

**MUNICIPAL AND SPECIAL DISTRICT ELECTION****AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

---

---

**LONG TITLE****General Description:**

This bill amends provisions of the Election Code to provide that, subject to certain exceptions, a county clerk shall be responsible to conduct all elections in the state and process, count, and tabulate ballots.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ except as provided in the following paragraph, makes a county clerk responsible to conduct all elections in the state and process, count, and tabulate all ballots in the state;
- ▶ permits a municipal clerk or a special district clerk to opt in to the responsibility to count and tabulate an election in the clerk's jurisdiction if the ballot will only include races or ballot propositions relating solely to the clerk's jurisdiction;
- ▶ provides for the transfer of ballots between a county election officer and a clerk described in the preceding paragraph and the preservation of the chain of custody;
- ▶ leaves the canvassing of municipal and special district elections with the canvassing boards for those jurisdictions;
- ▶ repeals provisions relating to contracting with a provider election officer and, instead, provides for a municipality or special district to pay a county for the actual cost of the county running the municipality's or special district's election;
- ▶ grants the lieutenant governor authority in relation to determining the actual cost of the county running an election for a municipality or special district;
- ▶ modifies and clarifies provisions relating to the date on which a special election is held;
- ▶ permits a candidate for municipal or special district office to file a declaration of

- 32 candidacy with the county clerk, the municipal clerk, or the special district clerk;
- 33 ▶ modifies provisions relating to which election officers and governing bodies are
- 34 responsible for certain duties in relation to an election, including ballots, election
- 35 procedures, notice requirements, election records, election statistics, and other
- 36 matters;
- 37 ▶ modifies certain requirements relating to ballots; and
- 38 ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides a special effective date.

43 **Utah Code Sections Affected:**

44 **AMENDS:**

- 45 **10-3-301**, as last amended by Laws of Utah 2023, Chapter 435
- 46 **20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297
- 47 **20A-1-204**, as last amended by Laws of Utah 2022, Chapter 170
- 48 **20A-1-206**, as last amended by Laws of Utah 2023, Chapters 15, 435
- 49 **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187
- 50 **20A-1-402**, as enacted by Laws of Utah 1993, Chapter 1
- 51 **20A-1-403**, as last amended by Laws of Utah 2022, Chapter 170
- 52 **20A-2-201**, as last amended by Laws of Utah 2020, Chapters 31, 95 and last amended
- 53 by Coordination Clause, Laws of Utah 2020, Chapter 95
- 54 **20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
- 55 **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
- 56 Coordination Clause, Laws of Utah 2020, Chapter 95
- 57 **20A-2-206**, as last amended by Laws of Utah 2023, Chapter 297
- 58 **20A-2-207**, as last amended by Laws of Utah 2022, Chapter 18
- 59 **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297
- 60 **20A-3a-201**, as last amended by Laws of Utah 2022, Chapter 18
- 61 **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
- 62 **20A-3a-203**, as renumbered and amended by Laws of Utah 2020, Chapter 31

63        **20A-3a-204**, as last amended by Laws of Utah 2022, Chapter 156  
64        **20A-3a-205**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
65        **20A-3a-301**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
66        **20A-3a-401**, as last amended by Laws of Utah 2023, Chapters 56, 106, 297, and 406  
67            and last amended by Coordination Clause, Laws of Utah 2023, Chapter 106  
68        **20A-3a-401.1**, as enacted by Laws of Utah 2023, Chapter 297  
69        **20A-3a-402**, as last amended by Laws of Utah 2022, Chapter 380  
70        **20A-3a-402.5**, as enacted by Laws of Utah 2023, Chapter 297  
71        **20A-3a-405**, as last amended by Laws of Utah 2023, Chapter 297  
72        **20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and  
73            amended by Laws of Utah 2020, Chapter 31  
74        **20A-3a-602**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
75        **20A-3a-603**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
76        **20A-3a-604**, as last amended by Laws of Utah 2023, Chapters 45, 435  
77        **20A-3a-605**, as last amended by Laws of Utah 2023, Chapter 15  
78        **20A-3a-701**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
79        **20A-3a-702**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
80        **20A-3a-703**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
81        **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380  
82        **20A-3a-804**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
83        **20A-4-101**, as last amended by Laws of Utah 2022, Chapter 342  
84        **20A-4-102**, as last amended by Laws of Utah 2023, Chapters 156, 297  
85        **20A-4-103**, as last amended by Laws of Utah 2020, Chapter 31  
86        **20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435  
87        **20A-4-105**, as last amended by Laws of Utah 2022, Chapter 380  
88        **20A-4-106**, as last amended by Laws of Utah 2023, Chapters 156, 297  
89        **20A-4-107**, as last amended by Laws of Utah 2020, Chapter 31  
90        **20A-4-201**, as last amended by Laws of Utah 2020, Chapter 31  
91        **20A-4-202**, as last amended by Laws of Utah 2023, Chapters 156, 297  
92        **20A-4-302**, as enacted by Laws of Utah 1993, Chapter 1

93           **20A-4-303**, as last amended by Laws of Utah 2020, Chapter 31  
94           **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435  
95           **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15  
96           **20A-4-602**, as last amended by Laws of Utah 2022, Chapter 170  
97           **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342  
98           **20A-4-604**, as last amended by Laws of Utah 2022, Chapter 342  
99           **20A-5-101**, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435  
100          **20A-5-102**, as last amended by Laws of Utah 2022, Chapters 18, 170  
101          **20A-5-301**, as last amended by Laws of Utah 2016, Chapter 176  
102          **20A-5-302**, as last amended by Laws of Utah 2023, Chapter 15  
103          **20A-5-400.5**, as last amended by Laws of Utah 2023, Chapter 15  
104          **20A-5-401**, as last amended by Laws of Utah 2023, Chapter 15  
105          **20A-5-403**, as last amended by Laws of Utah 2023, Chapter 15  
106          **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435  
107          **20A-5-404**, as last amended by Laws of Utah 2020, Chapter 31  
108          **20A-5-405**, as last amended by Laws of Utah 2023, Chapters 45, 435  
109          **20A-5-406**, as last amended by Laws of Utah 2022, Chapter 18  
110          **20A-5-407**, as last amended by Laws of Utah 2023, Chapter 15  
111          **20A-5-408**, as last amended by Laws of Utah 2020, Chapter 31  
112          **20A-5-410**, as last amended by Laws of Utah 2022, Chapter 248  
113          **20A-5-601**, as last amended by Laws of Utah 2023, Chapter 15  
114          **20A-5-602**, as last amended by Laws of Utah 2023, Chapter 15  
115          **20A-5-603**, as last amended by Laws of Utah 2020, Chapter 31  
116          **20A-5-605**, as last amended by Laws of Utah 2022, Chapter 170  
117          **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305  
118          **20A-5-902**, as enacted by Laws of Utah 2022, Chapter 156  
119          **20A-5-903**, as enacted by Laws of Utah 2022, Chapter 156  
120          **20A-5-904**, as enacted by Laws of Utah 2022, Chapter 156  
121          **20A-6-101**, as last amended by Laws of Utah 2020, Chapter 31  
122          **20A-6-102**, as last amended by Laws of Utah 2020, Chapter 31  
123          **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406

124        **20A-6-105.5**, as enacted by Laws of Utah 2003, Chapter 34  
125        **20A-6-106**, as last amended by Laws of Utah 2019, Chapter 255  
126        **20A-6-107**, as last amended by Laws of Utah 2018, Chapter 458  
127        **20A-6-108**, as enacted by Laws of Utah 2022, Chapter 156  
128        **20A-6-301**, as last amended by Laws of Utah 2021, Chapter 136  
129        **20A-6-302**, as last amended by Laws of Utah 2020, Chapter 31  
130        **20A-6-304**, as last amended by Laws of Utah 2021, Chapter 136  
131        **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49  
132        **20A-6-401**, as last amended by Laws of Utah 2023, Chapter 45  
133        **20A-6-401.1**, as last amended by Laws of Utah 2020, Chapter 31  
134        **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31  
135        **20A-7-209**, as last amended by Laws of Utah 2023, Chapters 45, 107 and last amended  
136            by Coordination Clause, Laws of Utah 2023, Chapter 45  
137        **20A-7-308**, as last amended by Laws of Utah 2023, Chapters 45, 107  
138        **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116  
139        **20A-7-402**, as last amended by Laws of Utah 2023, Chapter 435  
140        **20A-7-508**, as last amended by Laws of Utah 2023, Chapters 45, 107 and last amended  
141            by Coordination Clause, Laws of Utah 2023, Chapter 45  
142        **20A-7-509**, as last amended by Laws of Utah 2019, Chapter 203  
143        **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116  
144        **20A-7-608**, as last amended by Laws of Utah 2023, Chapters 45, 107  
145        **20A-7-609**, as last amended by Laws of Utah 2023, Chapter 107  
146        **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31  
147        **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116  
148        **20A-7-702**, as last amended by Laws of Utah 2023, Chapter 107  
149        **20A-7-801**, as last amended by Laws of Utah 2021, Chapter 100  
150        **20A-9-101**, as last amended by Laws of Utah 2023, Chapters 15, 45  
151        **20A-9-203**, as last amended by Laws of Utah 2023, Chapters 116, 435  
152        **20A-9-203.5**, as enacted by Laws of Utah 2016, Chapter 48  
153        **20A-9-207**, as enacted by Laws of Utah 2023, Chapter 45

154        **20A-9-404**, as last amended by Laws of Utah 2023, Chapter 116  
155        **20A-9-406**, as last amended by Laws of Utah 2022, Chapter 13  
156        **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116  
157        **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296  
158        **20A-11-206**, as last amended by Laws of Utah 2023, Chapter 45  
159        **20A-11-305**, as last amended by Laws of Utah 2023, Chapter 45  
160        **20A-12-201 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 394  
161        **20A-16-404**, as last amended by Laws of Utah 2013, Chapter 219  
162        **20A-16-501**, as last amended by Laws of Utah 2023, Chapter 215  
163        **20A-16-502**, as last amended by Laws of Utah 2023, Chapter 215  
164        **20A-21-201**, as last amended by Laws of Utah 2023, Chapter 116

165    ENACTS:

166        **20A-1-301.5**, Utah Code Annotated 1953

167    REPEALS:

168        **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101

169

---

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

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

172        **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**  
173    **office -- Mayor and recorder limitations.**

174        (1) As used in this section:

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

178        (b) "Principal place of residence" means the same as that term is defined in Section  
179    20A-2-105.

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

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

184        (i) the municipal offices to be voted on in the municipal general election; and

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

(b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the municipality, as a class A notice under Section 63G-30-102, for at least seven days.

(3) (a) An individual who files a declaration of candidacy for a municipal office shall comply with the requirements described in Section 20A-9-203.

(b) (i) Except as provided in Subsection (3)(b)(ii), the county election officer, the city recorder, or the town clerk of each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

(A) Saturday or Sunday; or

(B) state holiday as listed in Section 63G-1-301.

(ii) If on a regular basis a city recorder or town clerk maintains an office schedule that is less than 40 hours per week, the city recorder or town clerk may comply with Subsection (3)(b)(i) without maintaining office hours by:

(A) posting the recorder's or clerk's contact information, including a phone number and email address, on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on the municipal website; and

(B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).

(4) An individual elected to municipal office shall be a registered voter in the municipality in which the individual is elected.

(5) (a) Each elected officer of a municipality shall maintain a principal place of residence within the municipality, and within the district that the elected officer represents, during the officer's term of office.

(b) Except as provided in Subsection (6), an elected municipal office is automatically vacant if the officer elected to the municipal office, during the officer's term of office:

(i) establishes a principal place of residence outside the district that the elected officer represents;

(ii) resides at a secondary residence outside the district that the elected officer represents for a continuous period of more than 60 days while still maintaining a principal place of residence within the district;

(iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or

(iv) fails to respond to a request, within 30 days after the day on which the elected officer receives the request, from the county clerk or the lieutenant governor seeking information to determine the officer's residency.

(6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the consent of the municipal legislative body in accordance with Subsection (6)(b) before the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

(i) reside at a secondary residence outside the district that the elected officer represents while still maintaining a principal place of residence within the district for a continuous period of up to one year during the officer's term of office; or

(ii) be absent from the district that the elected officer represents for a continuous period of up to one year during the officer's term of office.

(b) At a public meeting, the municipal legislative body may give the consent described in Subsection (6)(a) by majority vote after taking public comment regarding:

(i) whether the legislative body should give the consent; and

(ii) the length of time to which the legislative body should consent.

(7) (a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.

(b) The recorder of a municipality may not also serve as the municipal treasurer.

(c) An individual who holds a county elected office may not, at the same time, hold a municipal elected office.

(d) The restriction described in Subsection (7)(c) applies regardless of whether the individual is elected to the office or appointed to fill a vacancy in the office.

Section 2. Section **20A-1-102** is amended to read:

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

As used in this title:

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

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



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

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

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

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.

(6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

~~[(11) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.]~~

~~[(12)]~~ (11) "Convention" means the political party convention at which party officers and delegates are selected.

~~[(13)]~~ (12) "Counting center" means one or more locations selected by the election

278 officer ~~[in charge of the election]~~ responsible for counting and tabulating ballots for the  
279 automatic counting of ballots.

280 ~~[(14)]~~ (13) "Counting judge" means a poll worker designated to count the ballots  
281 during election day.

282 ~~[(15)]~~ (14) "Counting room" means a suitable and convenient private place or room for  
283 use by the poll workers and counting judges to count ballots.

284 ~~[(16)]~~ (15) "County officers" means those county officers that are required by law to be  
285 elected.

286 ~~[(17)]~~ (16) "Date of the election" or "election day" or "day of the election":

287 (a) means the day that is specified in the calendar year as the day that the election  
288 occurs; and

289 (b) does not include:

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

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

294 ~~[(18)]~~ (17) "Elected official" means:

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

297 (b) a person who is considered to be elected to a municipal office in accordance with  
298 Subsection ~~[20A-1-206(1)(c)(ii)]~~ 20A-1-206(2)(b)(ii) or (3)(c)(ii); or

299 (c) a person who is considered to be elected to a special district office in accordance  
300 with Subsection ~~[20A-1-206(3)(b)(ii)]~~ 20A-1-206(5)(b)(ii) or (6)(b).

301 ~~[(19)]~~ (18) "Election" means a regular general election, a municipal general election, a  
302 statewide special election, a local special election, a regular primary election, a municipal  
303 primary election, and a special district election.

304 ~~[(20)]~~ (19) "Election Assistance Commission" means the commission established by  
305 the Help America Vote Act of 2002, Pub. L. No. 107-252.

306 ~~[(21)]~~ (20) "Election cycle" means the period beginning on the first day persons are  
307 eligible to file declarations of candidacy and ending when the canvass is completed.

308 ~~[(22)]~~ (21) "Election judge" means a poll worker that is assigned to:

309 (a) preside over other poll workers at a polling place;  
 310 (b) act as the presiding election judge; or  
 311 (c) serve as a canvassing judge, counting judge, or receiving judge.

312 ~~[(23)]~~ (22) "Election officer" means:  
 313 (a) the lieutenant governor, for ~~[aH]~~:  
 314 (i) statewide ballots and elections;  
 315 (ii) congressional ballots and elections;  
 316 (iii) ballots and elections for state legislative districts that are not entirely within a  
 317 single county;  
 318 (iv) ballots and elections for State School Board districts; and  
 319 (v) judicial retention ballots and elections for a judicial officer whose jurisdiction is not  
 320 entirely within a single county;  
 321 (b) the county clerk for~~[:]~~  
 322 ~~[(+)]~~ a county ballot and election~~[:and]~~;  
 323 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
 324 ~~20A-5-400.1 or 20A-5-400.5;]~~  
 325 (c) the municipal clerk for~~[:]~~  
 326 ~~[(+)]~~ a municipal ballot and election~~[:and]~~;  
 327 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
 328 ~~20A-5-400.1 or 20A-5-400.5;]~~  
 329 (d) the special district clerk or chief executive officer for~~[:]~~  
 330 ~~[(+)]~~ a special district ballot and election~~[:and]~~;  
 331 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
 332 ~~20A-5-400.1 or 20A-5-400.5; or]~~  
 333 (e) the business administrator or superintendent of a school district for~~[:]~~.  
 334 ~~[(+)]~~ a school district ballot and election~~[:and]~~.  
 335 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
 336 ~~20A-5-400.1 or 20A-5-400.5;]~~  
 337 ~~[(24)]~~ (23) "Election official" means any election officer, election judge, or poll  
 338 worker.  
 339 ~~[(25)]~~ (24) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

~~[(26)]~~ (25) "Election returns" includes:

(a) the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form; and

(b) the record, described in Subsection ~~[20A-3a-401(8)(c)]~~ 20A-3a-401(8)(b)(ii), of voters contacted to cure a ballot.

~~[(27)]~~ (26) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

~~[(28)]~~ (27) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

~~[(29)]~~ (28) "Judicial office" means the office filled by any judicial officer.

~~[(30)]~~ (29) "Judicial officer" means any justice or judge of a court of record or any county court judge.

~~[(31)]~~ (30) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a bond election.

~~[(32)]~~ (31) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

~~[(33)]~~ (32) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

~~[(34)]~~ (33) "Manual ballot" means a paper document produced by ~~[an]~~ a county election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

~~[(35)]~~ (34) "Mechanical ballot" means a record, including a paper record, electronic

371 record, or mechanical record, that:

372 (a) is created via electronic or mechanical means; and

373 (b) records an individual voter's vote cast via a method other than an individual directly  
374 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

375 (35) "Multi-county special election" means a special election, other than a statewide  
376 special election, in which registered voters in more than one county may vote.

377 (36) "Municipal executive" means:

378 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

379 (b) the mayor in the council-manager form of government defined in Subsection  
380 10-3b-103(7); or

381 (c) the mayor of a metro township form of government defined in Section 10-3b-102.

382 (37) "Municipal general election" means the election held in municipalities and, as  
383 applicable, special districts on the first Tuesday after the first Monday in November of each  
384 odd-numbered year for the purposes established in Section 20A-1-202.

385 (38) "Municipal legislative body" means:

386 (a) the council of the city or town in any form of municipal government; or

387 (b) the council of a metro township.

388 (39) "Municipal office" means an elective office in a municipality.

389 (40) "Municipal officers" means those municipal officers that are required by law to be  
390 elected.

391 (41) "Municipal primary election" means an election held to nominate candidates for  
392 municipal office.

393 (42) "Municipality" means a city, town, or metro township.

394 (43) "Official ballot" means the ballots distributed by ~~[the]~~ a county election officer for  
395 voters to record their votes.

396 (44) "Official endorsement" means the information on the ballot that identifies:

397 (a) the ballot as an official ballot;

398 (b) the date of the election; and

399 (c) (i) for a ballot prepared by ~~[an]~~ a county election officer ~~[other than a county clerk,~~

400 ~~the facsimile signature required by]~~ for a municipal election, the certification described in

401 Subsection 20A-6-401(1)(a)(iii) or 20A-6-401.1(1)(d)(iii); or

(ii) for a ballot prepared by a county ~~[clerk, the words required by]~~ election officer for an election other than a municipal election, the certification described in Subsection 20A-6-301(1)(b)(iii).

(45) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(46) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

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

(b) "Poll worker" includes election judges.

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

(48) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(49) "Polling place" means a building where voting is conducted.

(50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(51) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

(52) "Primary convention" means the political party conventions held during the year of the regular general election.

(53) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

~~[(54) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.]~~

~~[(55)]~~ (54) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

~~[(56)]~~ (55) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

~~[(57)]~~ (56) (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

(b) "Public figure" does not include an individual:

(i) elected to public office; or

(ii) appointed to fill a vacancy in an elected public office.

~~[(58)]~~ (57) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

~~[(59)]~~ (58) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.

~~[(60)]~~ (59) "Registration form" means a form by which an individual may register to vote under this title.

~~[(61)]~~ (60) "Regular ballot" means a ballot that is not a provisional ballot.

~~[(62)]~~ (61) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

~~[(63)]~~ (62) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

~~[(64)]~~ (63) "Resident" means a person who resides within a specific voting precinct in Utah.

~~[(65)]~~ (64) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

(a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and

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

~~[(66)]~~ (65) "Sample ballot" means a mock ballot similar in form to the official ballot,

464 published as provided in Section 20A-5-405.

465 ~~[(67)]~~ (66) "Special district" means a local government entity under Title 17B, Limited  
466 Purpose Local Government Entities - Special Districts, and includes a special service district  
467 under Title 17D, Chapter 1, Special Service District Act.

468 ~~[(68)]~~ (67) "Special district officers" means those special district board members who  
469 are required by law to be elected.

470 ~~[(69)]~~ (68) "Special election" means an election held as authorized by Section  
471 20A-1-203.

472 ~~[(70)]~~ (69) "Spoiled ballot" means each ballot that:

- 473 (a) is spoiled by the voter;  
474 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or  
475 (c) lacks the official endorsement.

476 ~~[(71)]~~ (70) "Statewide special election" means a special election called by the governor  
477 or the Legislature in which all registered voters in Utah may vote.

478 ~~[(72)]~~ (71) "Tabulation system" means a device or system designed for the sole  
479 purpose of tabulating votes cast by voters at an election.

480 ~~[(73)]~~ (72) "Ticket" means a list of:

- 481 (a) political parties;  
482 (b) candidates for an office; or  
483 (c) ballot propositions.

484 ~~[(74)]~~ (73) "Transfer case" means the sealed box used to transport voted ballots to the  
485 counting center.

486 ~~[(75)]~~ (74) "Vacancy" means:

- 487 (a) except as provided in Subsection ~~[(75)(b)]~~ (74)(b), the absence of an individual to  
488 serve in a position created by state constitution or state statute, whether that absence occurs  
489 because of death, disability, disqualification, resignation, or other cause; or  
490 (b) in relation to a candidate for a position created by state constitution or state statute,  
491 the removal of a candidate due to the candidate's death, resignation, or disqualification.

492 ~~[(76)]~~ (75) "Valid voter identification" means:

- 493 (a) a form of identification that bears the name and photograph of the voter which may  
494 include:



- 495 (i) a currently valid Utah driver license;
- 496 (ii) a currently valid identification card that is issued by:
- 497 (A) the state; or
- 498 (B) a branch, department, or agency of the United States;
- 499 (iii) a currently valid Utah permit to carry a concealed weapon;
- 500 (iv) a currently valid United States passport; or
- 501 (v) a currently valid United States military identification card;
- 502 (b) one of the following identification cards, whether or not the card includes a
- 503 photograph of the voter:
- 504 (i) a valid tribal identification card;
- 505 (ii) a Bureau of Indian Affairs card; or
- 506 (iii) a tribal treaty card; or
- 507 (c) two forms of identification not listed under Subsection ~~[(76)(a) or (b)]~~ (75)(a) or (b)
- 508 but that bear the name of the voter and provide evidence that the voter resides in the voting
- 509 precinct, which may include:
- 510 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 511 election;
- 512 (ii) a bank or other financial account statement, or a legible copy thereof;
- 513 (iii) a certified birth certificate;
- 514 (iv) a valid social security card;
- 515 (v) a check issued by the state or the federal government or a legible copy thereof;
- 516 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 517 (vii) a currently valid Utah hunting or fishing license;
- 518 (viii) certified naturalization documentation;
- 519 (ix) a currently valid license issued by an authorized agency of the United States;
- 520 (x) a certified copy of court records showing the voter's adoption or name change;
- 521 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 522 (xii) a currently valid identification card issued by:
- 523 (A) a local government within the state;
- 524 (B) an employer for an employee; or
- 525 (C) a college, university, technical school, or professional school located within the

526 state; or

527 (xiii) a current Utah vehicle registration.

528 ~~[(77)]~~ (76) "Valid write-in candidate" means a candidate who has qualified as a

529 write-in candidate by following the procedures and requirements of this title.

530 ~~[(78)]~~ (77) "Vote by mail" means to vote, using a manual ballot that is mailed to the

531 voter, by:

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

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

534 ~~[(79)]~~ (78) "Voter" means an individual who:

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

536 (b) meets the requirements of election registration;

537 (c) is registered to vote; and

538 (d) is listed in the official register book.

539 ~~[(80)]~~ (79) "Voter registration deadline" means the registration deadline provided in

540 Section 20A-2-102.5.

541 ~~[(81)]~~ (80) "Voting area" means the area within six feet of the voting booths, voting

542 machines, and ballot box.

543 ~~[(82)]~~ (81) "Voting booth" means:

544 (a) the space or compartment within a polling place that is provided for the preparation

545 of ballots, including the voting enclosure or curtain; or

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

547 ~~[(83)]~~ (82) "Voting device" means any device provided by ~~[an]~~ a county election

548 officer for a voter to vote a mechanical ballot.

549 ~~[(84)]~~ (83) "Voting precinct" means the smallest geographical voting unit, established

550 under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

551 ~~[(85)]~~ (84) "Watcher" means an individual who complies with the requirements

552 described in Section 20A-3a-801 to become a watcher for an election.

553 ~~[(86)]~~ (85) "Write-in ballot" means a ballot containing any write-in votes.

554 ~~[(87)]~~ (86) "Write-in vote" means a vote cast for an individual, whose name is not

555 printed on the ballot, in accordance with the procedures established in this title.

556 Section 3. Section **20A-1-204** is amended to read:

**20A-1-204. Date of special election -- Legal effect.**

(1) ~~[(a)] Except as provided [by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to]~~ in Subsection (2), a statewide special election or multi-county special election called by the governor or the Legislature, or a local special election called by a local political subdivision, shall be held on:

~~[(+)]~~ (a) in an even-numbered year:

~~[(+A)]~~ (i) the fourth Tuesday in June; or

~~[(+B)]~~ (ii) the first Tuesday after the first Monday in November; or

~~[(+ii)]~~ (b) in an odd-numbered year:

~~[(+A)]~~ (i) the second Tuesday after the first Monday in August; or

~~[(+B)]~~ (ii) the first Tuesday after the first Monday in November.

~~[(b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.]~~

~~[(c)]~~ (2) [(+)] (a) [Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the]  
The legislative body of a local political subdivision may call a local special election on a date other than [those specified in this section] a date described in Subsection (1) or, as applicable, Subsection (2)(c), if the legislative body:

~~[(+A)]~~ (i) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than ~~[the ones authorized in statute]~~ a date described in Subsection (1) or, as applicable, Subsection (2)(c);

~~[(+B)]~~ (ii) identifies specifically the nature of the disaster, as defined in Section 53-2a-102, and the reasons for holding the special election on that other date; and

~~[(+C)]~~ (iii) votes unanimously to hold the special election on that other date.

~~[(+ii)]~~ (b) The legislative body of a local political subdivision may not hold a local special election on the same date as the presidential primary election conducted under Chapter 9, Part 8, Presidential Primary Election.

~~[(+d)]~~ (c) [The] Except as provided in Subsection (2)(a), the legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond,

588 debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

589 ~~[(e)]~~ (d) Nothing in this section prohibits:

590 (i) the governor or Legislature from submitting a matter to the voters at the regular  
591 general election if authorized by law; or

592 (ii) a local government from submitting a matter to the voters at the regular municipal  
593 election if authorized by law.

594 (e) This section does not prohibit holding a special congressional election on a date  
595 other than a date described in Subsection (1), if the election is scheduled in accordance with  
596 Section 20A-1-502 or 20A-1-502.5.

597 ~~[(2)(a) Two or more entities shall comply with Subsection (2)(b) if those entities hold~~  
598 ~~a special election within a county on the same day as:]~~

599 ~~[(i) another special election;]~~

600 ~~[(ii) a regular general election; or]~~

601 ~~[(iii) a municipal general election.]~~

602 ~~[(b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:]~~

603 ~~[(i) polling places;]~~

604 ~~[(ii) ballots;]~~

605 ~~[(iii) election officials; and]~~

606 ~~[(iv) other administrative and procedural matters connected with the election.]~~

607 Section 4. Section **20A-1-206** is amended to read:

608 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special**  
609 **districts -- Notice.**

610 (1) As used in this section:

611 (a) "Contested race" means a race in a general election where the number of  
612 candidates, including any eligible write-in candidates, exceeds the number of offices to be  
613 filled in the race.

614 (b) "Election" means an event, run by an election officer, that includes one or more  
615 races for public office or one or more ballot propositions.

616 (c) (i) "Race" means a contest between candidates to obtain the number of votes  
617 necessary to take a particular public office.

618 (ii) "Race," as the term relates to a contest for an at-large position, includes all open

619 positions for the same at-large office.

620 (iii) "Race," as the term relates to a contest for a municipal council position that is not  
621 an at-large position, includes only the contest to represent a particular district on the council.

622 (2) A municipal legislative body may cancel a local election if:

623 (a) the ballot for the local election will not include any contested races or ballot  
624 propositions; and

625 (b) the municipal legislative body passes, no later than 20 days before the day of the  
626 scheduled election, a resolution that cancels the election and certifies that:

627 (i) the ballot for the election would not include any contested races or ballot  
628 propositions; and

629 (ii) the candidates who qualified for the ballot are considered elected.

630 (3) A municipal legislative body may cancel a race in a local election if:

631 (a) the ballot for the race will not include any contested races or ballot propositions;  
632 and

633 (b) the municipal legislative body passes, no later than 20 days before the day of the  
634 scheduled election, a resolution that cancels the race and certifies that:

635 (i) the ballot for the race would not include any contested races or ballot propositions;  
636 and

637 (ii) the candidate for the race is considered elected.

638 (4) A municipal legislative body that cancels a local election in accordance with

639 Subsection (2) shall give notice that the election is cancelled by:

640 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be  
641 posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801,  
642 for 15 consecutive days before the day of the scheduled election; ~~and~~

643 (b) providing notice for the municipality, as a class A notice under Section  
644 63G-30-102, for at least 15 days before the day of the scheduled election~~[-]; and~~

645 (c) providing notice to the county election officer for the municipality.

646 (5) A special district board may cancel a local election if:

647 (a) the ballot for the local election will not include any contested races or ballot  
648 propositions; and

649 (b) the special district board passes, no later than 20 days before the day of the

650 scheduled election, a resolution that cancels the election and certifies that:

651 (i) the ballot for the election would not include any contested races or ballot

652 propositions; and

653 (ii) the candidates who qualified for the ballot are considered elected.

654 (6) A special district board may cancel a special district race if:

655 (a) the race is uncontested; and

656 (b) the special district board passes, no later than 20 days before the day of the

657 scheduled election, a resolution that cancels the race and certifies that the candidate who

658 qualified for the ballot for that race is considered elected.

659 (7) A special district that cancels a local election in accordance with Subsection (5)

660 shall provide notice that the election is cancelled:

661 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter

662 Information Website described in Section 20A-7-801, for 15 consecutive days before the day of

663 the scheduled election; ~~and~~

664 (b) as a class A notice under Section 63G-30-102, for at least 15 days before the day of

665 the scheduled election~~[-]; and~~

666 (c) by providing notice to the county election officer for the special district.

667 (8) A municipal legislative body that posts a notice in accordance with Subsection

668 (4)(a) or a special district that posts a notice in accordance with Subsection (7)(a) is not liable

669 for a notice that fails to post due to technical or other error by the publisher of the Statewide

670 Electronic Voter Information Website.

671 Section 5. Section **20A-1-301.5** is enacted to read:

672 **20A-1-301.5. County election officer to conduct elections -- Exceptions -- Payment**  
673 **of costs.**

674 (1) Except as provided in Subsection (2), the county election officer is, subject to the  
675 provisions of Subsection 20A-1-105(1), responsible for conducting all elections in the state,  
676 including:

677 (a) the preparation, printing, mailing, and processing of ballots; and

678 (b) the counting and tabulating of ballots.

679 (2) (a) A municipal election officer may count and tabulate ballots for a municipal

680 primary election or a municipal general election if:

(i) before May 1 of an even-numbered year the municipal election officer provides written notice to the lieutenant governor and the county election officer that, for the following year the municipal election officer intends, to the extent permitted by law, to count and tabulate ballots for:

(A) the municipal primary election only;

(B) the municipal general election only; or

(C) the municipal primary election and the municipal general election; and

(ii) the ballot for the election will only include races or ballot propositions for the municipality.

(b) A special district election officer may count and tabulate ballots for a special district election if:

(i) before May 1 of the year before the year in which the special district election is held, the special district election officer provides written notice to the lieutenant governor and the county election officer that, for the following year the special district election officer intends, to the extent permitted by law, to count and tabulate ballots for all elections of the special election district held during that year; and

(ii) the ballot will only include races or ballot propositions for the special district.

(3) A municipal election officer may not:

(a) count or tabulate ballots for an election where the ballot will include a race or ballot proposition for a jurisdiction other than the municipality; or

(b) comply with Subsection (2)(a)(ii) by providing more than one ballot to a voter for the same election.

(4) A special district election officer may not:

(a) count or tabulate ballots for an election where the ballot will include a race or ballot proposition for a jurisdiction other than the special district; or

(b) comply with Subsection (2)(b)(ii) by providing more than one ballot to a voter for the same election.

(5) (a) A municipality or special district shall pay to the county election officer the actual cost incurred by the county election officer to conduct an election for the municipality or special district.

(b) The lieutenant governor shall resolve any disagreement regarding the actual cost

712 incurred by a county election officer.

713 Section 6. Section **20A-1-304** is amended to read:

714 **20A-1-304. Tie votes.**

715 Except for a race conducted by instant runoff voting under [~~Title 20A, Chapter 4, Part~~  
716 ~~6, Municipal Alternate Voting Methods Pilot Project~~], if two or more candidates for a position  
717 have an equal and the highest number of votes for any office, the election officer responsible to  
718 count and tabulate the ballots shall, in a public meeting held within 30 days after the day on  
719 which the canvass is completed, determine the candidate selected, by lot, in the presence of  
720 each candidate subject to the tie.

721 Section 7. Section **20A-1-402** is amended to read:

722 **20A-1-402. Election officer to render interpretations and make decisions.**

723 The election officer responsible for the matter that is the subject of a controversy or  
724 other matter arising under this chapter shall render all interpretations and make all initial  
725 decisions about [~~controversies or other matters arising under this chapter~~] the controversy or  
726 other matter.

727 Section 8. Section **20A-1-403** is amended to read:

728 **20A-1-403. Errors or omissions in ballots.**

729 (1) [~~The~~] A county election officer shall, without delay, correct any errors in ballots  
730 that the county election officer discovers, or that are brought to the county election officer's  
731 attention, if those errors can be corrected without interfering with the timely distribution of the  
732 ballots.

733 (2) (a) (i) If an error or omission has occurred in the publication of the names or  
734 description of the candidates nominated for office, in the publication of sample ballots, or in  
735 the printing of official ballots, a candidate or the candidate's agent may file, without paying any  
736 fee, a petition for ballot correction with the district court.

737 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the  
738 respondents on the same day that the petition is filed with the court.

739 (b) The petition shall contain:

740 (i) an affidavit signed by the candidate or the candidate's agent identifying the error or  
741 omission; and

742 (ii) a request that the court issue an order to the county election officer responsible for



the ballot error or omission to correct the ballot error or omission.

(3) (a) After reviewing the petition, the court shall:

(i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, under penalty of perjury, to the petition;

(ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(iii) enter appropriate orders.

(b) The court may assess costs, including reasonable attorney fees, against either party.

Section 9. Section **20A-2-201** is amended to read:

**20A-2-201. Registering to vote at office of county clerk.**

(1) Except as provided in Subsection (3), the county clerk shall register to vote each individual who registers in person at the county clerk's office during designated office hours if the individual will, on the date of the election, be legally eligible to vote in a voting precinct in the county in accordance with Section 20A-2-101.

(2) If an individual who is registering to vote submits a registration form in person at the office of the county clerk no later than 5 p.m. 11 calendar days before the date of the election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

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

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

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

(3) If an individual who is registering to vote and who will be legally qualified and entitled to vote in a voting precinct in the county on the date of an election appears in person, during designated office hours, and submits a registration form after the deadline described in Subsection (2), the county clerk shall accept the registration form and~~[-except as provided in Subsection 20A-2-207(6),]~~ inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during

774 the early voting period, if applicable, or on election day, in accordance with Section  
775 20A-2-207.

776 Section 10. Section **20A-2-204** is amended to read:

777 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

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

789 (3) The Driver License Division shall:

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

792 (b) electronically transmit each address change to the lieutenant governor within five  
793 days after the day on which the division receives the address change; and

794 (c) within five days after the day on which the division receives a voter registration  
795 form, electronically transmit the form to the Office of the Lieutenant Governor, including the  
796 following for the individual named on the form:

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

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

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

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

802 (v) an indication of whether the individual requested that the individual's voter

803 registration record be classified as a private record under Subsection 20A-2-108(2)(b); and

804 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any

805 verification submitted with the form.

806 (4) Upon receipt of an individual's voter registration form from the Driver License

807 Division under Subsection (3), the lieutenant governor shall:

808 (a) enter the information into the statewide voter registration database; and

809 (b) if the individual requests on the individual's voter registration form that the

810 individual's voter registration record be classified as a private record or the individual submits a

811 withholding request form described in Subsections 20A-2-104(7) and (8) and any required

812 verification, classify the individual's voter registration record as a private record.

