governor's office determines that a name or acronym used by the
2261 political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing, that the
2262 political action committee:

2263 (A) immediately cease and desist use of the name or acronym; and

2264 (B) within seven days after the day of the order, file an updated statement of
2265 organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).

2266 (c) If, beginning on May 14, 2019, a political action committee is using a name or
2267 acronym that is the same, or deceptively similar to, the name or acronym of another political
2268 action committee, the lieutenant governor shall determine which political action committee has
2269 been using the name the longest and shall order, in writing, any other political action
2270 committee using the same, or a deceptively similar, name or acronym to:

2271 (i) immediately cease and desist use of the name or acronym; and

2272 (ii) within seven days after the day of the order, file an updated statement of
2273 organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).

2274 (d) If a political action committee uses a name or acronym other than a name or
2275 acronym disclosed in the political action committee's latest statement of organization:

2276 (i) the lieutenant governor shall order, in writing, that the political action committee
2277 cease and desist use of the name or acronym; and

2278 (ii) the political action committee shall immediately comply with the order described in
2279 Subsection (3)(d)(i).

2280 (4) (a) The lieutenant governor may, in addition to any other penalty provided by law,
2281 impose a \$100 fine against a political action committee that:

2282 (i) fails to timely file a complete and accurate statement of organization or subsequent
2283 statement of organization; or

2284 (ii) fails to comply with an order described in Subsection (3).

2285 (b) The attorney general, or a political action committee that is harmed by the action of
2286 a political action committee in violation of this section, may bring an action for an injunction
2287 against the violating political action committee, or an officer of the violating political action
2288 committee, to enforce the provisions of this section.

2289 (c) A political action committee may bring an action for damages against another
2290 political action committee that uses a name or acronym that is the same, or deceptively similar
2291 to, the name or acronym of the political action committee bringing the action.

2292 (5) (a) Each political action committee shall designate two officers who have primary
2293 decision-making authority for the political action committee.

2294 (b) An individual may not exercise primary decision-making authority for a political

2295 action committee if the individual is not designated under Subsection (5)(a).

2296 (6) A political action committee shall deposit each contribution received in one or
2297 more separate accounts in a financial institution that are dedicated only to that purpose.

2298 (7) (a) A registered political action committee that intends to permanently cease
2299 operations shall file a notice of dissolution with the lieutenant governor's office.

2300 (b) A notice of dissolution filed by a political action committee does not exempt the
2301 political action committee from complying with the financial reporting requirements described
2302 in this chapter in relation to all contributions received, and all expenditures made, before, at, or
2303 after dissolution.

2304 (c) A political action committee shall, before filing a notice of dissolution, dispose of
2305 any money remaining in an account described in Subsection (1)(c) by:

2306 (i) returning the money to the donors;

2307 (ii) donating the money to the campaign account of a candidate or officeholder;

2308 (iii) donating the money to another political action committee;

2309 (iv) donating the money to a political party;

2310 (v) donating the money to an organization that is exempt from federal income taxation
2311 under Section 501(c)(3), Internal Revenue Code; or

2312 (vi) making another lawful expenditure of the money for a political purpose.

2313 (d) A political action committee shall report all money donated or expended under
2314 Subsection (4)(c) in a financial report to the lieutenant governor, in accordance with the
2315 financial reporting requirements described in this chapter.

2316 (8) (a) Unless the political action committee has filed a notice of dissolution under
2317 Subsection (7), a political action committee shall file, with the lieutenant governor's office,
2318 notice of any change of an officer described in Subsection (5)(a).

2319 (b) A political action committee may not accept a contribution from a political issues
2320 committee, but may donate money to a political issues committee.

2321 (c) A political action committee shall:

2322 (i) file a notice of a change of a primary officer described in Subsection (5)(a) before 5
2323 p.m. within 10 days after the day on which the change occurs; and

2324 (ii) include in the notice of change the name and title of the officer being replaced, and
2325 the name, [street] address, occupation, and title of the new officer.

2326 (9) (a) A person is guilty of providing false information in relation to a political action
2327 committee if the person intentionally or knowingly gives false or misleading material
2328 information in a statement of organization or the notice of change of primary officer.

2329 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting
2330 an unlawful contribution if the political action committee knowingly or recklessly accepts a
2331 contribution from a corporation that:

2332 (i) was organized less than 90 days before the date of the general election; and

2333 (ii) at the time the political action committee accepts the contribution, has failed to file
2334 a statement of organization with the lieutenant governor's office as required by Section
2335 20A-11-704.

