

Chapter 1 General Provisions

Part 1 Elections: General Provisions and Election Oversight

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) "Convention" means the political party convention at which party officers and delegates are selected.
- (13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- (14) "Counting judge" means a poll worker designated to count the ballots during election day.

- (15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.
- (16) "County officers" means those county officers that are required by law to be elected.
- (17) "Date of the election" or "election day" or "day of the election":
 - (a) means the day that is specified in the calendar year as the day that the election occurs; and
 - (b) does not include:
 - (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or
 - (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.
- (18) "Elected official" means:
 - (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;
 - (b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or
 - (c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).
- (19) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.
- (20) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.
- (21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.
- (22) "Election judge" means a poll worker that is assigned to:
 - (a) preside over other poll workers at a polling place;
 - (b) act as the presiding election judge; or
 - (c) serve as a canvassing judge, counting judge, or receiving judge.
- (23) "Election officer" means:
 - (a) the lieutenant governor, for all statewide ballots and elections;
 - (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
 - (c) the municipal clerk for:
 - (i) a municipal ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
 - (d) the special district clerk or chief executive officer for:
 - (i) a special district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
 - (e) the business administrator or superintendent of a school district for:
 - (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- (24) "Election official" means any election officer, election judge, or poll worker.
- (25) "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) "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), of voters contacted to cure a ballot.
- (27) "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) "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) "Judicial office" means the office filled by any judicial officer.
- (30) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- (31) "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) "Local political subdivision" means a county, a municipality, a special district, or a local school district.
- (33) "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) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.
- (35) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:
 - (a) is created via electronic or mechanical means; and
 - (b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.
- (36) "Municipal executive" means:
 - (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
 - (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).
- (37) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.
- (38) "Municipal legislative body" means the council of the city or town in any form of municipal government.
- (39) "Municipal office" means an elective office in a municipality.
- (40) "Municipal officers" means those municipal officers that are required by law to be elected.
- (41) "Municipal primary election" means an election held to nominate candidates for municipal office.
- (42) "Municipality" means a city or town.
- (43) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.
- (44) "Official endorsement" means the information on the ballot that identifies:
 - (a) the ballot as an official ballot;
 - (b) the date of the election; and
 - (c)

- (i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
 - (ii) for a ballot prepared by a county clerk, the words required by 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) "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) "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)
- (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) "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) "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) "Registration form" means a form by which an individual may register to vote under this title.
- (61) "Regular ballot" means a ballot that is not a provisional ballot.

- (62) "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) "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) "Resident" means a person who resides within a specific voting precinct in Utah.
- (65) "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) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.
- (67) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- (68) "Special district officers" means those special district board members who are required by law to be elected.
- (69) "Special election" means an election held as authorized by Section 20A-1-203.
- (70) "Spoiled ballot" means each ballot that:
- (a) is spoiled by the voter;
 - (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
 - (c) lacks the official endorsement.
- (71) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.
- (72) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.
- (73) "Ticket" means a list of:
- (a) political parties;
 - (b) candidates for an office; or
 - (c) ballot propositions.
- (74) "Transfer case" means the sealed box used to transport voted ballots to the counting center.
- (75) "Vacancy" means:
- (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a position created by state constitution or state statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause ; or
 - (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a candidate due to the candidate's death, resignation, or disqualification.
- (76) "Valid voter identification" means:
- (a) a form of identification that bears the name and photograph of the voter which may include:
 - (i) a currently valid Utah driver license;
 - (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
 - (iii) a currently valid Utah permit to carry a concealed weapon;
 - (iv) a currently valid United States passport; or
 - (v) a currently valid United States military identification card;

- (b) one of the following identification cards, whether or not the card includes a photograph of the voter:
 - (i) a valid tribal identification card;
 - (ii) a Bureau of Indian Affairs card; or
 - (iii) a tribal treaty card; or
- (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:
 - (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;
 - (ii) a bank or other financial account statement, or a legible copy thereof;
 - (iii) a certified birth certificate;
 - (iv) a valid social security card;
 - (v) a check issued by the state or the federal government or a legible copy thereof;
 - (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - (vii) a currently valid Utah hunting or fishing license;
 - (viii) certified naturalization documentation;
 - (ix) a currently valid license issued by an authorized agency of the United States;
 - (x) a certified copy of court records showing the voter's adoption or name change;
 - (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - (xii) a currently valid identification card issued by:
 - (A) a local government within the state;
 - (B) an employer for an employee; or
 - (C) a college, university, technical school, or professional school located within the state; or
 - (xiii) a current Utah vehicle registration.
- (77) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.
- (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
 - (a) mailing the ballot to the location designated in the mailing; or
 - (b) depositing the ballot in a ballot drop box designated by the election officer.
- (79) "Voter" means an individual who:
 - (a) meets the requirements for voting in an election;
 - (b) meets the requirements of election registration;
 - (c) is registered to vote; and
 - (d) is listed in the official register book.
- (80) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.
- (81) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.
- (82) "Voting booth" means:
 - (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or
 - (b) a voting device that is free standing.
- (83) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.
- (84) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- (85) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.
- (86) "Write-in ballot" means a ballot containing any write-in votes.

(87) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Amended by Chapter 438, 2024 General Session

20A-1-103 Severability clause.

If any provision of Laws of Utah 2014, Chapter 17, or the application of any provision of Laws of Utah 2014, Chapter 17, to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of Laws of Utah 2014, Chapter 17, shall be given effect without the invalid provision or application. The provisions of Laws of Utah 2014, Chapter 17, are severable.

Amended by Chapter 258, 2015 General Session

20A-1-104 Computation of time.

- (1)
 - (a) Except as provided in Subsection (1)(b), unless expressly provided otherwise in this title, if a person is required to complete an action on a certain day, on or before a certain day, or within one day or a period of days, the person may complete the action anytime before midnight on the final day.
 - (b) If a person is required to complete an action in relation to a court proceeding, the rules of the court govern the requirements regarding the time of deadlines.
- (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be included in all computations of days made under this title.
- (3)
 - (a) Saturdays, Sundays, and holidays are not included in computations of days if the days are specified in this title as business days or working days.
 - (b) Unless otherwise expressly provided for in this title:
 - (i) when computing any number of days before or after a specified date or event, the specified date or day of the event is not included in the count;
 - (ii) if the commencement date of a time period preceding a specified date or event falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;
 - (iii) if the last day of a time period following a specified date or event falls on a Saturday, Sunday, or legal holiday, the time period is extended to the following business day; and
 - (iv) if a deadline that falls before or after a specified date or event falls on a Saturday, Sunday, or legal holiday, the deadline shall be considered to fall on the following business day.

Renumbered and Amended by Chapter 255, 2019 General Session

20A-1-105 Chief election officer of the state -- Duties, authority, and enforcement.

- (1) The lieutenant governor:
 - (a) is the chief election officer of the state;
 - (b) is responsible to oversee, and generally supervise, all elections and functions relating to elections in the state; and
 - (c) shall enforce compliance by election officers with all legal requirements relating to elections, including:
 - (i) Public Law 103-31, the National Voter Registration Act of 1993;
 - (ii) Public Law 107-252, the Help America Vote Act of 2002;

- (iii) all other applicable provisions of federal law and rule relating to elections;
 - (iv) state law relating to elections;
 - (v) the requirements of this title; and
 - (vi) rules made under this title.
- (2) To the extent that the lieutenant governor determines the following is useful in fulfilling the responsibilities described in Subsection (1), the lieutenant governor has:
- (a) full access to closely observe, examine, and copy all records, documents, recordings, and other information in the custody or control of an election officer or a board of canvassers;
 - (b) full access to closely observe, examine, and copy all voter registration records, ballots, ballot envelopes, vote tallies, canvassing records, and other election returns in the custody or control of an election officer or a board of canvassers;
 - (c) full access to closely observe and examine all facilities, storage areas, and equipment, and to closely observe, examine, or copy all materials, in the custody or control of an election officer or a board of canvassers;
 - (d) full access to all staff, including full-time, part-time, and volunteer staff of an election officer or a board of canvassers;
 - (e) full access to closely observe, examine, and copy all records and information relating to election audits that are conducted, directed, or commissioned by a county clerk;
 - (f) the right to attend any meeting, including a closed meeting, relating to a matter within the scope of authority or responsibility of the lieutenant governor described in this chapter or Subsection 67-1a-2(2); and
 - (g) the right to closely observe and examine any work or other process relating to a matter within the scope of authority or responsibility of the lieutenant governor described in this chapter or Subsection 67-1a-2(2).
- (3) An election officer shall fully assist, and cooperate with, the lieutenant governor in:
- (a) fulfillment, by the lieutenant governor, of the responsibilities described in Subsection (1); and
 - (b) obtaining the access and exercising the rights described in Subsection (2).
- (4) If the lieutenant governor determines that an election officer is in violation of a law or rule described in Subsection (1)(c), the lieutenant governor, in an effort to remedy the violation and bring the election officer into compliance with the law or rule:
- (a) shall consult with the election officer; and
 - (b) may provide training and other assistance to the election officer to the extent the lieutenant governor determines warranted.
- (5) If a violation continues after the lieutenant governor complies with Subsection (4)(a), the lieutenant governor shall issue a written order to the election officer that:
- (a) describes the violation;
 - (b) describes the action taken under Subsection (4) to remedy the violation and bring the election officer into compliance with the law or rule;
 - (c) directs the election officer to remedy and cease the violation;
 - (d) describes the specific actions the election officer must take to comply with the order;
 - (e) states the deadline for the election officer to comply with the order; and
 - (f) describes the actions the election officer must take to verify compliance with the order.
- (6)
- (a) An order described in Subsection (5) has the force of law.
 - (b) An election officer shall fully comply with an order described in Subsection (5) unless the election officer obtains a court order rescinding or modifying the order in accordance with Subsections (7) through (9).

- (7) An election officer desiring to seek a court order described in Subsection (6) shall file an action seeking a court order within 10 days after the day on which the lieutenant governor issues the order described in Subsection (5).
- (8) A court may not rescind or modify an order described in Subsection (5) unless, and only to the extent that:
 - (a) the order is arbitrary or capricious;
 - (b) the court finds that the violation alleged by the lieutenant governor did not occur; or
 - (c) the court determines that the violation alleged by the lieutenant governor is not a violation of law or rule.
- (9) An election officer who files an action described in Subsection (7) has the burden of proof.
- (10) This section does not prohibit the lieutenant governor from bringing a legal action, at any time, to compel an election officer to comply with the law and rules described in Subsection (1).

Enacted by Chapter 297, 2023 General Session

20A-1-106 Duties of a clerk.

- (1) As used in this section, "clerk" means an election officer other than the lieutenant governor.
- (2) A clerk shall:
 - (a) comply with all of the following in relation to elections:
 - (i) federal and state law;
 - (ii) federal and state rules; and
 - (iii) the policies and direction of the lieutenant governor; and
 - (b) diligently learn and become familiar with the law, rules, policies, and direction described in Subsection (2)(a).

Enacted by Chapter 297, 2023 General Session

20A-1-107 Elections training -- Training required -- Reimbursement.