813 (5) The county clerk of an individual whose information is entered into the statewide

814 voter registration database under Subsection (4) shall:

815 (a) ensure that the individual meets the qualifications to be registered or preregistered

816 to vote; and

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

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

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

820 (ii) if the individual meets the qualifications to be preregistered to vote, process the

821 form in accordance with the requirements of Section 20A-2-101.1.

822 (6) (a) When the county clerk receives a correctly completed voter registration form

823 under this section, the clerk shall:

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

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

826 (b) If the county clerk receives a correctly completed voter registration form under this

827 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days

828 before the date of an election, the county clerk shall:

829 (i) accept the voter registration form; ~~and~~

830 (ii) unless the individual is preregistering to vote:

831 (A) enter the individual's name on the list of registered voters for the voting precinct in

832 which the individual resides; and

833 (B) notify the individual that the individual is registered to vote in the upcoming

834 election; and

835 (iii) if the individual named in the form is preregistering to vote, comply with Section

836 20A-2-101.1.

837 (c) If the county clerk receives a correctly completed voter registration form under this  
838 section after the deadline described in Subsection (6)(b), the county clerk shall, unless the  
839 individual named in the form is preregistering to vote:

840 (i) accept the application for registration of the individual;

841 (ii) process the voter registration form; and

842 (iii) [~~unless the individual is preregistering to vote, and except as provided in~~

843 ~~Subsection 20A-2-207(6);~~] inform the individual that the individual will not be registered to  
844 vote in the pending election, unless the individual registers to vote by provisional ballot during  
845 the early voting period, if applicable, or on election day, in accordance with Section  
846 20A-2-207.

847 (7) (a) If the county clerk determines that an individual's voter registration form  
848 received from the Driver License Division is incorrect because of an error, because the form is  
849 incomplete, or because the individual does not meet the qualifications to be registered to vote,  
850 the county clerk shall mail notice to the individual stating that the individual has not been  
851 registered or preregistered because of an error, because the registration form is incomplete, or  
852 because the individual does not meet the qualifications to be registered to vote.

853 (b) If a county clerk believes, based upon a review of a voter registration form, that an  
854 individual, who knows that the individual is not legally entitled to register or preregister to  
855 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer  
856 the form to the county attorney for investigation and possible prosecution.

857 Section 11. Section **20A-2-205** is amended to read:

858 **20A-2-205. Registration at voter registration agencies.**

859 (1) As used in this section:

860 (a) "Discretionary voter registration agency" means the same as that term is defined in  
861 Section 20A-2-300.5.

862 (b) "Public assistance agency" means the same as that term is defined in Section  
863 20A-2-300.5.

864 (2) An individual may obtain and complete a registration form at a public assistance  
865 agency or discretionary voter registration agency.

866 (3) Each public assistance agency and discretionary voter registration agency shall

provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes \_\_\_\_ No \_\_\_\_

IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration form, we will help you. The decision about whether to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or preregister or to decline to register or preregister to vote, your right to privacy in deciding whether to register or preregister, or in applying to register or preregister to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the Office of the Lieutenant Governor)."

(4) Unless an individual applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register or preregister to vote, each public assistance agency and discretionary voter registration agency shall:

(a) distribute a voter registration form with each application for service or assistance provided by the agency or office;

(b) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(c) accept completed forms for transmittal to the appropriate election official; and

(d) transmit a copy of each voter registration form to the appropriate election official within five days after the division receives the voter registration form.

(5) An individual in a public assistance agency or a discretionary voter registration agency that helps an applicant complete the voter registration form may not:

(a) seek to influence an applicant's political preference or party registration;

(b) display any political preference or party allegiance;

(c) make any statement to an applicant or take any action that has the purpose or effect

898 of discouraging the applicant from registering to vote; or

899 (d) make any statement to an applicant or take any action that has the purpose or effect  
900 of leading the applicant to believe that a decision of whether to register or preregister has any  
901 bearing upon the availability of services or benefits.

902 (6) If the county clerk receives a correctly completed voter registration form under this  
903 section no later than 5 p.m. 11 calendar days before the date of an election, the county clerk  
904 shall:

905 (a) accept and process the voter registration form;

906 (b) unless the individual named in the form is preregistering to vote:

907 (i) enter the applicant's name on the list of registered voters for the voting precinct in  
908 which the applicant resides; and

909 (ii) notify the applicant that the applicant is registered to vote in the upcoming election;  
910 and

911 (c) if the individual named in the form is preregistering to vote, comply with Section  
912 20A-2-101.1

913 (7) If the county clerk receives a correctly completed voter registration form after the  
914 deadline described in Subsection (6), the county clerk shall:

915 (a) accept the application for registration of the individual; and

916 (b) ~~[except as provided in Subsection 20A-2-207(6),]~~ if possible, promptly inform the  
917 individual that the individual will not be registered to vote in the pending election, unless the  
918 individual registers to vote by provisional ballot during the early voting period, if applicable, or  
919 on election day, in accordance with Section 20A-2-207.

920 (8) If the county clerk determines that a voter registration form received from a public  
921 assistance agency or discretionary voter registration agency is incorrect because of an error or  
922 because the voter registration form is incomplete, the county clerk shall mail notice to the  
923 individual attempting to register or preregister to vote, stating that the individual has not been  
924 registered or preregistered to vote because of an error or because the voter registration form is  
925 incomplete.

926 Section 12. Section **20A-2-206** is amended to read:

927 **20A-2-206. Electronic registration.**

928 (1) The lieutenant governor shall create and maintain an electronic system that is

929 publicly available on the Internet for an individual to apply for voter registration or  
930 preregistration.

931 (2) An electronic system for voter registration or preregistration shall require:

932 (a) that an applicant have a valid driver license or identification card, issued under Title  
933 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place  
934 of residence;

935 (b) that the applicant provide the information required by Section 20A-2-104, except  
936 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)  
937 and (5);

938 (c) that the applicant attest to the truth of the information provided; and

939 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the  
940 applicant's:

941 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,  
942 Uniform Driver License Act, for voter registration purposes; or

943 (ii) signature on file in the lieutenant governor's statewide voter registration database  
944 developed under Section 20A-2-502.

945 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for  
946 voter registration or preregistration created under this section is not required to complete a  
947 printed registration form.

948 (4) A system created and maintained under this section shall provide the notices  
949 concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

950 (5) The lieutenant governor shall:

951 (a) obtain a digital copy of the applicant's driver license or identification card signature  
952 from the Driver License Division; or

953 (b) ensure that the applicant's signature is already on file in the lieutenant governor's  
954 statewide voter registration database developed under Section 20A-2-502.

955 (6) The lieutenant governor shall send the information to the county clerk for the  
956 county in which the applicant's principal place of residence is found for further action as  
957 required by Section 20A-2-304 after:

958 (a) receiving all information from an applicant; and

959 (b) (i) receiving all information from the Driver License Division; or

(ii) ensuring that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.

(8) If an individual applies to register under this section no later than 11 calendar days before the date of an election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

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

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

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

(9) If an individual applies to register under this section after the deadline described in Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

(a) accept the application for registration; and

(b) ~~[except as provided in Subsection 20A-2-207(6),]~~ if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(10) The lieutenant governor shall provide a means by which a registered voter shall sign the application form.

Section 13. Section **20A-2-207** is amended to read:

**20A-2-207. Registration by provisional ballot.**

(1) ~~[Except as provided in Subsection (6), an]~~ An individual who is not registered to vote may register to vote, and vote, on election day or during the early voting period described in Section 20A-3a-601, by voting a provisional ballot, if:

(a) the individual is otherwise legally entitled to vote the ballot;

(b) the ballot is identical to the ballot for the precinct in which the individual resides;

(c) the information on the provisional ballot form is complete; and



(d) the individual provides valid voter identification and proof of residence to the poll worker.

(2) If a provisional ballot and the individual who voted the ballot comply with the requirements described in Subsection (1), the county election officer shall:

(a) consider the provisional ballot a voter registration form;

(b) place the ballot with the other ballots, to be counted with those ballots at the canvass; and

(c) as soon as reasonably possible, register the individual to vote.

(3) Except as provided in Subsection (4), the county election officer shall retain a provisional ballot form, uncounted, for the period specified in Section 20A-4-202, if the county election officer determines that the individual who voted the ballot:

(a) is not registered to vote and is not eligible for registration under this section; or

(b) is not legally entitled to vote the ballot that the individual voted.

(4) Subsection (3) does not apply if a court orders the county election officer to produce or count the provisional ballot.

~~[(5) The lieutenant governor shall report to the Government Operations Interim Committee on or before October 31, 2020, regarding:]~~

~~[(a) implementation of registration by provisional ballot, as described in this section, on a statewide basis;]~~

~~[(b) any difficulties resulting from the implementation described in Subsection (5)(a);]~~

~~[(c) the effect of registration by provisional ballot on voter participation in Utah;]~~

~~[(d) the number of ballots cast by voters who registered by provisional ballot;]~~

~~[(i) during the early voting period described in Section 20A-3a-601; and]~~

~~[(ii) on election day; and]~~

~~[(e) suggested changes in the law relating to registration by provisional ballot.]~~

~~[(6) For an election administered by an election officer other than a county clerk:]~~

~~[(a) if the election officer does not operate a polling place to allow early voting, the individual may not register to vote, under this section, during an early voting period; and]~~

~~[(b) if the election officer does not operate a polling place on election day, the individual may not register to vote, under this section, on election day.]~~

Section 14. Section **20A-3a-106** is amended to read:

1022           **20A-3a-106. Rulemaking authority relating to conducting an election.**

1023           The director of elections, within the Office of the Lieutenant Governor, may make  
1024 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1025 establishing requirements for:

1026           (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and  
1027 security of the envelopes;

1028           (2) complying with the signature comparison audit requirements described in Section  
1029 20A-3a-402.5; or

1030           (3) conducting and documenting the identity verification process described in  
1031 Subsection ~~[20A-3a-401(7)(b)]~~ 20A-3a-401(8)(b).

1032           Section 15. Section **20A-3a-201** is amended to read:

1033           **20A-3a-201. Voting methods.**

1034           (1) Except for an election conducted entirely by mail under Section 20A-7-609.5, a  
1035 voter may vote as follows:

1036           (a) by mail;

1037           (b) at a polling place during early voting hours;

1038           (c) at a polling place on election day when the polls are open;

1039           (d) if the voter is an individual with a disability, by voting:

1040           (i) remotely, via a mechanical ballot; or

1041           (ii) via electronic means if approved by the election officer;

1042           (e) electronically or via a federal write-in absentee ballot if the voter is a covered voter,  
1043 as defined in Section 20A-16-102; or

1044           (f) by emergency ballot, in accordance with Part 3, Emergency Ballots.

1045           (2) A voter may not vote at a polling place if the voter voted by mail or in a manner  
1046 described in Subsections (1)(d) through (f).

1047           Section 16. Section **20A-3a-202** is amended to read:

1048           **20A-3a-202. Conducting election by mail.**

1049           (1) (a) Except as otherwise provided for an election conducted entirely by mail under  
1050 Section 20A-7-609.5, ~~[an]~~ a county election officer shall administer an election primarily by  
1051 mail, in accordance with this section.

1052           (b) An individual who did not provide valid voter identification at the time the voter

1053 registered to vote shall provide valid voter identification before voting.

1054 (2) ~~[An election officer who administers an election]~~ A county election officer:

1055 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day  
1056 and no later than seven days before election day, mail to each active voter within a voting  
1057 precinct:

1058 (i) a manual ballot;

1059 (ii) a return envelope;

1060 (iii) instructions for returning the ballot that include an express notice about any  
1061 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

1062 (iv) ~~[for an election administered by a county clerk,]~~ information regarding the location  
1063 and hours of operation of any election day voting center at which the voter may vote or a  
1064 website address where the voter may view this information; and

1065 ~~[(v) for an election administered by an election officer other than a county clerk, if the  
1066 election officer does not operate a polling place or an election day voting center, a warning, on  
1067 a separate page of colored paper in bold face print, indicating that if the voter fails to follow the  
1068 instructions included with the ballot, the voter will be unable to vote in that election because  
1069 there will be no polling place for the voting precinct on the day of the election; and]~~

1070 ~~[(vi)]~~ (v) instructions on how a voter may sign up to receive electronic ballot status  
1071 notifications via the ballot tracking system described in Section 20A-3a-401.5;

1072 (b) may not mail a ballot under this section to:

1073 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

1074 (ii) a voter whom the county election officer is prohibited from sending a ballot under  
1075 Subsection (9)(c)(ii);

1076 (c) shall, on the outside of the envelope in which the county election officer mails the  
1077 ballot, include instructions for returning the ballot if the individual to whom the county election  
1078 officer mails the ballot does not live at the address to which the ballot is sent;

1079 (d) shall provide a method of accessible voting to a voter with a disability who is not  
1080 able to vote by mail; and

1081 (e) shall include, on the county election officer's website and with each ballot mailed,  
1082 instructions regarding how a voter described in Subsection (2)(d) may vote.

1083 (3) (a) ~~[An]~~ A county election officer who mails a manual ballot under Subsection (2)

1084 shall mail the manual ballot to the address:

1085 (i) provided at the time of registration; or

1086 (ii) if, at or after the time of registration, the voter files an alternate address request  
1087 form described in Subsection (3)(b), the alternate address indicated on the form.

1088 (b) The lieutenant governor shall make available to voters an alternate address request  
1089 form that permits a voter to request that the county election officer mail the voter's ballot to a  
1090 location other than the voter's residence.

1091 (c) A voter shall provide the completed alternate address request form to the county  
1092 election officer no later than 11 days before the day of the election.

1093 (4) The return envelope shall include:

1094 (a) the name, official title, and post office address of the county election officer on the  
1095 front of the envelope;

1096 (b) a space where a voter may write an email address and phone number by which the  
1097 county election officer may contact the voter if the voter's ballot is rejected;

1098 (c) a printed affidavit in substantially the following form:

1099 "County of \_\_\_\_ State of \_\_\_\_

1100 I, \_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_ voting precinct  
1101 in \_\_\_\_ County, Utah and that I am entitled to vote in this election. I am not a convicted felon  
1102 currently incarcerated for commission of a felony.

1103 \_\_\_\_\_

1104 Signature of Voter"; and

1105 (d) a warning that the affidavit must be signed by the individual to whom the ballot  
1106 was sent and that the ballot will not be counted if the signature on the affidavit does not match  
1107 the signature on file with the county election officer [~~of the individual to whom the ballot was~~  
1108 ~~sent~~].

1109 (5) If the county election officer determines that the voter is required to show valid  
1110 voter identification, the county election officer may:

1111 (a) mail a ballot to the voter;

1112 (b) instruct the voter to include a copy of the voter's valid voter identification with the  
1113 return ballot; and

1114 (c) provide instructions to the voter on how the voter may sign up to receive electronic

1115 ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

1116 (6) ~~[An election officer who administers an election]~~ A county election officer shall:

1117 (a) ~~[(i)]~~ before the election, obtain the signatures of each voter qualified to vote in the  
1118 election; ~~[or]~~ and

1119 ~~[(ii)] obtain the signature of each voter within the voting precinct from the county clerk;~~  
1120 and]

1121 (b) maintain the signatures on file in the county election officer's office.

1122 (7) Upon receipt of a returned ballot, the county election officer shall review and  
1123 process the ballot under Section 20A-3a-401.

1124 (8) ~~[A county that administers an election:]~~ In relation to an election other than a  
1125 municipal election, a county election officer:

1126 (a) shall provide at least one election day voting center in accordance with Part 7,  
1127 Election Day Voting Center, and at least one additional election day voting center for every  
1128 5,000 active voters in the county who have requested to not receive a ballot by mail;

1129 (b) shall ensure that each election day voting center operated by the county has at least  
1130 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,  
1131 Pub. L. No. 107-252, for individuals with disabilities;

1132 (c) may reduce the early voting period described in Section 20A-3a-601, if:

1133 (i) the county ~~[clerk]~~ election officer conducts early voting on at least four days;

1134 (ii) the early voting days are within the period beginning on the date that is 14 days  
1135 before the date of the election and ending on the day before the election; and

1136 (iii) the county ~~[clerk]~~ election officer provides notice of the reduced early voting  
1137 period in accordance with Section 20A-3a-604; and

1138 (d) is not required to pay return postage for a ballot.

1139 (9) (a) An individual may request that the county election officer not send the  
1140 individual a ballot by mail in the next and subsequent elections by submitting a written request  
1141 to the county election officer.

1142 (b) An individual shall submit the request described in Subsection (9)(a) to the county  
1143 election officer before 5 p.m. no later than 60 days before an election if the individual does not  
1144 wish to receive a ballot by mail in that election.

1145 (c) ~~[An]~~ A county election officer who receives a request from an individual under

1146 Subsection (9)(a):

1147 (i) shall remove the individual's name from the list of voters who will receive a ballot  
1148 by mail; and

1149 (ii) may not send the individual a ballot by mail for:

1150 (A) the next election, if the individual submits the request described in Subsection  
1151 (9)(a) before the deadline described in Subsection (9)(b); or

1152 (B) an election after the election described in Subsection (9)(c)(ii)(A).

1153 (d) An individual who submits a request under Subsection (9)(a) may resume the  
1154 individual's receipt of a ballot by mail by submitting a written request to the county election  
1155 officer.

1156 Section 17. Section **20A-3a-203** is amended to read:

1157 **20A-3a-203. Voting at a polling place.**

1158 (1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling  
1159 place in an election in accordance with this section.

1160 (2) (a) The voter shall give the voter's name, and, if requested, the voter's residence, to  
1161 one of the poll workers.

1162 (b) The voter shall present valid voter identification to one of the poll workers.

1163 (c) If the poll worker is not satisfied that the voter has presented valid voter  
1164 identification, the poll worker shall:

1165 (i) indicate on the official register that the voter was not properly identified;

1166 (ii) issue the voter a provisional ballot;

1167 (iii) notify the voter that the voter will have until the close of normal office hours on  
1168 Monday after the day of the election to present valid voter identification[?] to the county

1169 election officer; and

1170 [~~(A) to the county clerk at the county clerk's office; or~~]

1171 [~~(B) to an election officer who is administering the election; and~~]

1172 (iv) follow the procedures and requirements of Section 20A-3a-205.

1173 (d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the  
1174 poll worker shall follow the procedures and requirements of Section 20A-3a-205.

1175 (3) A poll worker shall check the official register to determine whether:

1176 (a) a voter is registered to vote; and

1177 (b) if the election is a regular primary election or a presidential primary election,  
1178 whether a voter's party affiliation designation in the official register allows the voter to vote the  
1179 ballot that the voter requests.

1180 (4) (a) Except as provided in Subsection (5), if the voter's name is not found on the  
1181 official register, the poll worker shall follow the procedures and requirements of Section  
1182 20A-3a-205.

1183 (b) If, in a regular primary election or a presidential primary election, the official  
1184 register does not affirmatively identify the voter as being affiliated with a registered political  
1185 party or if the official register identifies the voter as being "unaffiliated," the voter shall be  
1186 considered to be "unaffiliated."

1187 (5) In a regular primary election or a presidential primary election:

1188 (a) if a voter's name is not found on the official register, and if it is not unduly  
1189 disruptive to the election process, the poll worker may attempt to contact the county [~~clerk's~~]  
1190 election officer's office to request oral verification of the voter's registration; and

1191 (b) if oral verification is received from the county [~~clerk's~~] election officer's office, the  
1192 poll worker shall:

1193 (i) record the verification on the official register;

1194 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to  
1195 vote; and

1196 (iii) except as provided in Subsection (6), comply with Subsection (3).

1197 (6) (a) Except as provided in Subsection (6)(b), if, in a regular primary election or a  
1198 presidential primary election, the voter's political party affiliation listed in the official register  
1199 does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform  
1200 the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation  
1201 does allow the voter to vote.

1202 (b) If, in a regular primary election or a presidential primary election, the voter is listed  
1203 in the official register as unaffiliated, or if the official register does not affirmatively identify  
1204 the voter as either unaffiliated or affiliated with a registered political party, and the voter, as an  
1205 unaffiliated voter, is not authorized to vote the ballot that the voter requests, the poll worker  
1206 shall:

1207 (i) ask the voter if the voter wishes to vote another registered political party ballot that

1208 the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

1209 (ii) (A) if the voter wishes to vote another registered political party ballot that the  
1210 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
1211 (3); or

1212 (B) if the voter wishes to remain unaffiliated and does not wish to vote another ballot  
1213 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
1214 voter may not vote.

1215 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions  
1216 of Subsection (6), if the poll worker determines that the voter is registered, a poll worker shall:

1217 (a) direct the voter to sign the voter's name in the official register;

1218 (b) provide to the voter the ballot that the voter is qualified to vote; and

1219 (c) allow the voter to enter the voting booth.

1220 Section 18. Section **20A-3a-204** is amended to read:

1221 **20A-3a-204. Marking and depositing ballots.**

1222 (1) To vote by mail:

1223 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual  
1224 ballot by marking the appropriate space with a mark opposite the name of each candidate of the  
1225 voter's choice for each office to be filled;

1226 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the  
1227 appropriate space with a mark opposite the answer the voter intends to make;

1228 (c) except as provided in Subsection (6), the voter shall record a write-in vote in  
1229 accordance with Subsection 20A-3a-206(1);

1230 (d) except as provided in Subsection (6), a mark is not required opposite the name of a  
1231 write-in candidate; and

1232 (e) the voter shall:

1233 (i) complete and sign the affidavit on the return envelope;

1234 (ii) place the voted ballot in the return envelope;

1235 (iii) if required, place a copy of the voter's valid voter identification in the return  
1236 envelope;

1237 (iv) securely seal the return envelope; and

1238 (v) (A) attach postage, if necessary, and deposit the return envelope in the mail; or



1239 (B) place the return envelope in a ballot drop box, designated by the county election  
1240 officer, for the precinct where the voter resides.

1241 (2) (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is  
1242 mailed must be:

1243 (i) clearly postmarked before election day, or otherwise clearly marked by the post  
1244 office as received by the post office before election day; and

1245 (ii) received in the office of the county election officer before noon on the day of the  
1246 official canvass following the election.

1247 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls  
1248 close on election day, be deposited in:

1249 (i) a ballot box at a polling place; or

1250 (ii) a ballot drop box designated by ~~[an]~~ the county election officer for the jurisdiction  
1251 to which the ballot relates.

1252 (c) ~~[An]~~ A county election officer may, but is not required to, forward a ballot  
1253 deposited in a ballot drop box in the wrong jurisdiction to the correct jurisdiction.

1254 (d) ~~[An]~~ A county election officer shall ensure that a voter who is, at or before 8 p.m.,  
1255 in line at a ballot drop box, with a sealed return envelope containing a ballot in the voter's  
1256 possession, to deposit the ballot in the ballot drop box.

1257 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after  
1258 complying with Subsections (1)(a) through (d):

1259 (a) sign the official register or pollbook; and

1260 (b) (i) place the ballot in the ballot box; or

1261 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot  
1262 envelope, complete the information printed on the provisional ballot envelope, and deposit the  
1263 provisional ballot envelope in the provisional ballot box.

1264 (4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

1265 (b) An individual other than an individual with a disability may vote a mechanical  
1266 ballot at a polling place if permitted by the county election officer.

1267 (5) To vote a mechanical ballot, the voter shall:

1268 (a) make the selections according to the instructions provided for the voting device;  
1269 and

1270 (b) subject to Subsection (6), record a write-in vote by:  
1271 (i) selecting the appropriate position for entering a write-in candidate; and  
1272 (ii) using the voting device to enter the name of the valid write-in candidate for whom  
1273 the voter wishes to vote.

1274 (6) To vote in an instant runoff voting race under [~~Title 20A, Chapter 4, Part 6,~~  
1275 ~~Municipal Alternate Voting Methods Pilot Project~~] Chapter 4, Part 6, Municipal Alternate  
1276 Voting Methods Pilot Project, a voter:

1277 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's  
1278 first preference for the office; and

1279 (b) may indicate, as directed on the ballot, the names of the remaining candidates in  
1280 order of the voter's preference.

1281 (7) A voter who votes at a polling place:

1282 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting  
1283 area after voting; and

1284 (b) may not:

1285 (i) occupy a voting booth occupied by another, except as provided in Section  
1286 20A-3a-208;

1287 (ii) remain within the voting area more than 10 minutes; or

1288 (iii) occupy a voting booth for more than five minutes if all booths are in use and other  
1289 voters are waiting to occupy a voting booth.

1290 (8) If the official register shows any voter as having voted, that voter may not reenter  
1291 the voting area during that election unless that voter is an election official or watcher.

1292 (9) A poll worker may not, at a polling place, allow more than four voters more than  
1293 the number of voting booths into the voting area at one time unless those excess voters are:

1294 (a) election officials;

1295 (b) watchers; or

1296 (c) assisting voters with a disability.

1297 Section 19. Section **20A-3a-205** is amended to read:

1298 **20A-3a-205. Manner of voting -- Provisional ballot.**

1299 (1) The poll workers shall follow the procedures and requirements of this section  
1300 when:

1301 (a) the individual's right to vote is challenged as provided in Section 20A-3a-803 or  
1302 20A-3a-805;

1303 (b) the individual's name is not found on the official register; or  
1304 (c) the poll worker is not satisfied that the voter has provided valid voter identification.

1305 (2) When faced with one of the circumstances described in Subsection (1)(a) or (b), the  
1306 poll worker shall:

1307 (a) request that the individual provide valid voter identification; and  
1308 (b) review the identification provided by the individual.

1309 (3) If the poll worker is satisfied that the individual has provided valid voter  
1310 identification that establishes the individual's identity and residence in the voting precinct:

1311 (a) the poll worker in charge of the official register shall:

1312 (i) record in the official register the type of identification that established the  
1313 individual's identity and place of residence;

1314 (ii) record the provisional ballot envelope number in association with the name of the  
1315 individual; and

1316 (iii) direct the individual to sign the individual's name in the official register or  
1317 pollbook; and

1318 (b) the poll worker having charge of the ballots shall:

1319 (i) give the individual a provisional ballot; and  
1320 (ii) allow the individual to enter the voting booth.

1321 (4) If the poll worker is not satisfied that the individual has provided valid voter  
1322 identification that establishes the individual's identity and residence in the voting precinct:

1323 (a) the poll worker in charge of the official register shall:

1324 (i) record in the official register that the voter did not provide valid voter identification;  
1325 (ii) record in the official register the type of identification that was provided by the  
1326 individual, if any;

1327 (iii) record the provisional ballot envelope number in association with the name of the  
1328 individual; and

1329 (iv) direct the individual to sign the individual's name in the official register or  
1330 pollbook; and

1331 (b) the poll worker having charge of the ballots shall:

- 1332 (i) give the individual a provisional ballot; and  
1333 (ii) allow the individual to enter the voting booth.  
1334 (5) When, at a polling place, the county election officer is required to furnish more  
1335 than one version of a ballot, the poll workers at that polling place shall give the registered voter  
1336 the version of the ballot that the voter is qualified to vote.

1337 Section 20. Section **20A-3a-301** is amended to read:

1338 **20A-3a-301. Emergency ballots.**

- 1339 (1) As used in this section, "hospitalized voter" means a registered voter who:  
1340 (a) is hospitalized or otherwise confined to a medical or long-term care institution;  
1341 (b) does not have a manual ballot in the voter's immediate possession;  
1342 (c) is able to vote a manual ballot; and  
1343 (d) is not able to acquire a manual ballot without the assistance of another individual.  
1344 (2) A hospitalized voter may, in accordance with this section, obtain a manual ballot to  
1345 use as an emergency ballot and vote at any time after the county election officer mails manual  
1346 ballots to the majority of voters and before the close of polls on election day.  
1347 (3) (a) Any individual may obtain an emergency ballot application, a manual ballot,  
1348 and a manual ballot envelope from the county election officer on behalf of a hospitalized voter  
1349 by requesting a ballot and application in person at the county election officer's office during  
1350 business hours.  
1351 (b) The county election officer shall require the individual to sign a statement  
1352 identifying the individual and the hospitalized voter.  
1353 (4) To vote, the hospitalized voter shall complete the emergency ballot application,  
1354 complete and sign the affidavit on the manual ballot envelope, mark the voter's votes on the  
1355 manual ballot, place the manual ballot into the envelope, and seal the envelope unless a  
1356 different method is authorized under Section 20A-1-308.  
1357 (5) To be counted, the emergency voter application and the sealed manual ballot  
1358 envelope must be returned to the election officer's office in accordance with the requirements  
1359 of this chapter.

1360 Section 21. Section **20A-3a-401** is amended to read:

1361 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**  
1362 **Disposition -- Notice.**

1363 (1) This section governs ballots returned by mail or via a ballot drop box.

1364 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in  
1365 the custody of the poll workers in accordance with this section.

1366 (b) ~~[The poll workers]~~ Poll workers for the county election officer shall, first, compare  
1367 the signature of the voter on the affidavit of the return envelope to the signature of the voter in  
1368 the voter registration records.

1369 (3) After complying with Subsection (2), the poll workers for the county election  
1370 officer shall determine whether:

1371 (a) the signatures correspond;

1372 (b) the affidavit is sufficient;

1373 (c) the voter is registered to vote in the correct precinct;

1374 (d) the voter's right to vote the ballot has been challenged;

1375 (e) the voter has already voted in the election;

1376 (f) the voter is required to provide valid voter identification; and

1377 (g) if the voter is required to provide valid voter identification, whether the voter has  
1378 provided valid voter identification.

1379 (4) (a) The poll workers for the county election officer shall take the action described  
1380 in Subsection (4)(b) if the poll workers determine:

1381 (i) in accordance with the rules made under Subsection (11):

1382 (A) that the signature on the affidavit of the return envelope is reasonably consistent  
1383 with the individual's signature in the voter registration records; or

1384 (B) for an individual who checks the box described in Subsection (5)(c)(v), that the  
1385 signature is verified by alternative means;

1386 (ii) that the affidavit is sufficient;

1387 (iii) that the voter is registered to vote in the correct precinct;

1388 (iv) that the voter's right to vote the ballot has not been challenged;

1389 (v) that the voter has not already voted in the election; and

1390 (vi) for a voter required to provide valid voter identification, that the voter has  
1391 provided valid voter identification.

1392 (b) If the poll workers for the county election officer make all of the findings described  
1393 in Subsection (4)(a)[~~7~~]:

1394           (i) the county election officer shall:

1395           (A) except as provided in Subsection (4)(b)(i)(B), take the action described in

1396 Subsection (4)(b)(ii); or

1397           (B) if the ballot is a locally tabulated ballot, in accordance with the chain of custody

1398 requirements described in Section 20A-3a-401.1 and Subsection 20A-5-403.5(7), deliver the

1399 unopened ballots to the applicable municipal election officer or special district election officer

1400 to take the action described in Subsection (4)(b)(ii); and

1401           (ii) the applicable poll workers described in Subsection (4)(b)(i)(A) or (B) shall:

1402           [(i)] (A) remove the manual ballot from the return envelope in a manner that does not

1403 destroy the affidavit on the return envelope;

1404           [(ii)] (B) ensure that the ballot does not unfold and is not otherwise examined in

1405 connection with the return envelope; and

1406           [(iii)] (C) place the ballot with the other ballots to be counted.

1407           (c) If the poll workers for the county election officer do not make all of the findings

1408 described in Subsection (4)(a), the poll workers for the county election officer shall:

1409           (i) disallow the vote;

1410           (ii) without opening the return envelope, record the ballot as "rejected" and state the

1411 reason for the rejection; and

1412           (iii) place the return envelope, unopened, with the other rejected return envelopes.

1413           (5) (a) If the poll workers for the county election officer reject an individual's ballot

1414 because the poll workers for the county election officer determine, in accordance with rules

1415 made under Subsection (11), that the signature on the return envelope is not reasonably

1416 consistent with the individual's signature in the voter registration records, the county election

1417 officer shall:

1418           (i) contact the individual in accordance with Subsection (6); and

1419           (ii) inform the individual:

1420           (A) that the individual's signature is in question;

1421           (B) how the individual may resolve the issue; and

1422           (C) that, in order for the ballot to be counted, the individual is required to deliver to the

1423 county election officer a correctly completed affidavit, provided by the county [~~clerk~~] election

1424 officer, that meets the requirements described in Subsection (5)(c).

1425 (b) The county election officer shall ensure that the notice described in Subsection  
1426 (5)(a) includes:

1427 (i) when communicating the notice by mail, a printed copy of the affidavit described in  
1428 Subsection (5)(c) and a courtesy reply envelope;

1429 (ii) when communicating the notice electronically, a link to a copy of the affidavit  
1430 described in Subsection (5)(c) or information on how to obtain a copy of the affidavit; or

1431 (iii) when communicating the notice by phone, either during a direct conversation with  
1432 the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit  
1433 described in Subsection (5)(c), either in person from the ~~[clerk's]~~ county election officer's  
1434 office, by mail, or electronically.

1435 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:

1436 (i) an attestation that the individual voted the ballot;

1437 (ii) a space for the individual to enter the individual's name, date of birth, and driver  
1438 license number or the last four digits of the individual's social security number;

1439 (iii) a space for the individual to sign the affidavit;

1440 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant  
1441 governor's and county clerk's use of the individual's signature on the affidavit for voter  
1442 identification purposes; and

1443 (v) a check box accompanied by language in substantially the following form: "I am a  
1444 voter with a qualifying disability under the Americans with Disabilities Act that impacts my  
1445 ability to sign my name consistently. I can provide appropriate documentation upon request. To  
1446 discuss accommodations, I can be contacted at \_\_\_\_\_".

1447 (d) In order for an individual described in Subsection (5)(a) to have the individual's  
1448 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c) to the  
1449 county election officer.

1450 (e) ~~[An]~~ A county election officer who receives a signed affidavit under Subsection  
1451 (5)(d) shall immediately:

1452 (i) scan the signature on the affidavit electronically and keep the signature on file in the  
1453 statewide voter registration database developed under Section 20A-2-502;

1454 (ii) if the county election officer receives the affidavit no later than 5 p.m. three days  
1455 before the day on which the canvass begins, ~~[count the individual's ballot]~~ take the action

1456 described in Subsection (4)(b)(i); and

1457 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the  
1458 rules described in Subsection (11)(c).

1459 (6) (a) The county election officer shall, within two business days after the day on  
1460 which an individual's ballot is rejected, notify the individual of the rejection and the reason for  
1461 the rejection, by phone, mail, email, or SMS text message, unless:

1462 (i) the ballot is cured within one business day after the day on which the ballot is  
1463 rejected; or

1464 (ii) the ballot is rejected because the ballot is received late or for another reason that  
1465 cannot be cured.

1466 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii),  
1467 the county election officer shall notify the individual of the rejection and the reason for the  
1468 rejection by phone, mail, email, or SMS text message, within the later of:

1469 (i) 30 days after the day of the rejection; or

1470 (ii) 30 days after the day of the election.

1471 (c) The county election officer may, when notifying an individual by phone under this  
1472 Subsection (6), use auto-dial technology.

1473 (7) ~~[An]~~ A county election officer may not ~~[count the]~~ take the action described in  
1474 Subsection (4)(b)(i) in relation to a ballot, or permit the counting of a ballot of an individual  
1475 whom the election officer contacts under Subsection (5) or (6) unless, no later than 5 p.m. three  
1476 days before the day on which the canvass begins, the county election officer:

1477 (a) receives a signed affidavit from the individual under Subsection (5); or

1478 (b) (i) contacts the individual;

1479 (ii) if the county election officer has reason to believe that an individual, other than the  
1480 voter to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is  
1481 unlawful to sign a ballot affidavit for another person, even if the person gives permission;

1482 (iii) verifies the identity of the individual by:

1483 (A) requiring the individual to provide at least two types of personal identifying  
1484 information for the individual; and

1485 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records  
1486 relating to the individual that are in the possession or control of ~~[an]~~ a county election officer;



1487 and

1488 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:

1489 (A) the name and voter identification number of the individual contacted;

1490 (B) the name of the individual who conducts the verification;

1491 (C) the date and manner of the communication;

1492 (D) the type of personal identifying information provided by the individual;

1493 (E) a description of the records against which the personal identifying information

1494 provided by the individual is compared and verified; and

1495 (F) other information required by the lieutenant governor.

1496 (8) (a) The election officer who counts the ballots shall[+] ]

1497 [~~(a)~~] retain and preserve the return envelopes in the manner provided by law for the

1498 retention and preservation of ballots voted at that election[+].

1499 (b) The county election officer shall:

1500 (i) retain and preserve the documentation described in Subsection (7)(b)(iv); and

1501 [~~(c)~~] (ii) if the county election officer complies with Subsection [~~(8)(b)~~] (8)(b)(i) by

1502 including the documentation in the voter's voter registration record, make, retain, and preserve

1503 a record of the name and voter identification number of each voter contacted under Subsection

1504 (7)(b).