2336 (c) A violation of this Subsection (9) is a third degree felony.

2337 Section 24. Section **20A-11-603** is amended to read:

2338 **20A-11-603. Criminal penalties -- Fines.**

2339 (1) (a) As used in this Subsection (1), "completed" means that:

2340 (i) the financial statement accurately and completely details the information required
2341 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

2342 (ii) the political action committee corrects the omissions, errors, or inaccuracies
2343 described in Subsection (1)(a) in an amended report or the next scheduled report.

2344 (b) Each political action committee that fails to file a completed financial statement
2345 before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2346 (c) Each political action committee that fails to file a completed financial statement
2347 described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B misdemeanor.

2348 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the
2349 attorney general.

2350 (2) Within [~~30~~] 60 days after a deadline for the filing of the January 10 statement
2351 required by this part, the lieutenant governor shall review each filed statement to ensure that:

2352 (a) each political action committee that is required to file a statement has filed one; and

2353 (b) each statement contains the information required by this part.

2354 (3) If it appears that any political action committee has failed to file the January 10
2355 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
2356 governor has received a written complaint alleging a violation of the law or the falsity of any

2357 statement, the lieutenant governor shall, within five days after the day on which the lieutenant
2358 governor discovers the violation or receives the written complaint, notify the political action
2359 committee of the violation or written complaint and direct the political action committee to file
2360 a statement correcting the problem.

2361 (4) (a) It is unlawful for any political action committee to fail to file or amend a
2362 statement within seven days after the day on which the political action committee receives
2363 notice from the lieutenant governor under this section.

2364 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B
2365 misdemeanor.

2366 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2367 attorney general.

2368 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2369 governor shall impose a civil fine of \$1,000 against a political action committee that violates
2370 Subsection (4)(a).

2371 Section 25. Section **20A-11-703** is amended to read:

2372 **20A-11-703. Criminal penalties -- Fines.**

2373 (1) Within [~~30~~] 60 days after a deadline for the filing of any statement required by this
2374 part, the lieutenant governor shall review each filed statement to ensure that:

2375 (a) each corporation that is required to file a statement has filed one; and

2376 (b) each statement contains the information required by this part.

2377 (2) If it appears that any corporation has failed to file any statement, if it appears that a
2378 filed statement does not conform to the law, or if the lieutenant governor has received a written
2379 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor
2380 shall:

2381 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and

2382 (b) within five days of discovery of a violation or receipt of a written complaint, notify
2383 the corporation of the violation or written complaint and direct the corporation to file a
2384 statement correcting the problem.

2385 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within
2386 seven days after receiving notice from the lieutenant governor under this section.

2387 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

2388 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
2389 attorney general.

2390 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
2391 governor shall impose a civil fine of \$1,000 against a corporation that violates Subsection
2392 (3)(a).

2393 Section 26. Section **20A-11-801** is amended to read:

2394 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
2395 **providing false information or accepting unlawful contribution.**

2396 (1) (a) Unless the political issues committee has filed a notice of dissolution under
2397 Subsection (4), each political issues committee shall file a statement of organization with the
2398 lieutenant governor's office:

2399 (i) before 5 p.m. on January 10 of each year; or

2400 (ii) electronically, before midnight on January 10 of each year.

2401 (b) If a political issues committee is organized after the filing deadline described in
2402 Subsection (1)(a), the political issues committee shall file an initial statement of organization
2403 no later than seven days after the day on which the political issues committee:

2404 (i) receives political issues contributions totaling at least \$750; or

2405 (ii) distributes political issues expenditures totaling at least \$750.

2406 (c) Each political issues committee shall deposit each contribution received into one or
2407 more separate accounts in a financial institution that are dedicated only to that purpose.

2408 (2) (a) Each political issues committee shall designate two officers that have primary
2409 decision-making authority for the political issues committee.

2410 (b) An individual may not exercise primary decision-making authority for a political
2411 issues committee if the individual is not designated under Subsection (2)(a).