- (1) As used in this section, "election administrator" means:
 - (a) a county clerk; and
 - (b) if the county clerk employs one or more individuals who assist with elections:
 - (i) the most senior employee who assists with elections; or
 - (ii) if more than one employee qualifies as the most senior employee under Subsection (1)(b)(i), one of those employees, as designated by the election officer.
- (2) The lieutenant governor shall, in accordance with this section:
 - (a) design and provide training to election officers and government workers who perform functions relating to elections; and
 - (b) provide the training described in this section without charge to the officers and workers described in Subsection (2)(a).
- (3) The training shall include:
 - (a) a course designed for election administrators:
 - (i) that may include multiple sessions;
 - (ii) that may require attendance on multiple occasions; and
 - (iii) for which the lieutenant governor may, notwithstanding Section 63G-22-103, require live attendance; and
 - (b) a course designed for government workers, who perform functions relating to elections, that consists of modules relating to individual election processes.
- (4)

- (a) An election administrator who was elected, appointed, or hired before May 3, 2023, shall:
 - (i) begin the first session described in Subsection (3)(a) before July 1, 2024; and
 - (ii) complete all sessions within four years after the election administrator takes the first session.
- (b) An election administrator who is elected, appointed, or hired on or after May 3, 2023, shall:
 - (i) begin the first session described in Subsection (3)(a) within one year after the day on which the election administrator is elected, appointed, or hired; and
 - (ii) complete all sessions within four years after the election administrator takes the first session.
- (5) The lieutenant governor shall reimburse an election administrator who is required under this section to attend the training described in Subsection (3)(a) per diem and travel expenses for attending the training, in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6) An individual may not perform an election process for which the lieutenant governor has developed an online training module described in Subsection (3)(b), unless the individual has completed the training module developed for that election process.
- (7) The director of elections, within the Office of the Lieutenant Governor, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:
 - (a) complying with the training requirements described in this section; and
 - (b) supplemental or refresher training that the lieutenant governor determines is needed to ensure the integrity of elections in the state.

Enacted by Chapter 297, 2023 General Session

20A-1-108 Audits -- Studies relating to elections.

- (1) Except as provided in Subsection (2):
 - (a) the director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements and procedures for an audit described in this title; and
 - (b) an election officer shall ensure that, when an audit is conducted of work done during ballot processing, the individual who performs the audit does not audit the individual's own work.
- (2) Subsection (1) does not relate to an audit conducted by the legislative auditor general or the lieutenant governor.
- (3) The lieutenant governor shall keep the Government Operations Interim Committee informed of advances in election technology that the committee may want to study for use in Utah's elections.
- (4) The lieutenant governor shall:
 - (a) study methods to improve post-election audits to confirm that the election correctly identified the winning candidates, including evaluating:
 - (i) different risk-limiting audit methods; and
 - (ii) other confirmation methods; and
 - (b) at or before the last 2023 meeting of the Government Operations Interim Committee, report to the committee on:
 - (i) the methods studied; and
 - (ii) recommendations for post-election audit requirements.

- (5) The Driver License Division shall, in cooperation with the lieutenant governor:
 - (a) study:
 - (i) the options for improving the quality of signatures collected by the Driver License Division that are used for signature verification in an election; and
 - (ii) the technology needs and costs associated with the options described in Subsection (5)(a)(i); and
 - (b) at or before the last 2023 meeting of the Government Operations Interim Committee, report to the committee on:
 - (i) the options, technology needs, and costs described in Subsection (5)(a); and
 - (ii) recommendations regarding the options described in Subsection (5)(a)(i).

Enacted by Chapter 297, 2023 General Session

Part 2

Elections: General and Special

20A-1-201 Date and purpose of regular general elections.

- (1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.
- (2) At the regular general election, the voters shall:
 - (a) choose persons to serve the terms established by law for the following offices:
 - (i) electors of President and Vice President of the United States;
 - (ii) United States Senators;
 - (iii) Representatives to the United States Congress;
 - (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
 - (v) senators and representatives to the Utah Legislature;
 - (vi) county officers;
 - (vii) State School Board members;
 - (viii) local school board members;
 - (ix) except as provided in Subsection (3), special district officers, as applicable; and
 - (x) any elected judicial officers; and
 - (b) approve or reject:
 - (i) any proposed amendments to the Utah Constitution that have qualified for the ballot under procedures established in the Utah Code;
 - (ii) any proposed initiatives or referenda that have qualified for the ballot under procedures established in the Utah Code; and
 - (iii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.
- (3) This section:
 - (a) applies to a special service district for which the county legislative body or the municipal legislative body, as applicable, has delegated authority for the special service district to an administrative control board; and
 - (b) does not apply to a special service district for which the county legislative body or the municipal legislative body, as applicable, has not delegated authority for the special service district to an administrative control board.

Amended by Chapter 15, 2023 General Session

20A-1-201.5 Primary election dates.

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

Amended by Chapter 3, 2024 Special Session 3

20A-1-202 Date and purpose of municipal general election.

- (1) Except as provided in Section 20A-1-206, a municipal general election shall be held in municipalities, and special districts as applicable, on the first Tuesday after the first Monday in November of each odd-numbered year.
- (2) At the municipal general election, the voters shall:
 - (a)
 - (i) choose persons to serve as municipal officers;
 - (ii) for a special district that holds an election during an odd-numbered year, choose persons to serve as special district officers; and
 - (iii) choose persons to serve as local school board members for a new school district or a reorganized new school district under Section 53G-3-302; and
 - (b) approve or reject:
 - (i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and
 - (ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

Amended by Chapter 3, 2024 Special Session 3

20A-1-203 Calling and purpose of special elections -- Two-thirds vote limitations.

- (1) Statewide and local special elections may be held for any purpose authorized by law.
- (2)
 - (a) Statewide special elections shall be conducted using the procedure for regular general elections.
 - (b) Except as otherwise provided in this title, local special elections shall be conducted using the procedures for regular municipal elections.
- (3) The governor may call a statewide special election by issuing an executive order that designates:
 - (a) the date for the statewide special election; and
 - (b) the purpose for the statewide special election.
- (4) The Legislature may call a statewide special election by passing a joint or concurrent resolution that designates:
 - (a) the date for the statewide special election; and
 - (b) the purpose for the statewide special election.
- (5)

- (a) The legislative body of a local political subdivision may call a local special election only for:
 - (i) a vote on a bond or debt issue;
 - (ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;
 - (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
 - (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
 - (v) if required or authorized by federal law, a vote to determine whether Utah's legal boundaries should be changed;
 - (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
 - (vii) a vote on a municipality providing cable television services or public telecommunications services under Section 10-18-204;
 - (viii) a vote to create a new county under Section 17-3-1;
 - (ix) a vote on a special property tax under Section 53F-8-402; or
 - (x) a vote on the incorporation of a municipality in accordance with Section 10-2a-210.
- (b) The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:
 - (i) the date for the local special election as authorized by Section 20A-1-204; and
 - (ii) the purpose for the local special election.
- (c) A local political subdivision may not call a local special election unless the ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a two-thirds majority of all members of the legislative body, if the local special election is for:
 - (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
 - (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
 - (iii) a vote authorized or required for a sales tax issue as described in Subsection (5)(a)(vi).

Amended by Chapter 3, 2024 Special Session 3

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 be held on:
 - (i) in an even-numbered year:
 - (A) the fourth Tuesday in June; or
 - (B) the first Tuesday after the first Monday in November; or
 - (ii) in an odd-numbered year:
 - (A) the second Tuesday after the first Monday in August; or
 - (B) 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)
 - (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:
 - (A) 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;

- (B) 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) votes unanimously to hold the special election on that other date.
- (ii) 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) The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.
- (e) Nothing in this section prohibits:
 - (i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or
 - (ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law.
- (2)
 - (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day as:
 - (i) another special election;
 - (ii) a regular general election; or
 - (iii) a municipal general election.
 - (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:
 - (i) polling places;
 - (ii) ballots;
 - (iii) election officials; and
 - (iv) other administrative and procedural matters connected with the election.

Amended by Chapter 170, 2022 General Session

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

- (1) As used in this section:
 - (a) "Contested race" means a race in a general election where the number of candidates, including any eligible write-in candidates, exceeds the number of offices to be filled in the race.
 - (b) "Election" means an event, run by an election officer, that includes one or more races for public office or one or more ballot propositions.
 - (c)
 - (i) "Race" means a contest between candidates to obtain the number of votes necessary to take a particular public office.
 - (ii) "Race," as the term relates to a contest for an at-large position, includes all open positions for the same at-large office.
 - (iii) "Race," as the term relates to a contest for a municipal council position that is not an at-large position, includes only the contest to represent a particular district on the council.
- (2) A municipal legislative body may cancel a local election if:
 - (a) the ballot for the local election will not include any contested races or ballot propositions; and
 - (b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:
 - (i) the ballot for the election would not include any contested races or ballot propositions; and

- (ii) the candidates who qualified for the ballot are considered elected.
- (3) A municipal legislative body may cancel a race in a local election if:
 - (a) the ballot for the race will not include any contested races or ballot propositions; and
 - (b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the race and certifies that:
 - (i) the ballot for the race would not include any contested races or ballot propositions; and
 - (ii) the candidate for the race is considered elected.
- (4) A municipal legislative body that cancels a local election in accordance with Subsection (2) shall give notice that the election is cancelled by:
 - (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election; and
 - (b) providing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 15 days before the day of the scheduled election.
- (5) A special district board may cancel a local election if:
 - (a) the ballot for the local election will not include any contested races or ballot propositions; and
 - (b) the special district board passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:
 - (i) the ballot for the election would not include any contested races or ballot propositions; and
 - (ii) the candidates who qualified for the ballot are considered elected.
- (6) A special district board may cancel a special district race if:
 - (a) the race is uncontested; and
 - (b) the special district board passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the race and certifies that the candidate who qualified for the ballot for that race is considered elected.
- (7) A special district that cancels a local election in accordance with Subsection (5) shall provide notice that the election is cancelled:
 - (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election; and
 - (b) as a class A notice under Section 63G-30-102, for at least 15 days before the day of the scheduled election.
- (8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or a special district that posts a notice in accordance with Subsection (7)(a) is not liable for a notice that fails to post due to technical or other error by the publisher of the Statewide Electronic Voter Information Website.

Amended by Chapter 15, 2023 General Session
Amended by Chapter 435, 2023 General Session

Part 3

Elections: General Requirements

20A-1-302 Opening and closing of polls on election day.

- (1) Polls at all elections on the date of the election shall open at 7 a.m. and shall remain open until 8 p.m. of the same day.

(2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to vote.

Amended by Chapter 264, 2006 General Session

20A-1-303 Determining results.

- (1)
 - (a) Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when one person is to be elected or nominated, the person receiving the highest number of votes at any:
 - (i) election for any office to be filled at that election is elected to that office; and
 - (ii) primary for nomination for any office is nominated for that office.
 - (b) Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:
 - (i) election for any office to filled at that election are elected to that office; and
 - (ii) primary for nomination for any office are nominated for that office.
- (2) Any ballot proposition submitted to voters for their approval or rejection:
 - (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
 - (b) fails if:
 - (i) the number of "yes" votes equal the number of "no" votes; or
 - (ii) the number of "no" votes is greater than the number of "yes" votes.

Amended by Chapter 187, 2018 General Session

20A-1-304 Tie votes.

- (1) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no later than three days after the day on which the recount canvass is completed:
 - (a) determine the winning candidate, by lot, in whatever manner the election officer determines; and
 - (b) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.
- (3)
 - (a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a national, statewide, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor no later than three days after the day on which the recount canvass is completed:
 - (i) determine the winning nominee, by lot, in whatever manner the governor determines; and
 - (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.
 - (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a county office, the district court judges of the district in which the county is

located shall, at a public meeting called by the judges no later than three days after the day on which the recount canvass is completed:

- (i) determine the winning nominee, by lot, in whatever manner the judges determine; and
- (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.

Amended by Chapter 503, 2024 General Session

20A-1-305 Compilation and distribution of election laws.

- (1) The lieutenant governor shall:
 - (a) make an electronic compilation of Title 20A, Election Code, and any other provisions of law that govern elections; and
 - (b) transmit an electronic copy of the compilation to each county clerk.
- (2) Each county clerk shall furnish each election officer in the county with a copy of the compilation described in Subsection (1)(a).

Amended by Chapter 465, 2024 General Session

20A-1-306 Electronic signatures prohibited.

Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and Subsections 68-3-12(1)(e) and 68-3-12.5(27) and (38), an electronic signature may not be used to sign a petition to:

- (1) except as provided in Section 20A-21-201, qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the Voters;
- (2) organize and register a political party under Chapter 8, Political Party Formation and Procedures; or
- (3) except as provided in Section 20A-21-201, qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and Nominating Procedures.