1505 (9) (a) The county election officer shall record the following in the database used to

1506 verify signatures:

1507 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day

1508 after the day on which the county election officer rejects the ballot; and

1509 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business

1510 day after the day on which the ballot rejection is resolved.

1511 (b) [~~An~~] A county election officer shall include, in the county election officer's canvass

1512 report, a final report of the disposition of all rejected and resolved ballots, including, for ballots

1513 rejected, the following:

1514 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and

1515 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in

1516 records on file, do not correspond.

1517 (10) Willful failure to comply with this section constitutes willful neglect of duty under

1518 Section 20A-5-701.

1519 (11) The director of elections within the Office of the Lieutenant Governor shall make  
1520 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
1521 establish:

1522 (a) criteria and processes for use by poll workers in determining if a signature  
1523 corresponds with the signature on file for the voter under Subsections (3)(a) and (4)(a)(i)(A);

1524 (b) training and certification requirements for election officers and employees of  
1525 election officers regarding the criteria and processes described in Subsection (11)(a); and

1526 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42  
1527 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the identity of an  
1528 individual who checks the box described in Subsection (5)(c)(v).

1529 (12) If, in response to a request, and in accordance with the requirements of law, ~~an~~ a  
1530 county election officer discloses the name or address of voters whose ballots have been rejected  
1531 and not yet resolved, the election county officer shall:

1532 (a) make the disclosure within two business days after the day on which the request is  
1533 made;

1534 (b) respond to each request in the order the requests were made; and

1535 (c) make each disclosure in a manner, and within a period of time, that does not reflect  
1536 favoritism to one requestor over another.

1537 Section 22. Section **20A-3a-401.1** is amended to read:

1538 **20A-3a-401.1. Ballot chain of custody.**

1539 (1) As used in this section:

1540 (a) "Batch" means a grouping of a specified number of ballots:

1541 (i) that is assembled by poll workers, and given a number to distinguish the grouping  
1542 from other groupings, when the ballots are first received for processing;

1543 (ii) that is kept together in the same grouping, and kept separate from other groupings,  
1544 throughout ballot processing; and

1545 (iii) for which a log is kept to document the chain of custody of the grouping.

1546 (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a  
1547 return envelope that a poll worker has not separated from a ballot, as follows:

1548 (i) starting with receiving the ballot;

- 1549 (ii) each step taken in relation to a ballot as part of conducting an election; and  
1550 (iii) ending after the ballots are counted and stored.
- 1551 (2) An election officer shall preserve the chain of custody of all ballots in accordance  
1552 with this section.
- 1553 (3) An election officer shall maintain an accurate, updated count of the number of  
1554 ballots that the election officer:
- 1555 (a) mails or otherwise provides to a voter;  
1556 (b) receives from a voter;  
1557 (c) counts;  
1558 (d) rejects;  
1559 (e) resolves after rejecting; or  
1560 (f) does not resolve after rejecting.
- 1561 (4) In addition to complying with Subsection (3):
- 1562 (a) a county election officer shall maintain an accurate, updated record of each ballot  
1563 and batch delivered to a municipal election officer or special district election officer for  
1564 counting and tabulating; and
- 1565 (b) a municipal election officer or a special district election officer shall maintain an  
1566 accurate, updated:
- 1567 (i) count of the number of ballots that the election officer receives from a county  
1568 election officer under Subsection (4)(a); and
- 1569 (ii) record of each ballot and batch received under Subsection (4)(a).
- 1570 ~~[(4)]~~ (5) Upon receiving ballots cast by voters, the county election officer shall ensure  
1571 that poll workers immediately count the number of ballots received and divide the ballots into  
1572 batches.
- 1573 ~~[(5)]~~ (6) The election officer who has custody of the ballots shall ensure that:
- 1574 (a) ballots in each batch are kept separate from the ballots in other batches;  
1575 (b) a ballot is not separated from a batch, except as necessary to the election process;  
1576 (c) if a ballot is separated from a batch, the batch log indicates:  
1577 (i) the ballot number;  
1578 (ii) the date and time of removal;  
1579 (iii) the identity of the individual who removes the ballot; and

1580 (iv) the reason the ballot is removed;  
 1581 (d) poll workers shall keep for each batch a log that includes:  
 1582 (i) a unique identifying code or number for the batch;  
 1583 (ii) the number of ballots in the batch;  
 1584 (iii) the date that the ballots were received; and  
 1585 (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:  
 1586 (A) the date and time that the ballots are handled;  
 1587 (B) a description of what is done with the ballots;  
 1588 (C) the identity of the poll workers who handle the ballots; and  
 1589 (D) any other information required by rule under Subsection ~~[(7)]~~ (9);  
 1590 (e) an election official who performs a ballot processing function performs the function  
 1591 in the presence of at least one other election official;  
 1592 (f) to the extent reasonably possible, the poll workers who perform a ballot processing  
 1593 function for a batch complete performing that function for the entire batch; and  
 1594 (g) each part of the processing of all ballots, including separating ballots from  
 1595 envelopes and counting and tabulating ballots, is monitored by recorded video, without audio.  
 1596 ~~[(6)]~~ (7) An election officer shall:  
 1597 (a) keep the recordings described in Subsection ~~[(5)(g)]~~ (6)(g) until the later of:  
 1598 (i) the end of the calendar year in which the election was held; or  
 1599 (ii) if the election is contested, when the contest is resolved; and  
 1600 (b) ensure that a camera, a video, or a recording of a video described in Subsection  
 1601 ~~[(5)(g)]~~ (6)(g) may only be accessed:  
 1602 (i) by the election officer;  
 1603 (ii) by the county election officer;  
 1604 ~~[(ii)]~~ (iii) by a custodian of the camera, video, or recording;  
 1605 ~~[(iii)]~~ (iv) by the lieutenant governor;  
 1606 ~~[(iv)]~~ (v) by the legislative auditor general, when performing an audit; or  
 1607 ~~[(v)]~~ (vi) by, or pursuant to an order of, a court of competent jurisdiction.  
 1608 ~~[(7)]~~ (8) An individual may not view a video, or a recording of a video, described in  
 1609 Subsection ~~[(5)(g)]~~ (6)(g):  
 1610 (a) unless the individual is an individual described in Subsection ~~[(6)(b)]~~ (7)(b); and

1611 (b) the individual views the video to the extent necessary to:  
1612 (i) ensure compliance with Subsection ~~[(5)(g) or (6)]~~ (6)(g) or (7); or  
1613 (ii) investigate a concern relating to the processing of ballots.  
1614 ~~[(8)]~~ (9) The director of elections within the Office of the Lieutenant Governor may  
1615 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1616 establishing specific requirements and procedures for an election officer or poll worker to:  
1617 (a) fulfill the chain of custody requirements described in this section;  
1618 (b) perform the signature verification audits described in Section 20A-3a-402.5; and  
1619 (c) comply with the reconciliation requirements described in Subsection  
1620 20A-4-304(2)(h).  
1621 Section 23. Section **20A-3a-402** is amended to read:  
1622 **20A-3a-402. Custody of ballots voted at a polling place -- Disposition -- Counting**  
1623 **ballots -- Release of tally.**  
1624 (1) ~~[(a)]~~ For ballots voted at a polling place:  
1625 ~~[(b)]~~ (a) the county election officer shall deliver all return envelopes containing valid  
1626 ballots and valid provisional ballots that are in the county election officer's custody to the  
1627 counting center before noon on the day of the official canvass following the election;  
1628 ~~[(c)]~~ (b) valid ballots, including valid provisional ballots, may be processed and  
1629 counted:  
1630 (i) by the election officer responsible for counting the ballots, or poll workers acting  
1631 under the supervision of ~~[the]~~ that election officer, before the date of the canvass; and  
1632 (ii) at the canvass, by the election officer responsible for counting the ballots or poll  
1633 workers for that election officer, acting under the supervision of the official canvassers of the  
1634 election;  
1635 ~~[(d)]~~ (c) when processing ballots, the responsible election officer and the poll workers  
1636 for that election officer shall comply with the procedures and requirements of Section  
1637 20A-3a-401 in opening envelopes, verifying signatures, confirming eligibility of the ballots,  
1638 and depositing ballots in preparation for counting; and  
1639 ~~[(e)]~~ (d) all valid ballots, including valid provisional ballots have been deposited, ~~[the~~  
1640 ~~ballots]~~ shall be counted in the usual manner.  
1641 (2) (a) After the polls close on the date of the election, the election officer responsible

1642 for counting the ballots shall publicly release the results of all ballots, including provisional  
1643 ballots, that have been counted on or before the date of the election.

1644 (b) Except as provided in Subsection (2)(c), on each day, beginning on the day after the  
1645 date of the election and ending on the day before the date of the canvass, the election officer  
1646 responsible for counting the ballots shall publicly release the results of all ballots, including  
1647 provisional ballots, counted on that day.

1648 (c) (i) If complying with Subsection (2)(b) on a particular day will likely result in  
1649 disclosing a vote cast by an individual voter, the election officer responsible for counting the  
1650 ballots shall request permission from the lieutenant governor to delay compliance for the  
1651 minimum number of days necessary to protect against disclosure of the voter's vote.

1652 (ii) The lieutenant governor shall grant a request made under Subsection (2)(c)(i) if the  
1653 lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's  
1654 vote.

1655 (d) On the date of the canvass, the election officer responsible for counting the ballots  
1656 shall provide a tally of all ballots, including provisional ballots, counted, and the resulting tally  
1657 shall be added to the official canvass of the election.

1658 Section 24. Section **20A-3a-402.5** is amended to read:

1659 **20A-3a-402.5. Signature verification audits.**

1660 (1) ~~[An]~~ A county election officer shall, in accordance with this section and rules made  
1661 under Section 20A-3a-106, conduct regular audits of signature comparisons made between  
1662 signatures on envelopes and voter signatures maintained by the county election officer.

1663 (2) An individual who conducts an audit of signature comparisons may not audit the  
1664 individual's own work.

1665 (3) Before separating ballots from return envelopes, the county election officer shall:

1666 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine  
1667 the accuracy of the comparisons made; and

1668 (b) provide additional training or staff reassignments, as needed, based on the results of  
1669 the audit.

1670 (4) An election officer shall submit to the lieutenant governor and the board of  
1671 canvassers a record of:

1672 (a) the audits performed under this section;

1673 (b) the results of the audits; and

1674 (c) any remedial action taken.

1675 Section 25. Section **20A-3a-405** is amended to read:

1676 **20A-3a-405. Ballot statistics.**

1677 (1) Except as provided in Subsection (5)(a), an election officer shall post and update  
1678 the data described in Subsection (2) on the election officer's website, on the following days,  
1679 after the election officer finishes processing ballots on that day:

1680 (a) the day on which the election officer begins mailing ballots;

1681 (b) each Monday, Wednesday, and Friday after the day described in Subsection (1)(a),  
1682 until the final posting described in Subsection (1)(c); and

1683 (c) the Wednesday after the day of the election.

1684 (2) The data that an election officer is required to post under Subsection (1) includes:

1685 (a) the number of ballots in the ~~[county clerk's]~~ election officer's possession; and

1686 (b) of the number of ballots described in Subsection (2)(a):

1687 (i) the number of ballots that ~~[have]~~ the election officer has not yet begun processing;

1688 (ii) the number of ballots in process by the election officer; and

1689 (iii) the number of ballots processed by the election officer.

1690 (3) Except as provided in Subsection (5)(b), an election officer shall post and update  
1691 the data described in Subsection (4) on the election officer's website on the following days:

1692 (a) the Friday after the day of the election;

1693 (b) each Monday, Wednesday, and Friday after the day described in Subsection (3)(a),  
1694 until the final posting described in Subsection (3)(c); and

1695 (c) on the last day of the canvass.

1696 (4) The data that an election officer is required to post under Subsection (3) includes  
1697 the following, in relation to the ballots in the election officer's possession:

1698 (a) a best estimate of the number of ballots received, to date, by the election officer;

1699 (b) if the election officer is a county election officer:

1700 (i) the number of ballots in possession of the county election officer that have been  
1701 rejected and are not yet cured;

1702 (ii) the number of ballots delivered to a municipal election officer or special district  
1703 election officer for counting and tabulation; and

1704 ~~(c)~~ (iii) the number of provisional ballots in the possession of the county election  
 1705 officer that have not been processed;

1706 (c) if the election officer receives ballots under Subsection (4)(b)(ii), the number of  
 1707 ballots received;

1708 (d) the number of ballots in the election officer's possession that need to be  
 1709 adjudicated, but have not yet been adjudicated;

1710 (e) the number of ballots awaiting replication; and

1711 (f) the number of ballots that have been replicated.

1712 (5) (a) An election officer is not required to update the data described in Subsection (2)  
 1713 on a Monday if the election officer does not process any ballots the preceding Saturday or  
 1714 Sunday.

1715 (b) An election officer is not required to update the data described in Subsection (4) on  
 1716 a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.

1717 Section 26. Section **20A-3a-601** is amended to read:

1718 **20A-3a-601. Early voting.**

1719 (1) Except as provided in Section 20A-7-609.5:

1720 (a) an individual who is registered to vote may vote at a polling place before the  
 1721 election date in accordance with this section; and

1722 (b) ~~[except as provided in Subsection 20A-2-207(6),]~~ an individual who is not  
 1723 registered to vote may register to vote and vote at a polling place before the election date in  
 1724 accordance with this section if the individual:

1725 (i) is otherwise legally entitled to vote the ballot; and

1726 (ii) casts a provisional ballot in accordance with Section 20A-2-207.

1727 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:

1728 (a) begins on the date that is 14 days before the date of the election; and

1729 (b) continues through the Friday before the election if the election date is a Tuesday.

1730 (3) (a) ~~[An]~~ A county election officer may extend the end of the early voting period to  
 1731 the day before the election date if the county election officer provides notice of the extension in  
 1732 accordance with Section 20A-3a-604.

1733 (b) For a municipal election, the ~~[municipal clerk]~~ county election officer may reduce  
 1734 the early voting period described in this section if:



1735 (i) the [~~municipal clerk~~] county election officer conducts early voting on at least four  
1736 days;

1737 (ii) the early voting days are within the period beginning on the date that is 14 days  
1738 before the date of the election and ending on the day before the election; and

1739 (iii) the [~~municipal clerk~~] county election officer provides notice of the reduced early  
1740 voting period in accordance with Section 20A-3a-604.

1741 (c) For a county election, the county [~~clerk~~] election officer may reduce the early  
1742 voting period described in this section if:

1743 (i) the county [~~clerk~~] election officer conducts early voting on at least four days;

1744 (ii) the early voting days are within the period beginning on the date that is 14 days  
1745 before the date of the election and ending on the day before the election; and

1746 (iii) the county [~~clerk~~] election officer provides notice of the reduced early voting  
1747 period in accordance with Section 20A-3a-604.

1748 (4) Except as provided in Section 20A-1-308, during the early voting period, the  
1749 county election officer:

1750 (a) for a local special election, a municipal primary election, and a municipal general  
1751 election:

1752 (i) shall conduct early voting on a minimum of four days during each week of the early  
1753 voting period; and

1754 (ii) shall conduct early voting on the last day of the early voting period; and

1755 (b) for all other elections:

1756 (i) shall conduct early voting on each weekday; and

1757 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

1758 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,  
1759 early voting shall be administered in accordance with the requirements of this title.

1760 Section 27. Section **20A-3a-602** is amended to read:

1761 **20A-3a-602. Hours for early voting.**

1762 (1) Except as provided in Section 20A-1-308, the county election officer shall  
1763 determine the times for opening and closing the polls for each day of early voting provided that  
1764 voting is open for a minimum of four hours during each day that polls are open during the early  
1765 voting period.

(2) Except as provided in Section 20A-1-308, each registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

Section 28. Section **20A-3a-603** is amended to read:

**20A-3a-603. Early voting polling places.**

(1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the county election officer shall designate one or more polling places for early voting, as follows:

(a) at least one polling place shall be open on each day that polls are open during the early voting period;

(b) each polling place shall comply with the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place shall be accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

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

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

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

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

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

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

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

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

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

1797 voting polling place:

1798 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

1799 (ii) by posting the information on the website of the election officer, if available; and

1800 (iii) by posting notice:

1801 (A) for a change in the location of an early voting polling place, at the new location

1802 and, if possible, the old location; and

1803 (B) for an additional early voting polling place, at the additional early voting polling

1804 place.

1805 (3) Except as provided in Section 20A-1-308, for each regular general election and

1806 regular primary election, counties of the first class shall ensure that the early voting polling

1807 places are approximately proportionately distributed based on population within the county.

1808 Section 29. Section **20A-3a-604** is amended to read:

1809 **20A-3a-604. Notice of time and place of early voting.**

1810 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the county

1811 election officer shall, for at least 28 days before the date of the election, provide notice of the

1812 dates, times, and locations of early voting by publishing notice for the county, as a class A

1813 notice under Section 63G-30-102.

1814 (2) Instead of specifying all dates, times, and locations of early voting, a notice

1815 required under Subsection (1) may specify the following sources where a voter may view or

1816 obtain a copy of all dates, times, and locations of early voting:

1817 (a) the county's website;

1818 (b) the physical address of the county's offices; and

1819 (c) a mailing address and telephone number.

1820 (3) The county election officer shall include in the notice described in Subsection (1):

1821 (a) the address of the Statewide Electronic Voter Information Website and, if available,

1822 the address of the election officer's website, with a statement indicating that the county election

1823 officer will post on the website the location of each early voting polling place, including any

1824 changes to the location of an early voting polling place and the location of additional early

1825 voting polling places; and

1826 (b) a phone number that a voter may call to obtain information regarding the location

1827 of an early voting polling place.

1828 Section 30. Section **20A-3a-605** is amended to read:

1829 **20A-3a-605. Exemptions from early voting.**

1830 (1) (a) This part does not apply to an election of a board member of a special district.

1831 (b) Notwithstanding Subsection (1)(a), [~~a special district may, in the special district's~~  
1832 ~~discretion~~] a county election officer may, in the county election officer's discretion, provide  
1833 early voting in accordance with this part for election of a board member.

1834 (2) Notwithstanding the requirements of Section 20A-3a-601, a county election officer  
1835 may, for a municipality of the fifth class or a town as described in Section 10-2-301 [~~may~~],  
1836 provide early voting as provided under this part for:

1837 (a) a municipal primary election; or

1838 (b) a municipal general election.

1839 [~~(3) A municipality is not required to conduct early voting for the election.~~]

1840 Section 31. Section **20A-3a-701** is amended to read:

1841 **20A-3a-701. Definitions.**

1842 As used in this part:

1843 (1) "Election day voting center" means a polling place designated by [~~an~~] a county  
1844 election officer to provide for voting on election day for an individual who:

1845 (a) is eligible to vote; and

1846 (b) resides within the political subdivision holding the election.

1847 (2) "Voting center ballot" means a regular ballot that:

1848 (a) is provided at an election day voting center; and

1849 (b) may be retrieved by the county election official during the canvass if the voter cast  
1850 a ballot at another location or before election day.

1851 Section 32. Section **20A-3a-702** is amended to read:

1852 **20A-3a-702. Election day voting center -- Hours of operation -- Compliance with**  
1853 **Election Code.**

1854 (1) Except as provided in Section 20A-7-609.5, [~~an~~] a county election officer may  
1855 operate an election day voting center in one or more locations designated under Section  
1856 20A-3a-703.

1857 (2) [~~An~~] A county election officer shall provide for voting at an election day voting  
1858 center by:

1859 (a) regular ballot if:

1860 (i) (A) the election day voting center is designated under Section 20A-5-403 as the

1861 polling place for the voting precinct in which the voter resides; and

1862 (B) the voter is eligible to vote a regular ballot at the election day voting center in

1863 accordance with this title; or

1864 (ii) (A) the voter resides within the political subdivision holding the election;

1865 (B) the voter is otherwise eligible to vote a regular ballot in accordance with this title;

1866 and

1867 (C) the jurisdiction holding the election uses a method that confirms that the voter has

1868 not voted previously in the election;

1869 (b) voting center ballot if:

1870 (i) the election day voting center is not designated under Section 20A-5-403 as the

1871 polling place for the voting precinct in which the voter resides;

1872 (ii) the voter resides within the political subdivision holding the election; and

1873 (iii) the voter is otherwise eligible to vote a regular ballot in accordance with this title;

1874 or

1875 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in

1876 accordance with this title.

1877 (3) ~~[An]~~ A county election officer shall ensure that an election day voting center:

1878 (a) is open on election day during the time period specified under Section 20A-1-302;

1879 (b) allows an eligible voter to vote if the voter:

1880 (i) resides within the political subdivision holding an election; and

1881 (ii) arrives at the election day voting center by the designated closing time in

1882 accordance with Section 20A-1-302; and

1883 (c) is administered according to the requirements of this title.

1884 (4) An individual may submit a completed manual ballot at an election day voting

1885 center for the political subdivision in which the individual resides.

1886 Section 33. Section **20A-3a-703** is amended to read:

1887 **20A-3a-703. Election day voting centers as polling places -- Location --**

1888 **Notification.**

1889 (1) The county election officer may designate one or more polling places as an election

1890 day voting center if:

1891 (a) except as provided in Subsection (2), the county election officer notifies the  
1892 lieutenant governor of the designation and location of the election day voting center at least 15  
1893 days before the election;

1894 (b) the polling place meets the requirements for a polling place under Chapter 5,  
1895 Election Administration; and

1896 (c) the polling place is located in a government building or office, unless the county  
1897 election officer determines that there is no government building or office available, in the area  
1898 designated by the county election officer, that:

1899 (i) can be scheduled for use during election day voting hours;

1900 (ii) has the physical facilities necessary to accommodate election day voting  
1901 requirements;

1902 (iii) has adequate space for voting equipment, poll workers, and voters; and

1903 (iv) has adequate security, public accessibility, and parking.

1904 (2) (a) The county election officer may, after the deadline described in Subsection  
1905 (1)(a):

1906 (i) if necessary, change the location of an election day voting center; or

1907 (ii) if the county election officer determines that the number of election day voting  
1908 centers is insufficient due to the number of registered voters who are voting, designate  
1909 additional election day voting centers.

1910 (b) Except as provided in Section 20A-1-308, if ~~an~~ a county election officer changes  
1911 the location of an election day voting center or designates an additional election day voting  
1912 center, the county election officer shall, as soon as is reasonably possible, give notice of the  
1913 dates, times, and location of the changed election day voting center or the additional election  
1914 day voting center:

1915 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter  
1916 Information Website;

1917 (ii) by posting the information on the website of the county election officer~~;~~ ~~if~~  
1918 ~~available~~; and

1919 (iii) by posting notice:

1920 (A) of a change in the location of an election day voting center, at the new location

1921 and, if possible, the old location; and

1922 (B) of an additional election day voting center, at the additional election day voting  
1923 center.

1924 Section 34. Section **20A-3a-801** is amended to read:

1925 **20A-3a-801. Watchers.**

1926 (1) As used in this section, "administering election officer" means~~[(a)]~~ the election  
1927 officer~~[(b)]~~ responsible for the ballot process observed by the watcher.

1928 ~~[(b) if the election officer is the lieutenant governor, the county clerk of the county in  
1929 which an individual will act as a watcher.]~~

1930 (2) (a) Any individual who is registered or preregistered to vote in Utah may become a  
1931 watcher in an election at any time by registering as a watcher with the administering election  
1932 officer.

1933 (b) An individual who registers under Subsection (2)(a) is not required to be certified  
1934 by a person under Subsection (3) in order to act as a watcher.

1935 (c) An individual who registers as a watcher shall notify the administering election  
1936 officer of the dates, times, and locations that the individual intends to act as a watcher.

1937 (d) An election official may not prohibit a watcher from performing a function  
1938 described in Subsection (4) because the watcher did not provide the notice described in  
1939 Subsection (2)(c).

1940 (e) An administering election officer shall provide a copy of this section, or  
1941 instructions on how to access an electronic copy of this section, to a watcher at the time the  
1942 watcher registers under this Subsection (2).

1943 (3) (a) A person that is a candidate whose name will appear on the ballot, a qualified  
1944 write-in candidate for the election, a registered political party, or a political issues committee  
1945 may certify an individual as an official watcher for the person:

1946 (i) by filing an affidavit with the administering election officer responsible to designate  
1947 an individual as an official watcher for the certifying person; and

1948 (ii) if the individual registers as a watcher under Subsection (2)(a).

1949 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the  
1950 same function described in Subsection (4) at the same time and in the same location as another  
1951 watcher who is certified by that person.

1952 (c) A watcher who is certified by a person under Subsection (3)(a) may designate  
1953 another individual to serve in the watcher's stead during the watcher's temporary absence by  
1954 filing with a poll worker an affidavit that designates the individual as a temporary replacement.

1955 (4) A watcher may:

1956 (a) observe the setup or takedown of a polling place;

1957 (b) observe a voter checking in at a polling place;

1958 (c) observe the collection, receipt, and processing of a ballot, including a provisional  
1959 ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;

1960 (d) observe the transport or transmission of a ballot that is in an election official's  
1961 custody;

1962 (e) observe the opening and inspection of a manual ballot;

1963 (f) observe ballot replication;

1964 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;

1965 (h) observe ballot tabulation;

1966 (i) observe the process of storing and securing a ballot;

1967 (j) observe a post-election audit;

1968 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3,~~  
1969 ~~Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;

1970 (l) observe the certification of the results of an election;

1971 (m) observe a recount; or

1972 (n) observe signature verification.

1973 (5) An administering election officer shall:

1974 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an  
1975 election process;

1976 (b) establish locations for a watcher to observe an event described in Subsection (4),  
1977 other than an event described in Subsection (4)(d) or (k), from no further than six feet away;  
1978 and

1979 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or  
1980 upload of votes from a voting machine or scanner, that is conducted on a computer screen,  
1981 project the activity onto a screen that is large enough to be viewed by each watcher.

1982 (6) (a) A watcher may not:



(i) record an activity described in Subsection (4) if the recording would reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;

(ii) interfere with an activity described in Subsection (4), except to challenge an individual's eligibility to vote under Section 20A-3a-803; or

(iii) divulge information related to the number of votes counted, tabulated, or cast for a candidate or ballot proposition until after the administering election officer makes the information public.

(b) A person who violates Subsection (6)(a)(iii) is guilty of a third degree felony.

(7) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working environment for an election official or to protect the safety or security of a ballot, an administering election officer may take reasonable action to:

(i) limit the number of watchers at a single location;

(ii) remove a watcher for violating a provision of this section;

(iii) remove a watcher for interfering with an activity described in Subsection (4);

(iv) designate areas for a watcher to reasonably observe the activities described in Subsection (4); or

(v) ensure that a voter's ballot secrecy is protected throughout the watching process.

(b) If an administering election officer limits the number of watchers at a single location under Subsection (6)(a)(i), the administering election officer shall give preferential access to the location to a watcher designated under Subsection (3).

(c) An administering election officer may provide a watcher a badge that identifies the watcher and require the watcher to wear the badge while acting as a watcher.

Section 35. Section **20A-3a-804** is amended to read:

**20A-3a-804. Pre-election challenges to a voter's eligibility in writing -- Procedure -- Form of challenge.**

(1) (a) An individual may challenge an individual's eligibility to vote by filing a written statement with the county election officer in accordance with Subsection (1)(b) that:

(i) lists the name and address of the individual filing the challenge;

(ii) for each individual who is challenged:

(A) identifies the name of the challenged individual;

(B) lists the last known address or telephone number of the challenged individual;

2014 (C) provides the basis for the challenge, as provided under Section 20A-3a-803;  
2015 (D) provides facts and circumstances supporting the basis provided; and  
2016 (E) may include supporting documents, affidavits, or other evidence; and  
2017 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:  
2018 (A) the filer exercised due diligence to personally verify the facts and circumstances  
2019 establishing the basis for the challenge; and  
2020 (B) according to the filer's personal knowledge and belief, the basis for the challenge  
2021 under Section 20A-3a-803 for each challenged individual is valid.

2022 (b) An individual who files a written statement under Subsection (1)(a) shall file the  
2023 written statement during the election officer's regular business hours:

2024 (i) at least 45 days before the day of the election; or  
2025 (ii) if the challenge is to an individual who registered to vote between the day that is 45  
2026 days before the election and the day of the election:

2027 (A) on or before the day of the election; and  
2028 (B) before the individual's ballot is removed from a ballot envelope or otherwise  
2029 separated from any information that could be used to identify the ballot as the individual's  
2030 ballot.

2031 (c) The challenge may not be based on unsupported allegations or allegations by an  
2032 anonymous individual.

2033 (d) ~~[An]~~ A county election officer may require an individual who files a challenge  
2034 under this section to file the challenge on a form provided by the county election officer that  
2035 meets the requirements of this section.

2036 (2) If the challenge is not in the proper form, is incomplete, or if the basis for the  
2037 challenge does not meet the requirements of this part, the county election officer shall dismiss  
2038 the challenge and notify the filer in writing of the reasons for the dismissal.

2039 (3) (a) Upon receipt of a challenge that meets the requirements for filing under this  
2040 section, the county election officer shall attempt to notify each challenged individual in  
2041 accordance with Subsection (3)(b):

2042 (i) at least 28 days before the date of the election, if the county election officer receives  
2043 the challenge under Subsection (1)(b)(i); or  
2044 (ii) within one business day, if the county election officer receives the challenge under

2045 Subsection (1)(b)(ii).

2046 (b) The county election officer shall attempt to notify each challenged individual:

2047 (i) that a challenge has been filed against the challenged individual;

2048 (ii) that the challenged individual may be required to cast a provisional ballot at the

2049 time the individual votes if the individual votes in person;

2050 (iii) that if the individual votes by mail, the individual's ballot will be treated as a

2051 provisional ballot unless the challenge is resolved;

2052 (iv) of the basis for the challenge, which may include providing a copy of the challenge

2053 the filer filed with the county election officer; and

2054 (v) that the challenged individual may submit information, a sworn statement,

2055 supporting documents, affidavits, or other evidence supporting the challenged individual's

2056 eligibility to vote in the election to the county election officer no later than:

2057 (A) 21 days before the date of the election, if the county election officer receives the

2058 challenge under Subsection (1)(b)(i); or

2059 (B) five days before the day on which the canvass is held, if the county election officer

2060 receives the challenge under Subsection (1)(b)(ii).

2061 (4) (a) The county election officer shall determine whether each challenged individual

2062 is eligible to vote before the day on which:

2063 (i) early voting commences, if the county election officer receives the challenge under

2064 Subsection (1)(b)(i); or

2065 (ii) the canvass is held, if the county election officer receives the challenge under

2066 Subsection (1)(b)(ii).

2067 (b) (i) The filer has the burden to prove, by clear and convincing evidence, that the

2068 basis for challenging the individual's eligibility to vote is valid.

2069 (ii) The county election officer shall resolve the challenge based on the available facts

2070 and information submitted, which may include voter registration records and other documents

2071 or information available to the county election officer.

2072 (5) An individual who files a challenge in accordance with the requirements of this

2073 section is subject to criminal penalties for false statements as provided under Sections 76-8-503

2074 and 76-8-504 and any other applicable criminal provision.

2075 (6) (a) A challenged individual may appeal ~~an~~ a county election officer's decision

2076 regarding the individual's eligibility to vote to the district court having jurisdiction over the  
2077 location where the challenge was filed.

2078 (b) The district court shall uphold the decision of the county election officer unless the  
2079 district court determines that the decision was arbitrary, capricious, or unlawful.

2080 (c) In making the district court's determination, the district court's review is limited to:

2081 (i) the information filed under Subsection (1)(a) by the filer;

2082 (ii) the information submitted under Subsection (3)(b)(v) by the challenged individual;

2083 and

2084 (iii) any additional facts and information used by the county election ~~[official]~~ officer  
2085 to determine whether the challenged individual is eligible to vote, as indicated by the county  
2086 election ~~[official]~~ officer.

2087 (7) A challenged individual may register to vote or change the location of the  
2088 individual's voter registration if otherwise permitted by law.

2089 (8) A document pertaining to a challenge filed under this section is a public record.

2090 Section 36. Section **20A-4-101** is amended to read:

2091 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**  
2092 **polling place on day of election before polls close.**

2093 (1) Each county legislative body, municipal legislative body, and each poll worker  
2094 shall comply with the requirements of this section when counting manual ballots on the day of  
2095 an election, if:

2096 (a) the ballots are cast at a polling place; and

2097 (b) the ballots are counted at the polling place before the polls close.

2098 (2) (a) Each county legislative body or municipal legislative body shall provide~~[-(i)]~~  
2099 two sets of ballot boxes for all voting precincts where both receiving and counting judges have  
2100 been appointed~~[-and]~~.

2101 ~~[(ii)]~~ (b) The county legislative body or the municipal legislative body of the election  
2102 officer responsible for counting and tabulating ballots shall provide a counting room for the use  
2103 of the poll workers counting the ballots during the day.

2104 ~~[(b)]~~ (c) At any election in any voting precinct in which both receiving and counting  
2105 judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:

2106 (i) close the first ballot box and deliver it to the counting judges; and

2107 (ii) prepare and use another ballot box to receive voted ballots.  
2108 ~~[(c)]~~ (d) Except as provided in Subsection ~~[(2)(f)]~~ (2)(g), upon receipt of the ballot box,  
2109 the counting judges shall:  
2110 (i) take the ballot box to the counting room;  
2111 (ii) count the votes on the regular ballots in the ballot box;  
2112 (iii) place the provisional ballot envelopes in the envelope or container provided for  
2113 them for return to the election officer; and  
2114 (iv) when they have finished counting the votes in the ballot box, return the emptied  
2115 box to the receiving judges.  
2116 ~~[(d)]~~ (e) (i) During the course of election day, whenever there are at least 20 ballots  
2117 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting  
2118 judges for counting; and  
2119 (ii) the counting judges shall immediately count the regular ballots and segregate the  
2120 provisional ballots contained in that box.  
2121 ~~[(c)]~~ (f) The counting judges shall continue to exchange the ballot boxes and count  
2122 ballots until the polls close.  
2123 ~~[(f)]~~ (g) (i) The director of elections within the Office of the Lieutenant Governor shall  
2124 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2125 describing the procedures that a counting judge is required to follow for counting ballots in an  
2126 instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project.  
2127 (ii) When counting ballots in an instant runoff voting race described in Part 6,  
2128 Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the  
2129 procedures established under Subsection ~~[(2)(f)(i)]~~ (2)(g)(i) and Part 6, Municipal Alternate  
2130 Voting Methods Pilot Project.  
2131 (3) To resolve questions that arise during the counting of ballots, a counting judge shall  
2132 apply the standards and requirements of:  
2133 (a) to the extent applicable, Section 20A-4-105; and  
2134 (b) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate  
2135 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).  
2136 Section 37. Section **20A-4-102** is amended to read:  
2137 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**

2138 **polling place on day of election after polls close.**

2139 (1) (a) This section governs counting manual ballots on the day of an election, if:

2140 (i) the ballots are cast at a polling place; and

2141 (ii) the ballots are counted at the polling place after the polls close.

2142 (b) Except as provided in Subsection (2) or a rule made under Subsection

2143 [~~20A-4-101(2)(f)(i)~~] 20A-4-101(2)(g)(i), as soon as the polls have been closed and the last

2144 qualified voter has voted, the election judges shall count the ballots by performing the tasks

2145 specified in this section in the order that they are specified.

2146 (c) To resolve questions that arise during the counting of ballots, a counting judge shall  
2147 apply the standards and requirements of:

2148 (i) to the extent applicable, Section 20A-4-105; and

2149 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate  
2150 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

2151 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

2152 (b) (i) If there are more ballots in the ballot box than there are names entered in the  
2153 pollbook, the judges shall examine the official endorsements on the ballots.

2154 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper  
2155 official endorsement, the judges shall put those ballots in an excess ballot file and not count  
2156 them.

2157 (c) (i) If, after examining the official endorsements, there are still more ballots in the  
2158 ballot box than there are names entered in the pollbook, the judges shall place the remaining  
2159 ballots back in the ballot box.

2160 (ii) One of the judges, without looking, shall draw a number of ballots equal to the  
2161 excess from the ballot box.

2162 (iii) The judges shall put those excess ballots into the excess ballot envelope and not  
2163 count them.

2164 (d) When the ballots in the ballot box equal the number of names entered in the  
2165 pollbook, the judges shall count the votes.

2166 (3) The judges shall:

2167 (a) place all unused ballots in the envelope or container provided for return to the  
2168 county clerk or city recorder; and

2169 (b) seal that envelope or container.

2170 (4) The judges shall:

2171 (a) place all of the provisional ballot envelopes in the envelope provided for them for

2172 return to the county election officer; and

2173 (b) seal that envelope or container.

2174 (5) (a) In counting the votes, the election judges shall read and count each ballot

2175 separately.

2176 (b) In regular primary elections the judges shall:

2177 (i) count the number of ballots cast for each party;

2178 (ii) place the ballots cast for each party in separate piles; and

2179 (iii) count all the ballots for one party before beginning to count the ballots cast for

2180 other parties.