2412 (3) The statement of organization shall include:

2413 (a) the name and [street] address of the political issues committee;

2414 (b) the name, [street] address, phone number, occupation, and title of the two primary
2415 officers designated under Subsection (2);

2416 (c) the name, [street] address, occupation, and title of all other officers of the political
2417 issues committee;

2418 (d) the name and [street] address of the organization, individual, corporation,

2419 association, unit of government, or union that the political issues committee represents, if any;

2420 (e) the name and [street] address of all affiliated or connected organizations and their
2421 relationships to the political issues committee;

2422 (f) the name, [street] residential address, business address, occupation, and phone
2423 number of the committee's treasurer or chief financial officer;

2424 (g) the name, [street] address, and occupation of each member of the supervisory and
2425 advisory boards, if any; and

2426 (h) the ballot proposition whose outcome they wish to affect, and whether they support
2427 or oppose it.

2428 (4) (a) A registered political issues committee that intends to permanently cease
2429 operations during a calendar year shall:

2430 (i) dispose of all remaining funds by returning the funds to donors or donating the
2431 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),
2432 Internal Revenue Code; and

2433 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
2434 lieutenant governor's office.

2435 (b) A political issues committee may not donate money to a political action committee,
2436 but may accept a contribution from a political action committee.

2437 (c) Any notice of dissolution filed by a political issues committee does not exempt that
2438 political issues committee from complying with the financial reporting requirements of this
2439 chapter in relation to all contributions received, and all expenditures made, before, at, or after
2440 dissolution.

2441 (d) A political issues committee shall report all money donated or expended under
2442 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with the
2443 financial reporting requirements described in this chapter.

2444 (5) (a) Unless the political issues committee has filed a notice of dissolution under
2445 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
2446 notice of any change of an officer described in Subsection (2).

2447 (b) A political issues committee shall:

2448 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5
2449 p.m. within 10 days after the day on which the change occurs; and

2450 (ii) include in the notice of change the name and title of the officer being replaced and
2451 the name, [street] address, occupation, and title of the new officer.

2452 (6) (a) A person is guilty of providing false information in relation to a political issues
2453 committee if the person intentionally or knowingly gives false or misleading material
2454 information in the statement of organization or the notice of change of primary officer.

2455 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
2456 an unlawful contribution if the political issues committee knowingly or recklessly accepts a
2457 contribution from a corporation that:

2458 (i) was organized less than 90 days before the date of the general election; and

2459 (ii) at the time the political issues committee accepts the contribution, has failed to file
2460 a statement of organization with the lieutenant governor's office as required by Section
2461 20A-11-704.

2462 (c) A violation of this Subsection (6) is a third degree felony.

2463 (7) (a) As used in this Subsection (7), "received" means:

2464 (i) for a cash contribution, that the cash is given to a political issues committee;

2465 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
2466 instrument or check is negotiated; and

2467 (iii) for any other type of contribution, that any portion of the contribution's benefit
2468 inures to the political issues committee.

2469 (b) Each political issues committee shall report to the lieutenant governor each
2470 contribution received by the political issues committee within three business days after the day
2471 on which the contribution is received if the contribution is received within 30 days before the
2472 last day on which the sponsors of the initiative or referendum described in Subsection
2473 20A-11-801(3)(h) may submit signatures to qualify the initiative or referendum for the ballot.

2474 (c) For each contribution that a political issues committee fails to report within the
2475 period described in Subsection (7)(b), the lieutenant governor shall impose a fine against the
2476 political issues committee in an amount equal to:

2477 (i) 10% of the amount of the contribution, if the political issues committee reports the
2478 contribution within 60 days after the last day on which the political issues committee should
2479 have reported the contribution under Subsection (7)(b); or

2480 (ii) 20% of the amount of the contribution, if the political issues committee fails to

2481 report the contribution within 60 days after the last day on which the political issues committee
2482 should have reported the contribution under Subsection (7)(b).

2483 (d) The lieutenant governor shall:

2484 (i) deposit money received under Subsection (7)(c) into the General Fund; and

2485 (ii) report on the lieutenant governor's website, in the location where reports relating to
2486 each political issues committee are available for public access:

2487 (A) each fine imposed by the lieutenant governor against the political issues
2488 committee;

2489 (B) the amount of the fine;

2490 (C) the amount of the contribution to which the fine relates; and

2491 (D) the date of the contribution.

2492 Section 27. Section **20A-11-803** is amended to read:

2493 **20A-11-803. Criminal penalties -- Fines.**

2494 (1) (a) As used in this Subsection (1), "completed" means that:

2495 (i) the financial statement accurately and completely details the information required
2496 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

2497 (ii) the political issues committee corrects the omissions, errors, or inaccuracies
2498 described in Subsection (1)(a) in an amended report or the next scheduled report.