Amended by Chapter 438, 2024 General Session

20A-1-307 Residency requirements for person who verifies a signature on a petition.

Notwithstanding any other provision in this title that requires a person who signs the verification on a petition to be a resident, a person who is not a resident may sign the verification on a petition if:

- (1) the person signing the petition is a resident who is temporarily located outside the state at the time of signing; and
- (2) the person signing the verification meets all the requirements in the verification, except for the residency requirement.

Enacted by Chapter 72, 2012 General Session

20A-1-308 Elections during declared emergencies.

- (1) As used in this section, "declared emergency" means a state of emergency that:
 - (a) is declared by:
 - (i) the president of the United States;

- (ii) the governor in an executive order under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; or
- (iii) the chief executive officer of a political subdivision in a proclamation under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; and
- (b) affects an election in the state, including:
 - (i) voting on election day;
 - (ii) early voting;
 - (iii) the transmittal or voting of a ballot;
 - (iv) the counting of a ballot; or
 - (v) the canvassing of election returns.
- (2) During a declared emergency, the lieutenant governor may designate a method, time, or location for, or relating to, an event described in Subsection (1)(b) that is different than the method, time, or location described in this title.
- (3) The lieutenant governor shall notify a voter or potential voter of a different method, time, or location designated under Subsection (2) by:
 - (a) posting a notice on the Statewide Electronic Voter Information Website established under Section 20A-7-801;
 - (b) notifying each election officer affected by the designation; and
 - (c) notifying a newspaper of general circulation within the state or a local media correspondent.

Amended by Chapter 31, 2020 General Session

Part 4 Election Law Controversies

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

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter.

Enacted by Chapter 1, 1993 General Session

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

- (1) The election officer shall, without delay, correct any errors in ballots that the election officer discovers, or that are brought to the election officer's attention, if those errors can be corrected without interfering with the timely distribution of the ballots.
- (2)
 - (a)
 - (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, in the publication of sample ballots, or in the printing of official ballots, a candidate or the candidate's agent may file, without paying any fee, a petition for ballot correction with the district court.
 - (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.
 - (b) The petition shall contain:
 - (i) an affidavit signed by the candidate or the candidate's agent identifying the error or omission; and

- (ii) a request that the court issue an order to the 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.

Amended by Chapter 170, 2022 General Session

20A-1-404 Election controversies.

- (1)
- (a)
 - (i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.
 - (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.
 - (b) The verified petition shall identify concisely the nature of the controversy and the relief sought.
- (2) After reviewing the petition, the court shall:
- (a) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;
 - (b) summarily hear and dispose of any issues raised by the petition to obtain:
 - (i) strict compliance with all filing deadlines for financial disclosure reports under:
 - (A) Section 10-3-208, regarding campaign finance statements in municipal elections;
 - (B) Section 17-16-6.5, regarding campaign finance statements for county offices;
 - (C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign Organization and Financial Reporting Requirements;
 - (D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign Organization and Financial Reporting Requirements;
 - (E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;
 - (F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting Requirements;
 - (G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and Financial Reporting Requirements;
 - (H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;
 - (I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and Financial Reporting;
 - (J) Title 20A, Chapter 11, Part 13, State School Board Candidates; and
 - (K) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting Requirements for Judicial Retention Elections; and
 - (ii) substantial compliance with all other provisions of this title by the parties to the controversy; and

- (c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

Amended by Chapter 13, 2008 General Session

Part 5

Candidate Vacancy and Vacancy and Temporary Absence in Elected Office

20A-1-501 Candidate vacancies -- Procedure for filling.

- (1) As used in this section, "central committee" means:
 - (a) the state central committee of a political party, for a candidate for:
 - (i) United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, or state auditor; or
 - (ii) state legislator if the legislative district encompasses all or a portion of more than one county; or
 - (b) the county central committee of a political party, for a party candidate seeking an office, other than an office described in Subsection (1)(a), elected at an election held in an even-numbered year.
- (2) Except as provided in Subsection (6), the central committee may certify the name of another candidate to the appropriate election officer if:
 - (a) for a registered political party that will have a candidate on a ballot in a primary election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a), only one or two candidates from that party have filed a declaration of candidacy for that office and one or both dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a); and
 - (b) for a registered political party that does not have a candidate on the ballot in a primary, but will have a candidate on the ballot for a regular general election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409; or
 - (c) for a registered political party with a candidate certified as winning a primary election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409.

- (3) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the central committee of that political party may certify the name of another candidate to the appropriate election officer.
- (4) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.
- (5)
 - (a) The name of a candidate who is certified under Subsection (2)(a) after the deadline described in Subsection (2)(a)(ii) may not appear on the primary election ballot.
 - (b) The name of a candidate who is certified under Subsection (2)(b) after the deadline described in Subsection (2)(b)(ii) may not appear on the general election ballot.
 - (c) The name of a candidate who is certified under Subsection (2)(c) after the deadline described in Subsection (2)(c)(ii) may not appear on the general election ballot.
- (6) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, or Section 17-16-6.5.
- (7) This section does not apply to a candidate vacancy for a nonpartisan office.

Amended by Chapter 234, 2023 General Session

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

- (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of United States senator, the governor shall, within seven days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:
 - (a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:
 - (i) a municipal general election;
 - (ii) a presidential primary election;
 - (iii) a regular primary election; or
 - (iv) a regular general election;
 - (b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the day on which the governor issues the proclamation;
 - (c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 days after the primary special congressional election described in Subsection (1)(b);
 - (d) provides each registered political party that is not a qualified political party at least 21 days, but no more than 28 days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;
 - (e) for each qualified political party, provides at least 21 days, but no more than 28 days:
 - (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and
 - (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;
 - (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and

- (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.
- (2)
 - (a) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
 - (i) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
 - (ii) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
 - (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).
- (3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:
 - (a) the next regular general election that occurs after the day on which the vacancy occurs is the regular general election that occurs immediately before the six-year term for the senate office ends; and
 - (b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).
- (4)
 - (a) The governor shall appoint an individual to temporarily fill a vacancy in the office of United States senator from one of three individuals nominated by the Legislature, each of whom is a member of the political party of which the prior officeholder was a member at the time the prior officeholder was elected.
 - (b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:
 - (i) the vacancy is filled by election under Subsection (1) or (2); or
 - (ii) the six-year term for the senate office ends.
- (5) An individual elected to fill a vacancy under this section shall serve until the end of the current term in which the vacancy filled by the election occurs.
- (6) A vacancy in the office of United States senator does not occur unless the senator:
 - (a) has left the office; or
 - (b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

Amended by Chapter 13, 2020 General Session

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

- (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of United States representative, the governor shall, within seven days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:

- (a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:
 - (i) a municipal general election;
 - (ii) a presidential primary election;
 - (iii) a regular primary election; or
 - (iv) a regular general election;
 - (b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the day on which the governor issues the proclamation;
 - (c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 days after the primary special congressional election described in Subsection (1)(b);
 - (d) provides each registered political party that is not a qualified political party at least 21 days, but no more than 28 days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;
 - (e) for each qualified political party, provides at least 21 days, but no more than 28 days:
 - (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and
 - (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;
 - (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and
 - (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.
- (2) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
- (a) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
 - (b) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
- (3) If the Legislature does not, under Subsection (2), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1) (a)(i) through (iv).
- (4) A special congressional election to fill a vacancy in the office of United States representative will not be held if the vacancy occurs fewer than 180 days before the next regular general election.
- (5) An individual who fills a vacancy under this section shall serve until the end of the current term in which the vacancy occurs.
- (6) A vacancy in the office of United States representative does not occur unless the representative:

- (a) has left the office; or
- (b) submits an irrevocable letter of resignation to the governor or to the speaker of the United States House of Representatives.

Enacted by Chapter 13, 2020 General Session

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

- (1) As used in this section:
 - (a) "Filing deadline" means the final date for filing:
 - (i) a declaration of candidacy as provided in Section 20A-9-202; and
 - (ii) a certificate of nomination as provided in Section 20A-9-503.
 - (b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.
- (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.
- (3)
 - (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.
 - (b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.
- (4)
 - (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:
 - (i) establish a date and time, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:
 - (A) a declaration of candidacy; or
 - (B) a certificate of nomination; and
 - (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
 - (A) on the lieutenant governor's website; and
 - (B) to each registered political party.
 - (b) A person intending to obtain a position on the ballot for the vacant office shall:
 - (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and
 - (ii) run in the regular general election if:
 - (A) nominated as a party candidate; or
 - (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
 - (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a

person described in Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than August 30 for placement on the regular general election ballot.

- (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Amended by Chapter 4, 2019 Special Session 1

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

- (1)
- (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the unexpired term at the next regular general election.
- (b) The governor shall fill the vacancy until the next regular general election by:
- (i) appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder; or
- (ii) for a State Board of Education vacancy, if the individual who is being replaced:
- (A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103;
- (B) was elected at a partisan State Board of Education election, but is not a member of a political party, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103; or
- (C) was elected at a partisan State Board of Education election, and is a member of a political party, by appointing an individual who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.
- (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the advice and consent of the Senate, appoint a person to hold the office until the next regular general election at which the governor stands for election.

Amended by Chapter 352, 2020 General Session

20A-1-506 Vacancy in the office of justice court judge.

- (1) As used in this section:
- (a) "Appointing authority" means:
- (i) for a county:
- (A) the chair of the county commission in a county having the county commission or expanded county commission form of county government; and
- (B) the county executive in a county having the county executive-council form of government; and
- (ii) for a city or town, the mayor of the city or town.
- (b) "Local legislative body" means:
- (i) for a county, the county commission or county council; and
- (ii) for a city or town, the council of the city or town.

- (2)
 - (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of the judge's term of office, the appointing authority:
 - (i) shall fill the vacancy by following the procedures and requirements for appointments in Section 78A-7-202; and
 - (ii) may contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services until the vacancy is filled.
 - (b) The appointing authority shall notify the Administrative Office of the Courts in writing of an appointment of a municipal justice court judge under this section within 30 days after the appointment is made.
- (3)
 - (a) If a vacancy occurs in the office of a county justice court judge before the completion of the judge's term of office, the appointing authority shall fill the vacancy by following the procedures and requirements for appointments in Section 78A-7-202.
 - (b) The appointing authority shall notify the Administrative Office of the Courts in writing of an appointment of a county justice court judge under this section within 30 days after the appointment is made.
- (4)
 - (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:
 - (i) advertise the vacancy and solicit applications for the vacancy;
 - (ii) appoint the best qualified candidate to office based solely upon fitness for office;
 - (iii) comply with the procedures and requirements of Title 52, Chapter 3, Prohibiting Employment of Relatives, in making appointments to fill the vacancy; and
 - (iv) submit the name of the appointee to the local legislative body.
 - (b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

Amended by Chapter 25, 2018 General Session

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

- (1) As used in this section:
 - (a)
 - (i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.
 - (ii) "County offices" does not include the office of county attorney, district attorney, or judge.
 - (b) "Party liaison" means the political party officer designated to serve as a liaison with each county legislative body on all matters relating to the political party's relationship with a county as required by Section 20A-8-401.
- (2)
 - (a) Except as provided in Subsection (2)(d), until a county legislative body appoints an interim replacement to fill a vacant county office under Subsection (3), the following shall temporarily discharge the duties of the county office as a temporary manager:
 - (i) for a county office with one chief deputy, the chief deputy;
 - (ii) for a county office with more than one chief deputy:

- (A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or
- (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's chief deputies to discharge the duties of the county office in the event the county officer vacates the office, the designated chief deputy; or
- (iii) for a county office without a chief deputy:
 - (A) if one management-level employee serving under the county office has a higher-seniority management level than any other employee serving under the county office, that management-level employee;
 - (B) if two or more management-level employees serving under the county office have the same and highest-seniority management level, the highest-seniority management-level employee with the most cumulative time served in the employee's current position; or
 - (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's employees to discharge the county officer's duties in the event the county officer vacates the office, the designated employee.
- (b) Except as provided in Subsection (2)(c), a temporary manager described in Subsection (2)
 - (a) who temporarily discharges the duties of a county office holds the powers and duties of the county office until the county legislative body appoints an interim replacement under Subsection (3).
 - (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a county office:
 - (i) may not take an oath of office for the county office as a temporary manager;
 - (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, and the county's budget ordinances and policies;
 - (iii) unless approved by the county legislative body, may not change the compensation of an employee;
 - (iv) unless approved by the county legislative body, may not promote or demote an employee or change an employee's job title;
 - (v) may terminate an employee only if the termination is conducted in accordance with:
 - (A) personnel rules described in Subsection 17-33-5(4) that are approved by the county legislative body; and
 - (B) applicable law;
 - (vi) unless approved by the county legislative body, may not exceed by more than 5% an expenditure that was planned before the county office for which the temporary manager discharges duties was vacated;
 - (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation; and
 - (viii) if approved by the county legislative body, may receive a performance award after:
 - (A) the county legislative body appoints an interim replacement under Subsection (3); and
 - (B) the interim replacement is sworn into office.
 - (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- (3)
 - (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (3).