2181 (6) (a) In all elections, the counting judges shall, except as provided in Part 6,

2182 Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection

2183 ~~[20A-4-101(2)(f)(i)]~~ 20A-4-101(2)(g)(i):

2184 (i) count one vote for each candidate designated by the marks in the squares next to the

2185 candidate's name;

2186 (ii) count each vote for each write-in candidate who has qualified by filing a

2187 declaration of candidacy under Section 20A-9-601;

2188 (iii) read every name marked on the ballot and mark every name upon the tally sheets

2189 before another ballot is counted;

2190 (iv) evaluate each ballot and each vote based on the standards and requirements of

2191 Section 20A-4-105;

2192 (v) write the word "spoiled" on the back of each ballot that lacks the official

2193 endorsement and deposit it in the spoiled ballot envelope; and

2194 (vi) read, count, and record upon the tally sheets the votes that each candidate and

2195 ballot proposition received from all ballots, except excess or spoiled ballots.

2196 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or

2197 persons clearly not eligible to qualify for office.

2198 (c) The judges shall certify to the accuracy and completeness of the tally list in the

2199 space provided on the tally list.

2200 (d) When the judges have counted all of the voted ballots, they shall record the results  
2201 on the total votes cast form.

2202 (7) (a) Except as provided in Subsection (7)(b), only an election judge and a watcher  
2203 may be present at the place where counting is conducted until the count is completed.

2204 (b) (i) An auditor conducting an audit described in Section 36-12-15.2 may be present  
2205 at the place where counting is conducted, regardless of whether the count is completed.

2206 (ii) The lieutenant governor may be present at the place where counting is conducted,  
2207 regardless of whether the count is completed.

2208 Section 38. Section **20A-4-103** is amended to read:

2209 **20A-4-103. Preparing ballots cast at a polling place for the county election**  
2210 **officer.**

2211 (1) This section governs the preparation of ballots for the counting center when the  
2212 ballots are cast at a polling place.

2213 (2) (a) As soon as the polls have been closed and the last qualified voter has voted, the  
2214 poll workers shall prepare the ballots for delivery to the [~~counting center~~] county election  
2215 officer as provided in this section.

2216 (b) The poll workers, election officers, and other persons may not manually count any  
2217 votes before delivering the ballots to the [~~counting center~~] county election officer.

2218 (3) The poll workers shall:

2219 (a) complete the statement of disposition of ballots and all other forms required by the  
2220 county election officer;

2221 (b) place a copy of the forms described in Subsection (3)(a) and the voted ballots in a  
2222 sealed container;

2223 (c) place all provisional ballots in the container provided for returning provisional  
2224 ballots to the [~~counting center~~] county election officer and seal the container; and

2225 (d) deliver to the [~~counting center~~] county election officer:

2226 (i) the items described in Subsections (3)(a) through (c); and

2227 (ii) any other items required by the election officer.

2228 Section 39. Section **20A-4-104** is amended to read:

2229 **20A-4-104. Counting ballots electronically -- Notice of testing tabulating**  
2230 **equipment.**



(1) ~~[(a)]~~ Before beginning to count ballots using automatic tabulating equipment, the election officer responsible for counting and tabulating the ballots shall:

(a) test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures~~[-];~~

(b) ~~[The election officer shall]~~ provide public notice of the time and place of the test by publishing the notice, as a class A notice under Section 63G-30-102, for the county, municipality, or jurisdiction where the equipment is used, for at least 10 days before the day of the test~~[-];~~

(c) ~~[The election officer shall]~~ conduct the test by processing a preaudited group of ballots~~[-];~~

(d) ~~[The election officer shall]~~ ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;

(ii) for each office, one or more ballots have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and

(iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure~~[-]; and~~

(e) ~~[If]~~ if any error is detected, ~~[the election officer shall]~~ determine the cause of the error and correct it.

~~[(f)]~~ (2) The election officer responsible for counting and tabulating the ballots shall ensure that:

~~[(f)]~~ (a) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and

~~[(f)]~~ (b) before the election returns are approved as official, the automatic ~~[tabulating]~~ tabulating equipment passes a post election audit conducted in accordance with the rules described in Subsection 20A-1-108(1).

~~[(2)]~~ (3) (a) The election officer responsible for counting and tabulating the ballots, or the election officer's designee, shall supervise and direct all proceedings at the counting center.

(b) (i) Proceedings at the counting center are public and may be observed by interested persons.

(ii) Only those persons authorized to participate in the count may touch any ballot or

2262 return.

2263 (c) The election officer responsible for counting and tabulating the ballots shall  
2264 deputize and administer an oath or affirmation to all persons who are engaged in processing  
2265 and counting the ballots that they will faithfully perform their assigned duties.

2266 ~~[(3)]~~ (4) (a) If any ballot is damaged or defective so that it cannot properly be counted  
2267 by the automatic tabulating equipment, the election officer responsible for counting and  
2268 tabulating the ballots shall ensure that two counting judges jointly:

- 2269 (i) make a true replication of the ballot with an identifying serial number;  
2270 (ii) substitute the replicated ballot for the damaged or defective ballot;  
2271 (iii) label the replicated ballot "replicated"; and  
2272 (iv) record the replicated ballot's serial number on the damaged or defective ballot.

2273 (b) The lieutenant governor shall provide to each election officer responsible for  
2274 counting and tabulating ballots a standard form on which the election officer shall maintain a  
2275 log of all replicated ballots, that includes, for each ballot:

- 2276 (i) the serial number described in Subsection ~~[(3)(a)]~~ (4)(a);  
2277 (ii) the identification of the individuals who replicated the ballot;  
2278 (iii) the reason for the replication; and  
2279 (iv) any other information required by the lieutenant governor.

2280 (c) An election officer responsible for counting and tabulating ballots shall:

- 2281 (i) maintain the log described in Subsection ~~[(3)(b)]~~ (4)(b) in a complete and legible  
2282 manner, as ballots are replicated;  
2283 (ii) at the end of each day during which one or more ballots are replicated, make an  
2284 electronic copy of the log; and  
2285 (iii) keep each electronic copy made under Subsection ~~[(3)(c)(ii)]~~ (4)(b)(ii) for at least  
2286 22 months.

2287 ~~[(4)]~~ (5) The election officer responsible for counting and tabulating the ballots may:

- 2288 (a) conduct an unofficial count before conducting the official count in order to provide  
2289 early unofficial returns to the public;  
2290 (b) release unofficial returns from time to time after the polls close; and  
2291 (c) report the progress of the count for each candidate during the actual counting of  
2292 ballots.

2293           ~~[(5)]~~ (6) Beginning on the day after the date of the election, if an election officer  
2294 responsible for counting and tabulating the ballots releases early unofficial returns or reports  
2295 the progress of the count for each candidate under Subsection ~~[(4)]~~ (5), the election officer  
2296 shall, with each release or report, disclose an estimate of the total number of voted ballots in  
2297 the election officer's custody that have not yet been counted.

2298           ~~[(6)]~~ (7) The county election officer shall review and evaluate the provisional ballot  
2299 envelopes and prepare any valid provisional ballots for counting as provided in Section  
2300 20A-4-107.

2301           ~~[(7)]~~ (8) (a) The election officer responsible for counting and tabulating the ballots, or  
2302 the election officer's designee, shall:

2303           (i) separate, count, and tabulate any ballots containing valid write-in votes; and  
2304           (ii) complete the standard form provided by the clerk for recording valid write-in votes.

2305           (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast  
2306 more votes for an office than that voter is entitled to vote for that office, the poll workers shall  
2307 count the valid write-in vote as being the obvious intent of the voter.

2308           ~~[(8)]~~ (9) (a) The election officer responsible for counting and tabulating the ballots  
2309 shall certify the return printed by the automatic tabulating equipment, to which have been  
2310 added write-in and absentee votes, as the official return of each voting precinct.

2311           (b) Upon completion of the count, the election officer responsible for counting and  
2312 tabulating the ballots shall make official returns open to the public.

2313           ~~[(9)]~~ (10) If for any reason it becomes impracticable to count all or a part of the ballots  
2314 with tabulating equipment, the election officer responsible for counting and tabulating the  
2315 ballots may, upon approval of the lieutenant governor, direct that they be counted manually  
2316 according to the procedures and requirements of this part.

2317           ~~[(10)]~~ (11) After the count is completed, the election officer responsible for counting  
2318 and tabulating the ballots shall seal and retain the programs, test materials, and ballots as  
2319 provided in Section 20A-4-202.

2320           Section 40. Section **20A-4-105** is amended to read:

2321           **20A-4-105. Standards and requirements for evaluating voter's ballot choice.**

2322           (1) (a) ~~[An]~~ The election officer responsible for counting and tabulating the ballots  
2323 shall ensure that when a question arises regarding a vote recorded on a manual ballot, two

2324 counting judges jointly adjudicate the ballot, except as otherwise provided in Part 6, Municipal  
2325 Alternate Voting Methods Pilot Project, in accordance with the requirements of this section.

2326 (b) If the counting judges disagree on the disposition of a vote recorded on a ballot that  
2327 is adjudicated under this section, the counting judges may not count the vote.

2328 (c) ~~[An]~~ The election officer responsible for counting and tabulating the ballots shall  
2329 store adjudicated ballots separately from other ballots to enable a court to review the ballots if  
2330 the election is challenged in court.

2331 (2) Except as provided in Subsection (10), Subsection 20A-3a-204(6), or Part 6,  
2332 Municipal Alternate Voting Methods Pilot Project, if a voter marks more names than there are  
2333 individuals to be elected to an office, or if the counting judges cannot determine a voter's  
2334 choice for an office, the counting judges may not count the voter's vote for that office.

2335 (3) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot  
2336 Project, the counting judges shall count a defective or incomplete mark on a manual ballot if:

2337 (a) the defective or incomplete mark is in the proper place; and

2338 (b) there is no other mark or cross on the ballot indicating the voter's intent to vote  
2339 other than as indicated by the incomplete or defective mark.

2340 (4) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot  
2341 Project, the counting judges may not reject a ballot marked by the voter because of marks on  
2342 the ballot other than those marks allowed by this section unless the extraneous marks on a  
2343 ballot show an intent by an individual to mark the individual's ballot so that the individual's  
2344 ballot can be identified.

2345 (5) (a) In counting the ballots, the counting judges shall give full consideration to the  
2346 intent of the voter.

2347 (b) The counting judges may not invalidate a ballot because of mechanical or technical  
2348 defects in voting or failure on the part of the voter to follow strictly the rules for balloting  
2349 required by Chapter 3a, Voting.

2350 (6) The counting judges may not reject a ballot because of an error in:

2351 (a) stamping or writing an official endorsement; or

2352 (b) delivering the wrong ballots to a polling place.

2353 (7) The counting judges may not count a manual ballot that does not have the official  
2354 endorsement by an election officer.

(8) The counting judges may not count a ballot proposition vote or candidate vote for which the voter is not legally entitled to vote, as defined in Section 20A-4-107.

(9) If the counting judges discover that the name of a candidate is misspelled on a ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is apparent that the voter intended to vote for the candidate.

(10) The counting judges shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.

(11) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, in counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the counting judges shall count the valid write-in vote as being the obvious intent of the voter.

Section 41. Section **20A-4-106** is amended to read:

**20A-4-106. Manual ballots -- Sealing.**

(1) After the official canvas of an election, the election officer responsible for counting and tabulating the ballots shall store all election returns in containers that identify the containers' contents.

(2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except as follows:

(a) when examined during a recount conducted under the authority of Section 20A-4-401 or [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

(b) an auditor conducting an audit described in Section 36-12-15.2 may examine the ballots:

(i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy of the results of an election, the auditor may examine the ballots until the later of:

(A) the end of the calendar year in which the election was held; or

(B) if the election is contested, when the contest is resolved; or

(ii) at any time via a subpoena or other legal process; or

(c) the lieutenant governor may examine the ballots:

(i) until the later of:

2386 (A) the end of the calendar year in which the election was held; or

2387 (B) if the election is contested, when the contest is resolved; or

2388 (ii) at any time via a subpoena or other legal process.

2389 Section 42. Section **20A-4-107** is amended to read:

2390 **20A-4-107. Review and disposition of provisional ballot envelopes.**

2391 (1) As used in this section, an individual is "legally entitled to vote" if:

2392 (a) the individual:

2393 (i) is registered to vote in the state;

2394 (ii) votes the ballot for the voting precinct in which the individual resides; and

2395 (iii) provides valid voter identification to the poll worker;

2396 (b) the individual:

2397 (i) is registered to vote in the state;

2398 (ii) (A) provided valid voter identification to the poll worker; or

2399 (B) either failed to provide valid voter identification or the documents provided as

2400 valid voter identification were inadequate and the poll worker recorded that fact in the official

2401 register but the county clerk verifies the individual's identity and residence through some other

2402 means; and

2403 (iii) did not vote in the individual's precinct of residence, but the ballot that the

2404 individual voted was from the individual's county of residence and includes one or more

2405 candidates or ballot propositions on the ballot voted in the individual's precinct of residence; or

2406 (c) the individual:

2407 (i) is registered to vote in the state;

2408 (ii) either failed to provide valid voter identification or the documents provided as

2409 valid voter identification were inadequate and the poll worker recorded that fact in the official

2410 register; and

2411 (iii) (A) the county clerk verifies the individual's identity and residence through some

2412 other means as reliable as photo identification; or

2413 (B) the individual provides valid voter identification to the county [~~clerk or an~~] election

2414 officer [~~who is administering the election by~~] before the close of normal office hours on

2415 Monday after the date of the election.

2416 (2) (a) Upon receipt of a provisional ballot form, the county election officer shall

2417 review the affirmation on the provisional ballot form and determine if the individual signing  
2418 the affirmation is:

2419 (i) registered to vote in this state; and

2420 (ii) legally entitled to vote:

2421 (A) the ballot that the individual voted; or

2422 (B) if the ballot is from the individual's county of residence, for at least one ballot  
2423 proposition or candidate on the ballot that the individual voted.

2424 (b) Except as provided in Section 20A-2-207, if the county election officer determines  
2425 that the individual is not registered to vote in this state or is not legally entitled to vote in the  
2426 county or for any of the ballot propositions or candidates on the ballot that the individual voted,  
2427 the county election officer shall retain the ballot form, uncounted, for the period specified in  
2428 Section 20A-4-202 unless ordered by a court to produce or count it.

2429 (c) If the county election officer determines that the individual is registered to vote in  
2430 this state and is legally entitled to vote in the county and for at least one of the ballot  
2431 propositions or candidates on the ballot that the individual voted, the county election officer  
2432 shall place the provisional ballot with the regular ballots to be counted with those ballots at the  
2433 canvass.

2434 (d) [~~The~~] An election officer may not count, or allow to be counted, a provisional  
2435 ballot unless the county election officer determines that the individual's identity and residence  
2436 is established by a preponderance of the evidence.

2437 (3) If the county election officer determines that the individual is registered to vote in  
2438 this state, or if the voter registers to vote in accordance with Section 20A-2-207, the county  
2439 election officer shall ensure that the voter registration records are updated to reflect the  
2440 information provided on the provisional ballot form.

2441 (4) Except as provided in Section 20A-2-207, if the county election officer determines  
2442 that the individual is not registered to vote in this state and the information on the provisional  
2443 ballot form is complete, the county election officer shall:

2444 (a) consider the provisional ballot form a voter registration form for the individual's  
2445 county of residence; and

2446 (b) (i) register the individual if the individual's county of residence is within the  
2447 county; or

2448 (ii) forward the voter registration form to the election officer of the individual's county  
2449 of residence, which election officer shall register the individual.

2450 (5) Notwithstanding any provision of this section, the county election officer shall  
2451 place a provisional ballot with the regular ballots to be counted with those ballots at the  
2452 canvass, if:

2453 (a) (i) the county election officer determines, in accordance with the provisions of this  
2454 section, that the sole reason a provisional ballot may not otherwise be counted is because the  
2455 voter registration was filed less than 11 days before the election;

2456 (ii) 11 or more days before the election, the individual who cast the provisional ballot:

2457 (A) completed and signed the voter registration; and

2458 (B) provided the voter registration to another person to file;

2459 (iii) the late filing was made due to the individual described in Subsection (5)(a)(ii)(B)  
2460 filing the voter registration late; and

2461 (iv) the county election officer receives the voter registration before 5 p.m. no later  
2462 than one day before the day of the election; or

2463 (b) the provisional ballot is cast on or before election day and is not otherwise  
2464 prohibited from being counted under the provisions of this chapter.

2465 Section 43. Section **20A-4-201** is amended to read:

2466 **20A-4-201. Delivery of election returns.**

2467 (1) At least two poll workers shall deliver the ballots and other items described in  
2468 Subsection 20A-4-103(3)(d) to:

2469 (a) the election officer responsible for counting and tabulating the ballots; or

2470 (b) the location directed by the election officer responsible for counting and tabulating  
2471 the ballots.

2472 (2) (a) Before they adjourn, the poll workers shall choose two or more of their number  
2473 to deliver the election returns to the appropriate election officer.

2474 (b) The poll workers shall:

2475 (i) deliver the unopened envelopes to the appropriate election officer [~~or counting~~  
2476 ~~center~~] immediately but no later than 24 hours after the polls close; or

2477 (ii) if the polling place is 15 miles or more from the county seat, mail the election  
2478 returns to the election officer responsible for counting and tabulating the ballots by registered



2479 mail from the post office most convenient to the polling place within 24 hours after the polls  
2480 close.

2481 (3) The election officer shall pay each poll worker reasonable compensation for travel  
2482 that is necessary to deliver the election returns and to return to the polling place.

2483 (4) The requirements of this section do not prohibit transmission of the unofficial vote  
2484 count to the counting center via electronic means, provided that reasonable security measures  
2485 are taken to preserve the integrity and privacy of the transmission.

2486 Section 44. Section **20A-4-202** is amended to read:

2487 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**  
2488 **provisional ballots cast.**

2489 (1) Upon receipt of the election returns from the poll workers, the election officer shall:

2490 (a) ensure that the poll workers have provided all of the ballots and election returns;

2491 (b) inspect the ballots and election returns to ensure that they are sealed;

2492 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and  
2493 secure place;

2494 (d) for mechanical ballots:

2495 (i) count the ballots; and

2496 (ii) deposit and lock the ballots and election returns in a safe and secure place; and

2497 (e) for bond elections, provide a copy of the election results to the board of canvassers  
2498 of the local political subdivision that called the bond election.

2499 (2) Each election officer responsible for counting and tabulating the ballots shall:

2500 (a) before 5 p.m. on the day after the date of the election, determine the number of  
2501 provisional ballots cast within the election officer's jurisdiction and make that number available  
2502 to the public;

2503 (b) preserve ballots for 22 months after the election or until the time has expired during  
2504 which the ballots could be used in an election contest;

2505 (c) preserve all ballots and other official election returns in the election officer's  
2506 possession for at least 22 months after an election; and

2507 (d) after that time, destroy them without opening or examining them.

2508 (3) (a) The election officer responsible for counting and tabulating the ballots shall  
2509 package and retain all tabulating cards and other materials used in the programming of the

2510 automatic tabulating equipment.

2511 (b) The election officer responsible for counting and tabulating the ballots:

2512 (i) may access these tabulating cards and other materials;

2513 (ii) may make copies of these materials and make changes to the copies;

2514 (iii) may not alter or make changes to the materials themselves; and

2515 (iv) within 22 months after the election in which they were used, may dispose of those  
2516 materials or retain them.

2517 (4) (a) If an election contest is begun within 12 months, the election officer responsible  
2518 for counting and tabulating the ballots shall, except as provided in Subsection (4)(c):

2519 (i) keep the ballots and election returns unopened and unaltered until the contest is  
2520 complete; or

2521 (ii) surrender the ballots and election returns to the custody of the court having  
2522 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

2523 (b) Except as provided in Subsection (4)(c), when all election contests arising from an  
2524 election are complete, the election officer responsible for counting and tabulating the ballots  
2525 shall either:

2526 (i) retain the ballots and election returns until the time for preserving them under this  
2527 section has run; or

2528 (ii) destroy the ballots and election returns remaining in the election officer's custody  
2529 without opening or examining them if the time for preserving them under this section has run.

2530 (c) (i) An auditor conducting an audit described in Section 36-12-15.2 may examine  
2531 the ballots and election returns described in this Subsection (4).

2532 (ii) The lieutenant governor may examine the ballots and election returns described in  
2533 this Subsection (4).

2534 (5) (a) Notwithstanding the provisions of this section, the legislative auditor general:

2535 (i) may make and keep copies of ballots or election returns as part of a legislative audit;  
2536 and

2537 (ii) may not examine, make copies, or keep copies, of a ballot in a manner that  
2538 identifies a ballot with the voter who casts the ballot.

2539 (b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure,  
2540 under Title 63G, Chapter 2, Government Records Access and Management Act.

Section 45. Section **20A-4-302** is amended to read:

**20A-4-302. Duties of the board of canvassers -- Receiving returns.**

(1) If the election returns from each voting precinct in which polls were opened have been received at the time the board of canvassers convenes, the board of canvassers shall canvass the election returns as provided in this part.

(2) If all of the election returns have not been received, the board shall postpone the canvass from day to day, Sundays and legal holidays excepted, until:

(a) all of the election returns are received; or

(b) the board has postponed the canvass seven times.

(3) (a) If the election officer responsible for counting and tabulating the ballots has not received the election returns from any voting precinct within seven days after the election, the election officer shall send a messenger to the judges to obtain the missing election returns.

(b) The messenger shall obtain the election returns from the judges and return the election returns to the election officer described in Subsection (3)(a).

(c) The election officer described in Subsection (3)(a) shall pay the messenger 10 cents per mile for the distance necessarily traveled.

(4) If the board determines that election returns were not received from a voting precinct because the polls did not open in that precinct, the board shall:

(a) sign a certificate attesting to that fact; and

(b) file the certificate with the election officer responsible for counting and tabulating the ballots.

Section 46. Section **20A-4-303** is amended to read:

**20A-4-303. Duties of the board of canvassers -- Canvassing the returns.**

(1) (a) Before the board of canvassers convenes, the election officer responsible for counting and tabulating the ballots shall:

(i) count the ballots;

(ii) with the assistance of the county election officer, as needed, prepare a certified summary of:

(A) all ballots counted; and

(B) all ballots not counted, with an explanation regarding the reason the ballots were not counted; and

2572 (iii) with the assistance of the county election officer, as needed, make available to the  
2573 board of canvassers for inspection, all ballots, registers, books, and forms related to the  
2574 election.

2575 (b) The board of canvassers shall canvass the election returns by publicly:

2576 (i) reviewing the summary reports prepared by the election officer responsible for  
2577 counting and tabulating the ballots and any ballots, registers, books, or forms requested by the  
2578 board of canvassers; and

2579 (ii) certifying the votes cast:

2580 (A) each person voted for; and

2581 (B) for and against each ballot proposition voted upon at the election.

2582 (c) The board of canvassers shall, once having begun the canvass, continue until it is  
2583 completed.

2584 (2) In canvassing returns, the board of canvassers may not:

2585 (a) reject any election returns if the board can determine the number of votes cast for  
2586 each person from it;

2587 (b) reject any election returns if the election returns:

2588 (i) do not show who administered the oath to the judges of election;

2589 (ii) show that the election judges failed to fill out all the certificates in the pollbooks; or

2590 (iii) show that the election judges failed to do or perform any other act in preparing the  
2591 returns that is not essential to determine for whom the votes were cast; or

2592 (c) reject any returns from any voting precinct that do not conform with the  
2593 requirements for making, certifying, and returning the returns if those returns are sufficiently  
2594 explicit to enable the board of canvassers to determine the number of votes cast for each person  
2595 and for and against each ballot proposition.

2596 (3) (a) If it clearly appears to the election officer responsible for counting and  
2597 tabulating the ballots and board of canvassers that certain matters are omitted or that clerical  
2598 mistakes exist in election returns received, the election officer shall correct the omissions and  
2599 mistakes.

2600 (b) The clerk and the board of canvassers may adjourn from day to day to await receipt  
2601 of corrected election material.

2602 (4) If a recount is conducted as authorized by Section 20A-4-401, the board of

2603 canvassers shall canvass the results of that recount as provided in this section and Section  
2604 20A-4-401.

2605 Section 47. Section **20A-4-304** is amended to read:

2606 **20A-4-304. Declaration of results -- Canvassers' report.**

2607 (1) Each board of canvassers shall:

2608 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,  
2609 declare "elected" or "nominated" those persons who:

2610 (i) had the highest number of votes; and

2611 (ii) sought election or nomination to an office completely within the board's  
2612 jurisdiction;

2613 (b) declare:

2614 (i) "approved" those ballot propositions that:

2615 (A) had more "yes" votes than "no" votes; and

2616 (B) were submitted only to the voters within the board's jurisdiction; or

2617 (ii) "rejected" those ballot propositions that:

2618 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
2619 votes; and

2620 (B) were submitted only to the voters within the board's jurisdiction;

2621 (c) certify the vote totals for persons and for and against ballot propositions that were  
2622 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
2623 the lieutenant governor; and

2624 (d) if applicable, certify the results of each special district election to the special district  
2625 clerk.

2626 (2) The election officer responsible for counting and tabulating the ballots shall, with  
2627 the assistance of the county election officer, as needed, submit a report to the board of  
2628 canvassers that includes the following information:

2629 (a) the total number of votes cast in the board's jurisdiction;

2630 (b) the names of each candidate whose name appeared on the ballot;

2631 (c) the title of each ballot proposition that appeared on the ballot;

2632 (d) each office that appeared on the ballot;

2633 (e) from each voting precinct:

2634 (i) the number of votes for each candidate;

2635 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate

2636 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each

2637 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting

2638 phase; and

2639 (iii) the number of votes for and against each ballot proposition;

2640 (f) the total number of votes given in the board's jurisdiction to each candidate, and for

2641 and against each ballot proposition;

2642 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:

2643 (i) the number of ballots counted;

2644 (ii) provisional ballots; and

2645 (iii) the number of ballots rejected;

2646 (h) a final ballot reconciliation report;

2647 (i) other information required by law to be provided to the board of canvassers; and

2648 (j) a statement certifying that the information contained in the report is accurate.

2649 (3) The election officer responsible for counting and tabulating the ballots and the

2650 board of canvassers shall:

2651 (a) review the report to ensure that the report is correct; and

2652 (b) sign the report.

2653 (4) The election officer responsible for counting and tabulating the ballots shall:

2654 (a) record or file the certified report in a book kept for that purpose;

2655 (b) prepare and transmit a certificate of nomination or election under the officer's seal

2656 to each nominated or elected candidate;

2657 (c) publish a copy of the certified report in accordance with Subsection (5); and

2658 (d) file a copy of the certified report with the lieutenant governor.

2659 (5) Except as provided in Subsection (6), the election officer responsible for counting

2660 and tabulating the ballots shall, no later than seven days after the day on which the board of

2661 canvassers declares the election results, publicize the certified report described in Subsection

2662 (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days.

2663 (6) Instead of including a copy of the entire certified report, a notice required under

2664 Subsection (5) may contain a statement that:

(a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and

(b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:

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

(ii) the physical address for the jurisdiction; and

(iii) a mailing address and telephone number.

(7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit the separate report by registered mail to the lieutenant governor.

(8) In each county election, municipal election, school election, special district election, and local special election, the election officer responsible for counting and tabulating the ballots shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(9) In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the second Tuesday after the election; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section 48. Section **20A-4-401** is amended to read:

**20A-4-401. Recounts -- Procedure.**

(1) (a) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

(b) Except as provided in Subsection (1)(c), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing

2696 candidate in the race is equal to or less than .25% of the total number of votes cast for all  
2697 candidates in the race, that losing candidate may file a request for a recount in accordance with  
2698 Subsection (1)(d).

2699 (c) For a race between candidates where the total of all votes cast in the race is 400 or  
2700 less, if the difference between the number of votes cast for a winning candidate in the race and  
2701 a losing candidate in the race is one vote, that losing candidate may file a request for a recount  
2702 in accordance with Subsection (1)(d).

2703 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall  
2704 file the request:

2705 (i) for a municipal primary election, with the ~~[municipal clerk]~~ election officer who  
2706 counted the ballots, before 5 p.m. within three days after the canvass; or

2707 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

2708 ~~[(A) the municipal clerk, if the election is a municipal general election;]~~

2709 ~~[(B) the special district clerk, if the election is a special district election;]~~

2710 ~~[(C) the county clerk, for races voted on entirely within a single county; or]~~

2711 ~~[(D)]~~ (A) for a statewide race or a multi-county race, the lieutenant governor~~[-for~~  
2712 ~~statewide races and multicounty races.]; or~~

2713 (B) for a race other than a statewide race or a multi-county race, the election officer  
2714 who counted the ballots.

2715 (e) The election officer described in Subsection (1)(d) shall:

2716 (i) supervise the recount;

2717 (ii) recount all ballots cast for that race;

2718 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
2719 Disposition of Ballots;

2720 (iv) for a race where only one candidate may win, declare elected the candidate who  
2721 receives the highest number of votes on the recount; and

2722 (v) for a race where multiple candidates may win, declare elected the applicable  
2723 number of candidates who receive the highest number of votes on the recount.

2724 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond  
2725 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of  
2726 the total votes cast for or against the proposition, any 10 voters who voted in the election where



the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall file the request with:

~~[(i) the municipal clerk, if the election is a municipal election;]~~

~~[(ii) the special district clerk, if the election is a special district election;]~~

~~[(iii) the county clerk, for propositions voted on entirely within a single county; or]~~

~~[(iv)]~~ (i) for a statewide proposition or a multicounty proposition, the lieutenant governor~~[- for statewide propositions and multicounty propositions.]; or~~

(ii) for a proposition other than a statewide proposition or a multicounty proposition, the election officer who counted the ballots.

(d) The election officer described in Subsection (2)(c) shall:

(i) supervise the recount;

(ii) recount all ballots cast for that ballot proposition or bond proposition;

(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

(e) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

(f) The voters requesting the recount shall pay the costs of the recount.

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

(4) (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.

2758 (b) The board of canvassers shall:

2759 (i) canvass the election returns for the race or proposition that was the subject of the  
2760 recount; and

2761 (ii) with the assistance of the election officer, prepare and sign the report required by  
2762 Section 20A-4-304 or 20A-4-306.

2763 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,  
2764 the board of county canvassers shall prepare and transmit a separate report to the lieutenant  
2765 governor as required by Subsection 20A-4-304(7).

2766 (d) The canvassers' report prepared as provided in this Subsection (4) is the official  
2767 result of the race or proposition that is the subject of the recount.

2768 Section 49. Section **20A-4-602** is amended to read:

2769 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**  
2770 **Participation.**

2771 (1) There is created the Municipal Alternate Voting Methods Pilot Project.

2772 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

2773 (3) (a) A municipality may participate in the pilot project, in accordance with the  
2774 requirements of this section and all other applicable provisions of law, during any  
2775 odd-numbered year that the pilot project is in effect, if, before May 1 of the odd-numbered  
2776 year, the legislative body of the municipality:

2777 (i) votes to participate; and

2778 (ii) provides written notice to the lieutenant governor and the county clerk stating that  
2779 the municipality intends to participate in the pilot project for the year specified in the notice.

2780 (b) The legislative body of a municipality that provides the notice of intent described in  
2781 Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if  
2782 the legislative body of the municipality provides written notice of withdrawal to the lieutenant  
2783 governor and the county clerk before May 1.

2784 (4) The lieutenant governor shall maintain, in a prominent place on the lieutenant  
2785 governor's website, a current list of the municipalities that are participating in the pilot project.

2786 (5) (a) ~~[An]~~ A county election officer of a participating municipality and the election  
2787 officer responsible for counting and tabulating the ballots for the applicable election shall, in  
2788 accordance with the provisions of this part, conduct a multi-candidate race during the

2789 municipal general election using instant runoff voting.

2790 (b) Except as provided in Subsection 20A-4-603(9), an election officer ~~[of a~~  
2791 ~~participating municipality that will conduct a multi-candidate race under]~~ described in  
2792 Subsection (5)(a) may not conduct a municipal primary election relating to that race.

2793 (c) A municipality that has in effect an ordinance described in Subsection  
2794 20A-9-404(3) or (4) may not participate in the pilot project.

2795 (6) Except for an election described in Subsection 20A-4-603(9), an individual who  
2796 files a declaration of candidacy or a nomination petition, for a candidate who will run in an  
2797 election described in this part, shall file the declaration of candidacy or nomination petition  
2798 during the office hours described in Section 10-3-301 and not later than the close of those  
2799 office hours, no sooner than the second Tuesday in August and no later than the third Tuesday  
2800 in August of an odd-numbered year.

2801 Section 50. Section **20A-4-603** is amended to read:

2802 **20A-4-603. Instant runoff voting.**

2803 (1) In a multi-candidate race, the election officer responsible for counting and  
2804 tabulating the ballots for a participating municipality shall:

2805 (a) (i) conduct the first ballot-counting phase by counting the valid first preference  
2806 rankings for each candidate; and

2807 (ii) if one of the candidates receives more than 50% of the valid first preference  
2808 rankings counted, declare that candidate elected;

2809 (b) if, after counting the valid first preference rankings for each candidate, no candidate  
2810 receives more than 50% of the valid first preference rankings counted, conduct the second  
2811 ballot-counting phase by:

2812 (i) excluding from the multi-candidate race:

2813 (A) the candidate who received the fewest valid first preference rankings counted; or

2814 (B) in the event of a tie for the fewest valid first preference rankings counted, one of  
2815 the tied candidates, determined by the election officer responsible for counting and tabulating  
2816 the ballots, by lot, in accordance with Subsection (6);

2817 (ii) adding, to the valid first preference rankings counted for the remaining candidates,  
2818 the next valid preference rankings cast for the remaining candidates by the voters who cast a  
2819 valid first preference ranking for the excluded candidate; and

2820 (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one  
2821 candidate receives more than 50% of the valid rankings counted, declaring that candidate  
2822 elected; and

2823 (c) if, after adding the next valid preference rankings in accordance with Subsection  
2824 (1)(b)(ii), no candidate receives more than 50% of the valid rankings counted, conduct  
2825 subsequent ballot-counting phases by continuing the process described in Subsection (1)(b)  
2826 until a candidate receives more than 50% of the valid rankings counted, as follows:

2827 (i) excluding from consideration the candidate who has the fewest valid rankings  
2828 counted or, in the event of a tie for the fewest valid rankings counted, excluding one of the tied  
2829 candidates, by lot, in accordance with Subsection (6); and

2830 (ii) adding the next valid preference ranking cast by each voter whose ranking was  
2831 counted for the last excluded candidate to one of the remaining candidates, in the order of the  
2832 next preference indicated by the voter.

2833 (2) The election officer responsible for counting and tabulating the ballots shall declare  
2834 elected the first candidate who receives more than 50% of the valid rankings counted under the  
2835 process described in Subsection (1).

2836 (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:

2837 (a) the voter indicates the voter's preference for that ballot-counting phase and all  
2838 previous ballot-counting phases; or

2839 (b) in the event that the voter skips a number in filling out the rankings on a ballot:

2840 (i) the voter clearly indicates an order of preference for the candidates;

2841 (ii) the voter does not skip two or more consecutive numbers at any point before the  
2842 preference ranking that would otherwise be counted for the current ballot-counting phase;

2843 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent  
2844 number that most closely follows the number assigned by the voter for the previously-ranked  
2845 candidate; and

2846 (iv) the voter did not give the same rank to more than one candidate for the applicable  
2847 ballot-counting phase or a previous ballot-counting phase.

2848 (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate  
2849 race, and for all subsequent ballot-counting phases, if:

2850 (a) the voter indicates the same rank for more than one candidate for that

2851 ballot-counting phase; or

2852 (b) the voter skips two or more consecutive numbers before ranking another candidate.

2853 (5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from

2854 the race, the next-ranked candidate who has not withdrawn from the race will be counted for

2855 that ballot-counting phase.

2856 (6) For each ballot-counting phase after the first phase, if two or more candidates tie as

2857 having received the fewest valid rankings counted at that point in the ballot count, the election

2858 officer responsible for counting and tabulating the ballots shall eliminate one of those

2859 candidates from consideration, by lot, in the following manner:

2860 (a) determine the names of the candidates who tie as having received the fewest valid

2861 rankings for that ballot-counting phase;

2862 (b) cast the lot in the presence of at least two election officials and any counting poll

2863 watchers who are present and desire to witness the casting of the lot; and

2864 (c) sign a public document that:

2865 (i) certifies the method used for casting the lot and the result of the lot; and

2866 (ii) includes the name of each individual who witnessed the casting of the lot.

2867 (7) In a multi-candidate race for an at-large office, where the number of candidates

2868 who qualify for the race exceeds the total number of at-large seats to be filled for the office, the

2869 election officer shall count the rankings by:

2870 (a) except as provided in Subsection (8), counting rankings in the same manner as

2871 described in Subsections (1) through (6), until a candidate is declared elected;

2872 (b) repeating the process described in Subsection (7)(a) for all candidates that are not

2873 declared elected until another candidate is declared elected; and

2874 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the

2875 race are filled.