2499 (b) Each political issues committee that fails to file a completed financial statement
2500 before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2501 (c) Each political issues committee that fails to file a completed financial statement
2502 described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.

2503 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the
2504 attorney general.

2505 (2) Within [~~30~~] 60 days after a deadline for the filing of the January 10 statement, the
2506 lieutenant governor shall review each filed statement to ensure that:

2507 (a) each political issues committee that is required to file a statement has filed one; and

2508 (b) each statement contains the information required by this part.

2509 (3) If it appears that any political issues committee has failed to file the January 10
2510 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
2511 governor has received a written complaint alleging a violation of the law or the falsity of any

2512 statement, the lieutenant governor shall, within five days after the day on which the lieutenant
2513 governor discovers the violation or receives the written complaint, notify the political issues
2514 committee of the violation or written complaint and direct the political issues committee to file
2515 a statement correcting the problem.

2516 (4) (a) It is unlawful for any political issues committee to fail to file or amend a
2517 statement within seven days after the day on which the political issues committee receives
2518 notice from the lieutenant governor under this section.

2519 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B
2520 misdemeanor.

2521 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2522 attorney general.

2523 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2524 governor shall impose a civil fine of \$1,000 against a political issues committee that violates
2525 Subsection (4)(a).

2526 Section 28. Section **20A-11-1205** is amended to read:

2527 **20A-11-1205. Use of public email for a political purpose.**

2528 (1) Except as provided in Subsection (5), a person may not send an email using the
2529 email of a public entity:

2530 (a) for a political purpose;

2531 (b) to advocate for or against a proposed initiative, initiative, proposed referendum,
2532 [~~or~~] referendum, a proposed bond, a bond, or any ballot proposition; or

2533 (c) to solicit a campaign contribution.

2534 (2) (a) The lieutenant governor shall, after giving the person and the complainant
2535 notice and an opportunity to be heard, impose a civil fine against a person who violates
2536 Subsection (1) as follows:

2537 (i) up to \$250 for a first violation; and

2538 (ii) except as provided in Subsection (3), for each subsequent violation committed after
2539 the lieutenant governor imposes a fine against the person for a first violation, \$1,000 multiplied
2540 by the number of violations committed by the person.

2541 (b) A person may, within 30 days after the day on which the lieutenant governor
2542 imposes a fine against the person under this Subsection (2), appeal the fine to a district court.

2543 (3) The lieutenant governor shall consider a violation of this section as a first violation
2544 if the violation is committed more than seven years after the day on which the person last
2545 committed a violation of this section.

2546 (4) For purposes of this section, one violation means one act of sending an email,
2547 regardless of the number of recipients of the email.

2548 (5) A person does not violate this section if:

2549 (a) the lieutenant governor finds that the email described in Subsection (1) was
2550 inadvertently sent by the person using the email of a public entity;

2551 (b) the person is directly providing information solely to another person or a group of
2552 people in response to a question asked by the other person or group of people;

2553 (c) the information the person emails is an argument or rebuttal argument prepared
2554 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and
2555 rebuttal argument that:

2556 (i) relates to the same proposed initiative, initiative, proposed referendum, or
2557 referendum; and

2558 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or

2559 (d) the person is engaging in:

2560 (i) an internal communication solely within the public entity;

2561 (ii) a communication solely with another public entity;

2562 (iii) a communication solely with legal counsel;

2563 (iv) a communication solely with the sponsors of an initiative or referendum;

2564 (v) a communication solely with a land developer for a project permitted by a local
2565 land use law that is challenged by a proposed referendum or a referendum; or

2566 (vi) a communication solely with a person involved in a business transaction directly
2567 relating to a project described in Subsection (5)(d)(v).

2568 (6) A violation of this section does not invalidate an otherwise valid election.

2569 (7) An email sent in violation of Subsection (1), as determined by the records officer,
2570 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title
2571 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any
2572 applicability of Subsection 63G-2-103(22)(b)(i).