- (b)
 - (i) To appoint an interim replacement, the county legislative body shall, within 10 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison of the same political party of the prior office holder and invite that party liaison to submit the name of an individual to fill the vacancy.
 - (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the liaison receives the notice described in Subsection (3)(b)(i), or if the party liaison does not receive the notice, before 5 p.m. within 40 days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual the party selects in accordance with the party's constitution or bylaws to serve as the interim replacement.
 - (iii) The county legislative body shall, no later than five days after the day on which a party liaison submits the name of the individual to serve as the interim replacement, appoint the individual to serve out the unexpired term.
 - (c)
 - (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later than five days after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter that:
 - (A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and
 - (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
 - (ii) The governor shall, within 10 days after the day on which the governor receives the letter described in Subsection (3)(c)(i), appoint the individual named by the party liaison as an interim replacement to fill the vacancy.
 - (d) An individual appointed as interim replacement under this Subsection (3) shall hold office until a successor is elected and has qualified.
- (4)
- (a) The requirements of this Subsection (4) apply to all county offices that become vacant if:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs after the election at which the officeholder was elected, but before the first day of the declaration of candidacy filing period described in Section 20A-9-201.5.
 - (b)
 - (i) When the conditions described in Subsection (4)(a) are met, the county clerk shall as soon as practicable, but no later than 180 days before the next regular general election, notify the public and each registered political party that the vacancy exists.
 - (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of candidacy in accordance with:
 - (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
 - (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
 - (iii) An individual who is nominated as a party candidate, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- (5)
- (a) The requirements of this Subsection (5) apply to all county offices that become vacant if:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period described in Section 20A-9-201.5, but more than 75 days before the regular primary election.

- (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as soon as practicable, but no later than 70 days before the next regular primary election, notify the public and each registered political party:
 - (i) that the vacancy exists; and
 - (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established under Subsection (5)(d)(ii).
 - (c)
 - (i) An individual intending to become a party candidate for a vacant office shall, within five days after the day on which the notice is given, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office in accordance with:
 - (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
 - (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
 - (ii) The county central committee of each party shall:
 - (A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
 - (B) certify the name of the candidate or candidates to the county clerk as soon as practicable, but before 5 p.m. no later than 60 days before the day of the regular primary election.
 - (d)
 - (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a candidate for a vacant office who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
 - (ii)
 - (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline that is before 5 p.m. no later than 65 days before the day of the next regular general election by which an individual who is not affiliated with a registered political party is required to submit a certificate of nomination under Subsection (5)(d)(i).
 - (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal opportunity to access the regular general election ballot.
 - (e) An individual who is nominated as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- (6)
- (a) The requirements of this Subsection (6) apply to all county offices that become vacant:
 - (i) if the vacant office has an unexpired term of two years or more; and
 - (ii) when 75 days or less remain before the day of the regular primary election but more than 65 days remain before the day of the regular general election.
 - (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as soon as practicable, notify the public and each registered political party:
 - (i) that the vacancy exists; and
 - (ii) of the deadlines established under Subsection (6)(d).
 - (c)
 - (i) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(A), the county central committee of each registered political party that wishes to submit a candidate for the office shall certify the name of one candidate to the county clerk for placement on the regular general election ballot.

- (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B), a candidate who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
 - (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of candidacy described in Section 20A-9-601.
- (d)
- (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines that are before 5 p.m. no later than 65 days before the day of the next regular general election by which:
 - (A) a registered political party is required to certify a name under Subsection (6)(c)(i);
 - (B) an individual who does not wish to affiliate with a registered political party is required to submit a certificate of nomination under Subsection (6)(c)(ii); and
 - (C) a write-in candidate is required to submit a declaration of candidacy under Subsection (6)(c)(iii).
 - (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the regular general election ballot.
 - (e) An individual who is certified as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- (7)
- (a) The requirements of this Subsection (7) apply to all county offices that become vacant:
 - (i) if the vacant office has an unexpired term of less than two years; or
 - (ii) if the vacant office has an unexpired term of two years or more but 65 days or less remain before the day of the next regular general election.
 - (b)
 - (i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon as practicable, but no later than 10 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison of the same political party as the prior office holder and invite that party liaison to submit the name of an individual to fill the vacancy.
 - (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the party liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison does not receive the notice, before 5 p.m. no later than 40 days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.
 - (iii) The county legislative body shall, no later than five days after the day on which a party liaison submits the name of the individual to fill the vacancy, appoint the individual to serve out the unexpired term.
 - (c)
 - (i) If the county legislative body fails to appoint an individual to fill the vacancy in accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:
 - (A) informs the governor that the county legislative body has failed to appoint an individual to fill the vacancy within the statutory time period; and
 - (B) contains the name of the individual submitted by the party liaison to fill the vacancy.

- (ii) The governor shall, within 10 days after the day on which the governor receives the letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill the vacancy.
- (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a successor is elected and has qualified.
- (8) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.
- (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from filing a certificate of nomination for a vacant office within the same time limits as a candidate that is affiliated with a political party.
- (10)
 - (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the individual who created the vacancy and until a successor is elected and qualified.
 - (b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-16-6.

Amended by Chapter 13, 2022 General Session
Amended by Chapter 166, 2022 General Session
Amended by Chapter 177, 2022 General Session

20A-1-509 Definitions applicable to Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

As used in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3:

- (1) "County clerk" means:
 - (a) for a single county, the county clerk of that county; and
 - (b) for a prosecution district, the county clerk of the most populous county within the prosecution district.
- (2) "County legislative body" includes each legislative body with the power to participate in the selection of a district attorney as provided in the interlocal prosecution district agreement.

Repealed and Re-enacted by Chapter 139, 1997 General Session

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

- (1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.
- (2)
 - (a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney becomes vacant and:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs before the first day of the declaration of candidacy filing period described in Section 20A-9-201.5.
 - (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.
 - (c) All persons intending to become candidates for the vacant office shall:
 - (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

- (ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and
 - (iii) if elected, complete the unexpired term of the person who created the vacancy.
 - (d) If the vacancy occurs during the declaration of candidacy filing period described in Section 20A-9-201.5:
 - (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m. seven days after the last day of the filing period described in Section 20A-9-201.5; and
 - (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.
- (3)
- (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney becomes vacant and:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than 75 days before the regular primary election.
 - (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
 - (i) notify the public and each registered political party that the vacancy exists; and
 - (ii) identify the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.
 - (c) All persons intending to become candidates for the vacant office shall:
 - (i) before 5 p.m. within five days after the day on which the county clerk gives the notice described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
 - (ii) if elected, complete the unexpired term of the person who created the vacancy.
 - (d) The county central committee of each party shall:
 - (i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
 - (ii) certify the name of the candidate or candidates to the county clerk:
 - (A) before 5 p.m. no later than 60 days before the day of the regular primary election; or
 - (B) electronically, before midnight no later than 60 days before the day of the regular primary election.
- (4)
- (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney becomes vacant and:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.
 - (b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wish to submit a candidate for the office shall, not later than five days after the day on which the vacancy occurs, certify the name of one candidate to the county clerk for placement on the regular general election ballot.
 - (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- (5)
- (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney becomes vacant and:

- (i) the vacant office has an unexpired term of less than two years; or
- (ii) the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.
- (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior officeholder and invite that committee to submit the names of three nominees to fill the vacancy.
- (c) That county central committee shall, within 30 days after the day on which the county legislative body gives the notice described in Subsection (5)(b), submit to the county legislative body the names of three nominees to fill the vacancy.
- (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.
- (e) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:
 - (i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and
 - (ii) contains the list of nominees submitted by the party central committee.
- (f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.
- (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the unexpired term of the person who created the vacancy.
- (6) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

Amended by Chapter 13, 2022 General Session

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

- (1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.
- (2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:
 - (a) informs the attorney of the vacancy;
 - (b) invites the attorney to apply for the vacancy; and
 - (c) informs the attorney that if the attorney has not responded before 5 p.m. within 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.
- (3)
 - (a)
 - (i) If, before the deadline described in Subsection (2)(c), more than three attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county clerk shall, except as provided in Subsection (3)(a)(ii), submit the applications to the county central committee of the same political party of the prior officeholder.
 - (ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.

- (b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body before 5 p.m. within 20 days after the day on which the county clerk submits the applicants' names under Subsection (3)(a).
 - (c) The county legislative body shall appoint one of the nominees to fill the vacant position.
 - (d) If the central committee of the political party fails to submit at least three names to the county legislative body before the deadline described in Subsection (3)(b), the county legislative body shall appoint one of the applicants to fill the vacant position.
 - (e) If the county legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall mail to the governor:
 - (i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and
 - (ii)
 - (A) the list of nominees, if any, submitted by the central committee of the political party; or
 - (B) if the party central committee has not submitted a list of at least three nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.
 - (f) The governor shall appoint, within 30 days after the day on which the governor receives the letter, a person from the list to fill the vacancy.
- (4)
- (a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body may:
 - (i) appoint one of them to be county or district attorney; or
 - (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b).
 - (b)
 - (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.
 - (ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.
 - (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall:
 - (i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and
 - (ii) provide the governor with a list of all the applicants.
 - (d) The governor shall appoint a person to fill the vacancy within 30 days after the day on which the governor receives the notification.
- (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.

Amended by Chapter 255, 2019 General Session

20A-1-509.3 Procedure for making interim replacement.

- (1) Until the vacancy is filled as provided in Section 20A-1-509.1 or 20A-1-509.2 and the new county attorney or district attorney has qualified, the county legislative body may appoint an interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (1).
 - (a) The county legislative body shall appoint a deputy county or district attorney to serve as acting county or district attorney if there are at least three deputies in the office that has the vacancy.
 - (b) The county legislative body may contract with any member of the Utah State Bar in good standing to be acting county or district attorney if:
 - (i) there are not at least three deputies in the office that has the vacancy; or
 - (ii) there are three or more deputies in the office but none of the deputies is willing to serve.
- (2) An individual appointed as interim replacement under this section shall hold office until a successor is selected and has qualified.

Amended by Chapter 18, 2022 General Session

20A-1-510 Midterm vacancies in municipal offices.