2876 (8) After a candidate is declared elected under Subsection (7), the election officer

2877 responsible for counting and tabulating the ballots shall, in repeating the process described in

2878 Subsections (1) through (6) to declare the next candidate elected, add to the ranking totals the

2879 next valid preference vote of each voter whose ranking was counted for a candidate already

2880 declared elected.

2881 (9) An election officer for a participating municipality may choose to conduct a

primary election by using instant runoff voting in the manner described in Subsections (1) through (6), except that:

(a) instead of determining whether a candidate receives more than 50% of the valid preference rankings for a particular ballot-counting phase, the election officer responsible for counting and tabulating the ballots shall proceed to a subsequent ballot-counting stage, and exclude the candidate who receives the fewest valid preference rankings in that phase, until twice the number of seats to be filled in the race remain; and

(b) after complying with Subsection (9)(a), the election officer responsible for counting and tabulating the ballots shall declare the remaining candidates nominated to participate in the municipal general election.

(10) After completing all ballot-counting phases in a multi-candidate race, the election officer responsible for counting and tabulating the ballots shall order a full recount of the ballots cast for that race if, in one or more of the ballot-counting phases:

(a) the difference between the number of rankings counted for a candidate who is declared elected and the number of rankings counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

(i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and

(ii) the recount threshold; or

(b) the difference between the number of rankings counted for the candidate who received the fewest valid rankings in a ballot-counting phase and the number of rankings counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

(i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and

(ii) the recount threshold.

(11) A recount described in Subsection (10):

(a) requires rescanning and tabulating all valid ballots; and

(b) provides for only one recount.

(12) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend

2913 the canvass deadline by up to seven additional days, if necessary, to conduct a recount required  
2914 under Subsection (10).

2915 Section 51. Section **20A-4-604** is amended to read:

2916 **20A-4-604. Batch elimination.**

2917 In any ballot count conducted under Section 20A-4-603, the election officer responsible  
2918 for counting and tabulating the ballots may exclude candidates through batch elimination by,  
2919 instead of excluding only one candidate in a ballot-counting phase, excluding each candidate:

2920 (1) for which the number of remaining candidates with more valid rankings than that  
2921 candidate is greater than or equal to the number of offices to be filled; and

2922 (2) (a) for which the number of valid rankings counted for the candidate in the  
2923 ballot-counting phase plus the number of rankings counted for all candidates with fewer valid  
2924 rankings in the ballot-counting phase is less than the number of valid rankings for the candidate  
2925 with the next highest amount of valid rankings in the ballot-counting phase; or

2926 (b) who has fewer valid rankings in the ballot-counting phase than a candidate who is  
2927 excluded under Subsection (2)(a).

2928 Section 52. Section **20A-5-101** is amended to read:

2929 **20A-5-101. Notice of election.**

2930 (1) On or before November 15 in the year before each regular general election year, the  
2931 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

2932 (a) designates the offices to be filled at the next year's regular general election;

2933 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
2934 certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407,  
2935 and 20A-9-408 for those offices; and

2936 (c) contains a description of any ballot propositions to be decided by the voters that  
2937 have qualified for the ballot as of that date.

2938 (2) (a) No later than seven business days after the day on which the lieutenant governor  
2939 transmits the written notice described in Subsection (1), each county clerk shall provide notice  
2940 for the county, as a class A notice under Section 63G-30-102, for seven days before the day of  
2941 the election and in accordance with Subsection (3).

2942 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a),  
2943 showing a copy of the notice and the places where the notice was posted.

2944 (3) The notice described in Subsection (2) shall:

2945 (a) designate the offices to be voted on in that election; and

2946 (b) identify the dates for filing a declaration of candidacy for those offices.

2947 (4) Except as provided in Subsection (6), before each election, the county election

2948 officer shall give printed notice of the following information:

2949 (a) the date of election;

2950 (b) the hours during which the polls will be open;

2951 (c) the polling places for each voting precinct, early voting polling place, and election

2952 day voting center;

2953 (d) the address of the Statewide Electronic Voter Information Website and, if available,

2954 the address of the county election officer's website, with a statement indicating that the election

2955 officer will post on the website any changes to the location of a polling place and the location

2956 of any additional polling place;

2957 (e) a phone number that a voter may call to obtain information regarding the location of

2958 a polling place;

2959 (f) the qualifications for persons to vote in the election: and

2960 (g) instructions regarding how an individual with a disability, who is not able to vote a

2961 manual ballot by mail, may obtain information on voting in an accessible manner.

2962 (5) The county election officer shall provide the notice described in Subsection (4) for

2963 the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days before

2964 the day of the election.

2965 (6) Instead of including the information described in Subsection (4) in the notice, the

2966 county election officer may give printed notice that:

2967 (a) is entitled "Notice of Election";

2968 (b) includes the following: "A [indicate election type] will be held in [indicate the

2969 jurisdiction] on [indicate date of election]. Information relating to the election, including

2970 polling places, polling place hours, and qualifications of voters may be obtained from the

2971 following sources:"; and

2972 (c) specifies the following sources where an individual may view or obtain the

2973 information described in Subsection (4):

2974 (i) if the jurisdiction has a website, the jurisdiction's website;



2975 (ii) the physical address of the jurisdiction offices; and  
2976 (iii) a mailing address and telephone number.  
2977 Section 53. Section **20A-5-102** is amended to read:  
2978 **20A-5-102. Voting instructions.**  
2979 (1) [~~Each~~] A county election officer shall:  
2980 (a) print instructions for voters;  
2981 (b) ensure that the instructions are printed in English, and any other language required  
2982 under the Voting Rights Act of 1965, as amended, in large clear type; and  
2983 (c) ensure that the instructions inform voters:  
2984 (i) about how to obtain ballots for voting;  
2985 (ii) about special political party affiliation requirements for voting in a regular primary  
2986 election or presidential primary election;  
2987 (iii) about how to prepare ballots for deposit in the ballot box;  
2988 (iv) about how to record write-in votes;  
2989 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;  
2990 (vi) about how to obtain assistance in marking ballots;  
2991 (vii) about obtaining a new ballot if the voter's ballot is defaced;  
2992 (viii) that identification marks or the spoiling or defacing of a ballot will make it  
2993 invalid;  
2994 (ix) about how to obtain and vote a provisional ballot;  
2995 (x) about whom to contact to report election fraud;  
2996 (xi) about applicable federal and state laws regarding:  
2997 (A) voting rights and the appropriate official to contact if the voter alleges that the  
2998 voter's rights have been violated; and  
2999 (B) prohibitions on acts of fraud and misrepresentation;  
3000 (xii) about procedures governing mail-in registrants and first-time voters; and  
3001 (xiii) about the date of the election and the hours that the polls are open on election  
3002 day.  
3003 (2) [~~Each~~] A county election officer shall:  
3004 (a) provide the election judges of each voting precinct with sufficient instruction cards  
3005 to instruct voters in the preparation of the voters' ballots; and

3006 (b) direct the election judges to post:

3007 (i) general voting instructions in each voting booth;

3008 (ii) at least three instruction cards at other locations in the polling place; and

3009 (iii) at least one sample ballot at the polling place.

3010 Section 54. Section **20A-5-301** is amended to read:

3011 **20A-5-301. Combined voting precincts -- Municipalities.**

3012 (1) (a) The [~~municipal legislative body of~~] county election officer for a city of the first  
3013 or second class may combine up to four regular county voting precincts into one municipal  
3014 voting precinct for purposes of a municipal election if [~~they designate~~] the county election  
3015 officer designates the location and address of each of [~~those~~] the combined voting precincts.

3016 (b) The polling place shall be within the combined voting precinct or within 1/2 mile  
3017 of the boundaries of the voting precinct.

3018 (2) (a) The [~~municipal legislative body of~~] county election officer for a city of the third,  
3019 fourth, or fifth class, a town, or a metro township may combine two or more regular county  
3020 voting precincts into one municipal voting precinct for purposes of an election if [~~it~~] the county  
3021 election officer designates the location and address of [~~that~~] the combined voting precinct.

3022 (b) If only two precincts are combined, the polling place shall be within the combined  
3023 precinct or within 1/2 mile of the boundaries of the combined voting precinct.

3024 (c) If more than two precincts are combined, the polling place should be as near as  
3025 practical to the middle of the combined precinct.

3026 Section 55. Section **20A-5-302** is amended to read:

3027 **20A-5-302. Automated voting system.**

3028 (1) [~~(a) Any county or municipal~~] A county legislative body [~~or special district board~~]  
3029 may:

3030 [~~(i)~~] (a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon  
3031 any automated voting system that meets the requirements of this section; and

3032 [~~(ii)~~] (b) use that system in any election, in all or a part of the voting precincts within  
3033 its boundaries, or in combination with manual ballots.

3034 [~~(b)~~] (2) [~~Nothing in this title shall be construed to~~] Except to the extent expressly  
3035 provided otherwise, this title does not require the use of electronic voting devices in local  
3036 special elections, municipal primary elections, or municipal general elections.

3037           ~~[(2)]~~ (3) Each automated voting system shall:

3038           (a) provide for voting in secrecy, except in the case of voters who have received

3039 assistance as authorized by Section 20A-3a-208;

3040           (b) permit each voter at any election to:

3041           (i) vote for all persons and offices for whom and for which that voter is lawfully

3042 entitled to vote;

3043           (ii) vote for as many persons for an office as that voter is entitled to vote; and

3044           (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

3045           (c) permit each voter, at presidential elections, by one mark, to vote for the candidates

3046 of that party for president, vice president, and for their presidential electors;

3047           (d) at elections other than primary elections, permit each voter to vote for the nominees

3048 of one or more parties and for independent candidates;

3049           (e) at primary elections:

3050           (i) permit each voter to vote for candidates of the political party of the voter's choice;

3051 and

3052           (ii) reject any votes cast for candidates of another party;

3053           (f) prevent the voter from voting for the same person more than once for the same

3054 office;

3055           (g) provide the opportunity for each voter to change the ballot and to correct any error

3056 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.

3057 L. No. 107-252;

3058           (h) include automatic tabulating equipment that rejects choices recorded on a voter's

3059 ballot if the number of the voter's recorded choices is greater than the number which the voter

3060 is entitled to vote for the office or on the measure;

3061           (i) be of durable construction, suitably designed so that it may be used safely,

3062 efficiently, and accurately in the conduct of elections and counting ballots;

3063           (j) when properly operated, record correctly and count accurately each vote cast;

3064           (k) for voting equipment certified after January 1, 2005, produce a permanent paper

3065 record that:

3066           (i) shall be available as an official record for any recount or election contest conducted

3067 with respect to an election where the voting equipment is used;

(ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling place; and

(B) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;

(iii) shall include, at a minimum, human readable printing that shows a record of the voter's selections;

(iv) may also include machine readable printing which may be the same as the human readable printing; and

(v) allows a watcher to observe the election process to ensure the integrity of the election process; and

(l) meet the requirements of Section 20A-5-802.

~~[(3)]~~ (4) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

~~[(4)]~~ (5) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Section 56. Section **20A-5-400.5** is amended to read:

**20A-5-400.5. Election officer for bond and leeway elections.**

~~[(1) When]~~ Except to the extent otherwise permitted under Section 20A-1-301.5, a county election officer shall conduct an election for a voted leeway or bond election [is held on the regular general election date, the county clerk shall serve as the provider election officer to conduct that election].

~~[(2)(a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the provider election officer to conduct that election subject to Subsection (3).]~~

~~[(b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the provider election officer to conduct that election.]~~

~~[(c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:]~~

~~[(i) except as provided in Subsection (3), the municipal clerk shall serve as the provider election officer to conduct the election for those portions of the local political subdivision where the municipal general election or other election is being held; and]~~

~~[(ii) except as provided in Subsection (3), the county clerk shall serve as the provider election officer to conduct the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held:]~~

~~[(3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the local political subdivision calling the voted leeway or bond election:]~~

~~[(a) the clerk or chief executive officer of a special district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct the bond election for those portions of the local political subdivision in which no other election, other than another voted leeway or bond election, is being held, unless the special district or school district has contracted with a provider election officer; and]~~

~~[(b) the county clerk, municipal clerk, or both, as determined by the local political subdivision holding the bond election, shall serve as the provider election officer to conduct the bond election for those portions of the local political subdivision in which another election, other than another voted leeway or bond election, is being held:]~~

~~[(4) A provider election officer required by this section to conduct an election for a local political subdivision shall comply with Section 20A-5-400.1.]~~

Section 57. Section **20A-5-401** is amended to read:

**20A-5-401. Official register -- Preparation -- Contents.**

3130 (1) (a) Before the registration days for each regular general, municipal general, regular  
3131 primary, municipal primary, or presidential primary election, each county ~~[clerk shall prepare~~  
3132 ~~an]~~ election officer shall maintain the official register of all voters that will participate in the  
3133 election.

3134 (b) The county ~~[clerk]~~ election officer shall ensure that the official register ~~[is prepared~~  
3135 ~~and]~~ contains the following for each registered voter:

3136 (i) name;

3137 (ii) party affiliation;

3138 (iii) an entry field for a voter challenge, including the name of the individual making  
3139 the challenge and the grounds for the challenge;

3140 (iv) election name and date;

3141 (v) date of birth;

3142 (vi) place of current residence;

3143 (vii) street address of current residence;

3144 (viii) zip code;

3145 (ix) identification and provisional ballot information as required under Subsection  
3146 (1)(d); and

3147 (x) space for the voter to sign the voter's name for the election.

3148 (c) ~~[When preparing]~~ For the official register for the presidential primary election, the  
3149 county ~~[clerk]~~ election officer shall include:

3150 (i) an entry field to record the name of the political party whose ballot the voter voted;  
3151 and

3152 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

3153 (d) ~~[When preparing]~~ For the official register for any regular general election,  
3154 municipal general election, statewide special election, local special election, regular primary  
3155 election, municipal primary election, special district election, or election for federal office, the  
3156 county ~~[clerk]~~ election officer shall include:

3157 (i) an entry field for the poll worker to record the type of identification provided by the  
3158 voter;

3159 (ii) a space for the poll worker to record the provisional envelope ballot number for  
3160 voters who receive a provisional ballot; and

(iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

(2) (a) (i) For regular and municipal elections, primary elections, regular municipal elections, special district elections, and bond elections, the county [~~clerk~~] election officer shall make an official register only for voting precincts affected by the primary, municipal, special district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county [~~clerk~~] election officer, with the assistance of the clerk of each affected special district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of special district officers.

(b) Municipalities shall pay the costs of making the official register for municipal elections.

Section 58. Section **20A-5-403** is amended to read:

**20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Arrangements.**

(1) Except as provided in Section 20A-7-609.5, [~~each~~] a county election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or special district governing board for those polling places.

(2) (a) For each polling place, the county election officer shall provide:

(i) an American flag;

(ii) a sufficient number of voting booths or compartments;

(iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and supplies necessary to enable a voter to vote;

(iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;

(v) the instructions required by Section 20A-5-102; and

3192 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter  
3193 identification is required for every voter before the voter may vote and listing the forms of  
3194 identification that constitute valid voter identification.

3195 (b) ~~[Each]~~ A county election officer shall ensure that:

3196 (i) each voting booth is at a convenient height for writing, and is arranged so that the  
3197 voter can prepare the voter's ballot screened from observation;

3198 (ii) there are a sufficient number of voting booths or voting devices to accommodate  
3199 the voters at that polling place; and

3200 (iii) there is at least one voting booth or voting device that is configured to  
3201 accommodate persons with disabilities.

3202 (c) ~~[Each]~~ A county ~~[clerk]~~ election officer shall provide a ballot box for each polling  
3203 place that is large enough to properly receive and hold the ballots to be cast.

3204 (3) (a) All polling places shall be physically inspected by ~~[each]~~ the county ~~[clerk]~~  
3205 election officer to ensure access by a person with a disability.

3206 (b) Any issues concerning inaccessibility to polling places by a person with a disability  
3207 discovered during the inspections referred to in Subsection (3)(a) or reported to the county  
3208 ~~[clerk]~~ election officer shall be:

3209 (i) forwarded to the Office of the Lieutenant Governor; and

3210 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be  
3211 either:

3212 (A) remedied at the particular location by the county ~~[clerk]~~ election officer;

3213 (B) the county ~~[clerk]~~ election officer shall designate an alternative accessible location  
3214 for the particular precinct; or

3215 (C) if no practical solution can be identified, file with the Office of the Lieutenant  
3216 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

3217 (4) (a) The municipality in which the election is held shall pay the cost of conducting  
3218 each municipal election, including the cost of printing and supplies.

3219 (b) (i) Costs assessed by a county ~~[clerk]~~ election officer to a municipality under this  
3220 section may not exceed the actual costs incurred by the county ~~[clerk]~~ election officer.

3221 (ii) The actual costs shall include:

3222 (A) costs of or rental fees associated with the use of election equipment and supplies;



3223 and

3224 (B) reasonable and necessary administrative costs.

3225 (5) The county ~~[clerk]~~ election officer shall make detailed entries of all proceedings  
3226 had under this chapter.

3227 (6) (a) ~~[Each county clerk]~~ A county election officer shall, to the extent possible,  
3228 ensure that the amount of time that an individual waits in line before the individual can vote at  
3229 a polling place in the county does not exceed 30 minutes.

3230 (b) The lieutenant governor may require a county ~~[clerk]~~ election officer to submit a  
3231 line management plan before the next election if an individual waits in line at a polling place in  
3232 the county longer than 30 minutes before the individual can vote.

3233 (c) The lieutenant governor may consider extenuating circumstances in deciding  
3234 whether to require the county ~~[clerk]~~ election officer to submit a plan described in Subsection  
3235 (6)(b).

3236 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)  
3237 and consult with the county ~~[clerk]~~ election officer submitting the plan to ensure, to the extent  
3238 possible, that the amount of time an individual waits in line before the individual can vote at a  
3239 polling place in the county does not exceed 30 minutes.

3240 Section 59. Section **20A-5-403.5** is amended to read:

3241 **20A-5-403.5. Ballot drop boxes -- Notice.**

3242 (1) (a) An election officer:

3243 (i) shall designate at least one ballot drop box in each municipality and reservation  
3244 located in the jurisdiction to which the election relates;

3245 (ii) may designate additional ballot drop boxes for the ~~[election officer's]~~ jurisdiction to  
3246 which the election relates;

3247 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the  
3248 ~~[election officer's]~~ jurisdiction to which the election relates;

3249 (iv) shall provide 24-hour recorded video surveillance, without audio, of each  
3250 unattended ballot drop box;

3251 (v) shall post a sign on or near each unattended ballot drop box indicating that the  
3252 ballot drop box is under 24-hour video surveillance; and

3253 (vi) shall ensure that a camera, a video, or a recording of a video described in

3254 Subsection (1)(a)(iv) may only be accessed:

3255 (A) by the county election officer;

3256 (B) by a custodian of the camera, video, or recording;

3257 (C) by the lieutenant governor;

3258 (D) by the legislative auditor general, when performing an audit; or

3259 (E) by, or pursuant to an order of, a court of competent jurisdiction.

3260 (b) An individual may not view a video, or a recording of a video, described in

3261 Subsection (1)(a)(iv), unless the individual:

3262 (i) is an individual described in Subsection (1)(a)(vi); and

3263 (ii) views the video to the extent necessary to:

3264 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or

3265 (B) investigate a concern relating to ballots or the ballot box.

3266 (c) The county election officer, or the custodian of the recording, shall keep a recording  
3267 described in Subsection (1)(a)(iv) until the later of:

3268 (i) the end of the calendar year in which the election was held; or

3269 (ii) if the election is contested, when the contest is resolved.

3270 (2) Except as provided in Section 20A-1-308 or Subsection (5), the county election  
3271 officer shall, at least 28 days before the date of the election, provide notice of the location of  
3272 each ballot drop box designated under Subsection (1), by publishing notice for the jurisdiction  
3273 holding the election, as a class A notice under Section 63G-30-102, for at least 28 days before  
3274 the day of the election.

3275 (3) Instead of including the location of ballot drop boxes, a notice required under  
3276 Subsection (2) may specify the following sources where a voter may view or obtain a copy of  
3277 all ballot drop box locations:

3278 (a) the jurisdiction's website;

3279 (b) the physical address of the jurisdiction's offices; and

3280 (c) a mailing address and telephone number.

3281 (4) The county election officer shall include in the notice described in Subsection (2):

3282 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
3283 the address of the county election officer's website, with a statement indicating that the county  
3284 election officer will post on the website the location of each ballot drop box, including any

3285 changes to the location of a ballot drop box and the location of additional ballot drop boxes;  
3286 and

3287 (b) a phone number that a voter may call to obtain information regarding the location  
3288 of a ballot drop box.

3289 (5) (a) Except as provided in Section 20A-1-308, the county election officer may, after  
3290 the deadline described in Subsection (2):

3291 (i) if necessary, change the location of a ballot drop box; or

3292 (ii) if the county election officer determines that the number of ballot drop boxes is  
3293 insufficient due to the number of registered voters who are voting, designate additional ballot  
3294 drop boxes.

3295 (b) Except as provided in Section 20A-1-308, if ~~[an]~~ a county election officer changes  
3296 the location of a ballot box or designates an additional ballot drop box location, the county  
3297 election officer shall, as soon as is reasonably possible, give notice of the changed ballot drop  
3298 box location or the additional ballot drop box location:

3299 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

3300 (ii) by posting the information on the website of the county election officer, if  
3301 available; and

3302 (iii) by posting notice:

3303 (A) for a change in the location of a ballot drop box, at the new location and, if  
3304 possible, the old location; and

3305 (B) for an additional ballot drop box location, at the additional ballot drop box  
3306 location.

3307 (6) ~~[An]~~ A county election officer may, at any time, authorize two or more poll  
3308 workers to remove a ballot drop box from a location, or to remove ballots from a ballot drop  
3309 box for processing.

3310 (7) (a) At least two poll workers must be present when a poll worker:

3311 (i) collects ballots from a ballot drop box and delivers the ballots to the location where  
3312 the ~~[ballots will be opened and counted.]~~ county election officer will process the ballots; or

3313 (ii) delivers ballots for local tabulation under Subsection 20A-3a-401(4)(b)(i)(B).

3314 (b) ~~[An]~~ A county election officer shall ensure that the chain of custody of ballots  
3315 placed in a ballot box are recorded and tracked from the time the ballots are removed from the

3316 ballot box until the ballots are delivered to the location where the ~~[ballots will be opened and~~  
3317 ~~counted.]~~ county election officer will process the ballots.

3318 (c) A county election officer who delivers ballots for local tabulation under Subsection  
3319 20A-3a-401(4)(b)(i)(B) shall ensure that the chain of custody of the ballots are recorded and  
3320 tracked from the time the ballots leave the place where the county election officer processes the  
3321 ballots until the ballots are recorded as received by the municipal election officer or special  
3322 district election officer.

3323 Section 60. Section **20A-5-404** is amended to read:

3324 **20A-5-404. Election forms -- Preparation and contents.**

3325 (1) (a) For each election, the county election officer shall prepare, for each polling  
3326 place:

3327 (i) forms for poll workers to record and verify security seals, ballots cast, and the  
3328 number of voters who voted; and

3329 (ii) an official register or pollbook.

3330 (b) For each election, the county election officer shall:

3331 (i) provide a copy of each form to each of those precincts using paper ballots; and

3332 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting  
3333 precincts using an automated voting system.

3334 (2) The county election officer shall ensure that the forms described in Subsection

3335 (1)(a)(i) include:

3336 (a) a space for the judges to identify:

3337 (i) the number of ballots voted;

3338 (ii) the number of registered voters listed in the official register or pollbook; and

3339 (iii) the total number of voters voting according to the official register or pollbook; and

3340 (b) a certification, in substantially the following form:

3341 "We, the undersigned, judges of an election held at \_\_\_\_\_ voting precinct, in \_\_\_\_\_

3342 County, state of Utah, on \_\_\_\_\_(month\day\year), having first been sworn according to

3343 law, certify that the information in this form is a true statement of the number and names of the

3344 individuals voting in the voting precinct at the election, and that the total number of individuals

3345 voting at the election was \_\_\_\_.

3346 \_\_\_\_\_

3347 \_\_\_\_\_

3348 \_\_\_\_\_

3349 Judges of Election".

3350 (3) The county election officer shall ensure that the official register or pollbook:

3351 (a) identifies the voting precinct number on the face of the official register or pollbook;

3352 and

3353 (b) contains:

3354 (i) a section to record individuals voting on election day; and

3355 (ii) a section in which to record voters who are challenged.

3356 Section 61. Section **20A-5-405** is amended to read:

3357 **20A-5-405. Election officer to provide ballots -- Notice of sample ballot.**

3358 (1) ~~[An]~~ A county election officer shall:

3359 (a) provide ballots for every election of public officers in which the voters, or any of  
3360 the voters[;] within the ~~[election officer's]~~ jurisdiction to which the election relates, participate;

3361 (b) cause the name of every candidate whose nomination has been certified to or filed  
3362 with the county election officer in the manner provided by law to be included on each ballot;

3363 (c) cause any ballot proposition that has qualified for the ballot as provided by law to  
3364 be included on each ballot;

3365 (d) ensure that the ballots are prepared and in the possession of the county election  
3366 officer at least seven days before the commencement of early voting as described in Section  
3367 20A-3a-601;

3368 (e) allow candidates and their agents and the sponsors of ballot propositions that have  
3369 qualified for the official ballot to inspect the ballots;

3370 (f) no later than 45 days before the day of the election, make sample ballots available  
3371 for inspection, in the same form as official ballots and that contain the same information as  
3372 official ballots, by:

3373 (i) posting a copy of the sample ballot in the county election officer's office;

3374 (ii) sending a copy of the sample ballot to:

3375 (A) each candidate listed on the ballot; and

3376 (B) the lieutenant governor; and

3377 (iii) providing a copy of the sample ballot for the jurisdiction ~~[holding]~~ to which the

3378 election relates, as a class A notice under Section 63G-30-102, for at least seven days;

3379 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct

3380 the poll workers to post the sample ballot as required by Section 20A-5-102; and

3381 (h) print and deliver, at the expense of the jurisdiction [~~conducting~~] to which the

3382 election relates, enough ballots, sample ballots, and instructions to meet the voting demands of

3383 the qualified voters in each voting precinct.

3384 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the county

3385 election officer may post a statement that:

3386 (a) is entitled, "sample ballot";

3387 (b) includes the following: "A sample ballot for [indicate name of jurisdiction to which

3388 the election relates] for the upcoming [indicate type and date of election] may be obtained from

3389 the following sources:"; and

3390 (c) specifies the following sources where an individual may view or obtain a copy of

3391 the sample ballot:

3392 (i) [~~if the jurisdiction has a website, the jurisdiction's~~] the county election officer's

3393 website;

3394 (ii) the physical address of the [~~jurisdiction's~~] county election officer's offices; and

3395 (iii) a mailing address and telephone number.

3396 (3) (a) Each county election officer shall, without delay, correct any error discovered in

3397 any ballot, if the correction can be made without interfering with the timely distribution of the

3398 ballots.

3399 (b) (i) If the county election officer discovers an error or omission in a manual ballot,

3400 and it is not possible to correct the error or omission, the county election officer shall direct the

3401 poll workers to make the necessary corrections on the manual ballots before the ballots are

3402 distributed.

3403 (ii) If the county election officer discovers an error or omission in an electronic ballot

3404 and it is not possible to correct the error or omission by revising the electronic ballot, the

3405 county election officer shall direct the poll workers to post notice of each error or omission

3406 with instructions on how to correct each error or omission in a prominent position at each

3407 polling booth.

3408 (4) (a) If the county election officer refuses or fails to correct an error or omission in a

3409 ballot, a candidate or a candidate's agent may file a verified petition with the district court  
3410 asserting that:

3411 (i) an error or omission has occurred in:

3412 (A) the publication of the name or description of a candidate;

3413 (B) the preparation or display of an electronic ballot; or

3414 (C) the posting of sample ballots or the printing of official manual ballots; and

3415 (ii) the county election officer has failed to correct or provide for the correction of the  
3416 error or omission.

3417 (b) The district court shall issue an order requiring correction of any error in a ballot or  
3418 an order to show cause why the error should not be corrected if it appears to the court that the  
3419 error or omission has occurred and the county election officer has failed to correct or provide  
3420 for the correction of the error or omission.

3421 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah  
3422 Supreme Court within five days after the day on which the district court enters the decision.

3423 Section 62. Section **20A-5-406** is amended to read:

3424 **20A-5-406. Delivery of ballots.**

3425 (1) ~~[An]~~ A county election officer shall deliver manual ballots to the poll workers of  
3426 each ~~[voting precinct]~~ polling place in the election officer's jurisdiction in an amount sufficient  
3427 to meet voting needs during the voting period.

3428 (2) For mechanical ballots, ~~[an]~~ a county election officer shall:

3429 (a) deliver the voting devices and mechanical ballots before voting commences at the  
3430 polling place;

3431 (b) ensure that the voting devices, equipment, and mechanical ballots are properly  
3432 secured before commencement of voting;

3433 (c) when mechanical ballots or voting devices containing mechanical ballots are  
3434 delivered to a polling place, ensure that security procedures, developed by the county election  
3435 officer, are followed to document chain of custody and to prevent unauthorized access; and

3436 (d) repair or provide substitute voting devices, equipment, or electronic ballots, if  
3437 available, if any poll worker reports that:

3438 (i) the voting devices or equipment were not delivered on time;

3439 (ii) the voting devices or equipment do not contain the appropriate electronic ballot

3440 information;

3441 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to  
3442 have been tampered with;

3443 (iv) the voting devices or equipment do not appear to be functioning properly; or

3444 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed  
3445 or stolen.

3446 Section 63. Section **20A-5-407** is amended to read:

3447 **20A-5-407. County election officer to provide ballot boxes.**

3448 [~~(1) Except as provided in Subsection (3), an~~] A county election officer shall:

3449 [~~(a)~~] (1) provide one ballot box with a lock and key for each polling place; and

3450 [~~(b)~~] (2) deliver the ballot boxes, locks, and keys to the polling place before the polls  
3451 open.

3452 [~~(2) An election officer for a municipality or special district may obtain ballot boxes~~  
3453 ~~from the county clerk's office.~~]

3454 [~~(3) If locks and keys are unavailable, the election officer shall ensure that the ballot~~  
3455 ~~box lid is secured by tape.~~]

3456 Section 64. Section **20A-5-408** is amended to read:

3457 **20A-5-408. Disposition of election returns.**

3458 (1) Each election officer responsible for counting and tabulating the ballots shall  
3459 produce the packages containing the election returns before the board of canvassers.

3460 (2) As soon as the returns are canvassed, the election officer responsible for counting  
3461 and tabulating the ballots shall file the election returns and papers produced before the board as  
3462 required by Section 20A-4-202.

3463 Section 65. Section **20A-5-410** is amended to read:

3464 **20A-5-410. County election officer to provide voting history information and**  
3465 **status.**

3466 (1) As used in this section, "voting history record" means the information about the  
3467 existence and status of absentee ballot requests required by this section.

3468 (2) (a) [~~Each~~] A county election officer shall maintain, in the county election officer's  
3469 office, a voting history record of those voters registered to vote in the county election officer's  
3470 jurisdiction.



(b) Except as it relates to a voter whose voter registration record is classified as private under Subsection 63G-2-302(1)(k), the voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(3) (a) When ~~an~~ a county election officer reports voting history for an election, the county election officer shall, for each voter whose voter registration is classified as private under Subsection 20A-2-104(4)(h), report the following, for that election only, without disclosing the identity of the voter:

(i) for voting by mail, the information described in Subsection (4)(a);

(ii) for early voting, the date the individual voted; and

(iii) for voting on election day, the date the individual voted.

(b) In relation to the information of a voter whose voter registration is classified as private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a) may not disclose, by itself or in conjunction with any other public information, the identity or any other personal identifying information of the voter.

(4) ~~The~~ A county election officer shall ensure that the voting history record for each voting precinct contains:

(a) for voting by mail:

(i) the date that the manual ballot was mailed to the voter; and

(ii) the date that the voted manual ballot was received by the county election officer;

(b) for early voting:

(i) the name and address of each individual who participated in early voting; and

(ii) the date the individual voted; and

(c) for voting on election day, the name and address of each individual who voted on election day.

(5) (a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the county election officer shall ensure that the information required by this section is recorded and made available to the public no later than one business day after its receipt in the county election officer's office.

(b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements established in any ordinance, the county election officer shall make copies of the voting history

3502 record available to the public for the actual cost of production or copying.

3503 Section 66. Section **20A-5-601** is amended to read:

3504 **20A-5-601. Appointment of poll workers in elections where candidates are**  
3505 **distinguished by registered political parties.**

3506 (1) (a) This section governs appointment of poll workers in elections where candidates  
3507 are distinguished by registered political parties.

3508 (b) On or before March 1 of each even-numbered year, ~~[an]~~ a county election officer  
3509 shall provide to the county chair of each registered political party a list of the number of poll  
3510 workers that the party must nominate for each polling place.

3511 (c) On or before April 1 of each even-numbered year, the county chair and secretary of  
3512 each registered political party shall file a list with the county election officer containing the  
3513 names of individuals in the county who are willing to serve as poll workers, who are qualified  
3514 to serve as poll workers in accordance with this section, and who are competent and  
3515 trustworthy.

3516 (d) The county chair and secretary shall submit names equal in number to the number  
3517 required by the county election officer, plus one.

3518 (2) ~~[Each]~~ A county election officer shall provide for the appointment of individuals to  
3519 serve as poll workers at each election.

3520 (3) (a) For each election, ~~[each]~~ a county election officer shall provide for the  
3521 appointment of at least three registered voters, or one individual who is 16 or 17 years old and  
3522 two registered voters, one of whom is at least 21 years old, from the list to serve as poll  
3523 workers.

3524 (b) ~~[An]~~ A county election officer may appoint additional poll workers, as needed.

3525 (4) For each set of three poll workers appointed for a polling place for an election, the  
3526 county election officer shall ensure that:

3527 (a) two poll workers are appointed from the political party that cast the highest number  
3528 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
3529 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last  
3530 regular general election before the appointment of the poll workers; and

3531 (b) one poll worker is appointed from the political party that cast the second highest  
3532 number of votes for governor, lieutenant governor, attorney general, state auditor, and state

treasurer, excluding votes for unopposed candidates, in the county, city, or special district, as applicable, at the last regular general election before the appointment of the poll workers.

(5) The county election officer shall provide for the appointment of any qualified county voter as a poll worker when:

(a) a political party fails to file the poll worker list by the filing deadline; or

(b) the list is incomplete.

(6) A registered voter of the county may serve as a poll worker at any polling place in the county, municipality, or district, as applicable.

(7) ~~[An]~~ A county election officer may not appoint a candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a polling place where the candidate appears on the ballot.

(8) The county election officer shall fill all poll worker vacancies.

(9) If a conflict arises over the right to certify the poll worker lists for any political party, the county election officer may decide between conflicting lists, but may only select names from a properly submitted list.

(10) The ~~[clerk]~~ county election officer shall establish compensation for poll workers.

(11) The county election officer may appoint additional poll workers to serve in the polling place as needed.

Section 67. Section **20A-5-602** is amended to read:

**20A-5-602. Appointment of poll workers in elections where candidates are not distinguished by registered political parties.**

(1) (a) This section governs appointment of poll workers in elections where candidates are not distinguished by registered political parties.

(b) The election officer who processes ballots shall appoint the poll workers who will assist the election officer with each portion of the processing for which the election officer is responsible.

~~(b)~~ (c) An election officer shall appoint the poll worker at least 15 days before the date of the local election.

(2) (a) The election officer shall appoint, or provide for the appointment of, at least three poll workers as follows:

3564 (i) three registered voters; or  
3565 (ii) two registered voters, one of whom is at least 21 years old, and one individual who  
3566 is 16 or 17 years old.

3567 (b) The election officer may appoint additional poll workers to serve in the polling  
3568 place as needed.

3569 (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,  
3570 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to  
3571 serve as a poll worker at a polling place where the candidate appears on the ballot.

3572 (4) (a) The clerk of the jurisdiction to which the election relates shall compensate poll  
3573 workers for their services.

3574 (b) The clerk of a municipality or special district may not compensate poll workers at a  
3575 rate higher than that paid by the county to ~~[the county's]~~ poll workers for regular primary  
3576 elections or regular general elections.

3577 Section 68. Section **20A-5-603** is amended to read:

3578 **20A-5-603. Vacancies -- Removal of poll workers.**

3579 (1) (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall  
3580 immediately notify the county election officer, who shall fill the vacancy as provided in this  
3581 section.

3582 (b) The county election officer may fill a vacancy occurring under this section by  
3583 appointing the alternate to serve or, if that is impossible, by appointing some other qualified  
3584 person to fill the vacancy.

3585 (2) The county election officer shall summarily remove any poll worker who:

3586 (a) neglects the poll worker's duty;

3587 (b) commits or encourages fraud in connection with any election;

3588 (c) violates any election law;

3589 (d) knowingly permits any person to violate any election law;

3590 (e) has been convicted of a felony;

3591 (f) commits any act that interferes or tends to interfere with a fair and honest election;

3592 or

3593 (g) is incapable of performing the duties of a poll worker.