2573 Section 29. Section **20A-11-1305** is amended to read:

2574 **20A-11-1305. School board office candidate -- Failure to file statement --**

2575 **Penalties.**

2576 (1) A school board office candidate who fails to file a financial statement by the
2577 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2578 (2) If a school board office candidate fails to file an interim report described in
2579 Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic
2580 notice to the school board office candidate and the political party of which the school board
2581 office candidate is a member, if any, that states:

2582 (a) that the school board office candidate failed to timely file the report; and

2583 (b) that, if the school board office candidate fails to file the report within 24 hours after
2584 the deadline for filing the report, the school board office candidate will be disqualified and the
2585 political party will not be permitted to replace the candidate.

2586 (3) (a) The lieutenant governor shall disqualify a school board office candidate and
2587 inform the county clerk and other appropriate election officials that the school board office
2588 candidate is disqualified if the school board office candidate fails to file an interim report
2589 described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline
2590 for filing the report.

2591 (b) The political party of a school board office candidate who is disqualified under
2592 Subsection (3)(a) may not replace the school board office candidate.

2593 (4) (a) If a school board office candidate is disqualified under Subsection (3)(a), the
2594 election officer shall:

2595 (i) remove the school board office candidate's name from the ballot; or

2596 (ii) if removing the school board office candidate's name from the ballot is not
2597 practicable, inform the voters by any practicable method that the school board office candidate
2598 has been disqualified and that votes cast for the school board office candidate will not be
2599 counted.

2600 (b) An election officer may fulfill the requirement described in Subsection (4)(a) in
2601 relation to an absentee voter, including a military or overseas absentee voter, by including with
2602 the absentee ballot a written notice directing the voter to a public website that will inform the
2603 voter whether a candidate on the ballot is disqualified.

2604 (5) A school board office candidate is not disqualified if:

2605 (a) the school board office candidate files the reports described in Subsections
2606 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable deadlines for
2607 filing the reports;

2608 (b) the reports are completed, detailing accurately and completely the information
2609 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2610 and

2611 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
2612 an amended report or the next scheduled report.

2613 (6) (a) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the
2614 lieutenant governor shall review each filed summary report to ensure that:

2615 (i) each school board office candidate who is required to file a summary report has
2616 filed the report; and

2617 (ii) each summary report contains the information required by this part.

2618 (b) If it appears that a school board office candidate has failed to file the summary
2619 report required by law, if it appears that a filed summary report does not conform to the law, or
2620 if the lieutenant governor has received a written complaint alleging a violation of the law or the
2621 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
2622 violation or receipt of a written complaint, notify the school board office candidate of the
2623 violation or written complaint and direct the school board office candidate to file a summary
2624 report correcting the problem.

2625 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
2626 summary report within seven days after receiving the notice described in Subsection (6)(b)
2627 from the lieutenant governor.

2628 (ii) Each school board office candidate who violates Subsection (6)(c)(i) is guilty of a
2629 class B misdemeanor.

2630 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
2631 attorney general.

2632 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
2633 governor shall impose a civil fine of \$100 against a school board office candidate who violates
2634 Subsection (6)(c)(i).

2635 Section 30. Section **20A-11-1503** is amended to read:

2636 **20A-11-1503. Criminal penalties -- Fines.**

2637 (1) Within [~~30~~] 60 days after a deadline for the filing of a financial statement required
2638 by this part, the lieutenant governor shall review each filed financial statement to ensure that:

2639 (a) each labor organization that is required to file a financial statement has filed one;

2640 and

2641 (b) each financial statement contains the information required by this part.

2642 (2) If it appears that any labor organization has failed to file a financial statement, if it
2643 appears that a filed financial statement does not conform to the law, or if the lieutenant
2644 governor has received a written complaint alleging a violation of the law or the falsity of a
2645 financial statement, the lieutenant governor shall:

2646 (a) impose a fine against the labor organization in accordance with Section

2647 20A-11-1005; and

2648 (b) within five days of discovery of a violation or receipt of a written complaint, notify
2649 the labor organization of the violation or written complaint and direct the labor organization to
2650 file a financial statement correcting the problem.

2651 (3) (a) It is unlawful for any labor organization to fail to file or amend a financial
2652 statement within seven days after receiving notice from the lieutenant governor under this
2653 section.

2654 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
2655 misdemeanor.

2656 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
2657 attorney general.

2658 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
2659 governor shall impose a civil fine of \$1,000 against a labor organization that violates
2660 Subsection (3)(a).