- (1)
 - (a) As used in this section:
 - (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined in Section 20A-1-102.
 - (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
 - (b) Except as otherwise provided in this section, if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall, within 30 calendar days after the day on which the vacancy occurs, appoint a registered voter in the municipality who meets the qualifications for office described in Section 10-3-301 to fill the unexpired term of the vacated office.
 - (c) Before acting to fill the vacancy, the municipal legislative body shall:
 - (i) give public notice of the vacancy at least 14 calendar days before the day on which the municipal legislative body meets to fill the vacancy;
 - (ii) identify, in the notice:
 - (A) the date, time, and place of the meeting where the vacancy will be filled;
 - (B) the person to whom an individual interested in being appointed to fill the vacancy may submit the interested individual's name for consideration; and
 - (C) the deadline for submitting an interested individual's name; and
 - (iii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
 - (d)
 - (i) The municipal legislative body shall take an initial vote to fill the vacancy from among the names of the candidates interviewed under Subsection (1)(c)(iii).
 - (ii)
 - (A) If no candidate receives a majority vote of the municipal legislative body in the initial vote described in Subsection (1)(d)(i), the two candidates that received the most votes in the initial vote, as determined by the tie-breaking procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary, shall be placed before the municipal legislative body for a second vote to fill the vacancy.
 - (B) If the initial vote results in a tie for second place, the candidates tied for second place shall be reduced to one by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D),

and the second vote described in Subsection (1)(d)(ii)(A) shall be between the candidate that received the most votes in the initial vote and the candidate that wins the coin toss described in this Subsection (1)(d)(ii)(B).

- (C) If the initial vote results in a tie among three or more candidates for first place, the candidates tied for first place shall be reduced to two by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the two candidates that remain after the coin toss described in this Subsection (1)(d)(ii)(C).
 - (D) A coin toss required under this Subsection (1)(d) shall be conducted by the municipal clerk or recorder in the presence of the municipal legislative body.
 - (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate receives a majority vote of the municipal legislative body, the vacancy shall be determined by a coin toss between the two candidates in accordance with Subsection (1)(d)(ii)(D).
 - (e) If the municipal legislative body does not timely comply with Subsections (1)(b) through (d), the municipal clerk or recorder shall immediately notify the lieutenant governor.
 - (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections (1)(b) through (d), the lieutenant governor shall:
 - (i) notify the municipal legislative body of the violation; and
 - (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the lieutenant governor provides the notice described in this Subsection (1)(f), appoint an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).
 - (g) If the municipality fails to timely comply with a directive described in Subsection (1)(f):
 - (i) the lieutenant governor shall notify the governor of the municipality's failure to fill the vacancy; and
 - (ii) the governor shall, within 45 days after the day on which the governor receives the notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.
- (2)
- (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
 - (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and
 - (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.
 - (b) In appointing an interim replacement, the municipal legislative body shall:
 - (i) comply with the notice requirements of this section; and
 - (ii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
- (3)
- (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:
 - (i) the council may appoint an individual to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and
 - (ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection (1) or (2) to fill the vacancy, the remaining council members, by majority vote, shall appoint a council member to serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.

- (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
 - (i) act as a council member; and
 - (ii) vote at council meetings.
- (4)
 - (a)
 - (i) For a vacancy of a member of a municipal legislative body as described in this section, the municipal legislative body member whose resignation creates the vacancy on the municipal legislative body may:
 - (A) interview an individual whose name is submitted for consideration under Subsection (1)(c)(iii) or (2)(b)(ii); and
 - (B) vote on the appointment of an individual to fill the vacancy.
 - (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is removed from office in accordance with state law may not cast a vote under Subsection (4)(a)(i).
 - (b) A member of a municipal legislative body who submits his or her resignation to the municipal legislative body may not rescind the resignation.
 - (c) A member of a municipal legislative body may not vote on an appointment under this section for himself or herself to fill a vacancy in the municipal legislative body.
- (5) In a municipality operating under the council-mayor form of government, the mayor may not:
 - (a) participate in the vote to fill a vacancy;
 - (b) veto a decision of the council to fill a vacancy; or
 - (c) vote in the case of a tie.
- (6) A mayor whose resignation from the municipal legislative body is due to election or appointment as mayor may, in the case of a tie, participate in the vote under this section.
- (7) A municipal legislative body may, consistent with the provisions of state law, adopt procedures governing the appointment, interview, and voting process for filling vacancies in municipal offices.

Amended by Chapter 438, 2024 General Session
Amended by Chapter 450, 2024 General Session

20A-1-510.1 Candidate vacancies in local office.

- (1) A vacancy that occurs in a candidacy for an elected office in a local political subdivision may be filled in accordance with the requirements of this section if:
 - (a) a nonpartisan primary election is held for the office;
 - (b) the vacancy occurs after the date of the primary election but before:
 - (i) for a county office, August 31; or
 - (ii) for all other offices, 65 days before the day of the applicable general election; and
 - (c) after the vacancy occurs, the number of remaining candidates for the office is less than or equal to the number of open positions to be filled for that office in the applicable general election.
- (2) An election officer shall:
 - (a) fill a candidate vacancy described in Subsection (1) by certifying the next available candidate for the office for the general election ballot who received the highest number of votes in the primary election without receiving a sufficient number of votes to qualify for the general election ballot; and
 - (b) immediately notify the candidate described in Subsection (2)(a) that the candidate is certified for the general election ballot.

Enacted by Chapter 365, 2018 General Session

20A-1-511 Midterm vacancy on a local school board.

- (1)
 - (a) A local school board shall fill a vacancy on the local school board by appointment, except as otherwise provided in Subsections (1)(b) and (2).
 - (b) The county legislative body, or municipal legislative body in a city district, shall fill a vacancy on a local school board by appointment if the local school board fails to make an appointment to fill the vacancy:
 - (i) except as provided in Subsection (1)(b)(ii), within 30 days after a vacancy occurs on the local school board; or
 - (ii) within 45 days after a vacancy occurs on the local school board due to the death of a local school board member.
 - (c) A member appointed and qualified under this Subsection (1) shall serve until a successor is elected or appointed and qualified.
- (2)
 - (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:
 - (i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and
 - (ii) two years of the vacated term will remain after the first Monday of January following the next school board election.
 - (b) A member elected under this Subsection (2) shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.
- (3) Before appointing an individual to fill a vacancy under this section, the local school board shall:
 - (a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;
 - (b) identify, in the public notice:
 - (i) the date, time, and place of the meeting where the vacancy will be filled; and
 - (ii) the person to whom and the date and time before which an individual interested in being appointed to fill the vacancy may submit the individual's name for consideration; and
 - (c) in an open meeting, interview each individual whose name is submitted for consideration and who meets the qualifications for office, regarding the individual's qualifications.
- (4)
 - (a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the local school board submits a letter of resignation.
 - (b) An individual appointed under Subsection (4)(a) may not take office until on or after the day on which the vacancy occurs for which the individual is appointed.
 - (c) A member of a local school board who submits a letter of resignation under Subsection (4)(a) may not rescind the resignation after the local school board makes an appointment to fill the vacancy created by the resignation.

Amended by Chapter 271, 2020 General Session

20A-1-512 Midterm vacancies on local district boards -- Notice.

- (1)

- (a) When a vacancy occurs on any special district board for any reason, the following shall appoint a replacement to serve out the unexpired term in accordance with this section:
 - (i) the special district board, if the person vacating the position was elected; or
 - (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the appointing authority appointed the person vacating the position.
 - (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the special district board or appointing authority shall:
 - (i) give public notice of the vacancy for at least two weeks before the special district board or appointing authority meets to fill the vacancy by publishing the notice, as a class A notice under Section 63G-30-102, for the special district; and
 - (ii) identify, in the notice:
 - (A) the date, time, and place of the meeting where the vacancy will be filled;
 - (B) the individual to whom an individual who is interested in an appointment to fill the vacancy may submit the individual's name for consideration; and
 - (C) any submission deadline.
 - (c) An appointing authority is not subject to Subsection (1)(b) if:
 - (i)
 - (A) the appointing authority appoints one of the appointing authority's own members; and
 - (B) that member meets all applicable statutory board member qualifications; or
 - (ii) the vacancy is on the board of trustees of an infrastructure financing district with no residents within the district's boundary.
 - (d) When a vacancy occurs on the board of a water conservancy district located in more than one county:
 - (i) the board shall give notice of the vacancy to the county legislative bodies that nominated the vacating trustee as provided in Section 17B-2a-1005;
 - (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively compile a list of three nominees to fill the vacancy; and
 - (iii) the governor shall, with the advice and consent of the Senate, appoint an individual to fill the vacancy from nominees submitted as provided in Subsection 17B-2a-1005(2)(c).
- (2) If, 90 days after a vacancy occurs, the special district board has failed to appoint an individual to complete an elected board member's term, the vacancy shall be filled:
- (a) in accordance with the procedure for a special district described in Subsection (1)(b); and
 - (b) by, as applicable:
 - (i) the legislative body of the county or municipality that created the special district; or
 - (ii) for a vacancy on a board of trustees of an infrastructure financing district, the legislative body of the county whose unincorporated area contains or the municipality whose boundary contains more of the area within the infrastructure financing district than is contained within the unincorporated area of any other county or within the boundary of any other municipality.

Amended by Chapter 388, 2024 General Session

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

- (1) As used in this section:
 - (a)
 - (i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.
 - (ii) "Armed forces" includes the National Guard.

- (b)
 - (i) "Elected official" means an individual who holds an office of a political subdivision that is required by law to be filled by an election.
 - (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).
 - (c) "Elected official reservist" means an elected official who is:
 - (i) a member of the armed forces reserves component;
 - (ii) a member of the National Guard; or
 - (iii) a retired member of the armed forces who may be called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces.
 - (d)
 - (i) "Military leave" means the temporary absence from an office:
 - (A) by an elected official reservist called to active, full-time duty in the armed forces; and
 - (B) for a period of time that exceeds 30 days and does not exceed 400 days.
 - (ii) "Military leave" includes the time an individual on leave, as described in Subsection (1)(d)(i), spends for:
 - (A) out processing;
 - (B) an administrative delay;
 - (C) accrued leave; and
 - (D) on rest and recuperation leave program of the armed forces.
 - (e) "Political subdivision's governing body" means:
 - (i) for a county, city, or town, the legislative body of the county, city, or town;
 - (ii) for a special district, the board of trustees of the special district;
 - (iii) for a local school district, the local school board;
 - (iv) for a special service district:
 - (A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
 - (B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and
 - (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body that governs the affairs of the political subdivision.
 - (f) "Temporary replacement" means the individual appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of an elected official reservist who takes military leave.
- (2) An elected official reservist who takes military leave in accordance with this section does not create a vacancy in the elected official's office.
- (3)
 - (a) An elected official reservist who is called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces, shall notify the political subdivision's governing body of the elected official's orders no later than five days after the day on which the elected official receives the orders.
 - (b) An elected official reservist described in Subsection (3)(a) may:
 - (i) if the period of active, full-time duty does not exceed 270 days:
 - (A) continue to carry out the elected official's duties if possible while on active, full-time duty;
 - or
 - (B) take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave; or

- (ii) if the period of active, full-time duty exceeds 270 days but does not exceed 400 days, take military leave if the elected official submits to the political subdivision's governing body:
 - (A) written notice of the intent to take military leave and the expected duration of the military leave; and
 - (B) written certification that the secretary of the armed force of which the elected official is a member granted the elected official permission under U.S. Department of Defense Directive 1344.10 to continue to hold the elected official's office while on active, full-time duty.
- (4)
 - (a) An elected official reservist who chooses to continue to carry out the elected official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 days after the day of the elected official's deployment, confirm in writing to the political subdivision's governing body that the elected official has the ability to carry out the elected official's duties.
 - (b) If an elected official reservist does not submit the confirmation to the political subdivision's governing body before the deadline described in Subsection (4)(a), the political subdivision's governing body shall:
 - (i) place the elected official in military leave status; and
 - (ii) appoint a temporary replacement in accordance with Subsection (8).
- (5)
 - (a) An elected official reservist who chooses to take military leave under Subsection (3)(b)(ii) shall, no later than 21 days after the date of the elected official's deployment, submit to the political subdivision's governing body the written notice and certification described in Subsection (3)(b)(ii).
 - (b) If an elected official reservist does not submit the notice and certification to the political subdivision's governing body before the deadline described in Subsection (5)(a):
 - (i) the political subdivision's governing body may not appoint a temporary replacement under Subsection (8); and
 - (ii) the elected official reservist creates a vacancy in the elected official's office.
- (6) An elected official reservist who is called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces, for a period of more than 400 days creates a vacancy in the elected official's office.
- (7) An elected official reservist's military leave:
 - (a) begins:
 - (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:
 - (A) the day after the day on which the elected official notifies the political subdivision's governing body of the intent to take military leave;
 - (B) 11 days after the day of the elected official's deployment if no confirmation is received by the political subdivision's governing body in accordance with Subsection (4)(a); or
 - (C) the day on which the elected official begins active, full-time duty in the armed forces; or
 - (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the day on which the elected official submits to the political subdivision's governing body the written notice and certification described in Subsection (3)(b)(ii); and
 - (b) ends the sooner of:
 - (i) the expiration of the elected official reservist's term of office; or
 - (ii) the day on which the elected official reservist ends active, full-time duty in the armed forces.
- (8) A temporary replacement shall:
 - (a) meet the qualifications required to hold the office; and
 - (b) be appointed:

- (i) when an elected official reservist:
 - (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or
 - (B) is placed in military leave status under Subsection (4)(b)(i); and
 - (ii) by the political subdivision's governing body:
 - (A) if a registered political party nominated the elected official reservist as a candidate for the office, in the same manner as provided in Subsection 20A-1-508(3) for the appointment of an interim replacement; or
 - (B) if a registered political party did not nominate the elected official reservist as a candidate for the office, after submitting an application in accordance with Subsection (10)(b).
- (9)
- (a) A temporary replacement shall exercise the powers and duties of the office for which the temporary replacement is appointed for the duration of the elected official reservist's military leave.
 - (b) An elected reservist may not exercise the powers or duties of the office while on military leave.
 - (c) If a temporary replacement is not appointed as required by Subsection (8)(b), no individual may exercise the powers and duties of the elected official reservist's office during the elected official's military leave.
- (10) The political subdivision's governing body shall establish:
- (a) the distribution of the emoluments of the office between the elected official reservist and the temporary replacement; and
 - (b) an application form and the date and time before which an individual shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.
- (11) This section does not apply to an elected official who is not an elected official reservist.

Amended by Chapter 448, 2024 General Session

Part 6

Election Offenses - Generally

20A-1-601 Bribery in elections -- Paying for votes -- Penalties.

- (1) A person may not, directly, indirectly, or through any other person:
- (a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:
 - (i) to induce the voter to vote or refrain from voting at any election provided by law;
 - (ii) to induce any voter to vote or refrain from voting at an election for any particular person or measure;
 - (iii) to induce a voter to go to the polls or remain away from the polls at any election;
 - (iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or
 - (v) to obtain the political support or aid of any person at an election;
 - (b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:
 - (i) induce a voter to vote or refrain from voting at any election;

- (ii) induce any voter to vote or refrain from voting at an election for any particular person or measure; or
 - (iii) obtain the political support or aid of any person;
 - (c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or
 - (d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 31, 2020 General Session

20A-1-602 Receiving bribe -- Receiving payments for votes -- Penalties.

- (1) A person may not, for the person or for any other person, directly or indirectly, or through any person, before, during, or after any election:
- (a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for:
 - (i) voting or agreeing to vote;
 - (ii) going or agreeing to go to the polls;
 - (iii) remaining or agreeing to remain away from the polls; or
 - (iv) refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or measure at any election provided by law; or
 - (b) receive any money or other valuable thing because the person induced any other person to:
 - (i) vote or refrain from voting; or
 - (ii) vote or refrain from voting for any particular person or measure at any election provided by law.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 31, 2020 General Session

20A-1-603 Fraud, interference, disturbance -- Tampering with ballots or records -- Penalties.

- (1)
- (a) An individual may not fraudulently vote on the individual's behalf or on behalf of another, by:
 - (i) voting more than once at any one election, regardless of whether one of the elections is in a state or territory of the United States outside of Utah;
 - (ii) knowingly handing in two or more ballots folded together;
 - (iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot drop box, or mailed;
 - (iv) adding or attempting to add any ballot or vote to those legally polled at any election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;
 - (v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or
 - (vi) voting in a voting district or precinct when the individual knew or should have known that the individual was not eligible for voter registration in that district or precinct, unless the

individual is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.

- (b) A person may not fraudulently interfere with an election by:
 - (i) willfully tampering with, detaining, mutilating, or destroying any election returns;
 - (ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;
 - (iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;
 - (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;
 - (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing;
 - (vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box; or
 - (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts described in this section.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3):
 - (a) a person who commits an offense under Subsection (1)(b)(vi), or who aids, counsels, provides, procures, advises, or assists a person to commit an offense under Subsection (1)(b)(vi), is guilty of a third degree felony; and
 - (b) a person who commits an offense under Subsection (1), other than an offense described in Subsection (2)(a), is guilty of a class A misdemeanor.
- (3) The lieutenant governor shall take, and store for at least 22 months, a static copy of the official register made at the following times:
 - (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);
 - (b) the day of the election; and
 - (c) the last day of the canvass.

Amended by Chapter 175, 2023 General Session

20A-1-604 Destroying or altering voter instructions, sample ballots, or election paraphernalia -- Penalties.

- (1) A person may not, without lawful authority granted by an election officer:
 - (a) willfully alter, deface, or destroy any list of candidates posted in accordance with the provisions of this title;
 - (b) willfully alter, deface, tear down, remove or destroy any voter instructions or sample ballot, printed or posted for the instruction of voters during an election;
 - (c) willfully alter, remove, or destroy any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot during an election; or
 - (d) willfully hinder the voting of others.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of an infraction.

Amended by Chapter 170, 2022 General Session

**20A-1-605 Mutilating certificate of nomination -- Forging declination or resignation --
Tampering with ballots.**

- (1) It is unlawful for any person to:
 - (a) falsely mark or willfully deface or destroy:
 - (i) any certificate of nomination or any part of a certificate of nomination; or
 - (ii) any letter of declination or resignation;
 - (b) file any certificate of nomination or letter of declination or resignation knowing it, or any part of it, to be falsely made;
 - (c) suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed;
 - (d) forge any letter of declination or resignation;
 - (e) falsely make the official endorsement on any ballot;
 - (f) willfully destroy or deface any ballot;
 - (g) willfully delay the delivery of any ballots;
 - (h) examine any ballot offered or cast at the polls or found in any ballot box or ballot drop box for any purpose other than to determine which candidate was elected; and
 - (i) make or place any mark or device on any ballot in order to determine the name of any person for whom the elector has voted.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), any person convicted of any of the offenses established by this section is guilty of a class A misdemeanor.

Amended by Chapter 31, 2020 General Session

20A-1-606 Wagering on elections forbidden.

- (1)
 - (a) A candidate may not, before or during any primary or election campaign:
 - (i) make any bet or wager anything of pecuniary value on the result of the primary or election, or on any event or contingency relating to any pending primary or election;
 - (ii) become a party to any bet or wager on the result of a primary or election or on any event or contingency relating to any pending primary or election; and
 - (iii) provide money or any other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election.
 - (b) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.
- (2)
 - (a) A person who is not a candidate may not make any bet or wager anything of pecuniary value on the result of any primary or election, or on any event or contingency relating to any primary or election.
 - (b) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (2)(a) is guilty of a class B misdemeanor.
- (3)
 - (a) A person may not directly or indirectly make a bet or wager with any voter that is dependent upon the outcome of any primary or election with the intent to subject that voter to the possibility of challenge at a primary or election or to prevent the voter from voting at a primary or election.
 - (b) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (3)(a) is guilty of a class B misdemeanor.

Amended by Chapter 19, 2018 General Session

20A-1-607 Inducing attendance at polls -- Payment of workers.

- (1)
 - (a) It is unlawful for a person to pay another for a loss incurred because an individual voted or registered to vote.
 - (b) Subsection (1)(a) does not permit an employer to make a deduction from the usual salary or wages of an employee who takes a leave of absence as authorized under Section 20A-3a-105 for the purpose of voting.
- (2)
 - (a) A person may not pay for personal services performed or to be performed on the day of a caucus, primary, convention, or election, or for any purpose connected with a caucus, primary, convention, or election that directly or indirectly affect the result of the caucus, primary, convention, or election.
 - (b) Subsection (2)(a) does not prohibit a person from hiring a person to act as a watcher.

Amended by Chapter 31, 2020 General Session

20A-1-608 Promises of appointment to office forbidden.

- (1) An individual may not, in order to aid or promote the individual's nomination or election, directly or indirectly appoint or promise to appoint an individual or secure or promise to secure, or aid in securing the appointment, nomination, or election of an individual to any public or private position or employment, or to any position of honor, trust, or emolument.
- (2) Nothing contained in this section prevents:
 - (a) a candidate from stating publicly the candidate's preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or
 - (b) a candidate for any office in which the individual elected will be charged with the duty of participating in the election or nomination of an individual as a candidate for any office from publicly stating or pledging the candidate's preference for, or support of, an individual for that office or nomination.

Amended by Chapter 18, 2022 General Session

20A-1-609 Omnibus penalties.

- (1)
 - (a) Except as provided in Subsection (1)(b), a person who violates any provision of this title is guilty of a class B misdemeanor.
 - (b) Subsection (1)(a) does not apply to a provision of this title for which another penalty is expressly stated.
 - (c) An individual is not guilty of a crime for, by signing a petition for an initiative or referendum, falsely making the statement described in Subsection 20A-7-203(3)(d)(xx), 20A-7-303(3)(d)(xx), 20A-7-503(3)(d)(xx), or 20A-7-603(3)(d)(xx).
- (2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual convicted of any offense under this title may not:
 - (a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;
 - (b) take or hold the office to which the individual was elected; and

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

(3)

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

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

Amended by Chapter 325, 2022 General Session

20A-1-610 Abetting violation of chapter -- Penalty.

In addition to the penalties established in Subsections 20A-1-609(2) and (3), any person who aids, abets, or advises a violation of any provision of this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

Amended by Chapter 19, 2018 General Session

20A-1-611 Cost of defense of action.

Nothing contained in this chapter prevents any candidate from employing counsel to represent the candidate in any action or proceeding affecting the candidate's rights as a candidate or from paying all costs and disbursements arising from that representation.

Amended by Chapter 18, 2022 General Session

Part 7

Prosecuting and Adjudicating Election Offenses

20A-1-701 Prosecutions -- Venue.

Violations of the provisions of this title concerning expenditure of money or making contributions or providing services may be prosecuted in the county where the expenditure or contribution was made, or where the services were provided, or in any county where the money was paid or distributed.

Enacted by Chapter 1, 1993 General Session

20A-1-705 Supplemental judgment after criminal conviction.

(1)

(a) If any person, in a criminal action, is found guilty of any violation of this chapter while a candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court, after entering the finding of guilt, shall:

- (i) enter a supplemental judgment declaring that person to have forfeited the office; and
- (ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(2)

(a) If any person, in a similar action, is found guilty of any violation of this chapter committed while a member of the personal campaign committee of any candidate for the offices of

governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court before which the action is tried shall, immediately after entering the finding of guilt:

- (i) enter a supplemental judgment declaring the candidate to have forfeited the office; and
 - (ii) transmit a transcript of the supplemental judgment to the state auditor.
- (b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.
- (3) If any person, in a criminal action, is found guilty of any violation of this chapter, committed while a candidate for the office of state senator or state representative, the court, after entering the finding of guilt, shall transmit a certificate setting forth the finding of guilt to the presiding officer of the legislative body for which the person is a candidate.

Enacted by Chapter 1, 1993 General Session

Part 8

Civil Action for Election Code Violation

20A-1-801 Title.

This part is known as "Civil Action for Election Code Violation."

Enacted by Chapter 254, 2014 General Session

20A-1-802 Definitions.