3594 Section 69. Section **20A-5-605** is amended to read:

**20A-5-605. Duties of poll workers.**

(1) Poll workers shall:

(a) arrive at the polling place at a time determined by the county election officer; and

(b) remain until the official election returns are prepared for delivery.

(2) The county election officer may designate the title and duties of each poll worker.

(3) Upon arriving to open the polls, the poll workers shall:

(a) display the United States flag;

(b) examine the voting devices to see that they are in proper working order and that security devices have not been tampered with;

(c) place the voting devices, voting booths, and the ballot box in plain view of those poll workers and watchers that are present;

(d) check the ballots, supplies, records, and forms;

(e) if directed by the county election officer:

(i) make any necessary corrections to the official ballots before the ballots are distributed at the polls;

(ii) post any necessary notice of errors in ballots before voting commences; and

(iii) post a sample ballot, instructions to voters, and constitutional amendments, if any;

(f) open the ballot box in the presence of those assembled, turn the ballot box upside down to empty the ballot box of anything; and

(g) immediately before the polls open, lock the ballot box or, if locks and keys are not available, tape the ballot box securely.

(4) (a) If any poll worker fails to appear on the morning of the election, or fails or refuses to act:

(i) at least six qualified electors who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified individual from the voting precinct who is a member of the same political party as the poll worker who is being replaced to act as a poll worker; or

(ii) the county election officer shall appoint a qualified individual to act as a poll worker.

(b) If a majority of the poll workers are present, the poll workers shall open the polls, even though a poll worker has not arrived.

(5) (a) If it is impossible or inconvenient to hold an election at the polling place designated, the poll workers, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.

(b) If the poll workers move to a new polling place, the poll workers shall display a proclamation of the change and station a peace officer or some other proper individual at the original polling place to notify voters of the location of the new polling place.

(6) If, for any reason, the official ballots are not ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot, until the county election officer provides additional ballots.

(7) When it is time to open the polls, one of the poll workers shall announce that the polls are open as required by Section 20A-1-302, or in the case of early voting, Section 20A-3a-602.

(8) (a) The poll workers shall comply with the voting procedures and requirements of Chapter 3a, Voting, in allowing people to vote.

(b) The poll workers may not allow an individual, other than election officials and those admitted to vote, within six feet of voting devices, voting booths, or the ballot box.

(c) Besides the poll workers and watchers, the poll workers may not allow more than four voters in excess of the number of voting booths provided within six feet of voting devices, voting booths, or the ballot box.

(d) If necessary, the poll workers shall instruct each voter permitted to use a voting device how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.

(ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political parties.

Section 70. Section **20A-5-802** is amended to read:

**20A-5-802. Certification of voting equipment.**

(1) For the voting equipment used in the jurisdiction ~~[over which]~~ by an election officer ~~[has authority]~~ who uses the voting equipment to fulfill a responsibility of the election

3657 officer, the election officer shall:

3658 (a) before each election, use logic and accuracy tests to ensure that the voting  
3659 equipment performs the voting equipment's functions accurately;

3660 (b) develop and implement a procedure to protect the physical security of the voting  
3661 equipment; and

3662 (c) ensure that the voting equipment is certified by the lieutenant governor under  
3663 Subsection (2) as having met the requirements of this section.

3664 (2) (a) Except as provided in Subsection (2)(b)(ii):

3665 (i) the lieutenant governor shall ensure that all voting equipment used in the state is  
3666 independently tested using security testing protocols and standards that:

3667 (A) are generally accepted in the industry at the time the lieutenant governor reviews  
3668 the voting equipment for certification; and

3669 (B) meet the requirements of Subsection (2)(a)(ii);

3670 (ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require  
3671 that a voting system:

3672 (A) is accurate and reliable;

3673 (B) possesses established and maintained access controls;

3674 (C) has not been fraudulently manipulated or tampered with;

3675 (D) is able to identify fraudulent or erroneous changes to the voting equipment; and

3676 (E) protects the secrecy of a voter's ballot; and

3677 (iii) The lieutenant governor may comply with the requirements of Subsection (2)(a) by  
3678 certifying voting equipment that has been certified by:

3679 (A) the United States Election Assistance Commission; or

3680 (B) a laboratory that has been accredited by the United States Election Assistance  
3681 Commission to test voting equipment.

3682 (b) (i) Voting equipment used in the state may include technology that allows for  
3683 ranked-choice voting.

3684 (ii) The lieutenant governor may, for voting equipment used for ranked-choice voting  
3685 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify  
3686 voting equipment that has been successfully used within the United States or a territory of the  
3687 United States for ranked-choice voting for a race for federal office.

3688 Section 71. Section **20A-5-902** is amended to read:

3689 **20A-5-902. Security of election equipment.**

3690 (1) Except when divesting election equipment as surplus property or providing for  
3691 maintenance, an election officer responsible for the election equipment may not permit an  
3692 individual, other than an election official, access to election equipment.

3693 (2) An election officer responsible for the election equipment shall keep a record of  
3694 service work done on voting equipment, including:

- 3695 (a) a designation of the specific equipment serviced;
- 3696 (b) the date of service;
- 3697 (c) the names of all individuals who perform or supervise the service;
- 3698 (d) the name of each vendor that performs the service; and
- 3699 (e) a description of the service performed.

3700 Section 72. Section **20A-5-903** is amended to read:

3701 **20A-5-903. Cyber security.**

3702 (1) An election officer who is responsible for election equipment shall ensure that the  
3703 following election equipment is never connected to the Internet:

- 3704 (a) tabulation servers;
- 3705 (b) tabulation equipment;
- 3706 (c) ballot scanners, including central, precinct, and mobile scanners; and
- 3707 (d) ballot marking devices.

3708 (2) This section does not prohibit Internet connection of equipment used for voting if  
3709 the equipment's use of voting is solely for the purpose of:

- 3710 (a) complying with [~~Title 20A, Chapter 16, Uniform Military and Overseas Voters Act~~]  
3711 Chapter 16, Uniform Military and Overseas Voters Act; or
- 3712 (b) administering the Internet Voting Pilot Project, described in Section 20A-6-103.

3713 Section 73. Section **20A-5-904** is amended to read:

3714 **20A-5-904. Voter fraud.**

3715 [~~An~~] A county election officer shall:

- 3716 (1) check available resources to determine whether an individual registers to vote, or  
3717 votes, in more than one state or precinct; and
- 3718 (2) report the information to law enforcement or a prosecutor if the county election



officer has reason to believe that an individual [has] intentionally committed election fraud.

Section 74. Section **20A-6-101** is amended to read:

**20A-6-101. General requirements for manual ballots.**

(1) ~~[An]~~ A county election officer shall ensure that manual ballots:

(a) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;

(b) are printed using precisely the same quality and kind of type;

(c) are printed using precisely the same quality and tint of plain black ink;

(d) are uniform in size for all the voting precincts within the election officer's jurisdiction; and

(e) include, on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, a space for a write-in candidate immediately following the last candidate listed on that ticket.

(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the county election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Section 75. Section **20A-6-102** is amended to read:

**20A-6-102. General requirements for machine counted ballots.**

(1) ~~[An]~~ A county election officer shall ensure that ballots are printed:

(a) to a size and arrangement that fits the construction of the ballot counting device; and

(b) in plain, clear type in black ink on clear white stock; or

(c) in plain, clear type in black ink on stock of different colors if it is necessary to:

(i) identify different ballots or parts of the ballot; or

(ii) differentiate between political parties.

(2) For a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, the county election officer shall include a space on the ticket for a write-in candidate immediately following the last candidate listed on that ticket.

(3) Notwithstanding any other provisions of this section, the county election officer may authorize any ballots that are to be counted by means of electronic or electromechanical

3750 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks  
 3751 that will be suitable for use in the counting devices in which they are intended to be placed.

3752 Section 76. Section **20A-6-105** is amended to read:

3753 **20A-6-105. Provisional ballot envelopes.**

3754 (1) [Each] A county election officer shall ensure that provisional ballot envelopes are  
 3755 printed in substantially the following form:

3756 "AFFIRMATION

3757 Are you a citizen of the United States of America? Yes No

3758 Will you be 18 years old on or before election day? Yes No

3759 If you checked "no" in response to either of the two above questions, do not complete  
 3760 this form.

3761 Name of Voter \_\_\_\_\_

3762 First Middle Last

3763 Driver License or Identification Card Number \_\_\_\_\_

3764 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

3765 Date of Birth \_\_\_\_\_

3766 Street Address of Principal Place of Residence

3767 \_\_\_\_\_

3768 City County State Zip Code

3769 Telephone Number (optional) \_\_\_\_\_

3770 Email Address (optional) \_\_\_\_\_

3771 Last four digits of Social Security Number \_\_\_\_\_

3772 Last former address at which I was registered to vote (if known)

3773 \_\_\_\_\_

3774 City County State Zip Code

3775 Voting Precinct (if known)

3776 \_\_\_\_\_

3777 I, (please print your full name) \_\_\_\_\_ do solemnly swear or  
 3778 affirm:

3779 That I am eligible to vote in this election; that I have not voted in this election in any  
 3780 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to

3781 vote in this precinct; and

3782 Subject to penalty of law for false statements, that the information contained in this  
3783 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the  
3784 above address; and that I am at least 18 years old and have resided in Utah for the 30 days  
3785 immediately before this election.

3786 Signed

3787

3788 Dated

3789

3790 In accordance with Section 20A-3a-506, wilfully providing false information above is a  
3791 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

3792 **PRIVACY INFORMATION**

3793 Voter registration records contain some information that is available to the public, such  
3794 as your name and address, some information that is available only to government entities, and  
3795 some information that is available only to certain third parties in accordance with the  
3796 requirements of law.

3797 Your driver license number, identification card number, social security number, email  
3798 address, full date of birth, and phone number are available only to government entities. Your  
3799 year of birth is available to political parties, candidates for public office, certain third parties,  
3800 and their contractors, employees, and volunteers, in accordance with the requirements of law.

3801 You may request that all information on your voter registration records be withheld  
3802 from all persons other than government entities, political parties, candidates for public office,  
3803 and their contractors, employees, and volunteers, by indicating here:

3804 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld  
3805 from all persons other than government entities, political parties, candidates for public office,  
3806 and their contractors, employees, and volunteers.

3807 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

3808 In addition to the protections provided above, you may request that identifying  
3809 information on your voter registration records be withheld from all political parties, candidates  
3810 for public office, and their contractors, employees, and volunteers, by submitting a withholding  
3811 request form, and any required verification, as described in the following paragraphs.

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

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

#### CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

---

Signature of Applicant

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

(2) The provisional ballot envelope shall include:

(a) a unique number;

(b) a detachable part that includes the unique number;

(c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted; and

(d) an insert containing written instructions on how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

Section 77. Section **20A-6-105.5** is amended to read:

**20A-6-105.5. Voter access to provisional ballot information.**

~~[Each county clerk]~~ A county election officer shall implement, through an internet website, toll-free telephone number, or other means, a system where an individual who voted a provisional ballot may, free of charge, determine if the voter's vote was counted, and, if the vote was not counted, the reason the vote was not counted.

Section 78. Section **20A-6-106** is amended to read:

**20A-6-106. Deadline for submission of ballot titles.**

Unless otherwise specifically provided for by statute, the certified ballot title of each ballot proposition, ballot question, or ballot issue shall be submitted to the county election officer before 5 p.m. no later than 65 days before the date of the election at which the matter will be submitted to the voters.

Section 79. Section **20A-6-107** is amended to read:

**20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of county election officer and lieutenant governor.**

(1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall be listed on the ballot under the heading "Proposition # \_\_\_\_", with the number of the ballot proposition placed in the blank.

(b) Each proposed amendment to the Utah Constitution shall be listed on the ballot under the heading "Constitutional Amendment \_\_\_\_", with a letter placed in the blank.

(c) Each bond proposition that has qualified for the ballot shall be listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

(2) (a) When ~~[an]~~ a county election officer or other person given authority to prepare or number ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they shall ask the lieutenant governor to assign a number to the ballot proposition.

(b) (i) Upon request from ~~[an]~~ a county election officer or other person given authority to prepare or number ballot propositions, the lieutenant governor shall assign each ballot proposition a unique number, except as provided under Subsection (2)(b)(iii).

(ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for

3874 ballot proposition numbers are received.

3875 (iii) The same ballot proposition number may be assigned to multiple ballot  
3876 propositions if:

3877 (A) the sponsors of each ballot proposition agree, in writing, to share the number; and

3878 (B) the ballot propositions sharing the same number are identical in their terms,  
3879 purpose, and effect, with jurisdiction being the only significant difference between the ballot  
3880 propositions.

3881 Section 80. Section **20A-6-108** is amended to read:

3882 **20A-6-108. Requirements for printing and mailing ballots.**

3883 (1) [~~Before January 2023, the~~] The director of elections within the Office of the  
3884 Lieutenant Governor shall, in consultation with county clerks, make rules, in accordance with  
3885 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing minimum  
3886 requirements that a vendor must meet to be eligible to print ballots to be used in an election.

3887 (2) [~~Beginning on the effective date of the rules described in Subsection (1), an~~] A  
3888 county election officer shall ensure that, when the bulk of ballots are initially mailed to voters,  
3889 the ballots are mailed from a location in Utah.

3890 Section 81. Section **20A-6-301** is amended to read:

3891 **20A-6-301. Manual ballots -- Regular general election.**

3892 (1) [~~Each~~] A county election officer shall ensure that:

3893 (a) all manual ballots furnished for use at the regular general election contain:

3894 (i) no captions or other endorsements except as provided in this section;

3895 (ii) no symbols, markings, or other descriptions of a political party or group, except for  
3896 a registered political party that has chosen to nominate its candidates in accordance with  
3897 Section 20A-9-403; and

3898 (iii) no indication that a candidate for elective office has been nominated by, or has  
3899 been endorsed by, or is in any way affiliated with a political party or group, unless the  
3900 candidate has been nominated by a registered political party in accordance with Subsection  
3901 20A-9-202(4) or Subsection 20A-9-403(5);

3902 (b) at the top of the ballot, the following endorsements are printed in 18 point bold  
3903 type:

3904 (i) "Official Ballot for \_\_\_\_ County, Utah";

3905 (ii) the date of the election; and  
3906 (iii) the words "certified by the Clerk of \_\_\_\_\_ County" or, as applicable, the  
3907 name of a combined office that includes the duties of a county clerk;  
3908 (c) unaffiliated candidates, candidates not affiliated with a registered political party,  
3909 and all other candidates for elective office who were not nominated by a registered political  
3910 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with  
3911 the other candidates for the same office in accordance with Section 20A-6-305, without a party  
3912 name or title;  
3913 (d) each ticket containing the lists of candidates, including the party name and device,  
3914 are separated by heavy parallel lines;  
3915 (e) the offices to be filled are plainly printed immediately above the names of the  
3916 candidates for those offices;  
3917 (f) the names of candidates are printed in capital letters, not less than one-eighth nor  
3918 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between  
3919 lines or rules three-eighths of an inch apart; and  
3920 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in  
3921 which a write-in candidate is qualified under Section 20A-9-601:  
3922 (i) the ballot includes a space for a write-in candidate immediately following the last  
3923 candidate listed on that ticket; or  
3924 (ii) for the offices of president and vice president and governor and lieutenant  
3925 governor, the ballot includes two spaces for write-in candidates immediately following the last  
3926 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in  
3927 candidates.  
3928 (2) ~~[An]~~ A county election officer shall ensure that:  
3929 (a) each individual nominated by any registered political party under Subsection  
3930 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:  
3931 (i) under the registered political party's name, if any; or  
3932 (ii) under the title of the registered political party as designated by them in their  
3933 certificates of nomination or petition, or, if none is designated, then under some suitable title;  
3934 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5,  
3935 Candidates not Affiliated with a Party, are placed on the ballot;

3936 (c) the names of the candidates for president and vice president are used on the ballot  
3937 instead of the names of the presidential electors; and

3938 (d) the ballots contain no other names.

3939 (3) When the ballot contains a nonpartisan section, the county election officer shall  
3940 ensure that:

3941 (a) the designation of the office to be filled in the election and the number of  
3942 candidates to be elected are printed in type not smaller than eight point;

3943 (b) the words designating the office are printed flush with the left-hand margin;

3944 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for  
3945 which the voter may vote)" extend to the extreme right of the column;

3946 (d) the nonpartisan candidates are grouped according to the office for which they are  
3947 candidates;

3948 (e) the names in each group are placed in the order specified under Section 20A-6-305  
3949 with the surnames last; and

3950 (f) each group is preceded by the designation of the office for which the candidates  
3951 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
3952 candidates for which the voter may vote)," according to the number to be elected.

3953 (4) [~~Each~~] A county election officer shall ensure that:

3954 (a) proposed amendments to the Utah Constitution are listed on the ballot in  
3955 accordance with Section 20A-6-107;

3956 (b) ballot propositions submitted to the voters are listed on the ballot in accordance  
3957 with Section 20A-6-107;

3958 (c) bond propositions that have qualified for the ballot are listed on the ballot under the  
3959 title assigned to each bond proposition under Section 11-14-206; and

3960 (d) the judicial retention section of the ballot includes a statement at the beginning  
3961 directing voters to the Judicial Performance Evaluation Commission's website in accordance  
3962 with Subsection 20A-12-201(4).

3963 Section 82. Section **20A-6-302** is amended to read:

3964 **20A-6-302. Manual ballots -- Placement of candidates' names.**

3965 (1) [~~An~~] A county election officer shall ensure, for manual ballots in regular general  
3966 elections, that:



(a) each candidate is listed by party, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

(b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and

(c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.

(2) (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_ No \_\_\_\_."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.

(e) If no qualified individual files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:

(i) requests the procedure set forth in Subsection (2)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

(3) (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes \_\_\_\_ No \_\_\_\_."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.

(e) If no qualified individual files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:

(i) requests the procedure set forth in Subsection (3)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Section 83. Section **20A-6-304** is amended to read:

**20A-6-304. Regular general election -- Mechanical ballots.**

(1) ~~[Each]~~ A county election officer shall ensure that:

(a) the format and content of a mechanical ballot is arranged in approximately the same order as manual ballots;

(b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate displays;

(c) the mechanical ballot is of sufficient length to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(e) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed adjacent to the candidate's name; and

(f) if possible, all candidates for one office are grouped in one column or upon one display screen.

(2) ~~[Each]~~ A county election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107;

(c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206; and

(d) the judicial retention section of the ballot includes a statement at the beginning directing voters to the Judicial Performance Evaluation Commission's website in accordance with Subsection 20A-12-201(4).

Section 84. Section **20A-6-305** is amended to read:

**20A-6-305. Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

(1) As used in this section, "master ballot position list" means an official list of the 26

4060 characters in the alphabet listed in random order and numbered from one to 26 as provided  
4061 under Subsection (2).

4062 (2) The lieutenant governor shall:

4063 (a) within 30 days after the candidate filing deadline in each even-numbered year,  
4064 conduct a random selection to create a master ballot position list for all elections in accordance  
4065 with procedures established under Subsection (2)(c);

4066 (b) publish the master ballot position list on the lieutenant governor's election website  
4067 no later than 15 days after creating the list; and

4068 (c) establish written procedures for:

4069 (i) the election official to use the master ballot position list; and

4070 (ii) the lieutenant governor in:

4071 (A) conducting the random selection in a fair manner; and

4072 (B) providing a record of the random selection process used.

4073 (3) In accordance with the written procedures established under Subsection (2)(c)(i),  
4074 ~~[an]~~ a county election officer shall use the master ballot position list for the current year to  
4075 determine the order in which to list candidates on the ballot for an election held during the  
4076 year.

4077 (4) To determine the order in which to list candidates on the ballot required under  
4078 Subsection (3), the county election officer shall apply the randomized alphabet using:

4079 (a) the candidate's surname;

4080 (b) for candidates with a surname that has the same spelling, the candidate's given  
4081 name; and

4082 (c) the surname of the president and the surname of the governor for an election for the  
4083 offices of president and vice president and governor and lieutenant governor.

4084 (5) Subsections (1) through (4) do not apply to:

4085 (a) an election for an office for which only one candidate is listed on the ballot; or

4086 (b) a judicial retention election under Section 20A-12-201.

4087 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall  
4088 appear separately, in the following order:

4089 (a) for federal office:

4090 (i) president and vice president of the United States;

4091 (ii) United States Senate office; and  
4092 (iii) United States House of Representatives office;  
4093 (b) for state office:  
4094 (i) governor and lieutenant governor;  
4095 (ii) attorney general;  
4096 (iii) state auditor;  
4097 (iv) state treasurer;  
4098 (v) state Senate office;  
4099 (vi) state House of Representatives office; and  
4100 (vii) State Board of Education member;  
4101 (c) for county office:  
4102 (i) county executive office;  
4103 (ii) county legislative body member;  
4104 (iii) county assessor;  
4105 (iv) county or district attorney;  
4106 (v) county auditor;  
4107 (vi) county clerk;  
4108 (vii) county recorder;  
4109 (viii) county sheriff;  
4110 (ix) county surveyor;  
4111 (x) county treasurer; and  
4112 (xi) local school board member;  
4113 (d) for municipal office:  
4114 (i) mayor; and  
4115 (ii) city or town council member;  
4116 (e) elected planning and service district council member;  
4117 (f) judicial retention questions; and  
4118 (g) ballot propositions not described in Subsection (6)(f).  
4119 (7) (a) A ticket for a race for a combined office shall appear on the ballot in the place  
4120 of the earliest ballot ticket position that is reserved for an office that is subsumed in the  
4121 combined office.

(b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:

(i) each candidate in accordance with Subsections (1) through (4); and

(ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.

Section 85. Section **20A-6-401** is amended to read:

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

(1) ~~[Each]~~ A county election officer shall ensure that:

(a) the following endorsements are printed in ~~[18-point]~~ 18-point bold type:

(i) "Official Primary Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

(ii) the date of the election; and

(iii) ~~[a facsimile of the signature of the election officer and the election officer's title in eight-point type]~~ the words "certified by the Clerk of [insert the name of the municipality]";

(b) immediately below the municipal election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

(c) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10 point bold type that states: "To vote for a candidate, mark the space following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(d) after the rules, the designation of the office for which the candidates seek nomination is printed and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for which the voter may vote)" are printed in 10-point bold type, followed by a hair-line rule;

(e) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates; and

(g) the candidate groups are separated from each other by one light and one heavy line or rule.

(2) A municipal primary ballot may not contain any space for write-in votes.

Section 86. Section **20A-6-401.1** is amended to read:

**20A-6-401.1. Ballots for partisan municipal primary elections.**

(1) ~~[An]~~ A county election officer shall ensure that:

(a) all manual ballots furnished for use at the regular primary election:

(i) separate the candidates of one political party from those of the other political parties; and

(ii) contain no captions or other endorsements except as provided in this section;

(b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(c) the political parties are printed on the ballot in the order specified under Section 20A-6-305;

(d) the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for \_\_\_\_ (name of municipality), Utah";

(ii) the date of the election; and

(iii) ~~[a facsimile of the signature of the election officer and the election officer's title in eight point type]~~ the words "certified by the Clerk of [insert the name of the municipality]";

(e) after the facsimile signature, the political party emblem and the name of the political party are printed;

(f) after the party name and emblem, the ballot contains the following printed in not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, mark the space following the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;

(g) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

(h) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(i) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates;

(j) the candidate groups are separated from each other by one light and one heavy line or rule; and

(k) the nonpartisan candidates are listed as follows:

(i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an ~~[18-point]~~ 18-point solid rule that extends the full width of the type copy of the party listing above; and

(ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.

(2) For mechanical ballots, the county election officer may require that:

(a) the ballot for a regular primary election consist of several groups of pages or display screens, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

(b) the separate groups of pages or display screens are identified by color or other suitable means; and

(c) the ballot contains instructions that direct the voter how to vote the ballot.

Section 87. Section **20A-6-402** is amended to read:

**20A-6-402. Ballots for municipal general elections.**

(1) Except as otherwise required for a race conducted by instant runoff voting under ~~[Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project]~~ Chapter4, Part6, Municipal Alternate Voting Methods Pilot Project, for a manual ballot at a municipal general election, ~~[an]~~ a county election officer shall ensure that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and



4215 (ii) the names of those candidates are placed upon the municipal general election  
4216 ballot;

4217 (d) the names of the candidates are placed on the ballot in the order specified under  
4218 Section 20A-6-305;

4219 (e) in an election in which a voter is authorized to cast a write-in vote and where a  
4220 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the  
4221 ballot that contains, for each office in which there is a qualified write-in candidate:

4222 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

4223 (ii) a square or other conforming area that is adjacent to or opposite the blank  
4224 horizontal line to enable the voter to indicate the voter's vote;

4225 (f) ballot propositions that have qualified for the ballot, including propositions  
4226 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are  
4227 listed on the ballot in accordance with Section 20A-6-107; and

4228 (g) bond propositions that have qualified for the ballot are listed on the ballot under the  
4229 title assigned to each bond proposition under Section 11-14-206.

4230 (2) Except as otherwise required for a race conducted by instant runoff voting under  
4231 ~~[Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project]~~ Chapter 4,  
4232 Part 6, Municipal Alternate Voting Methods Pilot Project, when using a mechanical ballot at  
4233 municipal general elections, ~~[each]~~ a county election officer shall ensure that:

4234 (a) the following endorsements are displayed on the first portion of the ballot:

4235 (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

4236 (ii) the date of the election; and

4237 (iii) a facsimile of the signature of the election officer and the election officer's title;

4238 (b) immediately below the election officer's title, a distinct border or line separates the  
4239 endorsements from the rest of the ballot;

4240 (c) immediately below the border or line, an "Instructions to Voters" section is  
4241 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as  
4242 the candidate(s) for each respective office." followed by another border or line;

4243 (d) after the border or line, the designation of the office for which the candidates seek  
4244 election is displayed, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
4245 candidates for which the voter may vote)" are displayed, followed by a line or border;

(e) after the line or border, the names of the candidates are displayed in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(f) a voting square or position is located adjacent to the name of each candidate;

(g) following the name of the last candidate for each office in which a write-in candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the voter may enter the name of and vote for a valid write-in candidate for the office; and

(h) the candidate groups are separated from each other by a line or border.

(3) When a municipality has chosen to nominate candidates by convention or committee, the county election officer shall ensure that the party name is included with the candidate's name on the ballot.

Section 88. Section **20A-7-209** is amended to read:

**20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

(1) On or before June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each statewide initiative that has qualified for the ballot "Proposition Number \_\_\_\_" and give it a number as assigned under Section 20A-6-107;

(ii) prepare for each initiative:

(A) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and

(B) an impartial summary of the contents of the initiative, not exceeding 125 words;

and

(iii) provide each short title, and summary to the lieutenant governor on or before June 26.

(b) The short title and summary may be distinct from the title of the proposed law.

(c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the summary:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax

4277 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
4278 increase in the current tax rate."

4279 (d) Subject to Subsection (4), for each statewide initiative, the official ballot shall  
4280 show, in the following order:

4281 (i) the number of the initiative, determined in accordance with Section 20A-6-107;

4282 (ii) the short title;

4283 (iii) except as provided in Subsection (2)(e):

4284 (A) the summary;

4285 (B) the text of the proposed law; and

4286 (C) a link to a location on the lieutenant governor's website where a voter may review

4287 additional information relating to each initiative, including the information described in

4288 Subsection 20A-7-202(2), the initial fiscal impact statement described in Section 20A-7-202.5,

4289 as updated under Section 20A-7-204.1, and the arguments relating to the initiative that are

4290 included in the voter information pamphlet; and

4291 (iv) the initial fiscal impact statement prepared under Section 20A-7-202.5, as updated

4292 under Section 20A-7-204.1.

4293 (e) Unless the information described in Subsection (2)(d)(iii) is shown on the official

4294 ballot, the county election officer shall include with the ballot a separate ballot proposition

4295 insert that includes the short title and summary for each initiative on the ballot and a link to a

4296 location on the lieutenant governor's website where a voter may review the additional

4297 information described in Subsection (2)(d)(iii)(C).

4298 (f) Unless the information described in Subsection (2)(d)(iii) for all initiatives on the

4299 ballot, and the information described in Subsection 20A-7-308(2)(c)(iii) for all referenda on the

4300 ballot, is printed on the ballot, the ballot shall include the following statement at the beginning

4301 of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included

4302 with this ballot contains an impartial summary of each initiative and referendum on this ballot,

4303 unless the summary is printed directly on the ballot."

4304 (3) On or before June 27, the lieutenant governor shall mail a copy of the short title and

4305 summary to any sponsor of the petition.

4306 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,

4307 challenge the wording of the short title and summary prepared by the Office of Legislative

4308 Research and General Counsel to the appropriate court.

4309 (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send  
4310 notice of the challenge to:

4311 (A) any person or group that has filed an argument for or against the initiative that is  
4312 the subject of the challenge; or

4313 (B) any political issues committee established under Section 20A-11-801 that has filed  
4314 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
4315 email address, and telephone number of the individual designated to receive notice about any  
4316 issues relating to the initiative.

4317 (b) (i) There is a presumption that the short title prepared by the Office of Legislative  
4318 Research and General Counsel is an impartial description of the contents of the initiative.

4319 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut the  
4320 presumption by clearly and convincingly establishing that the short title is false or biased.

4321 (iii) There is a presumption that the summary prepared by the Office of Legislative  
4322 Research and General Counsel is an impartial summary of the contents of the initiative.

4323 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut  
4324 the presumption by clearly and convincingly establishing that the summary is false or biased.

4325 (c) The court shall:

4326 (i) examine the short title and summary;

4327 (ii) hear arguments; and

4328 (iii) enter an order consistent with the requirements of this section.

4329 (d) The lieutenant governor shall, in accordance with the court's order, certify the short  
4330 title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as  
4331 required by this section.

4332 Section 89. Section **20A-7-308** is amended to read:

4333 **20A-7-308. Short title and summary of referendum -- Duties of lieutenant**  
4334 **governor and Office of Legislative Research and General Counsel.**

4335 (1) Whenever a referendum petition is declared sufficient for submission to a vote of  
4336 the people, the lieutenant governor shall deliver a copy of the referendum petition and the law  
4337 to which the referendum relates to the Office of Legislative Research and General Counsel.

4338 (2) (a) The Office of Legislative Research and General Counsel shall:

4339 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number  
4340 \_\_\_\_" and assign a number to the referendum in accordance with Section 20A-6-107;

4341 (ii) prepare for each referendum:

4342 (A) an impartial short title, not exceeding 25 words, that generally describes the law to  
4343 which the referendum relates; and

4344 (B) an impartial summary of the contents of the law to which the referendum relates,  
4345 not exceeding 125 words; and

4346 (iii) submit the short title and summary to the lieutenant governor within 15 days after  
4347 the day on which the Office of Legislative Research and General Counsel receives the petition  
4348 under Subsection (1).

4349 (b) The short title and summary may be distinct from the title of the law that is the  
4350 subject of the referendum.

4351 (c) Subject to Subsection (4), for each statewide referendum, the official ballot shall  
4352 show, in the following order:

4353 (i) the number of the referendum, determined in accordance with Section 20A-6-107;

4354 (ii) the short title; and

4355 (iii) except as provided in Subsection (2)(d):

4356 (A) the summary;

4357 (B) a copy of the law; and

4358 (C) a link to a location on the lieutenant governor's website where a voter may review  
4359 additional information relating to each referendum, including the information described in  
4360 Subsection 20A-7-302(2) and the arguments relating to the referendum that are included in the  
4361 voter information pamphlet.

4362 (d) Unless the information described in Subsection (2)(c)(iii) is shown on the official  
4363 ballot, the county election officer shall include with the ballot a separate ballot proposition  
4364 insert that includes the short title and summary for each referendum on the ballot and a link to a  
4365 location on the lieutenant governor's website where a voter may review the additional  
4366 information described in Subsection (2)(c)(iii)(C).

4367 (e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all  
4368 initiatives on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda  
4369 on the ballot, is printed on the ballot, the ballot shall include the following statement at the

beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

(3) Immediately after the Office of Legislative Research and General Counsel submits the short title and summary to the lieutenant governor, the lieutenant governor shall mail or email a copy of the short title and summary to any of the sponsors of the referendum petition.

(4) (a) (i) At least three of the sponsors of the referendum petition may, within 15 days after the day on which the lieutenant governor mails the short title and summary, challenge the wording of the short title and summary prepared by the Office of Legislative Research and General Counsel to the appropriate court.

(ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the appeal to:

(A) any person or group that has filed an argument for or against the law to which the referendum relates; and

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the referendum.

(b) (i) There is a presumption that the short title prepared by the Office of Legislative Research and General Counsel is an impartial description of the contents of the referendum.

(ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.

(iii) There is a presumption that the summary prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the law to which the referendum relates.

(iv) The court may not revise the wording of the summary unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the summary is false or biased.

(c) The court shall:

(i) examine the short title and summary;

(ii) hear arguments; and

(iii) enter an order consistent with the requirements of this section.

(d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as required by this section.

Section 90. Section **20A-7-401.5** is amended to read:

**20A-7-401.5. Proposition information pamphlet.**

(1) (a) (i) Within 15 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602:

(A) the sponsors of the proposed initiative or referendum may submit a written argument in favor of the proposed initiative or referendum to the ~~[election officer]~~ clerk of the county or municipality to which the petition relates; and

(B) the county or municipality to which the application relates may submit a written argument in favor of, or against, the proposed initiative or referendum to the county's or municipality's ~~[election officer]~~ clerk.

(ii) If a county or municipality submits more than one written argument under Subsection (1)(a)(i)(B), the ~~[election officer]~~ clerk shall select one of the written arguments, giving preference to a written argument submitted by a member of a local legislative body if a majority of the local legislative body supports the written argument.

(b) Within one business day after the day on which an ~~[election officer]~~ clerk receives an argument under Subsection (1)(a)(i)(A), the ~~[election officer]~~ clerk shall provide a copy of the argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.

(c) Within one business day after the date on which ~~[an election officer]~~ a clerk receives an argument under Subsection (1)(a)(i)(B), the ~~[election officer]~~ clerk shall provide a copy of the argument to the first three sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i)(A).

(d) The sponsors of the proposed initiative or referendum may submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the ~~[election officer]~~ clerk of the county or municipality to which the petition relates within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

(e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a county or municipality may submit a revised version of the written argument to the county's or municipality's ~~[election officer]~~ clerk within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

(2) (a) A written argument described in Subsection (1) may not exceed 500 words.

(b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the ~~[election officer]~~ clerk.

(c) The ~~[election officer]~~ clerk and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

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

(ii) reduce the number of words to come into compliance with Subsection (2)(a).

(d) ~~[An election officer]~~ A clerk shall refuse to include a written argument in the proposition information pamphlet described in this section if the person who submits the argument:

(i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or

(ii) does not timely submit the written argument to the ~~[election officer]~~ clerk.

(e) ~~[An election officer]~~ A clerk shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.

(3) ~~[An election officer]~~ A clerk who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

(a) a copy of the application for the proposed initiative or referendum;

(b) except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;

(c) except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

(d) a copy of the initial fiscal impact statement and legal impact statement described in Section 20A-7-502.5 or 20A-7-602.5.



(4) (a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the earlier of when the ~~[election officer]~~ clerk:

(i) complies with Subsection (4)(b); or

(ii) publishes the proposition information pamphlet under Subsection (5) or (6).

(b) Within 21 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the ~~[election officer]~~ clerk shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.

(5) ~~[An election officer]~~ A clerk for a municipality shall publish the proposition information pamphlet as follows:

(a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the ~~[election officer]~~ clerk modifies an argument under Subsection (2)(c), three days after the day on which the ~~[election officer]~~ clerk and the person that submitted the argument agree on the modification:

(i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and

(ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the municipality's website, if the municipality has a website, until:

(A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets or any verified referendum packets under Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after

4494 appeal; or

4495 (C) the day after the date of the election at which the proposed initiative or referendum  
4496 appears on the ballot; and

4497 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
4498 municipality's residents, including an Internet address, where a resident may view the  
4499 proposition information pamphlet, in the next mailing, for which the municipality has not  
4500 begun preparation, that falls on or after the later of:

4501 (i) 10 days after the day on which the municipality or a court determines that the  
4502 proposed initiative or referendum is legally referable to voters; or

4503 (ii) if the [~~election officer~~] clerk modifies an argument under Subsection (2)(c), three  
4504 days after the day on which the [~~election officer~~] clerk and the person that submitted the  
4505 argument agree on the modification.