2661 Section 31. Section **20A-11-1605** is amended to read:

2662 **20A-11-1605. Failure to file -- Penalties.**

2663 (1) Within [~~30~~] 60 days after the day on which a regulated officeholder is required to
2664 file a conflict of interest disclosure under Subsection 20A-11-1604(3)(a)(i), (b)(i), (c)(i), (d)(i),
2665 (e)(i), or (f)(i), the lieutenant governor shall review each filed conflict of interest disclosure to
2666 ensure that:

2667 (a) each regulated officeholder who is required to file a conflict of interest disclosure
2668 has filed one; and

2669 (b) each conflict of interest disclosure contains the information required under Section
2670 20A-11-1604.

2671 (2) The lieutenant governor shall take the action described in Subsection (3) if:

2672 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

2673 (b) a filed conflict of interest disclosure does not comply with the requirements of
2674 Section 20A-11-1604; or

2675 (c) the lieutenant governor receives a written complaint alleging a violation of Section
2676 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and
2677 giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor
2678 determines that a violation occurred.

2679 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
2680 within five days after the day on which the lieutenant governor determines that a violation
2681 occurred, notify the regulated officeholder of the violation and direct the regulated officeholder
2682 to file an amended report correcting the problem.

2683 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
2684 interest disclosure within seven days after the day on which the regulated officeholder receives
2685 the notice described in Subsection (3).

2686 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
2687 misdemeanor.

2688 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2689 attorney general.

2690 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2691 governor shall impose a civil fine of \$100 against a regulated officeholder who violates
2692 Subsection (4)(a).

2693 (5) The lieutenant governor shall deposit a fine collected under this part into the
2694 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
2695 part.

2696 Section 32. Section **20A-13-301** is amended to read:

2697 **20A-13-301. Presidential elections -- Effect of vote.**

2698 (1) (a) Each registered political party shall choose ~~[persons]~~ individuals to act as
 2699 presidential electors and to fill vacancies in the office of presidential electors for their party's
 2700 candidates for ~~[President and Vice President]~~ president and vice president of the United States
 2701 according to the procedures established in their bylaws.

2702 (b) Each registered political party shall certify to the lieutenant governor the names and
 2703 addresses of the ~~[persons]~~ individuals selected by the political party as the party's presidential
 2704 electors before 5 p.m. no later than August 31.

2705 ~~[(2) The highest number of votes cast for a political party's president and vice president~~
 2706 ~~candidates elects the presidential electors selected by that political party.]~~

2707 (c) An unaffiliated candidate or write-in candidate for the office of president of the
 2708 United States shall, no later than 5 p.m. ten days after the day on which the candidate files a
 2709 declaration of candidacy, certify to the lieutenant governor the names and addresses of each
 2710 individual selected by the candidate as a presidential elector for the candidate and each
 2711 individual selected by the candidate to fill a vacancy in the office of presidential elector for the
 2712 candidate.

2713 (2) The highest number of votes cast for candidates for president and vice president of
 2714 the United States elects the presidential electors for:

2715 (a) except as provided in Subsection (2)(b), the political party of those candidates; or

2716 (b) if the candidates receiving the highest number of votes are unaffiliated candidates
 2717 or write-in candidates, the presidential electors selected for those candidates under Subsection
 2718 (1)(c).

2719 Section 33. Section **20A-13-302** is amended to read:

2720 **20A-13-302. Certificate of election.**

2721 (1) The lieutenant governor shall transmit certificates of election to each of the electors
 2722 selected under Section 20A-13-301:

2723 (a) if the candidates for president and vice president of the United States who receive
 2724 the highest number of votes in the state are independent candidates or write-in candidates, by
 2725 the candidate for president; or

2726 (b) if the candidates for president and vice president of the United States who receive
 2727 the highest number of votes in the state are the nominees of a registered political party, by the
 2728 registered political party ~~[whose candidates for president and vice president received the~~

2729 ~~highest number of votes in Utah].~~

2730 (2) Presidential electors may not receive compensation for their services.

2731 Section 34. Section **20A-13-303** is amended to read:

2732 **20A-13-303. Filling vacancies.**

2733 If there is a vacancy in the office of presidential elector because of death, refusal to act,
2734 failure to attend, ineligibility, or any other cause, the individual or political party represented by
2735 the elector who caused the vacancy shall immediately fill the vacancy.