As used in this part:

- (1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):
 - (a) under circumstances where a reasonable person would not believe that the allegations are true; or
 - (b)
 - (i) within 60 days before an election that the candidate to which the petition relates will appear on the ballot; and
 - (ii) under circumstances where a reasonable person would not believe that the allegations constitute a significant violation of a provision of this title.
- (2) "Defendant" means each person against whom an allegation is made in the verified petition described in Subsection 20A-1-803(1).
- (3) "Receiving official" means:
 - (a) the lieutenant governor, unless the verified petition described in Section 20A-1-803 alleges a violation by the governor, the lieutenant governor, or an employee of the lieutenant governor's office; or
 - (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a violation by the governor, the lieutenant governor, or an employee of the lieutenant governor's office.
- (4) "Reviewing official" means:
 - (a) except as provided in Subsection (4)(b), the receiving official; or
 - (b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving official appoints another individual as the reviewing official under Subsection 20A-1-803(3)(a).
- (5) "Significant violation" means:
 - (a) a violation that, if known by voters before the election, may have resulted in a candidate, other than the candidate certified as having won the election, winning the election; or

- (b) a violation that, had the violation not occurred, may have resulted in a candidate, other than the candidate certified as having won the election, winning the election.

Enacted by Chapter 254, 2014 General Session

20A-1-803 Verified petition by registered voter -- Receiving and reviewing official -- Special investigation -- Special counsel -- Civil action.

- (1) A registered voter may file a verified petition alleging a violation of any provision of this title, if the registered voter:
 - (a) has information relating to the alleged violation;
 - (b) the allegation is against a candidate for whom the registered voter had the right to vote, a personal campaign committee of that candidate, or a member of a personal campaign committee of that candidate.
- (2) The registered voter described in Subsection (1) shall file the verified petition with the receiving official.
- (3) If the receiving official determines, in writing, that the receiving official has a conflict of interest in relation to taking an action required in this part, the receiving official shall:
 - (a) designate as the reviewing official an individual who does not have a conflict of interest, in the following order of precedence:
 - (i) the attorney general;
 - (ii) the state auditor;
 - (iii) the state treasurer; or
 - (iv) the governor; and
 - (b) forward the petition to the reviewing official for further action.
- (4)
 - (a) The reviewing official shall gather information and determine whether, in the discretion of the reviewing official, a special investigation is necessary.
 - (b) In making the determination described in Subsection (4)(a), the reviewing official may consider the following:
 - (i) whether, based on the information available to the reviewing official, the reviewing official is able to determine that a violation did not occur;
 - (ii) the seriousness of the alleged violation;
 - (iii) whether the alleged violation was intentional or accidental;
 - (iv) whether the alleged violation could be resolved informally;
 - (v) whether the petition is frivolous or filed for the purpose of harassment;
 - (vi) whether the alleged violation should be addressed in, or is being adequately addressed in, another forum, including a criminal investigation or proceeding;
 - (vii) whether additional investigation, as part of a civil proceeding in relation to the petition, is desirable;
 - (viii) the likelihood that an action, based on the allegations, is likely to be successful; or
 - (ix) other criteria relevant to making the determination.
- (5) If the reviewing official determines that a special investigation is necessary, the reviewing official shall:
 - (a) except as provided in Subsection (5)(b), refer the information to the attorney general, who shall appoint special counsel; or
 - (b) if the verified petition alleges that the attorney general violated a provision of this title, or if the reviewing official determines that the Office of the Attorney General has a conflict of interest in relation to the verified petition, appoint a person who is not an employee of the Office of

the Attorney General as special counsel, in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

(6) The special counsel:

- (a) shall review the petition and any evidence relative to determining whether a defendant committed a violation of a provision of this title;
- (b) may interview individuals or gather additional evidence relative to determining whether a defendant committed a violation of a provision of this title;
- (c) shall advise the reviewing official whether, in the opinion of the special counsel, sufficient evidence exists to establish that a defendant committed a significant violation of a provision of this title; and
- (d) shall, within three days after the day on which the special counsel complies with Subsection (6)(c), prepare and provide to the reviewing official a document that:
 - (i) states whether, in the opinion of the special counsel, sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title; and
 - (ii) if the special counsel is of the opinion that sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title:
 - (A) states the name of each defendant for which, in the opinion of the special counsel, sufficient evidence exists to establish that the defendant committed at least one significant violation of a provision of this title;
 - (B) states each provision of this title for which, in the opinion of the special counsel, sufficient evidence exists to establish that the defendant violated; and
 - (C) may not include a description of the evidence supporting the opinion of the special counsel.

(7) The reviewing official shall:

- (a) within three days after the day on which the reviewing official receives the document described in Subsection (6)(d), post a conspicuous link to the document on the home page of the reviewing official's website; and
- (b) within seven days after the day on which the special counsel complies with Subsection (6)(c):
 - (i) determine whether, in the opinion of the reviewing official, sufficient evidence exists to establish that a defendant committed a significant violation of a provision of this title; and
 - (ii) if the reviewing official is of the opinion that sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title, direct the special counsel to file a civil action and serve summons in accordance with the Utah Rules of Civil Procedure:
 - (A) against each defendant for whom the reviewing official determines that sufficient evidence exists that the defendant committed a significant violation of this title; and
 - (B) that includes each significant violation for which the reviewing official determines that sufficient evidence exists.

(8)

- (a) The purpose of the civil action described in Subsection (7)(b)(ii) is to determine whether a defendant committed a significant violation of a provision of this title.
- (b) For a civil action described in Subsection (7)(b)(ii), the complaint may include an allegation of any violation of a provision of this title by a defendant, regardless of whether the violation is alleged in the petition.
- (c) The special counsel may amend the complaint at any time after the complaint is filed, including by adding allegations to the complaint or amending allegations already made in the complaint, if the court determines that the amendment will not violate the due process rights of the defendant against whom the added or amended allegation is made.

- (9)
 - (a) An action brought under this section shall:
 - (i) be heard without a jury, with the court determining all issues of fact and issues of law; and
 - (ii) have precedence over any other civil actions.
 - (b) The court shall schedule discovery and hearings, and shall otherwise conduct proceedings relating to an action brought under this section, in an expedited manner while preserving the rights of the parties and the integrity of the proceedings.

Enacted by Chapter 254, 2014 General Session

20A-1-804 Judgment and findings -- Appeal -- Criminal prosecution not affected by judgment.

- (1)
 - (a) Except as provided in Subsection (2), if the court finds that the candidate whose right to office is being challenged, the candidate's personal campaign committee, or a member of the candidate's personal campaign committee has committed a significant violation of any provision of this title, the judge shall enter an order:
 - (i) declaring void the election of the candidate to that office;
 - (ii) ousting and excluding the candidate from office; and
 - (iii) declaring the office vacant.
 - (b) A vacancy created by an order described in Subsection (1)(a) shall be filled as provided in this chapter.
- (2)
 - (a) As it relates to a candidate for either house of the Legislature, if the court finds that the candidate, the candidate's personal campaign committee, or a member of the candidate's personal campaign committee has committed a significant violation of any provision of this title, the court shall:
 - (i) prepare and sign written findings of fact and conclusions of law relating to the violation; and
 - (ii) without issuing an order, transmit those findings and conclusions to the reviewing official.
 - (b) The reviewing official shall transmit the judge's findings and conclusions to the house of the Legislature for which the person is a candidate.
- (3)
 - (a) A party may appeal the determination of the court in the same manner as appeals may be taken in civil actions.
 - (b) A judge may not issue an injunction suspending or staying the proceeding unless:
 - (i) application is made to the court or to the presiding judge of the court;
 - (ii) all parties receive notice of the application and the time for the hearing; and
 - (iii) the judge conducts a hearing.
- (4) Any judgment or findings and conclusions issued as provided in this section may not be construed to bar or affect in any way any criminal prosecution of any candidate or other person.

Renumbered and Amended by Chapter 254, 2014 General Session

20A-1-805 Costs and attorney fees -- Other actions or remedies not foreclosed -- Grant of immunity.

- (1) If judgment is in favor of the plaintiff in a civil action brought under this part, the special counsel may petition the judge to recover the reviewing official's taxable costs and attorney fees against the person whose right to the office is contested.

- (2) The judge may not award costs or attorney fees to the defendant, unless it appears that the petitioner filed the petition in bad faith.
- (3) Nothing in this section may be construed to prohibit any other civil or criminal actions or remedies against alleged violators.
- (4) In the event a witness asserts a privilege against self-incrimination, the special counsel may request a person described in Subsections 77-22b-1(1)(a)(i) through (iii) to compel testimony and the production of evidence from the witness pursuant to Title 77, Chapter 22b, Grants of Immunity.

Enacted by Chapter 254, 2014 General Session

20A-1-806 Special counsel on appeal.

If either party appeals the judgment of the trial court, the reviewing official shall appoint a person to appear as special counsel in the appellate court in the matter.

Enacted by Chapter 254, 2014 General Session

20A-1-807 Compensation of special counsel.

- (1) The special counsel authorized by this chapter shall receive reasonable compensation for the special counsel's services.
- (2) The compensation shall be audited by the reviewing official and paid out of the state treasury upon the written statement of the reviewing official that:
 - (a) the appointment has been made;
 - (b) the person appointed has faithfully performed the duties of special counsel; and
 - (c) the special counsel's bill is accurate and correct.
- (3) Compensation for special counsel shall be audited and paid in the same manner as other claims against the state are audited and paid.

Renumbered and Amended by Chapter 254, 2014 General Session

20A-1-808 Transition clause.

Any petition that is filed or pending under this part on or after March 1, 2013, shall be subject to the provisions of this part, including any amendments to this part made by Senate Bill 289, passed in the 2013 General Session.

Renumbered and Amended by Chapter 254, 2014 General Session

Part 9 Removal of County Elected Officer

20A-1-901 Definitions.

As used in this part:

- (1) "Applicable office" means the office held by the subject officer.
- (2) "Mental capacity evaluation" means an evaluation by a qualified medical professional to determine whether the subject officer has the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations.

- (3) "Officer" means a county officer.
- (4) "Results of the mental capacity evaluation" means a statement by the qualified medical professional who conducts the mental capacity evaluation that the subject officer:
 - (a) has the mental capacity to fulfill the essential functions of the applicable office, without reasonable accommodations;
 - (b) has the mental capacity to fulfill the essential functions of the applicable office, with specified reasonable accommodations; or
 - (c) lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations.
- (5) "Subject officer" means the officer who is subject to proceedings under this part to determine whether the officer has the mental capacity to fulfill the essential functions of the officer's office, with or without reasonable accommodations.
- (6) "Unanimous" means a vote of all members of a county legislative body where all members of the county legislative body, not including the subject officer, vote on the same side of the motion.

Enacted by Chapter 259, 2018 General Session

20A-1-902 Removal of officer from office -- Initial determination.