4506 (6) [~~An election officer for a~~] A county clerk shall, within the later of 10 days after the  
4507 day on which the county or a court determines that the proposed initiative or referendum is  
4508 legally referable to voters, or, if the [~~election officer~~] clerk modifies an argument under  
4509 Subsection (2)(c), three days after the day on which the [~~election officer~~] clerk and the person  
4510 that submitted the argument agree on the modification, publish the proposition information  
4511 pamphlet as follows:

4512 (a) by sending the proposition information pamphlet electronically to each individual  
4513 in the county for whom the county has an email address obtained via voter registration; and

4514 (b) by posting the proposition information pamphlet on the Utah Public Notice  
4515 Website, created in Section 63A-16-601, and the home page of the county's website, until:

4516 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
4517 do not timely deliver any verified initiative packets or any verified referendum packets under  
4518 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative  
4519 packets or verified referendum packets;

4520 (ii) the [~~local~~] clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
4521 number of signatures necessary to qualify the proposed initiative or referendum for placement  
4522 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
4523 appeal; or

4524 (iii) the day after the date of the election at which the proposed initiative or referendum

4525 appears on the ballot.

4526 Section 91. Section **20A-7-402** is amended to read:

4527 **20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations**  
4528 **-- Preparation -- Statement on front cover.**

4529 (1) The county or municipality that is subject to a ballot proposition shall prepare a  
4530 local voter information pamphlet that complies with the requirements of this part.

4531 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality  
4532 that is subject to a special local ballot proposition shall provide a notice that complies with the  
4533 requirements of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for  
4534 the municipality, as a class A notice under Section 63G-30-102, for the time period set under  
4535 Subsection (2)(c)(i).

4536 (b) A county that is subject to a special local ballot proposition shall publish a notice  
4537 that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice  
4538 under Section 63G-30-102.

4539 (c) A municipality or county that publishes a notice under Subsection (2)(a) or (b)  
4540 shall:

4541 (i) publish the notice:

4542 (A) not less than 90 days before the date of the election at which a special local ballot  
4543 proposition will be voted upon; or

4544 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable  
4545 after the special local ballot proposition is approved to be voted upon in an election; and

4546 (ii) ensure that the notice contains:

4547 (A) the ballot title for the special local ballot proposition;

4548 (B) instructions on how to file a request under Subsection (2)(d); and

4549 (C) the deadline described in Subsection (2)(d).

4550 (d) To prepare a written argument for or against a special local ballot proposition, an  
4551 eligible voter shall file a request with the ~~[election officer]~~ clerk before 5 p.m. no later than 64  
4552 days before the day of the election at which the special local ballot proposition is to be voted  
4553 on.

4554 (e) If more than one eligible voter requests the opportunity to prepare a written  
4555 argument for or against a special local ballot proposition, the ~~[election officer]~~ clerk shall make

4556 the final designation in accordance with the following order of priority:

4557 (i) sponsors have priority in preparing an argument regarding a special local ballot  
4558 proposition; and

4559 (ii) members of the local legislative body have priority over others if a majority of the  
4560 local legislative body supports the written argument.

4561 (f) The ~~[election officer]~~ clerk shall grant a request described in Subsection (2)(d) or

4562 (e) no later than 60 days before the day of the election at which the ballot proposition is to be  
4563 voted on.

4564 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in  
4565 favor of the special local ballot proposition.

4566 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot  
4567 proposition who submits a request under Subsection (2)(d) may prepare a written argument  
4568 against the special local ballot proposition.

4569 (h) An eligible voter who submits a written argument under this section in relation to a  
4570 special local ballot proposition shall:

4571 (i) ensure that the written argument does not exceed 500 words in length, not counting  
4572 the information described in Subsection (2)(h)(ii) or (iv);

4573 (ii) list, at the end of the argument, at least one, but no more than five, names as  
4574 sponsors;

4575 (iii) submit the written argument to the election officer before 5 p.m. no later than 55  
4576 days before the election day on which the ballot proposition will be submitted to the voters;

4577 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
4578 residential address; and

4579 (v) submit with the written argument the eligible voter's name, residential address,  
4580 postal address, email address if available, and phone number.

4581 (i) ~~[An election officer]~~ A clerk shall refuse to accept and publish an argument  
4582 submitted after the deadline described in Subsection (2)(h)(iii).

4583 (3) (a) ~~[An election officer]~~ A clerk who timely receives the written arguments in favor  
4584 of and against a special local ballot proposition shall, within one business day after the day on  
4585 which the election office receives both written arguments, send, via mail or email:

4586 (i) a copy of the written argument in favor of the special local ballot proposition to the

4587 eligible voter who submitted the written argument against the special local ballot proposition;  
4588 and

4589 (ii) a copy of the written argument against the special local ballot proposition to the  
4590 eligible voter who submitted the written argument in favor of the special local ballot  
4591 proposition.

4592 (b) The eligible voter who submitted a timely written argument in favor of the special  
4593 local ballot proposition:

4594 (i) may submit to the [~~election officer~~] clerk a written rebuttal argument of the written  
4595 argument against the special local ballot proposition;

4596 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
4597 not counting the information described in Subsection (2)(h)(ii) or (iv); and

4598 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
4599 before the election day on which the special local ballot proposition will be submitted to the  
4600 voters.

4601 (c) The eligible voter who submitted a timely written argument against the special local  
4602 ballot proposition:

4603 (i) may submit to the [~~election officer~~] clerk a written rebuttal argument of the written  
4604 argument in favor of the special local ballot proposition;

4605 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
4606 not counting the information described in Subsection (2)(h)(ii) or (iv); and

4607 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
4608 before the election day on which the special local ballot proposition will be submitted to the  
4609 voters.

4610 (d) [~~An election officer~~] A clerk shall refuse to accept and publish a written rebuttal  
4611 argument in relation to a special local ballot proposition that is submitted after the deadline  
4612 described in Subsection (3)(b)(iii) or (3)(c)(iii).

4613 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot  
4614 proposition:

4615 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
4616 after the eligible voter submits the written argument or written rebuttal argument to the  
4617 [~~election officer~~] clerk; and

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

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

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

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

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

(5) In relation to a special local ballot proposition, ~~[an election officer]~~ a clerk may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.

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

(a) may, if a written argument against the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the ~~[election officer]~~ clerk;

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

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

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

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

4649 ~~[election officer]~~ clerk;

4650 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
4651 and

4652 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
4653 day on which the ballot proposition will be submitted to the voters.

4654 (b) If a county or municipality submits more than one written rebuttal argument under  
4655 Subsection (7)(a)(i), the ~~[election officer]~~ clerk shall select one of the written rebuttal  
4656 arguments, giving preference to a written rebuttal argument submitted by a member of a local  
4657 legislative body.

4658 (8) (a) ~~[An election officer]~~ A clerk shall refuse to accept and publish a written rebuttal  
4659 argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

4660 (b) Before ~~[an election officer]~~ a clerk publishes a local voter information pamphlet  
4661 under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,  
4662 Government Records Access and Management Act.

4663 (c) ~~[An election officer]~~ A clerk who receives a written rebuttal argument described in  
4664 this section may not, before publishing the local voter information pamphlet described in this  
4665 section, disclose the written rebuttal argument, or any information contained in the written  
4666 rebuttal argument, to any person who may in any way be involved in preparing an opposing  
4667 rebuttal argument.

4668 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written  
4669 rebuttal argument after the written rebuttal argument is submitted to the ~~[election officer]~~ clerk.

4670 (b) The ~~[election officer]~~ clerk, and the person who submits a written rebuttal  
4671 argument, may jointly agree to modify a written rebuttal argument in order to:

4672 (i) correct factual, grammatical, or spelling errors; or

4673 (ii) reduce the number of words to come into compliance with the requirements of this  
4674 section.

4675 (c) ~~[An election officer]~~ A clerk shall refuse to accept and publish a written rebuttal  
4676 argument if the person who submits the written rebuttal argument:

4677 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
4678 accordance with Subsection (9)(b); or

4679 (ii) does not timely submit the written rebuttal argument to the ~~[election officer]~~ clerk.

(d) ~~[An election officer]~~ A clerk shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.

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

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

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

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

(12) (a) In preparing the local voter information pamphlet, the ~~[election officer]~~ clerk shall:

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

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

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

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

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

(A) a voter information pamphlet; or

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

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

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



4711 (c) (i) The ~~[election officer]~~ clerk may distribute a notice printed on a postage prepaid,  
4712 preaddressed return form that a person may use to request delivery of a voter information  
4713 pamphlet by mail.

4714 (ii) The notice described in Subsection (12)(c)(i) shall include:

4715 (A) the address of the Statewide Electronic Voter Information Website authorized by  
4716 Section 20A-7-801; and

4717 (B) the phone number a voter may call to request delivery of a voter information  
4718 pamphlet by mail or carrier.

4719 Section 92. Section **20A-7-508** is amended to read:

4720 **20A-7-508. Short title and summary of initiative -- Duties of local clerk and local**  
4721 **attorney.**

4722 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the  
4723 initiative petition and the proposed law to the local attorney.

4724 (2) The local attorney shall:

4725 (a) entitle each county or municipal initiative that has qualified for the ballot  
4726 "Proposition Number \_\_\_" and give it a number as assigned under Section 20A-6-107;

4727 (b) prepare for each initiative:

4728 (i) an impartial short title, not exceeding 25 words, that generally describes the subject  
4729 of the initiative; and

4730 (ii) an impartial summary of the contents of the initiative, not exceeding 125 words;

4731 (c) file the proposed short title, summary, and the numbered initiative titles with the  
4732 local clerk within 20 days after the day on which an eligible voter submits the initiative petition  
4733 to the local clerk; and

4734 (d) promptly provide notice of the filing of the proposed short title and summary to:

4735 (i) the sponsors of the initiative; and

4736 (ii) the local legislative body for the jurisdiction where the initiative petition was  
4737 circulated.

4738 (3) (a) The short title and summary may be distinct from the title of the proposed law.

4739 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's  
4740 ability, give a true and impartial description of the subject of the initiative.

4741 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's

4742 ability, give a true and impartial summary of the contents of the initiative.

4743 (d) The short title and summary may not intentionally be an argument, or likely to  
4744 create prejudice, for or against the initiative.

4745 (e) If the initiative proposes a tax increase, the local attorney shall include the  
4746 following statement, in bold, in the summary:

4747 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
4748 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
4749 increase in the current tax rate."

4750 (4) (a) Within five calendar days after the date the local attorney files a proposed short  
4751 title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where  
4752 the initiative petition was circulated and the sponsors of the initiative may file written  
4753 comments in response to the proposed short title and summary with the local clerk.

4754 (b) Within five calendar days after the last date to submit written comments under  
4755 Subsection (4)(a), the local attorney shall:

4756 (i) review any written comments filed in accordance with Subsection (4)(a);

4757 (ii) prepare a final short title and summary that meets the requirements of Subsection  
4758 (3); and

4759 (iii) return the initiative petition and file the short title and summary with the local  
4760 clerk.

4761 (c) Subject to Subsection (6), for each county or municipal initiative, the following  
4762 shall be printed on the official ballot:

4763 (i) the short title; and

4764 (ii) except as provided in Subsection (4)(d):

4765 (A) the summary;

4766 (B) a copy of the proposed law; and

4767 (C) a link to a location on the election officer's website where a voter may review  
4768 additional information relating to each initiative, including the information described in  
4769 Subsection 20A-7-502(2), the initial fiscal impact and legal statement described in Section  
4770 20A-7-502.5, as updated, and the arguments relating to the initiative that are included in the  
4771 local voter information pamphlet.

4772 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official

ballot, the county election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative on the ballot and a link to a location on the election officer's website where a voter may review the additional information described in Subsection (4)(c)(ii)(C).

(e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection 20A-7-608(4)(c)(ii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

(5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon the sponsors of the initiative and the local legislative body for the jurisdiction where the initiative petition was circulated.

(6) (a) If the short title or summary furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:

(i) at least three sponsors of the initiative; or

(ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.

(b) The court:

(i) shall examine the short title and summary and consider arguments; and

(ii) enter an order consistent with the requirements of this section.

(c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Section 93. Section **20A-7-509** is amended to read:

**20A-7-509. Form of ballot -- Manner of voting.**

(1) The ~~[local clerk]~~ county election officer shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the voter may indicate the voter's vote.

(2) Voters desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and voters desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Section 94. Section **20A-7-607** is amended to read:

**20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.**

(1) In relation to the manual referendum process, when the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.

(2) The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the local clerk's website the number of signatures certified as of the date of the update; or

(b) in relation to the electronic referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.

(3) The local clerk:

(a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient:

(i) in relation to the manual referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to the county clerk; or

(ii) in relation to the electronic referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

(b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:

(i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted referendum packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;

(ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the referendum petition the word "insufficient."

(c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.

(5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter may, no later than 10 days after the day on which the local clerk declares the referendum petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.

(b) If the court determines that the referendum petition is legally sufficient, the local clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition should have been declared sufficient

4866 by the local clerk's office.

4867 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
4868 court may enjoin the local clerk and all other officers from:

4869 (i) certifying or printing the ballot title and numbers of that referendum on the official  
4870 ballot for the next election; or

4871 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,  
4872 or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

4873 (6) A referendum petition determined to be sufficient in accordance with this section is  
4874 qualified for the ballot.

4875 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
4876 legislative action taken after April 15, the county election officer may not place the referendum  
4877 on an election ballot until a primary election, a general election, or a special election the  
4878 following year.

4879 (b) The county election officer may place a referendum described in Subsection (7)(a)  
4880 on the ballot for a special, primary, or general election held during the year that the legislative  
4881 action was taken if the following agree, in writing, on a timeline to place the referendum on  
4882 that ballot:

4883 (i) the local clerk;

4884 (ii) the county clerk; and

4885 (iii) the attorney for the county or municipality that took the legislative action.

4886 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court  
4887 determines that the total number of certified names equals or exceeds the number of signatures  
4888 required in Section 20A-7-601, the county election officer shall place the referendum on the  
4889 election ballot for:

4890 (i) the next general election; or

4891 (ii) another election, if the following agree, in writing, on a timeline to place the  
4892 referendum on that ballot:

4893 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

4894 (B) the local clerk;

4895 (C) the county clerk; and

4896 (D) the attorney for the county or municipality that took the legislative action.

Section 95. Section **20A-7-608** is amended to read:

**20A-7-608. Short title and summary of referendum -- Duties of local clerk and local attorney.**

(1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the referendum petition and the law to which the referendum relates to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal referendum that qualifies for the ballot "Proposition Number \_\_\_" and give the referendum a number assigned in accordance with Section 20A-6-107;

(b) prepare for the referendum:

(i) an impartial short title, not exceeding 25 words, that generally describes the subject of the law to which the referendum relates; and

(ii) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words;

(c) file the proposed short title, summary, and the numbered referendum title with the local clerk within 20 days after the day on which an eligible voter submits the referendum petition to the local clerk; and

(d) promptly provide notice of the filing of the proposed short title and summary to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the referendum petition was circulated.

(3) (a) The short title and summary may be distinct from the title of the law that is the subject of the referendum petition.

(b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the referendum.

(c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the referendum.

(d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the referendum.

(4) (a) Within five calendar days after the day on which the local attorney files a proposed short title and summary under Subsection (2)(c), the local legislative body for the

jurisdiction where the referendum petition was circulated and the sponsors of the referendum petition may file written comments in response to the proposed short title and summary with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final short title and summary that meets the requirements of Subsection (3); and

(iii) return the referendum petition and file the short title and summary with the local clerk.

(c) Subject to Subsection (6), for each county or municipal referendum, the ~~following shall be~~ county election officer shall ensure that the following are printed on the official ballot:

(i) the short title; and

(ii) except as provided in Subsection (4)(d):

(A) the summary;

(B) a copy of the ordinance, resolution, or written description of the local law; and

(C) a link to a location on the ~~[election officer's]~~ local clerk's website where a voter may review additional information relating to each referendum, including the information described in Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the local voter information pamphlet.

(d) Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each referendum on the ballot and a link to a location on the ~~[election officer's]~~ local clerk's website where a voter may review the additional information described in Subsection (4)(c)(ii)(C).

(e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."



(5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon the sponsors of the referendum petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

(6) (a) If the short title or summary provided by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:

(i) at least three sponsors of the referendum petition; or

(ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.

(b) The court:

(i) shall examine the short title and summary and consider the arguments; and

(ii) enter an order consistent with the requirements of this section.

(c) The ~~[local clerk]~~ county election officer shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Section 96. Section **20A-7-609** is amended to read:

**20A-7-609. Form of ballot -- Manner of voting.**

(1) The ~~[local clerk]~~ county election officer shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.

(2) (a) Except as provided in Subsection (2)(c)(i) or Section 20A-7-609.5, and unless the county legislative body calls a special election, the county clerk shall ensure that county referenda that have qualified for the ballot appear on the next regular general election ballot.

(b) Except as provided in Subsection (2)(c)(ii) or Section 20A-7-609.5, and unless the municipal legislative body calls a special election, the ~~[municipal recorder or clerk]~~ county election officer shall ensure that municipal referenda that have qualified for the ballot appear on the next regular municipal election ballot.

(c) (i) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a regular general election, the county clerk shall ensure that a county referendum that has qualified for the ballot appears on the ballot at the second regular

4990 general election immediately following the passage of the local law unless the county  
4991 legislative body calls a special election.

4992 (ii) Except as provided in Section 20A-7-609.5, if a local law passes after January 30  
4993 of the year in which there is a municipal general election, the [~~municipal recorder or clerk~~]  
4994 county election officer shall ensure that a municipal referendum that has qualified for the ballot  
4995 appears on the ballot at the second municipal general election immediately following the  
4996 passage of the local law unless the municipal legislative body calls a special election.

4997 (3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the  
4998 referendum shall mark the square adjacent to the word "For."

4999 (ii) The law that is the subject of the referendum is effective if a majority of voters  
5000 mark "For."

5001 (b) (i) A voter desiring to vote against the law that is the subject of the referendum  
5002 shall mark the square following the word "Against."

5003 (ii) The law that is the subject of the referendum is not effective if a majority of voters  
5004 mark "Against."

5005 Section 97. Section **20A-7-609.5** is amended to read:

5006 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**  
5007 **by mail.**

5008 (1) [~~An~~] A county election officer may administer an election on a referendum  
5009 challenging a local tax law entirely by mail.

5010 (2) For purposes of an election conducted under this section, the county election officer  
5011 shall:

5012 (a) designate as the election day the day that is 30 days after the day on which the  
5013 county election officer complies with Subsection (2)(b); and

5014 (b) within 30 days after the day on which the referendum described in Subsection (1)  
5015 qualifies for the ballot, mail to each registered voter within the voting precincts to which the  
5016 local tax law applies:

5017 (i) a manual ballot;

5018 (ii) a statement that there will be no polling place for the election;

5019 (iii) a statement specifying the election day described in Subsection (2)(a);

5020 (iv) a business reply mail envelope;

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

(vi) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the manual ballot, the voter will be unable to vote in that election because there will be no polling place for the election; and

(vii) (A) a copy of the proposition information pamphlet relating to the referendum if a proposition information pamphlet relating to the referendum was published under Section 20A-7-401.5; or

(B) a website address where an individual may view a copy of the proposition information pamphlet described in Subsection (2)(b)(vii)(A).

(3) ~~[An]~~ A county election officer who administers an election under this section shall:

(a) (i) obtain, in person, the signatures of each voter within that voting precinct before the election; or

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

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

(4) (a) Upon receiving a returned manual ballot under this section, the county election officer shall compare the signature on each return envelope with the voter's signature that is maintained on file and verify that the signatures are the same.

(b) If the county election officer questions the authenticity of the signature on the return envelope, the county election officer shall immediately contact the voter to verify the signature.

(c) If there is not a signature on the return envelope or if the county election officer determines that the signature on the return envelope does not match the voter's signature that is maintained on file, the county election officer shall:

(i) disqualify the ballot; and

(ii) notify the voter of the disqualification and the reason for the disqualification.

Section 98. Section **20A-7-613** is amended to read:

**20A-7-613. Property tax referendum petition.**

(1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.

(2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.

(3) Notwithstanding Subsection 20A-7-105(5)(a)(iv), the sponsors or an agent of the sponsors shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(a) 30 days after the day on which the first individual signs the packet; or

(b) 40 days after the day on which the local clerk complies with Subsection 20A-7-604(3).

(4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the actions required in Subsections 20A-7-105(6)(a) and (9) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).

(5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after:

(a) in relation to the manual referendum process, the day on which the local clerk receives the referendum packets from the county clerk; or

(b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).

(6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

(8) The county election officer shall mail manual ballots on a referendum under this section the later of:

(a) the time provided in Section 20A-3a-202 or 20A-16-403; or

(b) the time that ballots are prepared for mailing under this section.

(9) Section 20A-7-402 does not apply to a referendum described in this section.

(10) (a) If a majority of voters does not vote against imposing the tax at a rate

5083 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing  
5084 entity's legislative body:

5085 (i) the certified tax rate for the fiscal year during which the referendum petition is filed  
5086 is its most recent certified tax rate; and

5087 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
5088 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed  
5089 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body  
5090 before the filing of the referendum petition.

5091 (b) If a majority of voters votes against imposing a tax at the rate established by the  
5092 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
5093 taxing entity's most recent certified tax rate.

5094 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
5095 required to comply with the notice and public hearing requirements of Section 59-2-919 if the  
5096 taxing entity complies with those notice and public hearing requirements before the referendum  
5097 petition is filed.

5098 (11) The ballot title shall, at a minimum, include in substantially this form the  
5099 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
5100 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as  
5101 budgeted, adopted, and approved by the [name of the taxing entity].".

5102 (12) A taxing entity shall pay the county the costs incurred by the county that are  
5103 directly related to meeting the requirements of this section and that the county would not have  
5104 incurred but for compliance with this section.

5105 (13) (a) [~~Am~~] A county election officer shall include on a ballot a referendum that has  
5106 not yet qualified for placement on the ballot, if:

5107 (i) sponsors file an application for a referendum described in this section;

5108 (ii) the ballot will be used for the election for which the sponsors are attempting to  
5109 qualify the referendum; and

5110 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after  
5111 the day on which the ballot will be printed.

5112 (b) If [~~am~~] a county election officer includes on a ballot a referendum described in  
5113 Subsection (13)(a), the ballot title shall comply with Subsection (11).

(c) If ~~an~~ a county election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the county election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section 99. Section **20A-7-702** is amended to read:

**20A-7-702. Voter information pamphlet -- Form -- Contents.**

The voter information pamphlet shall contain the following items in this order:

- (1) a cover title page;
- (2) an introduction to the pamphlet by the lieutenant governor;
- (3) a table of contents;
- (4) a list of all candidates for constitutional offices;
- (5) a list of candidates for each legislative district;
- (6) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the first business day in August before the date of the election;
- (7) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:
  - (a) a copy of the number and ballot title of the measure;
  - (b) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;
  - (c) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;
  - (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;
  - (e) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;
  - (f) for each initiative qualified for the ballot:
    - (i) a copy of the initiative as certified by the lieutenant governor and a copy of the initial fiscal impact statement prepared according to Section 20A-7-202.5; and

(ii) if the initiative proposes a tax increase, the following statement in bold type:

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

(g) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

(8) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:

(a) a description of the judicial selection process;

(b) a description of the judicial performance evaluation process;

(c) a description of the judicial retention election process;

(d) a list of the criteria of the judicial performance evaluation and the certification standards;

(e) the names of the judges standing for retention election; and

(f) for each judge:

(i) a list of the counties in which the judge is subject to retention election;

(ii) a short biography of professional qualifications and a recent photograph;

(iii) a narrative concerning the judge's performance;

(iv) for each certification standard under Section 78A-12-205, a statement identifying whether, under Section 78A-12-205, the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(v) a statement that the Judicial Performance Evaluation Commission:

(A) has determined that the judge meets or exceeds minimum performance standards;

(B) has determined that the judge does not meet or exceed minimum performance standards; or

(C) has not made a determination regarding whether the judge meets or exceeds minimum performance standards;

(vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge whom the Judicial Performance Evaluation Commission determines does not meet or exceed minimum performance standards;

(vii) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

(viii) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;

(9) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(10) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(11) voter registration information, including information on how to obtain a ballot;

(12) a list of all county clerks' offices and phone numbers;

(13) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the county election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

(14) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(15) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_ (month), \_\_\_\_ (year)



5207 (signed) \_\_\_\_\_

5208 Lieutenant Governor".

5209 Section 100. Section **20A-7-801** is amended to read:

5210 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**  
5211 **the lieutenant governor -- Content -- Duties of election officers -- Deadlines -- Frequently**  
5212 **asked voter questions -- Other elections.**

5213 (1) There is established the Statewide Electronic Voter Information Website Program  
5214 administered by the lieutenant governor in cooperation with the county clerks [~~for general~~  
5215 ~~elections~~] and municipal authorities [~~for municipal elections~~].

5216 (2) In accordance with this section, and as resources become available, the lieutenant  
5217 governor, in cooperation with county clerks, shall develop, establish, and maintain a  
5218 state-provided Internet website designed to help inform the voters of the state of:

5219 (a) the offices and candidates up for election;

5220 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments  
5221 of ballot propositions submitted to the voters; and

5222 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5,  
5223 accessible only by the voter.

5224 (3) Except as provided under Subsection (6), the website shall include:

5225 (a) all information currently provided in the Utah voter information pamphlet under  
5226 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and  
5227 submitted by the Judicial Performance Evaluation Commission describing the judicial selection  
5228 and retention process;

5229 (b) on the homepage of the website, a link to the Judicial Performance Evaluation  
5230 Commission's website, [judges.utah.gov](http://judges.utah.gov);

5231 (c) a link to the retention recommendation made by the Judicial Performance  
5232 Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial  
5233 Performance Evaluation, for each judicial appointee to a court that is subject to a retention  
5234 election, in accordance with Section 20A-12-201, for the upcoming general election;

5235 (d) all information submitted by election officers under Subsection (4) on local office  
5236 races, local office candidates, and local ballot propositions;

5237 (e) a list that contains the name of a political subdivision that operates an election day

5238 voting center under Section 20A-3a-703 and the location of the election day voting center;

5239 (f) other information determined appropriate by the lieutenant governor that is  
5240 currently being provided by law, rule, or ordinance in relation to candidates and ballot  
5241 questions;

5242 (g) any differences in voting method, time, or location designated by the lieutenant  
5243 governor under Subsection 20A-1-308(2); and

5244 (h) an online ballot tracking system by which a voter can view the status of the voter's  
5245 trackable ballot, in accordance with Section 20A-3a-401.5, including:

5246 (i) when a ballot has been mailed to the voter;

5247 (ii) when an election [~~official has received~~] officer receives the voter's ballot; and

5248 (iii) when the voter's ballot [~~has been~~] is counted.

5249 (4) (a) An election [~~official~~] officer shall submit the following information for each  
5250 [~~ballot under the election official's direct responsibility under this title~~] race or proposition that  
5251 will appear on the ballot for the election officer's jurisdiction:

5252 (i) a list of all candidates for each office;

5253 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later  
5254 than 45 days before the primary election or before 5 p.m. no later than 60 days before the  
5255 general election:

5256 (A) a statement of qualifications, not exceeding 200 words in length, for each  
5257 candidate;

5258 (B) the following current biographical information if desired by the candidate, current:

5259 (I) age;

5260 (II) occupation;

5261 (III) city of residence;

5262 (IV) years of residence in current city; and

5263 (V) email address; and

5264 (C) a single web address where voters may access more information about the  
5265 candidate and the candidate's views; and

5266 (iii) factual information pertaining to all ballot propositions submitted to the voters,  
5267 including:

5268 (A) a copy of the number and ballot title of each ballot proposition;

(B) the final vote cast for each ballot proposition, if any, by a legislative body if the vote was required to place the ballot proposition on the ballot;

(C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and

(D) other factual information determined helpful by the ~~[election official]~~ local clerk.

(b) ~~[The information under Subsection (4)(a) shall be submitted]~~ The election officer shall submit the information described in Subsection (4)(a) to the lieutenant governor no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.

(c) The lieutenant governor shall:

(i) review the information submitted under this section, to determine compliance under this section, ~~[prior to placing it]~~ before placing the information on the website;

(ii) refuse to post information submitted under this section on the website if ~~[it]~~ the information is not in compliance with the provisions of this section; and

(iii) organize, format, and arrange the information submitted under this section for the website.

(d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:

(i) Utah voter needs;

(ii) public decency; or

(iii) the purposes, organization, or uniformity of the website.

(e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).

(5) (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

(b) A notice of appeal submitted under ~~[this]~~ Subsection (5)(a) shall contain:

(i) a listing of each objection to the lieutenant governor's determination; and

(ii) the basis for each objection.

~~[(b)]~~ (c) The lieutenant governor shall review the notice of appeal and shall issue a written response within 10 business days after the day on which the notice of appeal is

5300 submitted.

5301 ~~[(c)]~~ (d) An appeal of the response of the lieutenant governor shall be made to the  
5302 district court, which shall review the matter de novo.

5303 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently  
5304 enter the voter's address information on the website to retrieve information on which offices,  
5305 candidates, and ballot propositions will be on the voter's ballot at the next general election or  
5306 municipal election.

5307 (b) The information on the website will anticipate and answer frequent voter questions  
5308 including the following:

5309 (i) what offices are up in the current year for which the voter may cast a vote;

5310 (ii) who is running for what office and who is the incumbent, if any;

5311 (iii) what address each candidate may be reached at and how the candidate may be  
5312 contacted;

5313 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

5314 (v) what qualifications have been submitted by each candidate;

5315 (vi) where additional information on each candidate may be obtained;

5316 (vii) what ballot propositions will be on the ballot; and

5317 (viii) what judges are up for retention election.

5318 (7) The lieutenant governor shall ensure that each voter may conveniently enter the  
5319 voter's name, date of birth, and address information on the website to retrieve information on  
5320 the status of the voter's ballot if the voter's ballot is trackable under Section 20A-3a-401.5.

5321 (8) As resources are made available and in cooperation with the county clerks, the  
5322 lieutenant governor may expand the electronic voter information website program to include  
5323 the same information as provided under this section for special elections and primary elections.

5324 Section 101. Section **20A-9-101** is amended to read:

5325 **20A-9-101. Definitions.**

5326 As used in this chapter:

5327 (1) (a) "Candidates for elective office" means persons who file a declaration of  
5328 candidacy under Section 20A-9-202 to run in a regular general election for a federal office,  
5329 constitutional office, multicounty office, or county office.

5330 (b) "Candidates for elective office" does not mean candidates for:

- 5331 (i) justice or judge of court of record or not of record;  
5332 (ii) presidential elector;  
5333 (iii) any political party offices; and  
5334 (iv) municipal or special district offices.
- 5335 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
5336 attorney general, state auditor, and state treasurer.
- 5337 (3) "Continuing political party" means the same as that term is defined in Section  
5338 20A-8-101.
- 5339 (4) (a) "County office" means an elective office where the officeholder is selected by  
5340 voters entirely within one county.
- 5341 (b) "County office" does not mean:
- 5342 (i) the office of justice or judge of any court of record or not of record;  
5343 (ii) the office of presidential elector;  
5344 (iii) any political party offices;  
5345 (iv) any municipal or special district offices; and  
5346 (v) the office of United States Senator and United States Representative.
- 5347 (5) "Electronic candidate qualification process" means:
- 5348 (a) as it relates to a registered political party that is not a qualified political party, the  
5349 process for gathering signatures electronically to seek the nomination of a registered political  
5350 party, described in:
- 5351 (i) Section 20A-9-403;  
5352 (ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and  
5353 (iii) Section 20A-21-201; and
- 5354 (b) as it relates to a qualified political party, the process, for gathering signatures  
5355 electronically to seek the nomination of a registered political party, described in:
- 5356 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);  
5357 (ii) Section 20A-9-408; and  
5358 (iii) Section 20A-21-201.
- 5359 (6) "Federal office" means an elective office for United States Senator and United  
5360 States Representative.
- 5361 (7) "Filing officer" means:

- 5362 (a) the lieutenant governor, for:
- 5363 (i) the office of United States Senator and United States Representative; and
- 5364 (ii) all constitutional offices;
- 5365 (b) for the office of a state senator, state representative, or the state school board, the
- 5366 lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);
- 5367 (c) the county clerk, for county offices and local school district offices;
- 5368 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 5369 (e) the county election officer, the city clerk, or the town clerk, for municipal offices;
- 5370 or
- 5371 (f) the county election officer or the special district clerk, for special district offices.
- 5372 (8) "Local government office" includes county offices, municipal offices, and special
- 5373 district offices and other elective offices selected by the voters from a political division entirely
- 5374 within one county.
- 5375 (9) "Manual candidate qualification process" means the process for gathering
- 5376 signatures to seek the nomination of a registered political party, using paper signature packets
- 5377 that a signer physically signs.
- 5378 (10) (a) "Multicounty office" means an elective office where the officeholder is
- 5379 selected by the voters from more than one county.
- 5380 (b) "Multicounty office" does not mean:
- 5381 (i) a county office;
- 5382 (ii) a federal office;
- 5383 (iii) the office of justice or judge of any court of record or not of record;
- 5384 (iv) the office of presidential elector;
- 5385 (v) any political party offices; or
- 5386 (vi) any municipal or special district offices.
- 5387 (11) "Municipal office" means an elective office in a municipality.
- 5388 (12) (a) "Political division" means a geographic unit from which an officeholder is
- 5389 elected and that an officeholder represents.
- 5390 (b) "Political division" includes a county, a city, a town, a special district, a school
- 5391 district, a legislative district, and a county prosecution district.
- 5392 (13) "Qualified political party" means a registered political party that:

(a) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;

(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

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

(a) when using the manual candidate qualification process, a holographic signature collected physically on a nomination petition described in Subsection 20A-9-405(3); or

(b) when using the electronic candidate qualification process:

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

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

(15) "Special district office" means an elected office in a special district.

5424 Section 102. Section **20A-9-203** is amended to read:

5425 **20A-9-203. Declarations of candidacy -- Municipal general elections --**

5426 **Nomination petition -- Removal of signature.**

5427 (1) An individual may become a candidate for any municipal office if:

5428 (a) the individual is a registered voter; and

5429 (b) (i) the individual has resided within the municipality in which the individual seeks  
5430 to hold elective office for the 12 consecutive months immediately before the date of the  
5431 election; or

5432 (ii) the territory in which the individual resides was annexed into the municipality, the  
5433 individual has resided within the annexed territory or the municipality the 12 consecutive  
5434 months immediately before the date of the election.

5435 (2) (a) For purposes of determining whether an individual meets the residency  
5436 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
5437 before the election, the municipality is considered to have been incorporated 12 months before  
5438 the date of the election.

5439 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
5440 council position shall, if elected from a district, be a resident of the council district from which  
5441 the candidate is elected.

5442 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
5443 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
5444 against the elective franchise may not hold office in this state until the right to hold elective  
5445 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

5446 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
5447 regardless of the nomination method by which the individual is seeking to become a candidate:

5448 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate  
5449 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of  
5450 candidacy, in person with the county election officer, the city recorder, or the town clerk,  
5451 during the office hours described in Section 10-3-301 and not later than the close of those  
5452 office hours, between June 1 and June 7 of any odd-numbered year; and

5453 (ii) pay the filing fee, if one is required by municipal ordinance.

5454 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a



5455 declaration of candidacy with the county election officer, the city recorder, or the town clerk if:

5456 (i) the individual is located outside of the state during the entire filing period;

5457 (ii) the designated agent appears in person before the county election officer, the city  
5458 recorder, or the town clerk;

5459 (iii) the individual communicates with the county election officer, the city recorder, or  
5460 the town clerk using an electronic device that allows the individual and the county election  
5461 officer, city recorder, or town clerk to see and hear each other; and

5462 (iv) the individual provides the county election officer, city recorder, or town clerk  
5463 with an email address to which the county election officer, city recorder, or town clerk may  
5464 send the individual the copies described in Subsection (4).

5465 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5466 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot  
5467 Project, filing a nomination petition with the county election officer, the city recorder, or the  
5468 town clerk during the office hours described in Section 10-3-301 and not later than the close of  
5469 those office hours, between June 1 and June 7 of any odd-numbered year that includes  
5470 signatures in support of the nomination petition of the lesser of at least:

5471 (A) 25 registered voters who reside in the municipality; or

5472 (B) 20% of the registered voters who reside in the municipality; and

5473 (ii) paying the filing fee, if one is required by municipal ordinance.

5474 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
5475 petition, the filing officer shall:

5476 (i) read to the prospective candidate or individual filing the petition the constitutional  
5477 and statutory qualification requirements for the office that the candidate is seeking;

5478 (ii) require the candidate or individual filing the petition to state whether the candidate  
5479 meets the requirements described in Subsection (4)(a)(i); and

5480 (iii) inform the candidate or the individual filing the petition that an individual who  
5481 holds a municipal elected office may not, at the same time, hold a county elected office.

5482 (b) If the prospective candidate does not meet the qualification requirements for the  
5483 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5484 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
5485 filing officer shall:

5486 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
5487 written on the declaration of candidacy;

5488 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
5489 for the office the candidate is seeking and inform the candidate that failure to comply will  
5490 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5491 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
5492 Electronic Voter Information Website Program and inform the candidate of the submission  
5493 deadline under Subsection 20A-7-801(4)(a);

5494 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
5495 described under Section 20A-9-206 and inform the candidate that:

5496 (A) signing the pledge is voluntary; and  
5497 (B) signed pledges shall be filed with the filing officer; and

5498 (v) accept the declaration of candidacy or nomination petition.

