

Effective 1/1/2023

Part 2
Electronic Signature Gathering Requirements

20A-21-201 Electronic signature gathering for an initiative, a referendum, or candidate qualification.

- (1)
- (a) After filing a petition for a statewide initiative or a statewide referendum, and before gathering signatures, the sponsors shall, after consulting with the Office of the Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor indicating whether the sponsors will gather signatures manually or electronically.
 - (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures electronically:
 - (i) in relation to a statewide initiative, signatures for that initiative:
 - (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
 - (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and
 - (ii) in relation to a statewide referendum, signatures for that referendum:
 - (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and
 - (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304.
 - (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures manually:
 - (i) in relation to a statewide initiative, signatures for that initiative:
 - (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and
 - (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
 - (ii) in relation to a statewide referendum, signatures for that referendum:
 - (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304; and
 - (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315.
- (2)
- (a) After filing a petition for a local initiative or a local referendum, and before gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a form provided by the local clerk's office indicating whether the sponsors will gather signatures manually or electronically.
 - (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures electronically:
 - (i) in relation to a local initiative, signatures for that initiative:
 - (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
 - (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

- (ii) in relation to a local referendum, signatures for that referendum:
 - (A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and
 - (B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604.
- (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures manually:
 - (i) in relation to a local initiative, signatures for that initiative:
 - (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and
 - (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
 - (ii) in relation to a local referendum, signatures for that referendum:
 - (A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604; and
 - (B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616.
- (3)
 - (a) After a candidate files a notice of intent to gather signatures to qualify for a ballot, and before gathering signatures, the candidate shall, after consulting with the election officer, sign a form provided by the election officer indicating whether the candidate will gather signatures manually or electronically.
 - (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures electronically, signatures for the candidate:
 - (i) may only be gathered and submitted using the electronic candidate qualification process; and
 - (ii) may not be gathered or submitted using the manual candidate qualification process.
 - (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures manually, signatures for the candidate:
 - (i) may only be gathered and submitted using the manual candidate qualification process; and
 - (ii) may not be gathered or submitted using the electronic candidate qualification process.
- (4) To gather a signature electronically, a signature-gatherer shall:
 - (a) use a device provided by the signature-gatherer or a sponsor of the petition that:
 - (i) is approved by the lieutenant governor;
 - (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other information relating to an individual signing the petition in any location other than the location used by the website to store the information;
 - (iii) does not, on the device, store a signature or any other information relating to an individual signing the petition except for the minimum time necessary to upload information to the website;
 - (iv) does not contain any applications, software, or data other than those approved by the lieutenant governor; and
 - (v) complies with cyber-security and other security protocols required by the lieutenant governor;
 - (b) use the approved device to securely access a website designated by the lieutenant governor, directly, or via an application designated by the lieutenant governor; and

- (c) while connected to the website, present the approved device to an individual considering signing the petition and, while the signature-gatherer is in the physical presence of the individual:
 - (i) wait for the individual to reach each screen presented to the individual on the approved device; and
 - (ii) wait for the individual to advance to each subsequent screen by clicking on the acknowledgement at the bottom of the screen.
- (5) Each screen shown on an approved device as part of the signature-gathering process shall appear as a continuous electronic document that, if the entire document does not appear on the screen at once, requires the individual viewing the screen to, before advancing to the next screen, scroll through the document until the individual reaches the end of the document.
- (6) After advancing through each screen required for the petition, the signature process shall proceed as follows:
 - (a) except as provided in Subsection (6)(b):
 - (i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;
 - (ii) the signature-gatherer shall verify that the individual pictured on the driver license or state identification card is the individual signing the petition;
 - (iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and
 - (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the website shall determine whether the individual desiring to sign the petition is eligible to sign the petition;
 - (b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:
 - (i) the individual may present other valid voter identification;
 - (ii) if the valid voter identification contains a picture of the individual, the signature-gatherer shall verify that the individual pictured is the individual signing the petition;
 - (iii) if the valid voter identification does not contain a picture of the individual, the signature-gatherer shall, to the extent reasonably practicable, use the individual's address or other available means to determine whether the identification relates to the individual presenting the identification;
 - (iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and
 - (v) the individual:
 - (A) shall enter the individual's address; and
 - (B) may, at the discretion of the individual, enter the individual's date of birth or age after the individual clicks on the screen acknowledging that they have read and understand the following statement, "Birth date or age information is not required, but may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before your signature is verified or if the information you provide does not match your voter registration records."; and
- (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:
 - (i) except for a petition to qualify a candidate for the ballot, give the individual signing the petition the opportunity to enter the individual's email address after the individual reads the following statement, "If you provide your email address, you may receive an email with additional information relating to the petition you are signing."; and

- (ii)
 - (A) if the website determines, under Subsection (6)(a)(iv), that the individual is eligible to sign the petition, permit the individual to enter the individual's name as the individual's electronic signature and, immediately after the signature-gatherer timely complies with Subsection (10), certify the signature; or
 - (B) if the individual provides valid voter identification under Subsection (6)(b), permit the individual to enter the individual's name as the individual's electronic signature.
- (7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven days after the day on which the individual submits the valid voter identification, certify the signature if:
 - (a) the individual is eligible to sign the petition;
 - (b) the identification provided matches the information on file; and
 - (c) the signature-gatherer timely complies with Subsection (10).
- (8) For each signature submitted under this section, the website shall record:
 - (a) the information identifying the individual who signs;
 - (b) the date the signature was collected; and
 - (c) the name of the signature-gatherer.
- (9) An individual who is a signature-gatherer may not sign a petition unless another individual acts as the signature-gatherer when the individual signs the petition.
- (10) Except for a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the website:

"VERIFICATION OF SIGNATURE-GATHERER
State of Utah, County of _____
I, _____, of _____, hereby state, under penalty of perjury, that:
I am at least 18 years old;
All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;
I did not knowingly make a misrepresentation of fact concerning the law or proposed law to which the petition relates;
I believe that each individual has signed the individual's name and written the individual's residence correctly, that each signer has read and understands the law to which the petition relates, and that each signer is registered to vote in Utah;
Each signature correctly reflects the date on which the individual signed the petition; and
I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it."
- (11) Except for a petition for a candidate to seek the nomination of a registered political party:
 - (a) the county clerk may not certify a signature that is not timely verified in accordance with Subsection (10); and
 - (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely verified in accordance with Subsection (10), the county clerk shall:
 - (i) revoke the certification;
 - (ii) remove the signature from the posting described in Subsection 20A-7-217(4), 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and
 - (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

(12) For a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the lieutenant governor in the manner specified by the lieutenant governor:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I believe that each individual has signed the individual's name and written the individual's residence correctly and that each signer is registered to vote in Utah; and

Each signature correctly reflects the date on which the individual signed the petition."

(13) For a petition for a candidate to seek the nomination of a registered political party, the election officer may not certify a signature that is not timely verified in accordance with Subsection (12).