- (1)
 - (a) A county legislative body may remove an officer from office in accordance with this part if:
 - (i) the county legislative body adopts the provisions of this part by ordinance, without additions, deletions, or modifications;
 - (ii) the officer lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations; and
 - (iii) the county legislative body consists of at least five members.
 - (b) This section does not apply to a county, unless the county:
 - (i) has adopted the ordinance described in Subsection (1)(a)(i); and
 - (ii) has at least five members on the county legislative body.
- (2) Before removing the subject officer from office under Subsection (1), the county legislative body shall hold a closed meeting, as authorized under Subsection 52-4-205(1)(a), to discuss whether the subject officer has the mental capacity to fulfill the essential functions of the officer's office, with or without reasonable accommodations.
- (3) At the meeting described in Subsection (2):
 - (a) the county legislative body shall give the subject officer the opportunity to discuss the subject officer's mental capacity to fulfill the essential functions of the applicable office and any reasonable accommodations that would enable the subject officer to continue to function in the applicable office; and
 - (b) the subject officer may bring one individual to the meeting to assist the subject officer in the discussion.
- (4)
 - (a) After the discussion described in Subsection (3), the county legislative body may exclude the subject officer and the individual described in Subsection (3)(b) from the closed portion of the meeting to discuss whether the subject officer has the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations.
 - (b) If the subject officer is a member of the county legislative body:
 - (i) the county legislative body may exclude the subject officer and the individual described in Subsection (3)(b) from the portion of the closed meeting described in Subsection (4)(a); and

- (ii) the subject officer is recused from voting on any decision, described in this part, of the county legislative body.
- (c) Notwithstanding the provisions of Title 52, Chapter 4, Open and Public Meetings Act, the county legislative body shall meet in a closed meeting to vote on whether the subject officer has the ability to fulfill the essential functions of the applicable office, with or without reasonable accommodations.
- (5) If the county legislative body reaches a unanimous preliminary conclusion that the subject officer lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations, the county legislative body shall:
 - (a) confidentially inform the subject officer of the vote; and
 - (b) allow the subject officer five calendar days, after the day on which the county legislative body makes the conclusion, to:
 - (i) resign from the applicable office;
 - (ii)
 - (A) voluntarily agree to undergo a mental capacity evaluation at the expense of the county; and
 - (B) sign a waiver to disclose only the results of the mental capacity evaluation to the county legislative body; or
 - (iii) refuse to take any action.
- (6) If the county legislative body does not reach a unanimous preliminary conclusion that the subject officer lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations:
 - (a) the county legislative body shall:
 - (i) publicly announce that the vote failed, without disclosing the number of votes for or against and without disclosing the vote of individual members of the county legislative body; and
 - (ii) provide any necessary reasonable accommodations; and
 - (b) the subject officer may continue to function in the applicable office.

Enacted by Chapter 259, 2018 General Session

20A-1-903 Voluntary evaluation.

- (1) This section does not apply to a county, unless the county:
 - (a) has adopted the ordinance described in Subsection 20A-1-902(1)(a)(i); and
 - (b) has at least five members on the county legislative body.
- (2) At the end of the five-day period described in Subsection 20A-1-902(5)(b), if the subject officer agrees to the voluntary mental capacity evaluation option described in Subsection 20A-1-902(5)(b)(ii):
 - (a) the county legislative body and the subject officer shall mutually agree on a qualified medical professional to conduct the mental capacity evaluation; and
 - (b) the subject officer shall undergo the mental capacity evaluation within 15 calendar days after the day on which the subject officer agrees to undergo the mental capacity evaluation, or longer if the county legislative body and the subject officer agree to an extended period.
- (3) Notwithstanding the provisions of Title 52, Chapter 4, Open and Public Meetings Act, any action taken by the county legislative body under Subsection (2) shall occur in a closed meeting.
- (4) If the qualified medical professional concludes that the subject officer has the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations:
 - (a) the county legislative body shall provide any necessary reasonable accommodations; and

- (b) the subject officer may continue to function in the applicable office.
- (5)
- (a) If the qualified medical professional concludes that the subject officer lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations, the subject officer may resign from office.
 - (b) If the subject officer does not resign from office within five calendar days after the day on which the qualified medical professional makes the conclusion described in Subsection (5)(a), the county legislative body may, in an open meeting by unanimous vote, remove the subject officer from the applicable office.

Enacted by Chapter 259, 2018 General Session

20A-1-904 Court order for involuntary evaluation.

- (1) This section does not apply to a county, unless the county:
 - (a) has adopted the ordinance described in Subsection 20A-1-902(1)(a)(i); and
 - (b) has at least five members on the county legislative body.
- (2) The county legislative body may file an action against the subject officer in district court for an order to undergo a mental capacity evaluation if:
 - (a) the county legislative body:
 - (i) unanimously concludes that the subject officer lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations, in accordance with the requirements of Section 20A-1-902; and
 - (ii) complies with the requirements of Subsections 20A-1-902(2) through (5); and
 - (b)
 - (i) the subject officer does not, within the five-day period described in Subsection 20A-1-902(5)
 - (b):
 - (A) resign from the applicable office; or
 - (B) agree to undergo a voluntary mental capacity evaluation and sign a waiver to disclose only the results of the mental capacity evaluation to the county legislative body;
 - (ii) the subject officer does not complete the mental capacity evaluation within the 15-day period described in Subsection 20A-1-903(2)(b), or any longer period agreed to between the subject officer and the county legislative body; or
 - (iii) the subject officer and the county legislative body cannot mutually agree on a qualified medical professional to conduct the mental capacity evaluation.
- (3) The district court shall order the subject officer to undergo a mental capacity evaluation by a qualified medical professional appointed by the court, and shall provide only the results of the mental capacity evaluation to the county legislative body, if the court finds that there is reasonable cause to believe that the subject officer may lack the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations.
- (4) If the qualified medical professional concludes that the subject officer has the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations:
 - (a) the county legislative body shall provide any necessary reasonable accommodations;
 - (b) the subject officer may continue to function in the applicable office; and
 - (c) the court shall order the county legislative body to pay the court costs and reasonable attorney fees of the subject officer.
- (5)

- (a) If the qualified medical professional concludes that the subject officer lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations, the subject officer may resign from office.
- (b) If the subject officer does not resign from office within five calendar days after the day on which the qualified medical professional makes the conclusion described in Subsection (5)(a), the county legislative body may, in an open meeting by unanimous vote, remove the subject officer from the applicable office.
- (6) The court shall dismiss an action filed under this section, and rescind any order to undergo a mental capacity evaluation, if the subject officer resigns from the applicable office.
- (7) The court may order sanctions against the county legislative body if the court finds, by clear and convincing evidence, that the county legislative body filed or pursued an action described in this section in bad faith.

Enacted by Chapter 259, 2018 General Session

Part 10

Petitions

20A-1-1001 Definitions.

As used in this part:

- (1)
 - (a) "Clerk" means the lieutenant governor, a county clerk, municipal clerk, town clerk, city recorder, or municipal recorder.
 - (b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions Applicable to All Special Districts.
- (2) "Local petition" means:
 - (a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local Initiatives - Procedures; or
 - (b) a manual or electronic local referendum petition described in Chapter 7, Part 6, Local Referenda - Procedures.
- (3) "Petition" means one of the following written requests, signed by registered voters, appealing to an authority with respect to a particular cause:
 - (a) a local petition;
 - (b) a petition to consolidate two or more municipalities under Section 10-2-601;
 - (c) a petition for disincorporation of a municipality under Section 10-2-701;
 - (d) a petition to incorporate a proposed municipality under Section 10-2a-208;
 - (e) a petition to consolidate adjoining counties under Section 17-2-103;
 - (f) a petition to annex a portion of a county to an adjoining county under Section 17-2-203;
 - (g) a petition for the creation of a new county under Section 17-3-1;
 - (h) a petition for the removal of a county seat under Section 17-11-2;
 - (i) a petition for the adoption of an optional plan under Section 17-52a-303;
 - (j) a petition for the repeal of an optional plan under Section 17-52a-505;
 - (k) a petition to create a special district under Section 17B-1-203;
 - (l) a petition to withdraw an area from a special district under Section 17B-1-504;
 - (m) a petition to dissolve a special district under Section 17B-1-1303;
 - (n) a petition for issuance of local building authority bonds under Section 17D-2-502;

- (o) a petition to become a registered political party under Section 20A-8-103;
 - (p) a nomination petition for municipal office under Section 20A-9-203;
 - (q) a nomination petition for a regular primary election under Subsection 20A-9-403(3)(a) and Section 20A-9-405;
 - (r) a petition for a political party to qualify as a municipal political party under Section 20A-9-404;
 - (s) a petition for the nomination of a qualified political party under Section 20A-9-408;
 - (t) a nomination petition for a candidate not affiliated with a political party under Section 20A-9-502;
 - (u) a nomination petition to become a delegate to a ratification convention under Section 20A-15-103;
 - (v) a petition to create a new school district under Section 53G-3-301;
 - (w) a petition to consolidate school districts under Section 53G-3-401;
 - (x) a petition to transfer a portion of a school district to another district under Section 53G-3-501;
 - (y) a petition to determine whether a privatization project agreement should be approved under Section 73-10d-4; or
 - (z) a statewide petition.
- (4) "Statewide petition" means:
- (a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2, Statewide Initiatives; or
 - (b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3, Statewide Referenda.
- (5)
- (a) "Substantially similar name" means:
 - (i) the given name, the surname, or both, provided by the individual with the individual's petition signature, contain only minor spelling differences when compared to the given name and surname shown on the official register;
 - (ii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;
 - (iii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or
 - (iv) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.
 - (b) "Substantially similar name" does not include a name having an initial or a middle name provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

Enacted by Chapter 116, 2023 General Session

20A-1-1002 Verification of voter registration.

- (1) A clerk shall use the following procedures to determine whether a signer of a petition is a registered voter and to determine the address where the voter is registered to vote:

- (a) if a signer's name and address provided by the individual with the individual's petition signature exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the clerk shall declare the signature valid for the district or jurisdiction in which the signer is registered to vote;
 - (b) if there is no exact match of an address and a name, the clerk shall declare the signature valid for the district or jurisdiction in which the signer is registered to vote, if:
 - (i) the address provided by the individual with the individual's petition signature matches the address of an individual on the official register with a substantially similar name; and
 - (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (1)(b)(i);
 - (c) if there is no match of an address and a substantially similar name, the clerk shall declare the signature valid for the district or jurisdiction in which the signer is registered to vote if:
 - (i) the birth date or age provided by the individual with the individual's petition signature matches the birth date or age of an individual on the official register with a substantially similar name; and
 - (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (1)(c)(i).
- (2) If a signature is not declared valid under Subsection (1)(a), (b), or (c), the clerk shall declare the signature to be invalid.

Enacted by Chapter 116, 2023 General Session

20A-1-1003 Signature removal -- Statement required.

- (1) A voter who signs a petition may have the voter's signature removed from the petition by submitting to the clerk a statement requesting that the voter's signature be removed.
- (2)
 - (a)
 - (i) The statement described in Subsection (1) shall include:
 - (A) the name or description of the petition from which the voter seeks to remove the voter's signature;
 - (B) the name of the voter;
 - (C) the resident address at which the voter is registered to vote;
 - (D) except as otherwise provided in Section 20A-7-106, the voter's signature; and
 - (E) the date of the signature described in Subsection (2)(a)(i)(D).
 - (ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.
 - (b) Except as provided in Subsection 20A-7-216(5)(a), 20A-7-314(5)(a), 20A-7-515(4)(b), or 20A-7-615(4)(b), a voter may not submit a statement described in Subsection (1) by email or other electronic means.
 - (c) In order for the signature to be removed, the clerk must receive the statement described in Subsection (1) no later than the deadline described in the provision of law governing the petition.
 - (d) A voter may only remove a signature from a petition in accordance with this section and the provision of law governing the petition.
 - (e) A clerk shall analyze a signature, for purposes of removing a signature from a petition, in accordance with Subsection (3).

- (3) Except to the extent otherwise required under Section 20A-7-106, the clerk shall use the following procedures to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature:
- (a) if the signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the individual's signature on the statement is reasonably consistent with the individual's signature on the statewide voter registration database, the clerk shall remove the signature from the petition;
 - (b) if there is no exact match of an address and a name, the clerk shall remove the signature from the petition if:
 - (i) the address on the statement and the address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and
 - (ii) the individual's signature on the statement is reasonably consistent with the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i); and
 - (c) if there is no match of an address and a substantially similar name, the clerk shall remove the signature from the petition if:
 - (i) the birth date or age on the statement and the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and
 - (ii) the individual's signature on the statement is reasonably consistent with the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i).
- (4) If a signature does not qualify for removal under Subsection (3)(a), (b), or (c), or, if applicable, Section 20A-7-106, the clerk may not remove the signature from the petition.

Amended by Chapter 442, 2024 General Session