5499 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
5500 officer shall:

5501 (i) accept the candidate's pledge; and  
5502 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
5503 candidate's pledge to the chair of the county or state political party of which the candidate is a  
5504 member.

5505 (5) (a) The declaration of candidacy shall be in substantially the following form:

5506 "I, (print name) \_\_\_\_, being first sworn and under penalty of perjury, say that I reside at  
5507 \_\_\_\_ Street, City of \_\_\_\_, County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number  
5508 (if any) \_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_  
5509 (stating the term). I will meet the legal qualifications required of candidates for this office. If  
5510 filing via a designated agent, I attest that I will be out of the state of Utah during the entire  
5511 candidate filing period. I will file all campaign financial disclosure reports as required by law  
5512 and I understand that failure to do so will result in my disqualification as a candidate for this  
5513 office and removal of my name from the ballot. I request that my name be printed upon the  
5514 applicable official ballots. (Signed) \_\_\_\_\_

5515 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
5516 \_\_\_\_\_(month\day\year).

5517 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)."

5518 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
5519 not sign the form described in Subsection (5)(a).

5520 (c) (i) A nomination petition shall be in substantially the following form:

5521 "NOMINATION PETITION

5522 The undersigned residents of (name of municipality), being registered voters, nominate  
5523 (name of nominee) for the office of (name of office) for the (length of term of office)."

5524 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
5525 individuals signing the petition and each individual's address and phone number.

5526 (6) If the declaration of candidacy or nomination petition fails to state whether the  
5527 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
5528 for the four-year term.

5529 (7) (a) (i) The clerk shall verify with the county clerk that all candidates are registered  
5530 voters.

5531 (b) With the assistance of the county clerk, and using the procedures described in  
5532 Section 20A-1-1002, the municipal clerk shall determine whether the required number of  
5533 signatures of registered voters appears on a nomination petition.

5534 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
5535 clerk shall:

5536 (a) publicize a list of the names of the candidates as they will appear on the ballot by  
5537 publishing the list for the municipality, as a class A notice under Section 63G-30-102, for  
5538 seven days; and

5539 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
5540 the ballot.

5541 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
5542 declaration of candidacy or nomination petition filed under this section after the candidate  
5543 filing period ends.

5544 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
5545 this section is valid unless a person files a written objection with the clerk with whom the  
5546 declaration of candidacy or nomination petition was filed before 5 p.m. within 10 days after the  
5547 last day for filing.

5548 (b) If a person files an objection, the clerk shall:

5549 (i) mail or personally deliver notice of the objection to the affected candidate

5550 immediately; and

5551 (ii) decide any objection within 48 hours after the objection is filed.

5552 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three

5553 days after the day on which the election officer or clerk sustains the objection, correct the

5554 problem for which the objection is sustained by amending the candidate's declaration of

5555 candidacy or nomination petition, or by filing a new declaration of candidacy.

5556 (d) (i) The clerk's decision upon objections to form is final.

5557 (ii) The clerk's decision upon substantive matters is reviewable by a district court if

5558 prompt application is made to the district court.

5559 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

5560 of its discretion, agrees to review the lower court decision.

5561 (11) A candidate who qualifies for the ballot under this section may withdraw as a

5562 candidate by filing a written affidavit with the ~~[municipal]~~ election officer or clerk.

5563 (12) (a) A voter who signs a nomination petition under this section may have the

5564 voter's signature removed from the petition by, no later than three business days after the day

5565 on which the petition is filed with the city recorder or municipal clerk, submitting to the

5566 ~~[municipal]~~ clerk with whom the nomination petition was filed a statement requesting that the

5567 voter's signature be removed.

5568 (b) A statement described in Subsection (12)(a) shall comply with the requirements

5569 described in Subsection 20A-1-1003(2).

5570 (c) ~~[With]~~ The clerk, with the assistance of the county ~~[clerk]~~ election officer, and

5571 using the procedures described in Subsection 20A-1-1003(3), ~~[the municipal clerk]~~ shall

5572 determine whether to remove an individual's signature from a petition after receiving a timely,

5573 valid statement requesting removal of the signature.

5574 Section 103. Section **20A-9-203.5** is amended to read:

5575 **20A-9-203.5. Requirement to post candidate information on website.**

5576 (1) The clerk of a county or a municipality shall, within three business days after the

5577 day on which the clerk accepts a declaration of candidacy or receives information from a

5578 county election officer under Subsection (2), post the following information on the website of

5579 the county or municipality:

5580 ~~[(1)]~~ (a) the name and campaign contact information of the candidate; and

5581 ~~[(2)]~~ (b) the office that the candidate is seeking.

5582 (2) If a county election officer accepts a declaration of candidacy for a municipal  
5583 election, the county election officer shall, within one business day after the day on which the  
5584 election officer accepts the declaration of candidacy, provide the information described in  
5585 Subsections (1)(a) and (b) to the applicable municipal clerk.

5586 Section 104. Section **20A-9-207** is amended to read:

5587 **20A-9-207. Withdrawal of candidacy -- Notice.**

5588 As used in this section:

5589 (1) "Public office" means the offices of governor, lieutenant governor, attorney general,  
5590 state auditor, state treasurer, state senator, state representative, state school board, or an elective  
5591 office of a local political subdivision.

5592 (2) "Public office candidate" means a person who files a declaration of candidacy for a  
5593 public office.

5594 (3) If a public office candidate withdraws as a candidate, the county election officer  
5595 shall:

5596 (a) notify every opposing candidate for the public office that the public office candidate  
5597 has withdrawn;

5598 (b) send an email notification to each voter who is eligible to vote in the public office  
5599 race for whom the county election officer has an email address informing the voter that the  
5600 public office candidate has withdrawn and that votes cast for the public office candidate will  
5601 not be counted;

5602 (c) post notice of the withdrawal on a public website; and

5603 (d) if practicable, remove the public office candidate's name from the ballot.

5604 (4) ~~[An]~~ A county election officer may fulfill the requirement described in Subsection  
5605 (3) in relation to a mailed ballot, including a military or overseas ballot, by including with the  
5606 ballot a written notice:

5607 (a) informing the voter that the candidate has withdraw; or

5608 (b) directing the voter to a public website to inform the voter whether a candidate on  
5609 the ballot has withdrawn.

5610 Section 105. Section **20A-9-404** is amended to read:

5611 **20A-9-404. Municipal primary elections.**

5612 (1) (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal  
5613 Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities  
5614 shall be nominated at a municipal primary election.

5615 (b) Municipal primary elections shall be held:

5616 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first  
5617 Monday in the August before the regular municipal election; and

5618 (ii) whenever possible, at the same polling places as the regular municipal election.

5619 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting  
5620 Methods Pilot Project, if the number of candidates for a particular municipal office does not  
5621 exceed twice the number of individuals needed to fill that office, a primary election for that  
5622 office may not be held and the candidates are considered nominated.

5623 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly  
5624 of voters or delegates.

5625 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal  
5626 election, any third, fourth, or fifth class city or town may exempt itself from a primary election  
5627 by providing that the nomination of candidates for municipal office to be voted upon at a  
5628 municipal election be nominated by a municipal party convention or committee.

5629 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)  
5630 shall be held on or before May 30 of an odd-numbered year.

5631 (iii) Any primary election exemption ordinance adopted under this Subsection (3)  
5632 remains in effect until repealed by ordinance.

5633 (c) (i) A convention or committee may not nominate more than one candidate for each  
5634 of the municipal offices to be voted upon at the municipal election.

5635 (ii) A convention or committee may not nominate an individual who has accepted the  
5636 nomination of a different convention or committee.

5637 (iii) A municipal party may not have more than one group of candidates placed upon  
5638 the ballot and may not group the same candidates on different tickets by the same party under a  
5639 different name or emblem.

5640 (d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall

5641 prepare and submit to the filing officer a certificate of nomination for each individual  
5642 nominated.

5643 (ii) The certificate of nomination shall:

5644 (A) contain the name of the office for which each individual is nominated, the name,  
5645 post office address, and, if in a city, the street number of residence and place of business, if  
5646 any, of each individual nominated;

5647 (B) designate in not more than five words the party that the convention or committee  
5648 represents;

5649 (C) contain a copy of the resolution passed at the convention that authorized the  
5650 committee to make the nomination;

5651 (D) contain a statement certifying that the name of the candidate nominated by the  
5652 political party will not appear on the ballot as a candidate for any other political party;

5653 (E) be signed by the presiding officer and secretary of the convention or committee;  
5654 and

5655 (F) contain a statement identifying the residence and post office address of the  
5656 presiding officer and secretary and certifying that the presiding officer and secretary were  
5657 officers of the convention or committee and that the certificates are true to the best of their  
5658 knowledge and belief.

5659 (iii) A candidate nominated by a municipal party convention or committee shall file a  
5660 declaration with the ~~[filing]~~ county election officer or the municipal clerk in accordance with  
5661 Subsection 20A-9-203(3) that includes:

5662 (A) the name of the municipal party or convention that nominated the candidate; and

5663 (B) the office for which the convention or committee nominated the candidate.

5664 (e) A committee appointed at a convention, if authorized by an enabling resolution,  
5665 may also make nominations or fill vacancies in nominations made at a convention if the  
5666 committee makes the nomination before the deadline for a write-in candidate to file a  
5667 declaration of candidacy under Section 20A-9-601.

5668 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,  
5669 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included  
5670 with the candidate's name.

5671 (4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the

5672 May 1 that falls before the regular municipal election that:

5673 (i) exempts the city or town from the other methods of nominating candidates to  
5674 municipal office provided in this section; and

5675 (ii) provides for a municipal partisan convention method of nominating candidates as  
5676 provided in this Subsection (4).

5677 (b) (i) Any party that was a registered political party at the last regular general election  
5678 or regular municipal election is a municipal political party under this section.

5679 (ii) Any political party may qualify as a municipal political party by presenting a  
5680 petition to the city recorder that:

5681 (A) is signed, with a holographic signature, by registered voters within the municipality  
5682 equal to at least 20% of the number of votes cast for all candidates for mayor in the last  
5683 municipal election at which a mayor was elected;

5684 (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day  
5685 before the day on which the municipal party holds a convention to nominate a candidate under  
5686 this Subsection (4);

5687 (C) is substantially similar to the form of the signature sheets described in Section  
5688 20A-7-303; and

5689 (D) contains the name of the municipal political party using not more than five words.

5690 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use the  
5691 procedures described in Section 20A-1-1002 to determine whether each signer is a registered  
5692 voter who is qualified to sign the petition.

5693 (c) (i) If the number of candidates for a particular office does not exceed twice the  
5694 number of offices to be filled at the regular municipal election, no primary election for that  
5695 office shall be held and the candidates are considered to be nominated.

5696 (ii) If the number of candidates for a particular office exceeds twice the number of  
5697 offices to be filled at the regular municipal election, those candidates for municipal office shall  
5698 be nominated at a municipal primary election.

5699 (d) The ~~clerk~~ county election officer shall ensure that the partisan municipal primary  
5700 ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section  
5701 20A-6-401.1.

5702 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the



5703 blank ballot box.

5704 (f) Immediately after the canvass, the election judges shall, without examination,  
5705 destroy the tickets deposited in the blank ballot box.

5706 (5) (a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's  
5707 signature removed from the petition by, no later than three business days after the day on which  
5708 the petition is filed with the city recorder or town clerk, submitting to the city recorder or town  
5709 clerk a statement requesting that the voter's signature be removed.

5710 (b) A statement described in Subsection (5)(a) shall comply with the requirements  
5711 described in Subsection 20A-1-1003(2).

5712 (c) With the assistance of the county clerk and using the procedures described in  
5713 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to remove  
5714 an individual's signature from a petition after receiving a timely, valid statement requesting  
5715 removal of the signature.

5716 Section 106. Section **20A-9-406** is amended to read:

5717 **20A-9-406. Qualified political party -- Requirements and exemptions.**

5718 The following provisions apply to a qualified political party:

5719 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of  
5720 October of each odd-numbered year, certify to the lieutenant governor the identity of one or  
5721 more registered political parties whose members may vote for the qualified political party's  
5722 candidates and whether unaffiliated voters may vote for the qualified political party's  
5723 candidates;

5724 (2) the following provisions do not apply to a nomination for the qualified political  
5725 party:

5726 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);

5727 (b) Subsection 20A-9-403(5)(c); and

5728 (c) Section 20A-9-405;

5729 (3) an individual may only seek the nomination of the qualified political party by using  
5730 a method described in Section 20A-9-407, Section 20A-9-408, or both;

5731 (4) the qualified political party shall comply with the provisions of Sections  
5732 20A-9-407, 20A-9-408, and 20A-9-409;

5733 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), [each] a county

5734 election officer shall ensure that a ballot described in Section 20A-6-301 includes each  
5735 individual nominated by a qualified political party:

5736 (a) under the qualified political party's name, if any; or

5737 (b) under the title of the qualified registered political party as designated by the  
5738 qualified political party in the certification described in Subsection (1), or, if none is  
5739 designated, then under some suitable title;

5740 (6) notwithstanding Subsection 20A-6-302(1)(a), ~~each~~ a county election officer shall  
5741 ensure, for ballots in regular general elections, that each candidate who is nominated by the  
5742 qualified political party is listed by party;

5743 (7) notwithstanding Subsection 20A-6-304(1)(e), ~~each~~ a county election officer shall  
5744 ensure that the party designation of each candidate who is nominated by the qualified political  
5745 party is displayed adjacent to the candidate's name on a mechanical ballot;

5746 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
5747 includes an individual who files a declaration of candidacy under Section 20A-9-407 or  
5748 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
5749 multicounty office, or county office;

5750 (9) an individual who is nominated by, or seeking the nomination of, the qualified  
5751 political party is not required to comply with Subsection 20A-9-201(1)(c);

5752 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled  
5753 to have each of the qualified political party's candidates for elective office appear on the  
5754 primary ballot of the qualified political party with an indication that each candidate is a  
5755 candidate for the qualified political party;

5756 (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include  
5757 on the list provided by the lieutenant governor to the county clerks:

5758 (a) the names of all candidates of the qualified political party for federal, constitutional,  
5759 multicounty, and county offices; and

5760 (b) the names of unopposed candidates for elective office who have been nominated by  
5761 the qualified political party and instruct the county clerks to exclude such candidates from the  
5762 primary-election ballot;

5763 (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an  
5764 elective office in the regular primary election of the qualified political party is nominated by

the party for that office without appearing on the primary ballot; and

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

Section 107. Section **20A-9-408** is amended to read:

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

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

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

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in

5796 Section 20A-9-201.5; and

5797 (c) pay the filing fee.

5798 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
5799 party who, under this section, is seeking the nomination of the qualified political party for the  
5800 office of district attorney within a multicounty prosecution district that is to be filled at the next  
5801 general election shall:

5802 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,  
5803 and before gathering signatures under this section, file with the filing officer on a form  
5804 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that  
5805 includes:

5806 (i) the name of the member who will attempt to become a candidate for a registered  
5807 political party under this section;

5808 (ii) the name of the registered political party for which the member is seeking  
5809 nomination;

5810 (iii) the office for which the member is seeking to become a candidate;

5811 (iv) the address and telephone number of the member; and

5812 (v) other information required by the lieutenant governor;

5813 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,  
5814 in person, with the filing officer during the declaration of candidacy filing period described in  
5815 Section 20A-9-201.5; and

5816 (c) pay the filing fee.

5817 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
5818 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
5819 political party, under this section, for the office of governor shall, during the declaration of  
5820 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and  
5821 submit a letter from the candidate for governor that names the lieutenant governor candidate as  
5822 a joint-ticket running mate.

5823 (6) The lieutenant governor shall ensure that the certification described in Subsection  
5824 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
5825 under this section.

5826 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who

is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

(8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), during the period beginning on the day on which the member files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

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

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

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

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

(ii) submit the signatures to the county election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.

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

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

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

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

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

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

(ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).

(iii) ~~[With the assistance of the county clerk as applicable, the]~~ The county election officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether

to remove an individual's signature after receiving a timely, valid statement requesting removal of the signature.

(10) (a) This Subsection (10) applies only to the electronic candidate qualification process.

(b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

(i) in accordance with Section 20A-21-201; and

(ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

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

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

(ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

(11) (a) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

(b) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:

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

(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (11)(b)(i).

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the county election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

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

Section 108. Section **20A-9-411** is amended to read:

**20A-9-411. Signing multiple nomination petitions.**

(1) An individual who signs a petition, described in Section 20A-9-403 or 20A-9-408, to nominate a candidate may not sign a petition to nominate another candidate for the same office.

(2) If an individual signs more than one petition in violation of Subsection (1), the county election officer may only count the signature on the first petition that the county election officer reviews for that office.

Section 109. Section **20A-11-206** is amended to read:

**20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

(1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if any, that states:

(a) that the state office candidate failed to timely file the report; and

(b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.



(3) (a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.

(4) If a state office candidate is disqualified under Subsection (3)(a), the ~~[election officer]~~ lieutenant governor shall:

(a) notify every opposing candidate for the state office that the state office candidate is disqualified;

(b) send an email notification to each voter who is eligible to vote in the state office race for whom the lieutenant governor has an email address informing the voter that the state office candidate is disqualified and that votes cast for the state office candidate will not be counted;

(c) post notice of the disqualification on the lieutenant governor's website; and

(d) if practicable, direct the county election officers to remove the state office candidate's name from the ballot.

(5) An election officer may fulfill the requirement described in Subsection (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the lieutenant governor's website to inform the voter whether a candidate on the ballot is disqualified.

(6) A state office candidate is not disqualified if:

(a) the state office candidate timely files the reports described in Subsections 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.

(7) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant

5982 governor shall review each filed summary report to ensure that:

5983 (i) each state office candidate that is required to file a summary report has filed one;

5984 and

5985 (ii) each summary report contains the information required by this part.

5986 (b) If it appears that any state office candidate has failed to file the summary report  
5987 required by law, if it appears that a filed summary report does not conform to the law, or if the  
5988 lieutenant governor has received a written complaint alleging a violation of the law or the  
5989 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
5990 violation or receipt of a written complaint, notify the state office candidate of the violation or  
5991 written complaint and direct the state office candidate to file a summary report correcting the  
5992 problem.

5993 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary  
5994 report within seven days after receiving notice from the lieutenant governor described in this  
5995 Subsection (7).

5996 (ii) Each state office candidate who violates Subsection (7)(c)(i) is guilty of a class B  
5997 misdemeanor.

5998 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the  
5999 attorney general.

6000 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant  
6001 governor shall impose a civil fine of \$100 against a state office candidate who violates  
6002 Subsection (7)(c)(i).

6003 Section 110. Section **20A-11-305** is amended to read:

6004 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

6005 (1) A legislative office candidate who fails to file a financial statement before the  
6006 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

6007 (2) If a legislative office candidate fails to file an interim report described in  
6008 Subsections 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic  
6009 notice to the legislative office candidate and the political party of which the legislative office  
6010 candidate is a member, if any, that states:

6011 (a) that the legislative office candidate failed to timely file the report; and

6012 (b) that, if the legislative office candidate fails to file the report within 24 hours after

the deadline for filing the report, the legislative office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a legislative office candidate and inform the county clerk and other appropriate election officials that the legislative office candidate is disqualified if the legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a legislative office candidate who is disqualified under Subsection (3)(a) may not replace the legislative office candidate.

(4) If a legislative office candidate is disqualified under Subsection (3)(a), the county election officer shall:

(a) notify every opposing candidate for the legislative office that the legislative office candidate is disqualified;

(b) send an email notification to each voter who is eligible to vote in the legislative office race for whom the county election officer has an email address informing the voter that the legislative office candidate is disqualified and that votes cast for the legislative office candidate will not be counted;

(c) post notice of the disqualification on the county election officer's website; and

(d) if practicable, remove the legislative office candidate's name from the ballot.

(5) ~~[An]~~ A county election officer may fulfill the requirement described in Subsection (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the election officer's website to inform the voter whether a candidate on the ballot is disqualified.

(6) A legislative office candidate is not disqualified if:

(a) the legislative office candidate files the reports described in Subsections 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in

6044 an amended report or the next scheduled report.

6045 (7) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant  
6046 governor shall review each filed summary report to ensure that:

6047 (i) each legislative office candidate that is required to file a summary report has filed  
6048 one; and

6049 (ii) each summary report contains the information required by this part.

6050 (b) If it appears that any legislative office candidate has failed to file the summary  
6051 report required by law, if it appears that a filed summary report does not conform to the law, or  
6052 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
6053 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
6054 violation or receipt of a written complaint, notify the legislative office candidate of the  
6055 violation or written complaint and direct the legislative office candidate to file a summary  
6056 report correcting the problem.

6057 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary  
6058 report within seven days after receiving notice from the lieutenant governor described in this  
6059 Subsection (7).

6060 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a  
6061 class B misdemeanor.

6062 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the  
6063 attorney general.

6064 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant  
6065 governor shall impose a civil fine of \$100 against a legislative office candidate who violates  
6066 Subsection (7)(c)(i).

6067 Section 111. Section **20A-12-201 (Effective 07/01/24)** is amended to read:

6068 **20A-12-201 (Effective 07/01/24). Judicial appointees -- Retention elections.**

6069 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election  
6070 at the first general election held more than three years after the judge or justice was appointed.

6071 (b) After the first retention election:

6072 (i) each Supreme Court justice shall be on the regular general election ballot for an  
6073 unopposed retention election every tenth year; and

6074 (ii) each judge of other courts shall be on the regular general election ballot for an

6075 unopposed retention election every sixth year.

6076 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in  
6077 the year the justice or judge is subject to a retention election:

6078 (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk  
6079 in the candidate's county of residence, within the period beginning on July 1 and ending at 5  
6080 p.m. on July 15 in the year of a regular general election; and

6081 (ii) pay a filing fee of \$50.

6082 (b) (i) Each justice court judge who wishes to retain office shall, in the year the justice  
6083 court judge is subject to a retention election:

6084 (A) file a declaration of candidacy with the lieutenant governor, or with the county  
6085 clerk in the candidate's county of residence, within the period beginning on July 1 and ending  
6086 at 5 p.m. on July 15 in the year of a regular general election; and

6087 (B) pay a filing fee of \$25 for each judicial office.

6088 (ii) If a justice court judge is appointed or elected to more than one judicial office, the  
6089 declaration of candidacy shall identify all of the courts included in the same general election.

6090 (iii) If a justice court judge is appointed or elected to more than one judicial office,  
6091 filing a declaration of candidacy in one county in which one of those courts is located is valid  
6092 for the courts in any other county.

6093 (3) (a) The lieutenant governor shall, no later than August 31 of each regular general  
6094 election year:

6095 (i) transmit a certified list containing the names of the justices of the Supreme Court,  
6096 judges of the Court of Appeals, and judges of the Business and Chancery Court declaring their  
6097 candidacy to the county clerk of each county; and

6098 (ii) transmit a certified list containing the names of judges of other courts declaring  
6099 their candidacy to the county clerk of each county in the geographic division in which the judge  
6100 filing the declaration holds office.

6101 (b) Each county clerk shall place the names of justices and judges standing for  
6102 retention election in the nonpartisan section of the ballot.

6103 (4) (a) At the general election, the ballots shall contain:

6104 (i) at the beginning of the judicial retention section of the ballot, the following  
6105 statement:

6106 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation  
6107 Commission's recommendations for each judge"; and  
6108 (ii) as to each justice or judge of any court to be voted on in the county, the following  
6109 question:  
6110 "Shall \_\_\_\_\_ (name of justice or judge) be retained in the  
6111 office of \_\_\_\_\_? (name of office, such as "Justice of the Supreme  
6112 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery  
6113 Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the  
6114 Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county)  
6115 County or (name of municipality)")  
6116 Yes ()  
6117 No ()."  
6118 (b) If a justice court exists by means of an interlocal agreement under Section  
6119 78A-7-102, the ballot question for the judge shall include the name of that court.  
6120 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge  
6121 is retained for the term of office provided by law.  
6122 (b) If the justice or judge does not receive more yes votes than no votes, the justice or  
6123 judge is not retained, and a vacancy exists in the office on the first Monday in January after the  
6124 regular general election.  
6125 (6) A justice or judge not retained is ineligible for appointment to the office for which  
6126 the justice or judge was defeated until after the expiration of that term of office.  
6127 (7) (a) If a justice court judge is standing for retention for one or more judicial offices  
6128 in a county in which the judge is a county justice court judge or a municipal justice court judge  
6129 in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any  
6130 combination thereof, the county election officer shall place the judge's name on the county  
6131 ballot only once for all judicial offices for which the judge seeks to be retained.  
6132 (b) If a justice court judge is standing for retention for one or more judicial offices in a  
6133 municipality of the first, second, or third class, as described in Section 10-2-301, the county  
6134 election officer shall place the judge's name only on the municipal ballot for the voters of the  
6135 municipality that the judge serves.  
6136 Section 112. Section **20A-16-404** is amended to read:

6137           **20A-16-404. Timely casting of ballot.**

6138           Except as provided by Section 20A-1-308, to be valid, a military-overseas ballot shall  
6139 be:

6140           (1) received by the appropriate county election officer not later than the close of the  
6141 polls; or

6142           (2) submitted for mailing, electronic transmission, or other authorized means of  
6143 delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date  
6144 of the election.

6145           Section 113. Section **20A-16-501** is amended to read:

6146           **20A-16-501. Use of voter's email address.**

6147           (1) ~~[An]~~ A county election officer shall request an email address from each covered  
6148 voter who registers to vote.

6149           (2) An email address provided by a covered voter:

6150           (a) is a private record under Section 63G-2-302; and

6151           (b) may be used only for official communication with the covered voter about the  
6152 voting process, including transmitting military-overseas ballots and election materials if the  
6153 voter has requested electronic transmission, verifying the voter's mailing address and physical  
6154 location, and informing the voter of the status of the voter's ballot in accordance with Section  
6155 20A-3a-401.5.

6156           (3) The request for an email address shall:

6157           (a) describe the purposes for which the email address may be used;

6158           (b) include a statement that any other use or disclosure of the email address is  
6159 prohibited; and

6160           (c) describe how a voter may sign up to receive ballot status notifications via the ballot  
6161 tracking system described in Section 20A-3a-401.5.

6162           (4) (a) A covered voter who provides an email address may request that the covered  
6163 voter's application for a military-overseas ballot be considered a standing request for electronic  
6164 delivery of a ballot for all elections held through December 31 of the year following the  
6165 calendar year of the date of the application or another shorter period the covered voter  
6166 specifies.

6167           (b) An election official shall provide a military-overseas ballot to a covered voter who

6168 makes a standing request for each election to which the request is applicable.

6169 (c) A covered voter who is entitled to receive a military-overseas ballot for a primary  
6170 election under this Subsection (4) is entitled to receive a military-overseas ballot for the general  
6171 election.

6172 Section 114. Section **20A-16-502** is amended to read:

6173 **20A-16-502. Publication of election notice.**

6174 (1) At least 100 days before the day of an election, other than a statewide special  
6175 election or local special election, and as soon as practicable before a statewide special election  
6176 or local special election, the county election officer shall prepare an election notice for the  
6177 [~~election officer's~~] applicable jurisdiction, to be used in conjunction with a federal write-in  
6178 absentee ballot.

6179 (2) The election notice must contain:

6180 (a) a list of all of the ballot propositions and federal, state, and local offices that as of  
6181 that date the county election officer expects to be on the ballot on the date of the election; and

6182 (b) specific instructions for how a covered voter is to indicate on the federal write-in  
6183 absentee ballot the covered voter's choice for each office to be filled and for each ballot  
6184 proposition to be contested.

6185 (3) (a) A covered voter may request a copy of an election notice.

6186 (b) The county election officer shall send the notice to the covered voter by facsimile,  
6187 email, or regular mail, as the covered voter requests.

6188 (4) As soon as the ballot is certified, and not later than the date ballots are required to  
6189 be transmitted to voters under Chapter 3a, Voting, the county election officer charged with  
6190 preparing the election notice under Subsection (1) shall update the notice with the certified  
6191 candidates for each office and ballot propositions and make the updated notice publicly  
6192 available.

6193 (5) A political subdivision that maintains a website shall make the election notice  
6194 prepared under this section and updated versions of the election notice regularly available on  
6195 the website.

6196 Section 115. Section **20A-21-201** is amended to read:

6197 **20A-21-201. Electronic signature gathering for an initiative, a referendum, or**  
6198 **candidate qualification.**



(1) (a) After filing a petition for a statewide initiative or a statewide referendum, and before gathering signatures, the sponsors shall, after consulting with the Office of the Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures electronically:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304.

(c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures manually:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315.

(2) (a) After filing a petition for a local initiative or a local referendum, and before gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a form provided by the local clerk's office indicating whether the sponsors will gather signatures

6230 manually or electronically.

6231 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather  
6232 signatures electronically:

6233 (i) in relation to a local initiative, signatures for that initiative:

6234 (A) may only be gathered and submitted electronically, in accordance with this section  
6235 and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

6236 (B) may not be gathered or submitted using the manual signature-gathering process  
6237 described in Sections 20A-7-105 and 20A-7-504; and

6238 (ii) in relation to a local referendum, signatures for that referendum:

6239 (A) may only be gathered and submitted electronically, in accordance with this section  
6240 and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and

6241 (B) may not be gathered or submitted using the manual signature-gathering process  
6242 described in Sections 20A-7-105 and 20A-7-604.

6243 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather  
6244 signatures manually:

6245 (i) in relation to a local initiative, signatures for that initiative:

6246 (A) may only be gathered and submitted using the manual signature-gathering process  
6247 described in Sections 20A-7-105 and 20A-7-504; and

6248 (B) may not be gathered or submitted electronically, as described in this section and  
6249 Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

6250 (ii) in relation to a local referendum, signatures for that referendum:

6251 (A) may only be gathered and submitted using the manual signature-gathering process  
6252 described in Sections 20A-7-105 and 20A-7-604; and

6253 (B) may not be gathered or submitted electronically, as described in this section and  
6254 Sections 20A-7-614, 20A-7-615, and 20A-7-616.

6255 (3) (a) After a candidate files a notice of intent to gather signatures to qualify for a  
6256 ballot, and before gathering signatures, the candidate shall, after consulting with the county  
6257 election officer, sign a form provided by the county election officer indicating whether the  
6258 candidate will gather signatures manually or electronically.

6259 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather  
6260 signatures electronically, signatures for the candidate:

6261 (i) may only be gathered and submitted using the electronic candidate qualification  
6262 process; and

6263 (ii) may not be gathered or submitted using the manual candidate qualification process.

6264 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather  
6265 signatures manually, signatures for the candidate:

6266 (i) may only be gathered and submitted using the manual candidate qualification  
6267 process; and

6268 (ii) may not be gathered or submitted using the electronic candidate qualification  
6269 process.

6270 (4) To gather a signature electronically, a signature-gatherer shall:

6271 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:

6272 (i) is approved by the lieutenant governor;

6273 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other  
6274 information relating to an individual signing the petition in any location other than the location  
6275 used by the website to store the information;

6276 (iii) does not, on the device, store a signature or any other information relating to an  
6277 individual signing the petition except for the minimum time necessary to upload information to  
6278 the website;

6279 (iv) does not contain any applications, software, or data other than those approved by  
6280 the lieutenant governor; and

6281 (v) complies with cyber-security and other security protocols required by the lieutenant  
6282 governor;

6283 (b) use the approved device to securely access a website designated by the lieutenant  
6284 governor, directly, or via an application designated by the lieutenant governor; and

6285 (c) while connected to the website, present the approved device to an individual  
6286 considering signing the petition and, while the signature-gatherer is in the physical presence of  
6287 the individual:

6288 (i) wait for the individual to reach each screen presented to the individual on the  
6289 approved device; and

6290 (ii) wait for the individual to advance to each subsequent screen by clicking on the  
6291 acknowledgement at the bottom of the screen.

(5) Each screen shown on an approved device as part of the signature-gathering process shall appear as a continuous electronic document that, if the entire document does not appear on the screen at once, requires the individual viewing the screen to, before advancing to the next screen, scroll through the document until the individual reaches the end of the document.

(6) After advancing through each screen required for the petition, the signature process shall proceed as follows:

(a) except as provided in Subsection (6)(b):

(i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;

(ii) the signature-gatherer shall verify that the individual pictured on the driver license or state identification card is the individual signing the petition;

(iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and

(iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the website shall determine whether the individual desiring to sign the petition is eligible to sign the petition;

(b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:

(i) the individual may present other valid voter identification;

(ii) if the valid voter identification contains a picture of the individual, the signature-gatherer shall verify that the individual pictured is the individual signing the petition;

(iii) if the valid voter identification does not contain a picture of the individual, the signature-gatherer shall, to the extent reasonably practicable, use the individual's address or other available means to determine whether the identification relates to the individual presenting the identification;

(iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and

(v) the individual:

(A) shall enter the individual's address; and

(B) may, at the discretion of the individual, enter the individual's date of birth or age after the individual clicks on the screen acknowledging that they have read and understand the

following statement, "Birth date or age information is not required, but may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before your signature is verified or if the information you provide does not match your voter registration records."; and

(c) after completing the process described in Subsection (6)(a) or (b), the screen shall:

(i) except for a petition to qualify a candidate for the ballot, give the individual signing the petition the opportunity to enter the individual's email address after the individual reads the following statement, "If you provide your email address, you may receive an email with additional information relating to the petition you are signing."; and

(ii) (A) if the website determines, under Subsection (6)(a)(iv), that the individual is eligible to sign the petition, permit the individual to enter the individual's name as the individual's electronic signature and, immediately after the signature-gatherer timely complies with Subsection (10), certify the signature; or

(B) if the individual provides valid voter identification under Subsection (6)(b), permit the individual to enter the individual's name as the individual's electronic signature.

(7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven days after the day on which the individual submits the valid voter identification, certify the signature if:

(a) the individual is eligible to sign the petition;

(b) the identification provided matches the information on file; and

(c) the signature-gatherer timely complies with Subsection (10).

(8) For each signature submitted under this section, the website shall record:

(a) the information identifying the individual who signs;

(b) the date the signature was collected; and

(c) the name of the signature-gatherer.

(9) An individual who is a signature-gatherer may not sign a petition unless another individual acts as the signature-gatherer when the individual signs the petition.

(10) Except for a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the website:

6354 "VERIFICATION OF SIGNATURE-GATHERER

6355 State of Utah, County of \_\_\_\_

6356 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

6357 I am a resident of Utah and am at least 18 years old;

6358 All the signatures that I collected on [Date signatures were gathered] were signed by

6359 individuals who professed to be the individuals whose signatures I gathered, and each of the

6360 individuals signed the petition in my presence;

6361 I did not knowingly make a misrepresentation of fact concerning the law or proposed

6362 law to which the petition relates;

6363 I believe that each individual has signed the individual's name and written the

6364 individual's residence correctly, that each signer has read and understands the law to which the

6365 petition relates, and that each signer is registered to vote in Utah;

6366 Each signature correctly reflects the date on which the individual signed the petition;

6367 and

6368 I have not paid or given anything of value to any individual who signed this petition to

6369 encourage that individual to sign it."

6370 (11) Except for a petition for a candidate to seek the nomination of a registered

6371 political party:

6372 (a) the county clerk may not certify a signature that is not timely verified in accordance

6373 with Subsection (10); and

6374 (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely

6375 verified in accordance with Subsection (10), the county clerk shall:

6376 (i) revoke the certification;

6377 (ii) remove the signature from the posting described in Subsection 20A-7-217(4),

6378 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and

6379 (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii),

6380 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

6381 (12) For a petition for a candidate to seek the nomination of a registered political party,

6382 each individual who gathers a signature under this section shall, within one business day after

6383 the day on which the individual gathers a signature, electronically sign and submit the

6384 following statement to the lieutenant governor in the manner specified by the lieutenant

6385 governor:

6386 "VERIFICATION OF SIGNATURE-GATHERER

6387 State of Utah, County of \_\_\_\_

6388 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

6389 I am a resident of Utah and am at least 18 years old;

6390 All the signatures that I collected on [Date signatures were gathered] were signed by

6391 individuals who professed to be the individuals whose signatures I gathered, and each of the

6392 individuals signed the petition in my presence;

6393 I believe that each individual has signed the individual's name and written the

6394 individual's residence correctly and that each signer is registered to vote in Utah; and

6395 Each signature correctly reflects the date on which the individual signed the petition."

6396 (13) For a petition for a candidate to seek the nomination of a registered political party,

6397 the county election officer may not certify a signature that is not timely verified in accordance

6398 with Subsection (12).

6399 Section 116. **Repealer.**

6400 This bill repeals:

6401 Section **20A-5-400.1, Contracting with an election officer to conduct elections --**

6402 **Fees -- Contracts and interlocal agreements -- Private providers.**

6403 Section 117. **Effective date.**

6404 This bill takes effect on January 1, 2025.