2736 Section 35. Section **20A-13-304** is amended to read:

2737 **20A-13-304. Meeting to ballot -- Casting ballot for individual not nominated by**
2738 **elector's candidate or party.**

2739 (1) The electors shall meet at the office of the lieutenant governor at the state capitol at
2740 noon of the first Wednesday of the January after their election, or at noon of any other day
2741 designated by the Congress of the United States of America.

2742 (2) After convening, the electors shall perform their duties in conformity with the
2743 United States Constitution and laws.

2744 (3) Any elector who casts an electoral ballot for [~~a person~~] an individual not nominated
2745 by the individual, or by the party of which [~~he~~] the elector is an elector, except in the cases of
2746 death or felony conviction of a candidate, is considered to have resigned from the office of
2747 elector, [~~his~~] the elector's vote may not be recorded, and the remaining electors shall appoint
2748 another [~~person~~] individual to fill the vacancy.

2749 Section 36. Section **36-11-103** is amended to read:

2750 **36-11-103. Licensing requirements.**

2751 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the
2752 lieutenant governor by completing the form required by this section.

2753 (b) The lieutenant governor shall issue licenses to qualified lobbyists.

2754 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that
2755 includes:

2756 (i) a place for the lobbyist's name and business address;

2757 (ii) a place for the following information for each principal for whom the lobbyist
2758 works or is hired as an independent contractor:

2759 (A) the principal's name;

- 2760 (B) the principal's business address;
- 2761 (C) the name of each public official that the principal employs and the nature of the
2762 employment with the public official; and
- 2763 (D) the general purposes, interests, and nature of the principal;
- 2764 (iii) a place for the name and address of the person who paid or will pay the lobbyist's
2765 [~~registration~~] licensing fee, if the fee is not paid by the lobbyist;
- 2766 (iv) a place for the lobbyist to disclose:
- 2767 (A) any elected or appointed position that the lobbyist holds in state or local
2768 government, if any; and
- 2769 (B) the name of each public official that the lobbyist employs and the nature of the
2770 employment with the public official, if any;
- 2771 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist
2772 will be reimbursed; and
- 2773 (vi) a certification to be signed by the lobbyist that certifies that the information
2774 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and
2775 belief.
- 2776 (2) Each lobbyist who obtains a license under this section shall update the licensure
2777 information when the lobbyist accepts employment for lobbying by a new client.
- 2778 (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a
2779 lobbying license to an applicant who:
- 2780 (i) files an application with the lieutenant governor that contains the information
2781 required by this section;
- 2782 (ii) completes the training required by Section 36-11-307; and
- 2783 (iii) pays a \$60 [~~filing~~] licensing fee.
- 2784 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals
2785 and expires on December 31 each year.
- 2786 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:
- 2787 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
2788 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;
- 2789 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304
2790 within one year before the date of the lobbying license application;

- 2791 (iii) during the term of any suspension imposed under Section 36-11-401;
- 2792 (iv) if the applicant has not complied with Subsection 36-11-307(6);
- 2793 (v) during the term of a suspension imposed under Subsection 36-11-501(3);
- 2794 (vi) if the lobbyist fails to pay a fine imposed under Subsection 36-11-501(3);
- 2795 (vii) if, within one year before the date of the lobbying license application, the
- 2796 applicant has been found to have willingly and knowingly:
- 2797 (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,
- 2798 36-11-304, 36-11-305, or 36-11-403; or
- 2799 (B) filed a document required by this chapter that the lobbyist knew contained
- 2800 materially false information or omitted material information; or
- 2801 (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter
- 2802 24, Lobbying Restrictions Act.
- 2803 (b) An applicant may appeal the disapproval in accordance with the procedures
- 2804 established by the lieutenant governor under this chapter and Title 63G, Chapter 4,
- 2805 Administrative Procedures Act.
- 2806 (5) The lieutenant governor shall deposit each [~~license~~] licensing fee into the General
- 2807 Fund as a dedicated credit to be used by the lieutenant governor to pay the cost of
- 2808 administering the license program described in this section.
- 2809 (6) A principal need not obtain a license under this section, but if the principal makes
- 2810 expenditures to benefit a public official without using a lobbyist as an agent to confer those
- 2811 benefits, the principal shall disclose those expenditures as required by Section 36-11-201.
- 2812 (7) Government officers need not obtain a license under this section, but shall disclose
- 2813 any expenditures made to benefit public officials as required by Section 36-11-201.
- 2814 (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the
- 2815 lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the
- 2816 reports by Section 36-11-201.